

## STATUTORY INSTRUMENTS

# 2019 No. 632

## The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019

### PART 2

#### Amendments to the Act

#### CHAPTER 7

#### Part 11 of the Act: information gathering and investigations

#### Introduction

42. Part 11 of the Act (information gathering and investigations) is amended as follows.

#### Commencement Information

**I1** Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Section 165A (PRA's power to require information: financial stability)

43.—(1) Section 165A <sup>M1</sup> (PRA's power to require information: financial stability) is amended as follows.

(2) In subsection (8), in the definition of “management”, for “Annex II to the UCITS Directive” substitute “ Schedule 6 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 <sup>M2</sup> ”.

(3) In subsection (9)(b) <sup>M3</sup>, for the words from “meaning given” to the end substitute “ same meaning as in the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (see article 3(1) of that Order). ”.

#### Commencement Information

**I2** Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M1** Section 165A was inserted by sections 18 (1) and (2) of the [Financial Services Act 2010 \(c. 28\)](#) and was amended by section 41 of, and paragraphs 2(a), (b) of Part 1 of Schedule 12 to, the Financial Services Act 2012 and section 16 of, and paragraphs 26, 37(1), (2)(a), (2)(b), (3) of Part 2 of Schedule 2 to, the [Bank of England and Financial Services Act 2016 \(c. 14\)](#) and [S.I. 2017/1255](#).

**M2** [S.I. 2001/544](#).

**Changes to legislation:** The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019, CHAPTER 7 is up to date with all changes known to be in force on or before 13 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

**M3** Subsection (9) was amended by [S.I. 2017/1255](#).

### Section 167 (appointment of persons to carry out general investigations)

**44.** Omit section 167(3A)<sup>M4</sup> (investigations of persons in other EEA States).

#### Commencement Information

**I3** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M4** Subsection (3A) was inserted by [S.I. 2015/575](#).

### Section 168 (appointment of persons to carry out investigations in particular cases)

**45.** In section 168 (appointment of investigators: particular cases), in subsection (4)—

- (a) in paragraph (jc)(ii)<sup>M5</sup> for “a directly applicable EU regulation made” substitute “ any retained EU direct legislation originally made under the market abuse regulation or any subordinate legislation (within the meaning of the Interpretation Act 1978) made on or after [<sup>F1</sup>IP completion day]”;
- (b) in paragraph (k)<sup>M6</sup> for “qualifying EU provision” substitute “ qualifying provision ”.

#### Textual Amendments

**F1** Words in reg. 45(a) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, [Sch. para. 33\(e\)](#)

#### Commencement Information

**I4** Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

#### Marginal Citations

**M5** Paragraph (jc) was substituted by [S.I. 2017/1255](#).

**M6** Paragraph (k) was substituted by section 41 of, and paragraphs 8(1) and (4)(g) of Part 1 of Schedule 12 to, the Financial Services Act 2012.

### Section 169 (investigations etc. in support of overseas regulator)

**46.** Omit section 169(3)<sup>M7</sup> and (6)<sup>M8</sup> (investigations in connection with EU obligations).

#### Commencement Information

**I5** Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

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**Marginal Citations**

- M7** Subsection (3) was amended by section 41 of, and paragraphs 9(1) and (3) of Part 1 of Schedule 12 to, the Financial Services Act 2012 and [S.I. 2011/1043](#).
- M8** Subsection (6) was substituted by section 41 of, and paragraphs 9(1) and (5) of Part 1 of Schedule 12 to, the Financial Services Act 2012 and [S.I. 2011/1043](#).

**Section 169A (support of overseas regulator with respect to financial stability)**

**47.** In section 169A <sup>M9</sup> (support of overseas regulator with respect to financial stability), in subsection (4)(b) for “169(3), (4)(a) and (d), (5) and (6)” substitute “ 169(4)(a) and (d) and (5) ”.

**Commencement Information**

- I6** Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

**Marginal Citations**

- M9** Section 169A was inserted by sections 18(1) and (3) of the Financial Services Act 2010.

**Changes to legislation:**

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

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