

## SCHEDULE 2

Regulation 30

### Amendments to secondary legislation

#### Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

1.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 <sup>F1</sup> is amended as follows.

(2) In article 3(1) (interpretation) for the definition of “trade repository” substitute—  
““trade repository” means—

- (a) a person registered with ESMA under Article 55 of Regulation (EU) 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories or a person recognised by ESMA under Article 77 of that Regulation; or
- (b) a person registered with ESMA under Article 5 of the SFT regulation or a person recognised by ESMA under Article 19 of that Regulation;”.

(3) In article 35A (trade repositories)—

- (a) after “centrally collecting and maintaining records of” insert “ (a) ”.
- (b) at the end insert—  
“; or  
(b) securities financing transactions under the SFT regulation”.

**F1** [S.I. 2001/544](#), amended by [S.I. 2013/504](#); there are other amending instruments but none are relevant.

#### Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

2.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 <sup>F2</sup> is amended as follows.

(2) In regulation 2 <sup>F3</sup> (definitions)—

- (a) in the definition of “EEA competent authority” for “or the market abuse regulation” substitute “ , the market abuse regulation or the SFT regulation ”;
- (b) in the definition of “single market restrictions”—
  - (i) at the end of paragraph (m) omit “and”;
  - (ii) at the end of paragraph (n) insert “ and ”;
  - (iii) after paragraph (n) insert—  
“(o) article 18 of the SFT regulation;”;
- (c) at the appropriate place insert—

““SFTR information” means confidential information received by a regulator in the course of discharging its functions as a competent authority under the SFT regulation;”.

(3) In regulation 8 <sup>F4</sup> (application of provisions on single market information)—

- (a) at the end of paragraph (d) omit “and”;
- (b) at the end of paragraph (e) insert “ and ”;
- (c) after paragraph (e) insert—

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“(f) SFTR information, where that information has been received from the competent authority of an EEA State other than the United Kingdom under the SFT regulation.”.

(4) In regulation 9 <sup>F5</sup> (disclosure by regulators or regulator workers to certain other persons)—

(a) in paragraph (1) after “(3E)” insert “, (3EA) ”;

(b) after paragraph (3E) insert—

“(3EA) Paragraph (1) does not permit disclosure of SFTR information to a person specified in the first column of Schedule 1 in contravention of Article 18 of the SFT regulation.”.

(5) In regulation 11 <sup>F6</sup> (application of provisions on the disclosure of confidential information not subject to single market restrictions) after paragraph (f) insert—

“(fa) SFTR information where that information has been received from the competent authority of an EEA State other than the United Kingdom under the SFT regulation, unless that authority has given its express consent for disclosure that is covered by this Part.”.

**F2** [S.I. 2001/2188](#).

**F3** [Regulation 2](#) was amended by [S.I. 2003/2066](#), [S.I. 2006/3413](#), [S.I. 2013/504](#) and [S.I. 2016/680](#). There are other amendments not relevant to these Regulations.

**F4** [Regulation 8](#) was inserted by [S.I. 2006/3413](#) and is amended by [S.I. 2016/680](#). There are other amendments not relevant to these Regulations.

**F5** [Regulation 9](#) was amended by [S.I. 2004/3379](#), [S.I. 2006/3413](#), [S.I. 2007/3255](#), [S.I. 2010/2628](#), [S.I. 2011/1613](#), [S.I. 2012/916](#), [S.I. 2013/472](#), [S.I. 2013/504](#), [S.I. 2013/1773](#), [S.I. 2013/3115](#), [S.I. 2014/3348](#), [S.I. 2015/575](#), [S.I. 2015/910](#) and [S.I. 2016/680](#).

**F6** [Regulation 11](#) is amended by [S.I. 2016/680](#). There are amendments to regulation 11 not relevant to these Regulations.

### Payment to Treasury of Penalties (Enforcement Costs) Order 2013

3.—(1) The Payment to Treasury of Penalties (Enforcement Costs) Order 2013 <sup>F7</sup> is amended as follows.

(2) In article 2 (enforcement powers), in paragraph (1), after sub-paragraph (l), insert—

“(m) regulation 15 of the Financial Services and Markets Act 2000 (Transparency of Securities Financing Transactions and of Reuse) Regulations 2016.”.

**F7** [S.I. 2013/418](#), to which there are amendments not relevant to these Regulations.

### Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013

4.—(1) The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013 <sup>F8</sup> is amended as follows.

(2) In article 2 <sup>F9</sup> (qualifying EU provisions: general)—

(a) after paragraph (4) insert—

“(4A) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified qualifying EU provisions for the purposes of sections 1A(6)(d), 1L(2)(b) and 168(4)(k) of the Act.”;

(b) in paragraph (8), after sub-paragraph (f), insert—

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- “(g) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”.
- (3) In article 3 <sup>F10</sup> (disciplinary measures)—
- (a) in paragraph (2), after sub-paragraph (j) insert—
- “(k) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”;
- (b) in paragraph (3), after sub-paragraph (h) insert—
- “(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.”.
- (4) In article 4 <sup>F11</sup> (recognised investment exchanges and clearing houses)—
- (a) in paragraph (3), after sub-paragraph (e) insert—
- “(f) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”;
- (b) in paragraph (5), after sub-paragraph (e), insert—
- “(f) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”;
- (c) in paragraph (7), after sub-paragraph (d), insert—
- “(e) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”;
- (d) after paragraph (10) insert—
- “(11) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified qualifying EU provisions for the purposes of paragraph 14(2)(d) of Schedule 17A to the Act.”.
- (5) In article 5 <sup>F12</sup> (injunctions and restitution)—
- (a) after paragraph (4) insert—
- “(4A) The SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation are specified qualifying EU provisions for the purposes of section 380(6)(a) of the Act.”;
- (b) after paragraph (5) insert—
- “(5A) The appropriate regulator for the purposes of section 380 of the Act, in relation to a contravention of the SFT regulation or any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation, is the FCA.”;
- (c) in paragraph (6), after sub-paragraph (c), insert—
- “(d) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”.
- (6) In article 6 <sup>F13</sup> (fees)—
- (a) in paragraph (2), after sub-paragraph (m), insert—
- “(n) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”;
- (b) in paragraph (6), after sub-paragraph (c), insert—
- “(d) the SFT regulation and any directly applicable regulation made under Article 4(9) or 4(10) of the SFT regulation.”.

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- F8** [S.I. 2013/419](#).
- F9** [Article 2](#) was amended by [S.I. 2014/2879](#) and [S.I. 2016/680](#). There are other amendments not relevant to these Regulations.
- F10** [Article 3](#) was amended by [S.I. 2013/1773](#), [S.I. 2014/2879](#), [S.I. 2014/3348](#) and [S.I. 2015/1882](#).
- F11** [Article 4](#) was amended by [S.I. 2014/2879](#) and [S.I. 2016/680](#).
- F12** [Article 5](#) was amended by [S.I. 2014/2879](#) and [S.I. 2016/680](#). There are other amendments not relevant to these Regulations.
- F13** [Article 6](#) was amended by [S.I. 2013/1773](#), [S.I. 2014/2879](#), [S.I. 2014/3348](#), [S.I. 2015/1882](#) and [S.I. 2016/680](#).

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

5. In the Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013, before regulation 16 <sup>F14</sup> (records of telephone and data traffic) insert—

#### **“Interpretation**

**15B.** In this Part, a reference to a power of ESMA under Article 62 or 63 of the EMIR regulation is to be read as being a reference to that power as exercisable for the purposes of the SFT regulation under Article 9 of that Regulation.”.

- F14** [S.I. 2013/504](#), amended by [S.I. 2013/1908](#); there are other amending instruments but none is relevant.

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**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](#)