
STATUTORY INSTRUMENTS

2013 No. 419

**The Financial Services and Markets Act
2000 (Qualifying Provisions) Order 2013**

[^{F1}Qualifying provisions]: disciplinary measures

3.—(1) The instruments listed in paragraph (2) are specified [^{F2}qualifying provisions] for the purposes of section 204A(2) of the Act.

(2) The instruments are—

- (a) any directly applicable regulation made under the markets in financial instruments directive;
- [^{F3}(aa) the markets in financial instruments regulation and any directly applicable EU regulation made under that regulation [^{F4}, except for Title VIII (Provision of services and performance of activities by third-country firms following an equivalence determination with or without a branch) and any directly applicable EU regulation made under that title];]
- (b) any directly applicable regulation made under the UCITS directive;
- [^{F5}(ba) any directly applicable regulation made under the alternative investment fund managers directive;]
- (c) the emission allowance auctioning regulation;
- [^{F6}(ca) the UK auctioning regulations;]
- (d) the European market infrastructure regulation;
- (e) any directly applicable regulation made under the European market infrastructure regulation;
- [^{F7}(f) the EuSEF Regulation and any directly applicable regulation made under that Regulation;
- (g) the EuVECA Regulation and any directly applicable regulation made under that Regulation];
- [^{F8}(h) the CSD regulation and any directly applicable regulation made under that Regulation];
- [^{F9}(i) any directly applicable regulation made under the recovery and resolution directive];
- [^{F10}(j)]
- [^{F11}(k) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation];
- [^{F12}(l) any directly applicable regulation made under the Solvency 2 Directive];
- [^{F13}(m) the PRIIPs regulation and any directly applicable regulation made under that Regulation];
- [^{F14}(n) the EU Benchmarks Regulation 2016 and any directly applicable regulation made under the EU Benchmarks Regulation 2016];
- [^{F15}(o) any directly applicable regulation made under the insurance distribution directive];
- [^{F16}(p) the MMF Regulation and any directly applicable regulation or decision made under that Regulation];

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[^{F17}(q) the EU Securitisation Regulation 2017 and any directly applicable regulation made under that Regulation.]

(3) The appropriate regulator for the purposes of each provision in Part 14 of the Act in relation to the [^{F18}qualifying provisions] specified by paragraph (1) is—

(a) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the markets in financial instruments directive [^{F19}or the markets in financial instruments regulation]—

- (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
- (ii) in any other case, the FCA;

(b) in relation to a contravention of a requirement imposed by the emission allowance auctioning regulation [^{F20}, the UK auctioning regulations] or any directly applicable regulation made under the UCITS directive [^{F21}or the alternative investment fund managers directive], the FCA;

(c) in relation to a contravention of a requirement imposed by the European market infrastructure regulation—

- (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
- (ii) in any other case, the FCA;

(d) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the European market infrastructure regulation, the FCA;

[^{F22}(e) in relation to a contravention of a requirement imposed by the EuSEF Regulation, the EuVECA Regulation or any directly applicable regulation made under either the EuSEF Regulation or the EuVECA Regulation, the FCA];

[^{F23}(f) in relation to a contravention of a requirement imposed by the CSD regulation or any directly applicable regulation made under the CSD regulation—

- (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
- (ii) in any other case, the FCA];

[^{F24}(g) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the recovery and resolution directive—

- (i) if the authorised person concerned is a PRA-authorised person, either the PRA or the FCA;
- (ii) in any other case, the FCA];

[^{F25}(h)]

[^{F26}(i) in relation to a contravention of a requirement imposed by the SFT regulation or any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation, the FCA];

[^{F27}(j) in relation to a contravention of a requirement imposed by a directly applicable regulation made under the Solvency 2 Directive, the PRA];

[^{F28}(k) in relation to a contravention of a requirement imposed by the PRIIPs regulation or any directly applicable regulation made under that Regulation, the FCA];

[^{F29}(l) in relation to a contravention of a requirement imposed by the EU Benchmarks Regulation 2016 or of any directly applicable regulation made under that Regulation, the FCA];

- [^{F30}(m) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the insurance distribution directive, the FCA];
- [^{F31}(n) in relation to a contravention of a requirement imposed by the MMF Regulation or any directly applicable regulation or decision made under that Regulation, the FCA];
- [^{F32}(o) in relation to a contravention of a requirement imposed for the purposes of the EU Securitisation Regulation 2017 or any directly applicable regulation made under that Regulation—
- (i) the FCA if it is the competent authority for the purposes of that Regulation for the person concerned; or
 - (ii) the PRA if it is the competent authority for the purposes of that Regulation for the person concerned.]

Textual Amendments

- F1** Words in art. 3 heading substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in art. 3(1) substituted (31.12.2020) by The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 3(2)(aa) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(3)(a)** (with reg. 7)
- F4** Words in art. 3(2)(aa) inserted (1.1.2023) by The Financial Services and Markets Act 2000 (Qualifying Provisions) (Amendment) Order 2022 (S.I. 2022/1252), arts. 1(1), **3(3)**
- F5** Art. 3(2)(ba) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(4)(a)(i)**
- F6** Art. 3(2)(ca) inserted (22.4.2021) by The Recognised Auction Platforms (Amendment and Miscellaneous Provisions) Regulations 2021 (S.I. 2021/494), regs. 1(2), **7(4)(a)**
- F7** Art. 3(2)(f)(g) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 22(4)(a)(ii)**
- F8** Art. 3(2)(h) inserted (21.11.2014) by The Central Securities Depositories Regulations 2014 (S.I. 2014/2879), regs. 1(1), **9(3)(a)**
- F9** Art. 3(2)(i) inserted (10.1.2015) by The Bank Recovery and Resolution (No. 2) Order 2014 (S.I. 2014/3348), art. 1(2), **Sch. 3 para. 12(4)(a)**
- F10** Art. 3(2)(j) omitted (1.1.2024) by virtue of The Financial Services and Markets Act 2023 (Consequential Amendments) Regulations 2023 (S.I. 2023/1410), regs. 1(2), **8(4)(a)**
- F11** Art. 3(2)(k) inserted (13.7.2016) by The Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016 (S.I. 2016/715), reg. 1(2), **Sch. 2 para. 4(3)(a)**
- F12** Art. 3(2)(l) inserted (12.10.2016) by The Financial Services and Markets Act 2000 (Qualifying EU Provisions) (Amendment) Order 2016 (S.I. 2016/936), arts. 1(2), **2(3)(a)**
- F13** Art. 3(2)(m) inserted (1.1.2018) by The Packaged Retail and Insurance-based Investment Products Regulations 2017 (S.I. 2017/1127), reg. 1, **Sch. 2 para. 7(4)(a)**
- F14** Art. 3(2)(n) inserted (27.2.2018) by The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018 (S.I. 2018/135), regs. 1(2), **58(4)(b)**
- F15** Art. 3(2)(o) inserted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **24(3)(a)**
- F16** Art. 3(2)(p) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by The Money Market Funds Regulations 2018 (S.I. 2018/698), regs. 1(2), **5(4)(a)**

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- F17** Art. 3(2)(q) inserted (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 2 para. 4(5)(a)**
- F18** Words in art. 3(3) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/632\)](#), regs. 1(3), **187(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in art. 3(3)(a) inserted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 3 para. 6(3)(b)** (with reg. 7)
- F20** Words in art. 3(3)(b) inserted (22.4.2021) by [The Recognised Auction Platforms \(Amendment and Miscellaneous Provisions\) Regulations 2021 \(S.I. 2021/494\)](#), regs. 1(2), **7(4)(b)**
- F21** Words in art. 3(3)(b) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 22(4)(b)(i)**
- F22** Art. 3(3)(e) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 22(4)(b)(ii)**
- F23** Art. 3(3)(f) inserted (21.11.2014) by [The Central Securities Depositories Regulations 2014 \(S.I. 2014/2879\)](#), regs. 1(1), **9(3)(b)**
- F24** Art. 3(3)(g) inserted (10.1.2015) by [The Bank Recovery and Resolution \(No. 2\) Order 2014 \(S.I. 2014/3348\)](#), art. 1(2), **Sch. 3 para. 12(4)(b)**
- F25** Art. 3(3)(h) omitted (1.1.2024) by virtue of [The Financial Services and Markets Act 2023 \(Consequential Amendments\) Regulations 2023 \(S.I. 2023/1410\)](#), regs. 1(2), **8(4)(b)**
- F26** Art. 3(3)(i) inserted (13.7.2016) by [The Financial Services and Markets Act 2000 \(Transparency of Securities Financing Transactions and of Reuse\) Regulations 2016 \(S.I. 2016/715\)](#), reg. 1(2), **Sch. 2 para. 4(3)(b)**
- F27** Art. 3(3)(j) inserted (12.10.2016) by [The Financial Services and Markets Act 2000 \(Qualifying EU Provisions\) \(Amendment\) Order 2016 \(S.I. 2016/936\)](#), arts. 1(2), **2(3)(b)**
- F28** Art. 3(3)(k) inserted (1.1.2018) by [The Packaged Retail and Insurance-based Investment Products Regulations 2017 \(S.I. 2017/1127\)](#), reg. 1, **Sch. 2 para. 7(4)(b)**
- F29** Art. 3(3)(l) inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **58(4)(c)**
- F30** Art. 3(3)(m) inserted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), **24(3)(b)**
- F31** Art. 3(3)(n) inserted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by [The Money Market Funds Regulations 2018 \(S.I. 2018/698\)](#), regs. 1(2), **5(4)(b)**
- F32** Art. 3(3)(o) inserted (1.1.2019) by [The Securitisation Regulations 2018 \(S.I. 2018/1288\)](#), reg. 1, **Sch. 2 para. 4(5)(b)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)