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## STATUTORY INSTRUMENTS

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# 2017 No. 701

## The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017

### PART 2

#### Exempt and third-country investment firms

#### CHAPTER 2

#### Third country investment firms

#### Third country firms registered with [<sup>F1</sup>the FCA]: provision of services

**11.**—[<sup>F2</sup>(1)] A third country firm registered with [<sup>F3</sup>the FCA] is not to be regarded as carrying on a regulated activity if it carries on the activity in the course of exercising rights under Article 46.1 (general provisions) of the markets in financial instruments regulation.

[<sup>F4</sup>(2) For the purposes of this regulation, third country firms which are included on the register with ESMA immediately before IP completion day under Article 46.2 of the markets in financial instruments regulation are to be treated after exit day as being registered with the FCA.]

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|-----------|---|
| <b>F1</b> | Words in reg. 11 heading substituted (31.12.2020) by <a href="#">The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1403)</a> , regs. 1(3), <b>8(5)(a)</b> (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)   |
| <b>F2</b> | Reg. 11 renumbered as reg. 11(1) (31.12.2020) by <a href="#">The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1403)</a> , regs. 1(3), <b>8(5)(b)</b> (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)   |
| <b>F3</b> | Words in reg. 11(1) substituted (31.12.2020) by <a href="#">The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1403)</a> , regs. 1(3), <b>8(5)(c)</b> (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)  |
| <b>F4</b> | Reg. 11(2) inserted (31.12.2020) by <a href="#">The Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1403)</a> , regs. 1(3), <b>8(5)(d)</b> (with savings in S.I. 2019/680, reg. 11) (as amended by <a href="#">The Financial Services and Economic and Monetary Policy (Consequential Amendments) (EU Exit) Regulations 2020 (S.I. 2020/1301)</a> , regs. 1, 3, <b>Sch. para. 12(c)(i)</b> ); 2020 c. 1, Sch. 5 para. 1(1) |

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017, Section 11 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

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

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

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 15A inserted by [2023 c. 29 Sch. 2 para. 45](#)
- reg. 16(1A)(1B) omitted by [2023 c. 29 Sch. 2 para. 46\(4\)](#)