
STATUTORY INSTRUMENTS

2013 No. 504

The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013

PART 5

Designation of competent authorities and powers of FCA

[^{F1}Applications, notifications and reports to FCA]

8.—(1) Paragraphs (2) and (5) to (8) apply—

- (a) where a person (“P”) is seeking exemption from the clearing obligation as set out in Article 4(1) or 10(1) of the EMIR regulation in reliance on Article 4(2), [^{F2}4a(2),] 10(2) or 89(2) of that Regulation; or
- (b) to a notification to the FCA under [^{F3}point (a) of the second subparagraph of Article 4a(1), the fourth subparagraph of Article 9(1) or point (a) of the second subparagraph of Article 10(1)] of the EMIR regulation.

[^{F4}(1A) Paragraphs (2), (6) and (8) apply where a financial counterparty is required to make a report under Article 12(4) or 15(2) of Commission Delegated Regulation (EU) 149/2013 of 19 December 2012 supplementing the EMIR regulation.]

(2) An application [^{F5}, notification or report] to the FCA must—

- (a) be made in such manner as the FCA may direct; and
- (b) contain, or be accompanied by, such other information as the FCA may reasonably require.

(3) Paragraphs (4) to (8) apply where a person (“P”) is seeking exemption from the risk management procedures as set out in Article 11(3) of the EMIR regulation in reliance on [^{F6}Article 11(8) or (9)] of that Regulation.

(4) An application or notification to the FCA must contain, or be accompanied by, such information in addition to any information required to be provided under the EMIR regulation as the FCA may reasonably require.

(5) At any time after receiving an application or notification and before determining it, the FCA may require P to provide it with such further information as it reasonably considers necessary to enable it to determine the application or consider the notification.

(6) Different directions may be given, and different requirements imposed, in relation to different applications [^{F7}, notifications or reports] or categories of application [^{F8}, notification or report].

(7) The FCA may require P to provide information under this regulation in such form, or to verify it in such a way, as the FCA may reasonably direct.

(8) A requirement imposed under this regulation is a “relevant requirement” for the purposes of sections 380 (injunctions) and 382 (restitution orders) of the Act.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F1** Reg. 8 heading substituted (26.8.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(No. 2\) Regulations 2013 \(S.I. 2013/1908\)](#), regs. 1(3)(c), **4(3)(a)**
- F2** Word in reg. 8(1)(a) inserted (9.7.2019) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(Amendment\) Regulations 2019 \(S.I. 2019/1031\)](#), regs. 1(2), **2(3)(a)**
- F3** Words in reg. 8(1)(b) substituted (9.7.2019) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(Amendment\) Regulations 2019 \(S.I. 2019/1031\)](#), regs. 1(2), **2(3)(b)**
- F4** Reg. 8(1A) inserted (26.8.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(No. 2\) Regulations 2013 \(S.I. 2013/1908\)](#), regs. 1(3)(c), **4(3)(b)**
- F5** Words in reg. 8(2) substituted (26.8.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(No. 2\) Regulations 2013 \(S.I. 2013/1908\)](#), regs. 1(3)(c), **4(3)(c)**
- F6** Words in reg. 8(3) substituted (31.12.2020) by [The Over the Counter Derivatives, Central Counterparties and Trade Repositories \(Amendment, etc., and Transitional Provision\) \(EU Exit\) Regulations 2019 \(S.I. 2019/335\)](#), regs. 1(1), **5** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 8(6) substituted (26.8.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(No. 2\) Regulations 2013 \(S.I. 2013/1908\)](#), regs. 1(3)(c), **4(3)(d)(i)**
- F8** Words in reg. 8(6) substituted (26.8.2013) by [The Financial Services and Markets Act 2000 \(Over the Counter Derivatives, Central Counterparties and Trade Repositories\) \(No. 2\) Regulations 2013 \(S.I. 2013/1908\)](#), regs. 1(3)(c), **4(3)(d)(ii)**

Commencement Information

- I1** Reg. 8 in force at 1.4.2013 in accordance with reg. 1(2)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)