

2015 No. 347

FINANCIAL SERVICES AND MARKETS

**The Financial Markets and Insolvency (Settlement Finality)
(Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>23rd February 2015</i>
<i>Laid before Parliament</i>		<i>24th February 2015</i>
<i>Coming into force</i>	- -	<i>18th March 2015</i>

The Treasury are designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to financial services.

The Treasury in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Financial Markets and Insolvency (Settlement Finality) (Amendment) Regulations 2015 and come into force on 18th March 2015.

Amendment to the Financial Markets and Insolvency (Settlement Finality) Regulations 1999

2.—(1) The Financial Markets and Insolvency (Settlement Finality) Regulations 1999^(c) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1) in the definition of “the Settlement Finality Directive”, for the words from “as amended by” to the end of the definition substitute “, as last amended by Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23rd July 2014 on improving securities settlement in the European Union and on central securities depositories^(d)”.

(3) In regulation 4 (grant and refusal of designation), after paragraph (5) insert—

“(6) The designating authority must notify the European Securities and Markets Authority of a designation order made by it.”.

Gavin Barwell

Alun Cairns

23rd February 2015

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2012/1759.

(b) 1972 c.68; section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c. 51) and by section 3 of, and the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(c) S.I. 1999/2979; the definition of “Settlement Finality Directive” in regulation 2(1) was amended by S.I. 2010/2993. There are other amendments but none is relevant.

(d) OJ No L257, 28.8.2014, p1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Article 70 of Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23rd July 2014 on improving securities settlement in the European Union and on central securities depositories (OJ No L257, 28.8.2014, p1) (“CSDR”). Article 70 amends the definition of “system” in Directive 98/26/EC of the European Parliament and of the Council on 19th May 1998 on settlement finality in payment and securities settlement systems (OJ No L166, 11.06.1998, p45) (“the Directive”) to provide that a Member State designating a payment or securities settlement system for the purposes of the Directive must notify the European Securities and Markets Authority (rather the European Commission as previously provided).

The Regulations amend the Financial Markets and Insolvency (Settlement Finality) Regulations 1999 (S.I. 1999/2979) (“the 1999 Regulations”) to include such a notification requirement for the United Kingdom designating authorities, which are the Financial Conduct Authority and the Bank of England. They also amend the definition of “Settlement Finality Directive” in the 1999 Regulations to make it clear that references in the 1999 Regulations to the Directive are to the Directive as last amended by CSDR.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen. A transposition note setting out how Article 70 of CSDR is transposed into UK law is available from Her Majesty’s Treasury, 1 Horse Guards Road, London SW1A 2HQ and is published alongside these Regulations on www.legislation.gov.uk.

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