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## STATUTORY INSTRUMENTS

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# 2019 No. 681

## The Public Record, Disclosure of Information and Co-operation (Financial Services) (Amendment) (EU Exit) Regulations 2019

### Part 2

#### Amendments in connection with exiting the European Union

#### CHAPTER 2

#### Amendments of Subordinate Legislation

#### **The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001**

4.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 <sup>F1</sup> are amended as follows.

(2) In regulation 2—

- (a) in the definition of “competent authority”, for “within the meaning of Article 13(10) of the Solvency 2 Directive” substitute “ that has the same meaning as in regulation 2(1) of the Solvency 2 Regulations 2015 <sup>F2</sup> ”;
- (b) omit the definitions of—
  - (i) “dependent territory”;
  - (ii) “dependent territory regulatory authority”;
  - (iii) “EEA competent authority”;
  - (iv) “EEA regulatory authority”;
  - (v) “EEA resolution authority”;

<sup>F3</sup>(c) .....

<sup>F3</sup>(d) .....

(e) after the definition of “EU Benchmark Regulation 2016 information” insert—

““EU entity” has the meaning given in section 20(1) of the European Union (Withdrawal) Act 2018;”;

(f) for the definition of “foreign resolution authority”, in the appropriate place, substitute—

““third country resolution authority” means an authority in a country or territory which is not, and does not form part of, the United Kingdom which exercises functions in relation to third country resolution action (within the meaning of section 89H of the Banking Act 2009 <sup>F4</sup>), including planning for such action, corresponding to one or more functions exercisable by the Bank of England pursuant to Part 1 of the Banking Act 2009 <sup>F5</sup> or the Bank Recovery and Resolution (No.2) Order 2014 <sup>F6</sup>;”;

(g) for the definition of “markets in financial instruments directive information” substitute—

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““market in financial instruments information” means confidential information received by the FCA or the PRA in the course of discharging their functions under—

- (a) the markets in financial instruments regulation <sup>F7</sup>...;
  - (b) EU tertiary legislation (within the meaning of section 20 of the European Union (Withdrawal) Act 2018) made under—
    - (i) the markets in financial instruments directive which forms part of retained EU law; and
    - (ii) the markets in financial instruments regulation <sup>F7</sup>...;
  - (c) the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 <sup>F8</sup>; or
  - (d) the Act, which correspond to functions under the markets in financial instruments directive;”;
- (h) omit the definitions of—
- (i) “mortgages directive information”;
  - (ii) “non-EEA regulatory authority”;
- (i) for the definition of “overseas regulatory authority”, in the appropriate place, substitute—
- ““third country regulatory authority” means—
- (a) an authority in a country or territory outside the United Kingdom which exercises any function of a kind mentioned in section 195(4) of the Act;
  - (b) a third country investment exchange, a third country clearing house, a third country central counterparty (within the meaning of section 285(1)(d) of the Act <sup>F9</sup>) or a third country CSD (within the meaning of section 285(1)(g) of the Act <sup>F10</sup>; or
  - (c) an authority in a country or territory outside the United Kingdom which exercises any functions of a kind corresponding to a function of the Bank of England;”;
- (j) omit the definition of “recovery and resolution directive”;
- (k) for the definition of “recovery and resolution directive information” substitute—
- ““recovery and resolution information” means confidential information received by—
- (a) the Bank of England in the course of discharging its functions under Part 1 of the Banking Act 2009 or the Bank Recovery and Resolution (No.2) Order 2014;
  - (b) the FCA or PRA in the course of discharging their functions under Part 1 of the Banking Act 2009 or the Bank Recovery and Resolution (No.2) Order 2014;
  - (c) a person appointed by the Bank of England under section 62B (resolution administrator) of the Banking Act 2009 <sup>F11</sup> to act as resolution administrator in the course of discharging that person's functions as such;”;
- (l) omit the definitions of—
- (i) “short selling regulation information”;
  - (ii) “single market information”;
  - (iii) “single market restrictions”;
- (m) after the definition of “regulator worker” insert—
- ““relevant directives” means, for the purposes of this regulation—
- (a) the alternative investment fund managers directive;

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- (b) the capital requirements directive;
- (c) the conglomerates directive;
- (d) the insurance distribution directive;
- (e) the mortgages directive;
- (f) the Solvency 2 directive;
- (g) the UCITS directive;”;

““relevant provisions” means, for the purposes of this regulation—

- (a) Articles 76 and 81 of the markets in financial instruments directive;
- (b) section 2 of Chapter 1 of Title 7 of the capital requirements directive;
- (c) Articles 64, 65, 66, 67, 68, 69 and 70 of the Solvency 2 directive;
- (d) Articles 102 and 104.1 of the UCITS directive;
- (e) Article 13 of the insurance distribution directive;
- (f) Articles 47.2, 47.3, 51, 52 and 53.2 of the alternative investment fund managers directive;
- (g) Articles 5(2) and 36 of the mortgages directive;
- (h) Article 83 of the EMIR regulation;
- (i) Articles 84 and 98 of the recovery and resolution directive; and
- (j) Article 18 of the SFT regulation;”;

““retained EU law restrictions” means the restrictions imposed on the disclosure of confidential information by the relevant provisions [<sup>F12</sup>, and (excluding those specified at paragraphs (h) and (j) of that definition) as they had effect immediately before IP completion day,] and as modified as follows—

- (a) requirements imposed on a Member State or an EU entity are to be read as if they are requirements imposed on the United Kingdom or, where relevant, a primary recipient;
- (b) a restriction on the disclosure of confidential information to a person in a third country applies to any disclosure of confidential information to any person in a country or territory outside the United Kingdom;
- (c) a requirement to seek the consent of an EU entity only applies where an equivalent requirement applies in relation to an equivalent entity in a third country; and
- (d) for the purposes of sub-paragraph (b) a reference to a person in a third country, which is a third country regulatory authority, is to be read as including an ESA and the ESRB;”;

<sup>F13</sup>(n) .....

(o) after the definition of “SFTR information” insert—

““short selling information” means confidential information received by the FCA in the course of discharging its functions as a competent authority under the short selling regulation <sup>F14</sup>...;

“specified confidential EU law information” means confidential information received by the FCA or the PRA—

- (a) before [<sup>F15</sup>IP completion day] in the course of discharging its functions as the competent authority under the relevant directives; or

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- (b) after [<sup>F15</sup>IP completion day] in the course of exercising its functions in or under the Act or retained EU law which functions are equivalent to the functions as the competent authority set out in the relevant directives;”;
- (p) for the definition of “UCITS directive information”<sup>F16</sup> substitute—
  - ““UCITS information” means confidential information received by the FCA in the course of discharging its functions as the United Kingdom authority under the Undertakings for Collective Investment in Transferable Securities Regulations 2011 <sup>F17</sup>.”.
- (3) In regulation 3(3) <sup>F18</sup> for “single market restrictions” substitute “ retained EU law restrictions ”.
- (4) In regulation 5(5) <sup>F19</sup> for “single market restrictions” substitute “ retained EU law restrictions ”.
- (5) Omit regulation 6 <sup>F20</sup>.
- (6) In the heading to Part III for “single market information” substitute “ specified confidential EU law information ”.
- (7) In regulation 8 <sup>F21</sup>—
  - (a) in sub-paragraph (a) <sup>F22</sup> for “single market information” substitute “ specified confidential EU law information ”;
  - (b) in sub-paragraph (b) <sup>F23</sup>, in the opening words—
    - (i) omit “directive”;
    - (ii) for “from—” to the end of the paragraph substitute “ from a third country regulatory authority under a cooperation agreement; and ”;
  - (c) omit sub-paragraph (c) <sup>F24</sup>;
  - (d) in sub-paragraph (d) <sup>F25</sup>—
    - (i) omit “directive”;
    - (ii) omit “; and”;
  - (e) omit sub-paragraph (f) <sup>F26</sup>.
- (8) In regulation 9—
  - (a) in paragraph (1) <sup>F27</sup> omit “(3)” and “(3E), (3EA), (3F),”;
  - (b) in paragraph (1A) <sup>F28</sup> omit the words “in accordance with” to the end of the paragraph;
  - (c) in paragraph (2ZA) <sup>F29</sup>—
    - (i) in sub-paragraph (e) omit “or”;
    - (ii) after sub-paragraph (e) insert—
      - “reading the relevant provisions in those directives as if—
      - (i) requirements imposed on a Member State or an EU entity are to be read as if they are requirements imposed on the United Kingdom or, where relevant, a primary recipient;
      - (ii) a restriction on the disclosure of confidential information to a person in a third country applies to any disclosure of confidential information to any person in a country or territory outside the United Kingdom;

- (iii) a requirement to seek the consent of an EU entity only applies where an equivalent requirement applies in relation to an equivalent entity in a third country; and
    - (iv) for the purposes of sub-paragraph (ii) a reference to a person in a third country, which is a third country regulatory authority, is to be read as including an ESA and the ESRB.”;
  - (d) in paragraph (2B) <sup>F30</sup>—
    - (i) at end of sub-paragraph (a) insert “ and ”;
    - (ii) in sub-paragraph (b), from “a requirement” to the end of that sub-paragraph substitute—
      - “(i) requirements imposed on the regulator in the exercise of its functions under the Act which correspond to the functions under the Alternative Investment Fund Managers Regulations 2013 <sup>F31</sup>;
      - (ii) EU tertiary legislation (within the meaning of section 20 of the European Union (Withdrawal) Act 2018) made under the alternative investment fund managers directive which forms part of retained EU law; and
      - (iii) rules made by the FCA under the Act that were in force immediately before [<sup>F32</sup>IP completion day] to implement the alternative investment fund managers directive.”;
    - (iii) omit sub-paragraph (c);
  - (e) for paragraph (2C) <sup>F33</sup> substitute—
    - “(2C) The condition in this paragraph is that—
      - (a) the disclosure is of recovery and resolution information;
      - (b) the disclosure is to a third country resolution authority;
      - (c) the third country resolution authority is subject to restrictions on the disclosure of confidential information at least equivalent, in the opinion of the Bank of England, to the restrictions on the Bank of England in relation to its functions under Part 1 of the Banking Act 2009 or the Bank Recovery and Resolution (No.2) Order 2014; and
    - (c) the information—
      - (i) is necessary for the performance by the third country resolution authority of its functions in relation to a third country resolution action (within the meaning of section 89H of the Banking Act 2009) including planning for such action, corresponding to one or more of the functions exercisable by the Bank of England pursuant to Part 1 of the Banking Act 2009 or the Bank Recovery and Resolution (No.2) Order 2014; and
      - (ii) is not used for any other purpose.”;
  - (f) omit paragraph (3) <sup>F34</sup>;
  - (g) for paragraph (3A)(a) substitute—
    - “(a) was obtained from a third country regulatory authority under a cooperation agreement; and”;
  - (h) in paragraph (3B)—
    - (i) omit sub-paragraph (b);
    - (ii) in sub-paragraph (d) omit “in a country or territory”;

- (iii) omit sub-paragraphs (e) and (f) <sup>F35</sup>;
- (i) in paragraph (3C) <sup>F36</sup>—
  - (i) in the opening words omit “directive”;
  - (ii) in sub-paragraph (a)—
    - (aa) for “an EEA competent authority under Article 101.2 of the UCITS directive or an overseas regulatory authority” substitute “ a third country regulatory authority ”; and
    - (bb) for “that directive” substitute “ the UCITS directive, reading the provisions in Article 102 of that directive as if the requirements imposed on a Member State were requirements imposed on the regulator ”;
- (j) in paragraph (3D) <sup>F37</sup>—
  - (i) in sub-paragraph (b) for “the central bank of any country or territory” substitute “ a central bank ”;
  - (ii) omit sub-paragraph (e);
- (k) omit paragraphs (3E) <sup>F38</sup>, (3EA) <sup>F39</sup> and (3F) <sup>F40</sup>;
- (l) for paragraph (4) <sup>F41</sup> substitute—
 

“(4) Paragraph (1) does not permit disclosure in breach of any restriction on the disclosure of confidential information in Section 2 of Chapter 1 of Title 7 of the capital requirements directive reading those provisions in that directive as follows—

  - (a) the requirements imposed on a Member State or an EU entity are to be read as if they are requirements imposed on the United Kingdom or, where relevant, a primary recipient;
  - (b) a restriction on the disclosure of confidential information to a person in a third country applies to any disclosure of confidential information to any person in a country or territory outside the United Kingdom;
  - (c) a requirement to seek the consent of an EU entity applies only where an equivalent requirement applies in relation to an equivalent entity in a third country; and
  - (d) for the purposes of sub-paragraph (b) a reference to a person in a third country, which is a third country regulatory authority, is to be read as including an ESA and the ESRB.”;
- (m) in paragraph (5) <sup>F42</sup> omit “directive”.
- (9) In the heading to regulation 10A omit “directive”.
- (10) In regulation 10A <sup>F43</sup>—
  - (a) in paragraph (1), in the opening words omit “directive”;
  - (b) in paragraph (3) omit “directive”.
- (11) In regulation 10B <sup>F44</sup>—
  - (a) in paragraph (1), in the opening words, omit “directive”;
  - (b) in paragraph (2), for the definitions of “recovery plan” and “resolution plan”, substitute—
 

“recovery plan” means a recovery plan or a group recovery plan as those terms are defined in the Bank Recovery and Resolution (No.2) Order 2014; and

“resolution plan” means a resolution plan or a group resolution plan as those terms are defined in that Order.

(12) In the heading to Part IV <sup>F45</sup> for “single market restrictions” substitute “retained EU law restrictions”.

(13) In regulation 11—

(a) in sub-paragraph (a) <sup>F46</sup> for “single market information” substitute “specified confidential EU law information”;

(b) in sub-paragraph (d) <sup>F47</sup>—

(i) in the opening words omit “directive”;

(ii) for the words “from—” to the end of the sub-paragraph, substitute—

“from a third country regulatory authority under a cooperation agreement unless that authority has given its express consent for disclosure that is covered by this Part;”;

(c) in sub-paragraph (e) <sup>F48</sup>—

(i) in the opening words omit “directive”;

(ii) for the words “from—” to the end of the sub-paragraph substitute—

“from a third country regulatory authority under a cooperation agreement unless that authority has given its express consent for disclosure that is covered by this Part;”;

(d) omit sub-paragraphs (f) <sup>F49</sup> and (fa) <sup>F50</sup>;

(e) in sub-paragraph (g) <sup>F51</sup> omit “directive”;

(14) For the heading to Part V substitute— “CHAPTER 1 Transitional Provisions Applicable Before [<sup>F52</sup>IP completion day]”.

(15) In regulation 13, in the appropriate places, insert—

(a) ““EEA competent authority” has the meaning given in regulation 2 of these Regulations as it had effect immediately before [<sup>F53</sup>IP completion day];”;

(b) ““single market information” has the meaning given in regulation 2 of these Regulations as it had effect immediately before [<sup>F53</sup>IP completion day];”;

(c) ““single market restrictions” has the meaning given in regulation 2 of these Regulations as it had effect immediately before [<sup>F53</sup>IP completion day];”.

(16) In regulation 17 <sup>F54</sup>, for “the markets in financial instruments directive” substitute “Directive 2004/39/EC of the European Parliament and of the Council of 21st April 2004 on markets in financial instruments <sup>F55</sup>”.

(17) After regulation 17 insert—

## “CHAPTER 2

Transitional Provision Applicable on or after [<sup>F56</sup>IP completion day]

### **Transitional provision applicable on or after [<sup>F57</sup>IP completion day]**

**18.** Confidential information received before [<sup>F57</sup>IP completion day] by a primary recipient or any person obtaining the information directly or indirectly from a primary recipient shall continue to be treated, on or after [<sup>F57</sup>IP completion day], as if that information had been received by that person in accordance with the relevant EU Regulations, directives or these Regulations as they had effect immediately before [<sup>F57</sup>IP completion day].”.

(18) In the heading to Schedule 1 <sup>F58</sup>, for “single market restrictions” substitute “retained EU law restrictions”.

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(19) In the table in Part 1 of Schedule 1—

- (a) in the entry commencing “A person appointed in judicial or administrative proceedings”<sup>F59</sup>, for “an EEA State or a State which is not an EEA State” substitute “ the United Kingdom or a country or territory outside the United Kingdom ”;
- (b) omit the entry commencing “A body responsible, in an EEA State” together with the corresponding entry in the second column;
- (c) in the entry commencing “A person appointed to carry out a statutory audit”<sup>F60</sup> for “within the meaning of” substitute “ in accordance with the law of the United Kingdom in force immediately before [F61IP completion day] that implemented ”;
- (d) omit the entry commencing “An investment exchange”<sup>F62</sup> together with the corresponding entry in the second column;
- (e) omit “ACER”<sup>F63</sup> together with the corresponding entry in the second column;
- (f) omit “ESAs”<sup>F64</sup> together with the corresponding entry in the second column;
- (g) omit “ESRB”<sup>F65</sup> together with the corresponding entry in the second column.

(20) Omit the table in Part 2 of Schedule 1 <sup>F66</sup>.

(21) In the table in Part 3 of Schedule 1—

- (a) omit the entry “A dependent territory regulatory authority” together with the corresponding entry in the second column;
- (b) for “A non-EEA regulatory authority” substitute “ A third country regulatory authority ”;
- (c) for “A foreign resolution authority”<sup>F67</sup> substitute “A third country resolution authority”;
- (d) insert—

“ACER	Its functions under Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency
A body responsible, in a third country, for administering a deposit guarantee scheme recognised in accordance with the law of that country, or an investor-compensation scheme recognised in accordance with the law of that country.	Its functions as such
A person in a third country appointed to carry out a statutory audit of a company in accordance with the law of that country.	That person's functions as such
An investment exchange which has its head office in a third country, and which is recognised as an investment exchange under the law of that country.	Its functions as a supervisor of financial markets
ESAs	Their functions under Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), Regulation (EU) No 1094/2010 of the European



	Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority) and Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority)
ESRB	Its functions under Regulation (EU) No 1092/2010 of the European Parliament and the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board
An authority responsible for maintaining the stability of the financial system in a third country through macro prudential regulation	Its functions as such.”

(22) In the table in Part 4 of Schedule 1—

- (a) in the entry commencing “A recognised clearing house”<sup>F68</sup> omit “an EEA central counterparty (within the meaning of section 285(1)(c) of the Act)”;
- (b) in the entry commencing “A clearing house”<sup>F69</sup>—
  - (i) for “an EEA State other than the United Kingdom” substitute “ a third country ”;
  - (ii) for “that state” substitute “ that country ”;
- (c) for the entry commencing “An EEA central counterparty”<sup>F70</sup> substitute—  
“A third country central counterparty (within the meaning of section 285(1)(d) of the Act)”;
- (d) in the entry commencing “A recognised CSD”<sup>F71</sup> omit—
  - (i) “, EEA CSD”; and
  - (ii) “, (f)”.

(23) Omit the table in Part 5 of Schedule 1 <sup>F72</sup>.

(24) In the heading to Schedule 2 <sup>F73</sup>, for “single market restrictions” substitute “ retained EU law restrictions ”.

(25) In the table in Schedule 2—

- (a) omit “An EEA regulatory authority” together with the corresponding entry in the second column;
- (b) in the entry commencing “A recognised clearing house”<sup>F74</sup>, omit “, an EEA central counterparty (within the meaning of section 285(1)(c) of the Act)”;
- (c) in the entry commencing “a recognised CSD”<sup>F75</sup> omit—
  - (i) “, EEA CSD”; and
  - (ii) “, (f)”.

**F1** [S.I. 2001/2188.](#)

**F2** [S.I. 2015/575.](#)

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- F3** Reg. 4(2)(c)(d) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **61(2)**
- F4** Section 89H was inserted by [S.I. 2014/3329](#).
- F5** [2009 c.1](#).
- F6** [S.I. 2014/3348](#).
- F7** Words in reg. 4(2)(g) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **61(3)**
- F8** [S.I. 2017/701](#).
- F9** Subsection (1)(d) was substituted [S.I. 2018/1184](#).
- F10** Subsection (1)(g) was inserted by [S.I. 2017/1064](#).
- F11** Section 62B was inserted by [S.I. 2014/3329](#).
- F12** Words in reg. 4(2)(m) substituted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **61(4)**
- F13** Reg. 4(2)(n) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **61(5)**
- F14** Words in reg. 4(2)(o) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **61(6)**
- F15** Words in reg. 4(2)(o) 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. 41(a)**
- F16** Definition of “UCITS directive information” was inserted by [S.I. 2011/1613](#).
- F17** [S.I. 2011/1613](#).
- F18** Paragraph (3) of regulation 3 was amended by [S.I. 2012/916](#).
- F19** Paragraph (5) of regulation 5 was amended by [S.I. 2012/916](#).
- F20** Regulation 6 was amended by [S.I. 2011/1043](#).
- F21** Regulation 8 was substituted by [S.I. 2006/3413](#).
- F22** Sub-paragraph (a) was amended by [S.I. 2012/916](#) and 2013/504.
- F23** Sub-paragraph (b) was amended by [S.I. 2014/3348](#) and 2017/701.
- F24** Sub-paragraph (c) was amended by [S.I. 2013/504](#) and 2016/680.
- F25** Sub-paragraph (d) was amended by [S.I. 2014/3348](#), 2016/715 and 2017/701.
- F26** Sub-paragraph (f) was inserted by [S.I. 2015/2038](#).
- F27** In paragraph (1) reference to paragraph (3) was inserted by [S.I. 2010/2628](#), reference to paragraph (3E) was inserted by [S.I. 2013/504](#), reference to paragraph (3EA) was inserted by [S.I. 2016/715](#) and reference to paragraph (3F) was inserted by [S.I. 2015/910](#).
- F28** Paragraph (1A) was inserted by [S.I. 2013/3115](#).
- F29** Paragraph (2ZA) was inserted by [S.I. 2013/1773](#).
- F30** Paragraph (2B) was inserted by [S.I. 2013/1773](#).
- F31** [S.I. 2013/1773](#).
- F32** Words in reg. 4(8)(d)(ii) 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. 41(b)**
- F33** Paragraph (2C) was inserted by [S.I. 2014/3348](#).
- F34** Paragraph (3) was amended by [S.I. 2007/3255](#) and 2013/3115.
- F35** Sub-paragraphs (e) and (f) were inserted by [S.I. 2012/916](#).
- F36** Paragraph (3C) was inserted by [S.I. 2011/1613](#).
- F37** Paragraph (3D) was inserted by [S.I. 2011/1613](#).
- F38** Paragraph (3E) was inserted by [S.I. 2013/504](#).
- F39** Paragraph (3EA) was inserted by [S.I. 2016/715](#).

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- F40** Paragraph (3F) was inserted by [S.I. 2015/910](#).
- F41** Paragraph (4) was inserted by [S.I. 2010/2628](#) and was substituted by [S.I. 2013/3115](#).
- F42** Paragraph (5) was inserted by [S.I. 2014/3348](#).
- F43** Regulation 10A was inserted by [S.I. 2014/3348](#).
- F44** Regulation 10B was inserted by [S.I. 2014/3348](#).
- F45** Heading to Part IV was amended by [S.I. 2012/916](#).
- F46** Sub-paragraph (a) was amended by [S.I. 2012/916](#).
- F47** Sub-paragraph (d) was inserted by [S.I. 2006/3413](#) and was amended by [S.I. 2017/701](#).
- F48** Sub-paragraph (e) was inserted by [S.I. 2011/1613](#).
- F49** Sub-paragraph (f) was inserted by [S.I. 2013/504](#).
- F50** Sub-paragraph (fa) was inserted by [S.I. 2016/715](#).
- F51** Sub-paragraph (g) was inserted by [S.I. 2014/3348](#).
- F52** Words in reg. 4(14) 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. 41\(c\)](#)
- F53** Words in reg. 4(15)(a)-(c) 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. 41\(d\)](#)
- F54** Regulation 17 was inserted by [S.I. 2006/3413](#).
- F55** OJ No. L 145, 30.4.2004 p.1.
- F56** Words in reg. 4(17) 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. 41\(e\)\(i\)](#)
- F57** Words in reg. 4(17) 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. 41\(e\)\(ii\)](#)
- F58** Heading to Schedule 1 was amended by [S.I. 2012/916](#).
- F59** Entry was inserted by [S.I. 2014/3348](#).
- F60** Entry was inserted by [S.I. 2014/3348](#).
- F61** Words in reg. 4(19)(c) 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. 41\(f\)](#)
- F62** Entry was inserted by [S.I. 2001/3624](#).
- F63** Entry was inserted by [S.I. 2012/916](#).
- F64** Entry was inserted by [S.I. 2012/916](#).
- F65** Entry was inserted by [S.I. 2012/916](#).
- F66** Table in Part 2 was amended by [S.I. 2014/3348](#).
- F67** Entry was inserted by [S.I. 2014/3348](#).
- F68** Entry was amended by [S.I. 2013/504](#).
- F69** Entry was inserted by [S.I. 2001/3624](#).
- F70** Entry was inserted by [S.I. 2013/504](#).
- F71** Entry was inserted by [S.I. 2017/1064](#).
- F72** Table in Part 5 was inserted by [S.I. 2010/2628](#).
- F73** Heading to Schedule 2 was amended by 2012/916.
- F74** Entry was amended by 2013/504.
- F75** Entry was inserted by 2017/1064.

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#### Commencement Information

- I1** Reg. 4 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);

### The Financial Services and Markets Act 2000 (Confidential Information) (Bank of England) (Consequential Provisions) Order 2001

**5.—**(1) The Financial Services and Markets Act 2000 (Confidential Information) (Bank of England) (Consequential Provisions) Order 2001 <sup>F76</sup> is amended as follows.

(2) In article 3(1)—

- (a) in sub-paragraph (a) for “; or” substitute “ . ”;
- (b) omit sub-paragraph (b).

(3) In the heading to article 4, for “single market directive information” substitute “ specified confidential EU law information ”.

(4) In article 4—

- (a) omit paragraphs (1) and (2); and
- (b) in paragraph (3) for “single market directive information” substitute “ specified confidential EU law information ”.

(5) In article 6—

- (a) in paragraph (3) for “single market directive information” substitute “ specified confidential EU law information ”;
- (b) in paragraph (4) for “single market directive information” substitute “ specified confidential EU law information ”; and
- (c) in paragraph (5) for “single market directive information” substitute “ specified confidential EU law information ”.

**F76** [S.I. 2001/3648](#).

#### Commencement Information

- I2** Reg. 5 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);

### The Electronic Money Regulations 2011

**6.—**(1) The Electronic Money Regulations 2011 <sup>F77</sup> are amended as follows.

(2) In Schedule 3—

- (a) in paragraph 6(b)(ii), for “subsections (3A) and (3B)” substitute “ subsection (3A) ”;
- (b) in paragraph 11—
  - (i) in sub-paragraph (a)(i), for “ “directive restrictions” ” substitute “ “relevant provisions” ”;
  - (ii) in sub-paragraph (a)(ii)—
    - (aa) in the opening words for “ “EEA regulatory authority” ” substitute “ “disciplinary proceedings authority” ”; and
    - (bb) for the definition of “electronic money directive information” substitute—

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““electronic money information” means confidential information received by the Authority in the course of discharging its functions as the competent authority under the electronic money directive;”;

(iii) in sub-paragraph (a)(iii), for “ “overseas regulatory authority”” substitute “ “third country regulatory authority” ”

(iv) in sub-paragraph (c) omit “directive”;

(v) in sub-paragraph (d) omit “directive”;

(vi) in sub-paragraph (e) omit “directive”.

[<sup>F78</sup>(vii) in sub-paragraph (f)(ii), for “Department of Enterprise, Trade and Investment” substitute “Department for the Economy”.]

**F77** [S.I. 2011/99](#).

**F78** Reg. 6(2)(b)(vii) inserted (31.12.2020 immediately before IP completion day) by [The Financial Services \(Miscellaneous\) \(Amendment\) \(EU Exit\) \(No. 3\) Regulations 2019 \(S.I. 2019/1390\)](#), regs. 1(4), 13; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I3** Reg. 6 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);

## The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012

7.—(1) The Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 <sup>F79</sup> are amended as follows.

(2) In the Schedule, in paragraph 9—

(a) in paragraph (a)—

(i) in the opening words, for “ “overseas regulatory authority”” substitute “ “third country regulatory authority” ”;

(ii) in the opening words that are inserted by paragraph (9)(a), for “or any function” substitute “ or an authority in a country or territory outside the United Kingdom which exercises any function of a kind corresponding to a function ”;

(b) in paragraph (d), in the inserted sub-paragraph (c), in the opening words, for “as the competent authority under” substitute “ corresponding to ”;

(c) in paragraph (e), in the inserted paragraph (4A), in the opening words, for “as the competent authority under” substitute “ corresponding to ”;

(d) in paragraph (f), in the inserted sub-paragraph (f), in the opening words, for “as the competent authority under” substitute “ corresponding to ”;

(e) in paragraph (g)(ii), for “ “The Department of Enterprise, Trade and Investment in Northern Ireland”” substitute “ “The Department for the Economy in Northern Ireland” ”.

**F79** [S.I. 2012/3122](#).

#### Commencement Information

**I4** Reg. 7 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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## The Financial Services (Banking Reform) Act 2013 (Disclosure of Confidential Information) Regulations 2014

**8.—(1)** The Financial Services (Banking Reform) Act 2013 (Disclosure of Confidential Information) Regulations 2014 <sup>F80</sup> are amended as follows.

(2) In regulation 2, for the definition of “single market restrictions” substitute, in the appropriate place—

““retained EU law restrictions” has the meaning given in regulation 2 of the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001.”.

(3) In regulation 3(3), for “single market restrictions” substitute “retained EU law restrictions”.

(4) In regulation 5(4), for “single market restrictions” substitute “retained EU law restrictions”.

(5) Omit regulation 6.

**F80** [S.I. 2014/882](#).

### Commencement Information

**I5** Reg. 8 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);

## The Payment Services Regulations 2017

**9.—(1)** The Payment Services Regulations 2017 <sup>F81</sup> are amended as follows.

(2) In regulation 147—

- (a) in paragraph (1), in the opening words, for “must” substitute “may”; and
- (b) omit paragraph (4).

(3) In Schedule 6—

- (a) in paragraph 8(1)(b) for “subsections (3A) and (3B) were” substitute “subsection (3A) was”;

(b) in paragraph 13—

(i) in sub-paragraph (a)—

(aa) omit paragraphs (i) and (ii);

(bb) in paragraph (iii), in the opening words for “after the definition of “overseas regulatory authority”” substitute “before the definition of “prescribed disciplinary proceedings””;

(cc) in paragraph (iii) omit the definition of “payment services directive information”;

(dd) for paragraph (iv) substitute—

“(iv) in the definition of “relevant provisions”, after paragraph (j) there were inserted—

“(k) Article 24 of the payment services directive;”;

(v) in the definition of “relevant directives”, after paragraph (e) there were inserted—

“(ea) the payment services directive;”

(ii) omit sub-paragraph (d);

(iii) in sub-paragraph (e)(ii), in the inserted paragraph (1B), omit “directive”;

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- (iv) omit sub-paragraph (f);
- (v) in sub-paragraph (g)—
  - (aa) in the opening words, for “single market restrictions” substitute “retained EU law restrictions”;
  - (bb) in sub-paragraph (ii), for “The Department of Enterprise, Trade and Investment in Northern Ireland” substitute “The Department for the Economy in Northern Ireland”.

**F81** [S.I. 2017/752](#).

**Commencement Information**

**I6** Reg. 9 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);

**Changes to legislation:**

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

- Regulations power to modify conferred by [2023 c. 29 s. 3Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)