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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 1

#### Introductory provisions

##### Designation of competent authorities

3.—<sup>F1</sup>(1) The FCA is designated to carry out all the functions of a competent authority provided for in—

- (a) the Act;
- (b) the markets in financial instruments regulation; and
- (c) rules made under section 137A (the FCA general rules) of the Act or any other subordinate legislation conferring functions on the FCA made under the Act.]

(2) The PRA is designated to carry out any duty of a competent authority that relates to a PRA authorised person where the PRA has the function of carrying out that duty under—

- (a) these Regulations;
- (b) Parts 4A <sup>M1</sup>, 12 to 15, 22, and 25 of the Act <sup>F2</sup> ... ; or
- (c) rules made under section 137G <sup>M2</sup> (the PRA's general rules) of the Act or any other subordinate legislation conferring functions on the PRA made under the Act.

(3) Where a PRA authorised person is obliged to keep records at the disposal of the competent authority under Article 25 (obligation to maintain records) of the markets in financial instruments regulation both the FCA and PRA are designated as the competent authority.

(4) The Bank of England is designated to carry out any duty of a competent authority that relates to a central counterparty (as defined by section 313(1) <sup>M3</sup> (interpretation of Part 18) of the Act) and is provided for in the following provisions of the markets in financial instruments regulation—

- (a) Article 29 (clearing obligation for derivatives traded on regulated markets and timing of acceptance for clearing);
- (b) Article 30 (indirect clearing arrangements);
- (c) Article 35 (non-discriminatory access to a CCP);
- (d) Article 36 (non-discriminatory access to a trading venue);
- (e) Article 37 (non-discriminatory access to and obligation to licence benchmarks); and
- (f) Article 54.2 (transitional provisions).

(5) In this regulation “PRA authorised person” has the meaning given by section 2B(5) <sup>M4</sup> (the PRA's general objective) of the Act.

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**Changes to legislation:** The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017, Section 3 is up to date with all changes known to be in force on or before 20 April 2024. 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. (See end of Document for details) View outstanding changes

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#### Textual Amendments

- F1** Reg. 3(1) substituted (31.12.2020) by [The Markets in Financial Instruments \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1403\)](#), regs. 1(3), **7(3)(a)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 3(2)(b) omitted (31.12.2020) by virtue of [The Markets in Financial Instruments \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1403\)](#), regs. 1(3), **7(3)(b)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)

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#### Marginal Citations

- M1** Part 4A was inserted by section 11(2) of the Financial Services Act 2012.
- M2** Section 137G was inserted by section 24(1) of the Financial Services Act 2012.
- M3** Section 313(1) was amended by [S.I. 2013/504](#); there are other amendments but none is relevant.
- M4** Section 2B(5) was inserted by section 6(1) of the Financial Services Act 2012.

**Changes to legislation:**

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

- reg. 3(4)(d) word inserted by [S.I. 2018/1403 reg. 7\(3\)\(c\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(3)(c) omitted immediately before IP completion day by virtue of S.I. 2020/628, regs. 1(2), 7(2))
- reg. 3(4)(e) omitted by [S.I. 2018/1403 reg. 7\(3\)\(c\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 7(3)(c) omitted immediately before IP completion day by virtue of S.I. 2020/628, regs. 1(2), 7(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\(4\)](#)