
STATUTORY INSTRUMENTS

2017 No. 1064

The Central Securities Depositories Regulations 2017

PART 6

Transitional and saving provisions

Transitional and saving provisions: interpretation

6.—(1) In this Part—

“the Act” means the Financial Services and Markets Act 2000;

“Bank” means the Bank of England;

“commencement” means the coming into force of these Regulations;

“CSD RCH” means a person established in the United Kingdom which immediately before 30th March 2017 was a recognised clearing house which—

- (a) operated a securities settlement system referred to in point (3) of Section A of the Annex to the CSD regulation in the United Kingdom, and
- (b) provided at least one other core service listed in Section A of that Annex in the United Kingdom;

“CSD regulation” means Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories⁽¹⁾;

“recognised clearing house” means a recognised clearing house referred to section 285(1)(b)(ii) of the Act⁽²⁾;

“recognition order” has the meaning given in section 313(1) of the Act.

(2) In this Part, expressions defined for the purposes of the CSD regulation have the meanings given by that regulation.

Transitional and saving provisions for recognised clearing houses

7.—(1) The transition period for a CSD RCH begins with commencement.

(2) The transition period for a CSD RCH ends immediately after—

- (a) the Bank determines its application under section 288A of the Act⁽³⁾ in accordance with Article 17 of the CSD regulation and any directly applicable EU regulation made under that Article, or
- (b) the end of the six month period specified in Article 69(2) of the CSD regulation, if the CSD RCH has not made an application under section 288A of the Act before the end of that period.

⁽¹⁾ OJ No L257, 28.8.2014, p1.

⁽²⁾ The definition of “recognised clearing house” in section 285(1)(b) was substituted by [S.I. 2013/504](#).

⁽³⁾ Section 288A was inserted by these Regulations.

- (3) During a CSD RCH's transition period—
- (a) section 313(1A) of the Act (interpretation of Part 18) inserted by these Regulations does not apply;
 - (b) the amendments made by these Regulations to the Financial Services (Banking Reform) Act 2013 do not apply.
- (4) Nothing in these Regulations affects the validity of a CSD RCH's recognition order under section 290(1)(c) of the Act⁽⁴⁾ during its transition period, and accordingly during that period the CSD RCH remains a recognised clearing house except where the order is revoked during that period.
- (5) Where—
- (a) a CSD RCH has made an application under section 288A of the Act, and
 - (b) the Bank has determined that application in accordance with Article 17 of the CSD regulation and any directly applicable EU regulation made under that Article,
- any previous recognition order under section 290(1)(c) of the Act shall cease to be valid.

Transitional and saving provisions: overseas persons

- 8.—(1) The transition period for an overseas person begins with commencement.
- (2) The transition period for an overseas person established in an EEA State other than the United Kingdom ends immediately after—
- (a) if the overseas person has made a communication under Article 23(3) of the CSD regulation to the competent authority of its home Member State before the end of the six month period specified in Article 69(2) of that regulation—
 - (i) the decision of the competent authority of the overseas person's home Member State not to make a communication to the Bank under Article 23(4) of the CSD regulation, or
 - (ii) the overseas person becomes eligible under Article 23(6) of the CSD regulation to provide the services referred to in Article 23(2) of that regulation in the United Kingdom or to establish a branch in the United Kingdom, or
 - (b) if the overseas person has not made a communication under Article 23(3) of the CSD regulation to the competent authority of its home Member State before the end of the six month period specified in Article 69(2) of that regulation, the end of that six month period.
- (3) The transition period for an overseas person established in a State which is not an EEA State ends immediately after—
- (a) if the overseas person has made an application under Article 25(4) of the CSD regulation before the end of the six month period specified in Article 69(3) of that regulation, the determination of its application under Article 25(4) of that regulation, or
 - (b) if the overseas person has not made an application under Article 25(4) of the CSD regulation before the end of the six month period specified in Article 69(3) of that regulation, the end of that six month period.
- (4) During the transition period for an overseas person, article 72 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001⁽⁵⁾ applies in relation to that overseas person as if it had not been amended by these Regulations.

(4) Section 290(1) was substituted by [S.I. 2013/504](#).

(5) [S.I. 2001/544](#). The definition of "overseas person" in article 3(1) was amended by [S.I. 2003/1475](#), [2003/1476](#), [2006/2383](#), [2006/3384](#), [2009/1342](#), [2013/1773](#) and [2017/488](#). Article 72 was amended by [S.I. 2003/1476](#), [2006/2383](#), [2006/3384](#), [2009/1342](#), [2013/504](#), [2015/910](#) and [2017/488](#).

(5) In this regulation, “overseas person” means an overseas person (within the meaning of article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001) which immediately before commencement provided the services referred to in Article 23 or 25 of the CSD regulation in the United Kingdom (including through a branch in the United Kingdom).

Transitional and saving provisions: designation orders under the Financial Markets and Insolvency (Settlement Finality) Regulations 1999

9.—(1) Nothing in these Regulations affects any designation order under the Financial Markets and Insolvency (Settlement Finality) Regulations 1999⁽⁶⁾ in relation to a designated system in force at commencement, and no system operator shall be required to apply for a new or amended designation order in consequence only of these Regulations.

(2) Expressions used in this regulation which are defined in the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 have the meanings given in those Regulations.

Minor and consequential amendments

10. The Schedule, which makes minor and consequential amendments to primary and secondary legislation, has effect.

(6) S.I. 1999/2979.