

2024 No. 1071 (C. 72)

FINANCIAL SERVICES AND MARKETS

**The Financial Services and Markets Act 2023 (Commencement
No. 8) Regulations 2024**

Made - - - -

28th October 2024

The Treasury make these Regulations in exercise of the powers conferred by section 86(3) and (4) of the Financial Services and Markets Act 2023^(a).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Financial Services and Markets Act 2023 (Commencement No. 8) Regulations 2024.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) In these Regulations “the Act” means the Financial Services and Markets Act 2023.

Provisions coming into force on the day after the day on which these Regulations are made

2. The following provisions of the Act come into force on the day after the day on which these Regulations are made—

- (a) section 1(1) (revocation of assimilated law relating to financial services and markets), so far as it relates to the provisions in paragraph (d) of this regulation,
- (b) section 2(1) (transitional amendments), so far as it relates to provisions in paragraph (e) of this regulation,
- (c) section 64 (unauthorised co-ownership AIFs),
- (d) in Part 3 (EU tertiary legislation etc) of Schedule 1 (revocation of assimilated law relating to financial services), the revocation of—
 - (i) Commission Implementing Regulation (EU) 2016/1368 of 11 August 2016 establishing a list of critical benchmarks used in financial markets pursuant to Regulation (EU) 2016/1011 of the European Parliament and of the Council^(b),
 - (ii) Commission Implementing Regulation (EU) 2018/33 of 28 September 2017 laying down implementing technical standards with regard to the standardised presentation format of the statement of fees and its common symbol according to Directive 2014/92/EU of the European Parliament and of the Council^(c),

(a) 2023 c. 29.

(b) EUR 2016/1368, amended by S.I. 2019/657.

(c) EUR 2018/33. These technical standards were made under Directive 2014/92 of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access

- (iii) Commission Implementing Regulation (EU) 2018/34 of 28 September 2017 laying down implementing technical standards with regard to the standardised presentation format of the fee information document and its common symbol according to Directive 2014/92/EU of the European Parliament and of the Council^(a)
- (e) in Part 1 (amendments to the Markets in Financial Instruments Regulation) of Schedule 2 (transitional amendments)—
 - (i) paragraph 1 (introductory), so far as it relates to paragraph 26 (amendment of Article 50C), and
 - (ii) paragraph 26.

Provisions coming into force on the day after the day on which these Regulations are made for the purposes of making rules or giving directions

3. The following provisions of the Act come into force on the day after the day on which these Regulations are made for the purposes of making rules or giving directions—

- (a) section 2(1), so far as it relates to provisions in paragraphs (b) and (c) of this regulation,
- (b) in Part 1 of Schedule 2—
 - (i) paragraph 1, so far as it relates to the provision of sub-paragraphs (ii) to (ix) of this paragraph,
 - (ii) paragraph 7 (transparency requirements for fixed income instruments and derivatives),
 - (iii) paragraph 8 (definition of systematic internalisers),
 - (iv) paragraph 10 (systematic internalisers pre-trade transparency for fixed income instruments and derivatives etc),
 - (v) paragraph 11 (investment firms (including systematic internalisers): post-trade transparency requirements for fixed income instruments and derivatives etc),
 - (vi) paragraph 12 (providing information for transparency and other calculations),
 - (vii) paragraph 17 (suspension or modification of Article 28),
 - (viii) paragraph 18 (risk reduction services),
 - (ix) paragraph 27 (amendment of Article 50D),
- (c) in Part 4 (amendments to the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017) of Schedule 2—
 - (i) paragraph 44 (introductory), so far as it relates to the provisions in sub-paragraphs (ii) and (iii) of this paragraph,
 - (ii) paragraph 45 (FCA rules relating to position limits), and
 - (iii) paragraph 49 (definitions).

Provisions coming into force on 1st December 2024

4. The following provisions of the Act come into force on 1st December 2024—

- (a) section 2(1), so far as it relates to the provisions in paragraph (b) of this regulation,

to payment accounts with basic features, which is listed in paragraph (u) of Part 3 (EU Tertiary Legislation) of Schedule 1 to the Financial Services and Markets Act 2023 (c. 29) (revocation of assimilated law relating to financial services).

(a) EUR 2018/34. These technical standards were made under Directive 2014/92 of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, which is listed in paragraph (u) of Part 3 (EU Tertiary Legislation) of Schedule 1 to the Financial Services and Markets Act 2023 (c. 29) (revocation of assimilated law relating to financial services).

- (b) in Part 1 of Schedule 2—
 - (i) paragraph 1, so far as it relates to the provisions in sub-paragraphs (ii) to (viii) of this paragraph,
 - (ii) paragraph 7, so far as not already in force,
 - (iii) paragraph 10, so far as not already in force,
 - (iv) paragraph 11, so far as not already in force,
 - (v) paragraph 20 (amendment of Article 12),
 - (vi) paragraph 21 (amendment of Article 13),
 - (vii) paragraph 24 (amendment of Article 47), and
 - (viii) paragraph 25 (amendment of Article 50B).

Provisions coming into force on 31st December 2024

- 5. The following provisions of the Act come into force on 31st December 2024—
 - (a) section 1(1), so far as it relates to the instruments listed in paragraph (c) and in the Schedule,
 - (b) section 2(1), so far as it relates to the provisions in paragraph (d) of this regulation,
 - (c) in Part 3 of Schedule 1, the revocation of the instruments listed in the Schedule to these Regulations(a),
 - (d) in Part 1 of Schedule 2 to the Act—
 - (i) paragraph 1, so far as it relates to the provision in sub-paragraph (ii) of this paragraph, and
 - (ii) paragraph 17, so far as not already in force.

Provisions coming into force on 31st March 2025

- 6. The following provisions of the Act come into force on 31st March 2025—
 - (a) section 2(1), so far as it relates to the provisions in paragraph (b) of this regulation,
 - (b) in Part 1 of Schedule 2—
 - (i) paragraph 1, so far as it relates to the provisions in sub-paragraphs (ii) and (iii) of this paragraph,
 - (ii) paragraph 22 (omission of Article 19), and
 - (iii) paragraph 27, so far as not already in force.

Provisions coming into force on 30th June 2025

- 7. The following provisions of the Act come into force on 30th June 2025—
 - (a) section 2(1), so far as it relates to the provisions in paragraph (b) of this regulation,
 - (b) in Part 1 of Schedule 2—

(a) The instruments listed in the Schedule to these Regulations, with the exception described subsequently, were made under Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), which is listed in Part 2 (subordinate legislation) of Schedule 1 to the Financial Services and Markets Act 2023 (c. 29) (“FSMA”) (revocation of assimilated law relating to financial services). Commission Implementing Decision (EU) 2019/541 was made under Regulation (EU) 600/2014 of the European Parliament and Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) 648/2012, which is listed in Part 1 of Schedule 1 to FSMA.

- (i) paragraph 1, so far as it relates to the provision in sub-paragraph (ii) of this paragraph, and
- (ii) paragraph 18, so far as not already in force.

Provisions coming into force on 1st December 2025

8. The following provisions of the Act come into force on 1st December 2025—
- (a) section 2(1), so far as it relates to the provisions in paragraph (b) of this regulation,
 - (b) in Part 1 of Schedule 2—
 - (i) paragraph 1, so far as it relates to the provision in sub-paragraphs (ii) and (iii) of this Regulation,
 - (ii) paragraph 8, so far as not already in force, and
 - (iii) paragraph 12, so far as not already in force.

Provisions coming into force on 6th July 2026

9. The following provisions of the Act come into force on 6th July 2026—
- (a) section 2(1), so far as it relates to the provisions in paragraph (b) of this regulation,
 - (b) in Part 4 of Schedule 2—
 - (i) paragraph 44, so far as it relates to the provisions in sub-paragraphs (ii) to (v) of this paragraph,
 - (ii) paragraph 45, so far as not already in force,
 - (iii) paragraph 46,
 - (iv) paragraph 49, so far as not already in force, and
 - (v) paragraph 50.

28th October 2024

Vicky Foxcroft
Jeff Smith
Two of the Lords Commissioners of His Majesty's Treasury

SCHEDULE

Regulation 5(c)

EU tertiary legislation revoked on 31st December 2024

- Commission Delegated Decision (EU) 2015/1602 of 5 June 2015 on the equivalence of the solvency and prudential regime for insurance and reinsurance undertakings in force in Switzerland based on Articles 172(2), 227(4) and 260(3) of Directive 2009/138/EC of the European Parliament and of the Council
- Commission Delegated Decision (EU) 2015/2290 of 12 June 2015 on the provisional equivalence of the solvency regimes in force in Australia, Brazil, Canada, Mexico and the United States and applicable to insurance and reinsurance undertakings with head offices in those countries
- Commission Delegated Decision (EU) 2016/309 of 26 November 2015 on the equivalence of the supervisory regime for insurance and reinsurance undertakings in force in Bermuda to the regime laid down in Directive 2009/138/EC of the European Parliament and of the Council and amending Commission Delegated Decision (EU) 2015/2290
- Commission Delegated Decision (EU) 2016/310 of 26 November 2015 on the equivalence of the solvency regime for insurance and reinsurance undertakings in force in Japan to the regime laid down in Directive 2009/138/EC of the European Parliament and of the Council
- Commission Implementing Decision (EU) 2019/541 of 1 April 2019 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council
- Commission Implementing Regulation (EU) 2020/657 of 15 May 2020 correcting certain language versions of Implementing Regulation (EU) 2015/2450 laying down implementing technical standards with regard to the templates for the submission of information to the supervisory authorities according to Directive 2009/138/EC of the European Parliament and of the Council

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the eighth commencement regulations made under the Financial Services and Markets Act 2023 (c. 29) (“the Act”).

The provisions commenced under regulation 2 come into force on the day after the day on which these Regulations are made.

Regulations 2(a) and (d)(ii) and (iii) commence the revocation of Commission Implementing Regulations (EU) 2018/33 and 2018/34 which lay down implementing technical standards with regard to the standardised presentation format of the statement of fees and the fee information document and their common symbol. These supplement Part 2 of, and Schedules 1 and 2 to, the Payment Accounts Regulations 2015 (S.I. 2015/2038). The revocation of these provisions was previously commenced in the Financial Services and Markets Act 2023 (Commencement No. 1) Regulations 2023 (S.I. 2023/779 (c. 40)).

Regulation 2(b) and (e) give the FCA the power to suspend waivers under Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments.

Regulation 2(c) amends the Financial Services and Markets Act 2000 (c. 8) giving HM Treasury the power to make regulations about unauthorised co-ownership alternative investment funds.

Regulation 2(d)(i) commences the revocation of the assimilated law under which the London Interbank Offered Rate (LIBOR) is recognised as a critical benchmark for the purposes of Regulation (EU) 2016/1011 of the European Parliament and of the Council. All LIBOR settings have ceased to be published; commencing this Regulation removes LIBOR as a critical benchmark.

The provisions commenced under regulation 3 come into force on the day after the day on which these Regulations are made for the purposes of making rules or giving directions only.

Regulations 3(a) and (b) amend Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and give the FCA the power to make rules relating to pre- and post-trade transparency requirements for fixed income instruments and derivatives and systematic internalisers.

Regulations 3(a) and (c) amend the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017 (S.I. 2017/701) and give the FCA the power to make rules relating to position limits and position managements.

The provisions commenced under regulation 3 come into force for all remaining purposes under—

- Regulation 4 on 1st December 2024,
- Regulation 5(b) and (d) on 31st December 2024,
- Regulation 6(a) and (b)(ii) on 31st March 2025,
- Regulation 7 on 30th June 2025,
- Regulation 8 on 1st December 2025, and
- Regulation 9(a) and (b)(i), (ii) and (iv) on 6th July 2026.

Regulations 5(a) and (c) commence on 31st December 2024 the revocation of the assimilated EU tertiary legislation listed in the Schedule. This legislation includes decisions recognising that foreign regimes, including solvency regimes and supervisory regimes for insurance and reinsurance

undertakings and approved exchanges and recognised market operators, are equivalent to the UK's systems and frameworks. These decisions will be restated on the day on which the revocation of the decisions comes into effect.

Regulations 6(a) and (b)(i) commence on 31st March 2025 amendments to Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments to remove the requirements for trading venues, approved publication arrangements and consolidated tape providers to provide information for determining whether an investment firm is a systematic internaliser.

Regulation 9(a) and (b)(iii) and (iv) commence on 6th July 2026 the replacement of the FCA's duty to impose position limits in respect of specified commodity derivatives with a power to do the same.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. A full impact assessment has been published in relation to the Act and copies can be obtained from HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ or at <https://bills.parliament.uk/publications/49053/documents/2621>.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Financial Services and Markets Act 2000 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1) (in part)	11th July 2023	2023/779 (C.40)
Section 1(1) (in part)	29th August 2023	2023/779 (C.40)
Section 1(1) (in part)	14th December 2023	2023/1382 (C.97)
Section 1(1) (in part)	1st January 2024	2023/779 (C.40)
Section 1(1) (in part)	1st January 2024	2023/1382 (C.97)
Section 1(1) (in part)	5th April 2024	2023/1382 (C.97)
Section 1(1) (in part)	30th June 2024	2023/1382 (C.97)
Section 1(1) (in part)	31st December 2024	2024/620 (C.39)
Section 1(1) (in part)	1st November 2024	2024/891 (C.57)
Section 1(2), (4), (5) and (6)	11th July 2023	2023/779 (C.40)
Section 2(1) (in part)	29th August 2023	2023/779 (C.40)
Section 2(1) (in part)	14th December 2023	2023/1382 (C.97)
Section 2(2) and (3)	11th July 2023	2023/779 (C.40)
Section 3	11th July 2023	2023/779 (C.40)
Section 4 to 6	29th August 2023	2023/779 (C.40)
Section 7	11th July 2023	2023/779 (C.40)
Section 8	29th August 2023	2023/779 (C.40)
Section 9(1) to (5)	1.00am on 1st January 2024	2023/1382 (C.97)
Section 9(6)	29th August 2023	2023/779 (C.40)
Section 10	1.00am on 1st January 2024	2023/1382 (C.97)
Section 11	29th August 2023	2023/779 (C.40)
Section 12	1.00am on 1st January 2024	2023/1382 (C.97)
Sections 13 to 19	29th August 2023	2023/779 (C.40)
Section 20 (in part)	6th September 2023	2023/936 (C.55)
Section 20 (in part)	6th November 2023	2023/936 (C.55)
Section 20 (so far as not already in force)	7th February 2024	2023/936 (C.55)

Section 21	1st January 2024	2023/1382 (C.97)
Section 23	29th August 2023	2023/779 (C.40)
Sections 25 and 26	29th August 2023	2023/779 (C.40)
Section 27 (in part)	29th August 2023	2023/779 (C.40)
Section 27 (so far as not already in force)	1st January 2025	2023/1382 (C.97)
Sections 28 to 32	29th August 2023	2023/779 (C.40)
Section 33	1st January 2024	2023/1382 (C.97)
Sections 34 to 40	29th August 2023	2023/779 (C.40)
Section 41 (in part)	29th August 2023	2023/779 (C.40)
Section 41 (so far as not already in force)	26th December 2023	2023/779 (C.40)
Section 42 (in part)	29th August 2023	2023/779 (C.40)
Section 42 (so far as not already in force)	26th December 2023	2023/1382 (C.97)
Section 43 (in part)	29th August 2023	2023/779 (C.40)
Section 43 (so far as not already in force)	1st August 2024	2023/1382 (C.97)
Sections 44 and 45	29th August 2023	2023/779 (C.40)
Section 46(1) (in part)	29th August 2023	2023/779 (C.40)
Section 46(2), (7) and (9) (in part)	29th August 2023	2023/779 (C.40)
Section 46 (so far as not already in force)	26th December 2023	2023/1382 (C.97)
Section 47	29th August 2023	2023/779 (C.40)
Section 48 (in part)	1.00am on 1st January 2024	2023/1382 (C.97)
Section 48 (in part)	1st January 2025	2023/1382 (C.97)
Section 48 (so far as not already in force)	1st February 2025	2023/1382 (C.97)
Section 49	1.00am on 1st January 2024	2023/1382 (C.97)
Section 50 (in part)	1.00am on 1st January 2024	2023/1382 (C.97)
Section 50 (so far as not already in force)	1st August 2024	2023/1382 (C.97)
Section 51 (in part)	29th August 2023	2023/779 (C.40)
Section 51 (in part)	1st January 2025	2023/1382 (C.97)
Section 51 (in part)	1st March 2024	2024/250 (C.11)
Section 51 (in part)	1st August 2024	2024/250 (C.11)
Section 51 (so far as not already in force)	1st January 2025	2024/250 (C.11)
Section 53	29th August 2023	2023/779 (C.40)
Section 57 (in part)	29th August 2023	2023/779 (C.40)
Section 57 (in so far as not already in force)	31st December 2023	2023/1382 (C.97)
Section 59	29th August 2023	2023/779 (C.40)
Section 63	29th August 2023	2023/779 (C.40)
Sections 65 to 69	29th August 2023	2023/779 (C.40)
Section 70(1), (3) and (4) (in part)	1st January 2024	2023/1382 (C.97)
Section 70 (in so far as not already in force)	1st March 2024	2024/250 (C.11)
Section 71	1st March 2024	2024/250 (C.11)
Section 73	29th August 2023	2023/779 (C.40)

Section 75	29th August 2023	2023/779 (C.40)
Section 76	29th August 2023	2023/779 (C.40)
Section 79	29th August 2023	2023/779 (C.40)
Schedule 1, Part 1 (in part)	11th July 2023	2023/779 (C.40)
Schedule 1, Part 1 (in part)	14th December 2023	2023/1382 (C.97)
Schedule 1, Part 1 (in part)	1st January 2024	2023/779 (C.40)
Schedule 1, Part 1 (in part)	1st January 2024	2023/1382 (C.97)
Schedule 1, Part 1 (in part)	5th April 2024	2023/1382 (C.97)
Schedule 1, Part 1 (in part)	1st November 2024	2024/891 (C.57)
Schedule 1, Part 2 (in part)	11th July 2023	2023/779 (C.40)
Schedule 1, Part 2 (in part)	29th August 2023	2023/779 (C.40)(a)
Schedule 1, Part 2 (in part)	14th December 2023	2023/1382 (C.97)
Schedule 1, Part 2 (in part)	1st January 2024	2023/779 (C.40)
Schedule 1, Part 2 (in part)	1st January 2024	2023/1382 (C.97)
Schedule 1, Part 2 (in part)	5th April 2024	2023/1382 (C.97)
Schedule 1, Part 2 (in part)	30th June 2024	2023/1382 (C.97)
Schedule 1, Part 2 (in part)	31st December 2024	2024/620 (C.39)
Schedule 1, Part 2 (in part)	1st November 2023	2024/891 (C.57)
Schedule 1, Part 3 (in part)	1st January 2024	2023/779 (C.40)
Schedule 1, Part 3 (in part)	1st January 2024	20238/1382 (C.97)
Schedule 1, Part 3 (in part)	5th April 2024	2023/1382 (C.97)
Schedule 1, Part 3 (in part)	30th June 2024	2023/1382 (C.97)
Schedule 1, Part 3 (in part)	31st December 2024	2024/620 (C.39)
Schedule 1, Part 3 (in part)	1st November 2024	2024/891 (C.57)
Schedule 1, Part 4 (in part)	1st January 2024	2023/779 (C.40)
Schedule 1, Part 5 (in part)	1st January 2024	2023/1382 (C.97)
Schedule 1, Part 5 (in part)	31st December 2024	2024/620 (C.39)
Schedule 1, Part 5 (in part)	1st November 2024	2024/891 (C.57)
Schedule 2, Part 1, paragraph 4	14th December 2023	2023/1382 (C.97)
Schedule 2, Part 1, paragraphs 5, 6, 9, 13 to 16	29th August 2023	2023/779 (C.40)
Schedule 2, Part 1, paragraph 19 (in part)	29th August 2023	2023/779 (C.40)
Schedule 2, Part 1, paragraph 25 (in part)	29th August 2023	2023/779 (C.40)
Schedule 2, Parts 2, 3 and 6	29th August 2023	2023/779 (C.40)
Schedule 3	29th August 2023	2023/779 (C.40)
Schedule 4	29th August 2023	2023/779 (C.40)
Schedule 5 (in part)	6th September 2023	2023/936 (C.55)
Schedule 5 (in part)	6th November 2023	2023/936 (C.55)
Schedule 5 (so far as not already in force)	7th February 2024	2023/936 (C.55)
Schedule 7, paragraph 1 (in part)	29th August 2023	2023/779 (C.40)
Schedule 7, paragraph 1 (in part)	1st January 2024	2023/1382 (C.97)
Schedule 7, paragraph 1 (in part)	1st August 2024	2024/250 (C.11)
Schedule 7, paragraph 1 (so far as not already in force)	1st January 2025	2024/250 (C.11)

(a) As amended by S.I. 2023/937.

Schedule 7, paragraph 2 (in part)	29th August 2023	2023/779 (C.40)
Schedule 7, paragraph 2 (so far as not already in force)	1st January 2024	2023/1382 (C.97)
Schedule 7, paragraph 3 (in part)	29th August 2023	2023/779 (C.40)
Schedule 7, paragraph 3 (so far as not already in force)	1st January 2025	2023/1382 (C.97)
Schedule 7, paragraphs 4 to 6	29th August 2023	2023/779 (C.40)
Schedule 7, paragraph 7 (in part)	29th August 2023	2023/779 (C.40)
Schedule 7, paragraph 7 (so far as not already in force)	1st August 2024	2023/1382 (C.97)
Schedule 7, paragraph 8	1st January 2024	2023/1382 (C.97)
Schedule 7, paragraphs 9 to 13	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 3(9) to (11)	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 13(5) to (7)	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 16	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 20	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 22(10) to (12)	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 25(2), (3), (5) and (8)	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 32(2) to (5)	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 75	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 76	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 78	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 85	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 87	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 154	29th August 2023	2023/779 (C.40)
Schedule 11, paragraph 165	29th August 2023	2023/779 (C.40)
Schedule 11 (so far as not already in force)	31st December 2023	2023/1382 (C.97)
Schedule 14	29th August 2023	2023/779 (C.40)

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£8.14

<http://www.legislation.gov.uk/id/uksi/2024/1071>

ISBN 978-0-34-826485-2



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