
STATUTORY INSTRUMENTS

2019 No. 542

The Transparency of Securities Financing Transactions
and of Reuse (Amendment) (EU Exit) Regulations 2019

PART 4

SPECIFIC PROVISION FOR TRADE REPOSITORIES

CHAPTER 2

ENFORCEMENT PROVISIONS RELATING TO TRADE REPOSITORIES

Decision notice

27.—(1) If, having considered any representations made in response to the warning notice, the FCA decides to—

- (a) publish a statement under regulation 28 (whether or not in the terms proposed); or
- (b) impose a penalty under regulation 29 (whether or not of the amount proposed);

it must without delay give the trade repository concerned a decision notice.

(2) In case of a statement, the decision notice must set out the terms of the statement.

(3) In the case of a penalty, the decision notice must state the amount of the penalty.

(4) If the FCA decides to —

- (a) publish a statement in respect of a trade repository under regulation 28; or
- (b) impose a penalty on a trade repository under regulation 29;

the trade repository may refer the matter to the Tribunal.

(5) After a statement under regulation 28 is published, the FCA must send a copy of it to the trade repository concerned and to any person to whom a copy of the decision notice was given under section 393(4) of the FSMA (third party rights) (as applied by regulation 37).