
STATUTORY INSTRUMENTS

2019 No. 679

**The Uncertificated Securities (Amendment
and EU Exit) Regulations 2019**

PART 3

Amendment of subordinate legislation

Amendments to the Uncertificated Securities Regulations 2001

- 4.—(1) The Uncertificated Securities Regulations 2001 ^{M1} are amended as follows.
- (2) In regulation 3(1) (interpretation)—
- (a) in the appropriate place insert—
- ““CSD regulation” means Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories;”;
- (b) for the definition of “Operator”^{M2} substitute—
- ““Operator” means a person operating or proposing to operate a relevant system subject to these Regulations, who is—
- (a) a recognised CSD within the meaning of section 285(1)(e) of the 2000 Act ^{M3},
- (b) an EEA CSD within the meaning of section 285(1)(f) of the 2000 Act, or
- (c) a third country CSD within the meaning of section 285(1)(g) of the 2000 Act;”;
- (c) in the definition of “settlement”^{M4}, omit “except in paragraph 28 of Schedule 1,”.
- (3) Omit regulation 4 ^{M5} (applications for approval).
- (4) For regulation 5 ^{M6} (grant and refusal of approval) substitute—

“Operating conditions for relevant system

5. Schedule 1 ^{M7} contains the requirements which must be satisfied with respect to the Operator, the Operator's rules and practices and the relevant system.”.

- (5) In regulation 6 ^{M8} (fees charged by the Bank of England)—
- (a) omit paragraph (1);
- (b) omit sub-paragraph (a) of paragraph (3).
- (6) Omit regulation 7 ^{M9} (withdrawal of approval).
- (7) Omit regulation 12 ^{M10} (international obligations).
- (8) Omit regulation 13 ^{M11} (prevention of excessive regulatory provision).
- (9) In Schedule 1 (requirements for approval of a person as Operator)—

- (a) for the heading substitute “ Requirements for operation of a relevant system ”;
 - (b) omit paragraphs 1 to 4;
 - (c) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—
 - “(1) A relevant system must satisfy the requirements of sub-paragraphs (3) to (6).”;
 - (ii) omit sub-paragraph (2);
 - (iii) in sub-paragraph (3)—
 - (aa) for paragraph (a) substitute—
 - “(a) in accordance with the specifications of the Operator, and those specifications shall provide that each dematerialised instruction is identifiable as being from the computers of the Operator or of a particular system-participant; or”;
 - (bb) in paragraph (b) omit “and” at the end of sub-paragraph (i) and omit sub-paragraph (ii);
 - (iv) in sub-paragraph (7), in the definition of “depository” after “ “depository” means” insert “ a CSD within the meaning of the CSD regulation or ”;
 - (d) omit paragraphs 6 to 8;
 - (e) omit paragraphs 10 and 11;
 - (f) omit paragraphs 23 and 24;
 - (g) omit paragraph 25(a) and (d);
 - (h) omit paragraphs 27 and 28.
- (10) Omit Schedule 2 (prevention of excessive regulatory provision).
- (11) In Schedule 3 ^{M12} (procedure for refusal or withdrawal of approval as Operator, or for giving directions etc.)—
- (a) for the heading substitute “ Procedure for giving directions ”;
 - (b) in paragraph 1 omit sub-paragraphs (a) and (b);
 - (c) in paragraph 2(a) omit “refuse the application, withdraw the approval or”;
 - (d) in paragraph 5 omit “refuse the application, withdraw the approval, or”;
 - (e) in paragraph 6(1)—
 - (i) omit sub-paragraphs (a) and (b);
 - (ii) after “decision” insert “ and the reasons for its decision ”;
 - (f) after paragraph 6 insert—

“9. If the Bank of England decides to give the direction, the Operator may refer the matter to the Upper Tribunal.

10. Part 9 of the 2000 Act (hearings and appeals) applies to a reference to the Upper Tribunal under paragraph 9 as it applies to a reference to the Upper Tribunal under the 2000 Act, with the following modifications—

- (a) a reference is a “disciplinary reference” for the purposes of section 133 of the 2000 Act ^{M13} if it is in respect of a decision to give a direction under this Schedule;
- (b) section 133(1)(a) and (c) of the 2000 Act does not apply.”;
- (g) omit paragraphs 7 and 8.

Commencement Information

- I1** Reg. 4 in force at 27.3.2019, see [reg. 1\(2\)](#)

Marginal Citations

- M1** [S.I. 2001/3755](#).
- M2** The definition of “Operator” was amended by [S.I. 2013/632](#).
- M3** [2000 c.8](#); paragraphs (e) to (g) of section 285(1) were inserted by [S.I. 2017/1064](#).
- M4** The definition of “settlement” was amended by [S.I. 2007/124](#).
- M5** [Regulation 4](#) was amended by [S.I. 2013/632](#).
- M6** [Regulation 5](#) was amended by [S.I. 2013/632](#).
- M7** [Schedule 1](#) was amended by [S.I. 2003/1633](#), [2007/124](#), [2013/472](#), [2013/504](#), [2013/632](#), [2013/3115](#) and [2017/701](#).
- M8** [Regulation 6](#) was amended by [S.I. 2013/632](#).
- M9** [Regulation 7](#) was amended by [S.I. 2001/3755](#) and [2013/632](#).
- M10** [Regulation 12](#) was amended by [S.I. 2011/1043](#) and [2013/632](#).
- M11** [Regulation 13](#) was amended, and [Schedule 2](#) was substituted, by [S.I. 2013/632](#).
- M12** [Schedule 3](#) was amended by [S.I. 2013/632](#).
- M13** [Section 133](#) was substituted by [S.I. 2010/22](#) and amended by section 23 of the Financial Services Act 2012, paragraph 83 in Part 3 of Schedule 9 to the [Crime and Courts Act 2013 \(c.22\)](#), [section 4](#) of the Financial Services (Banking Reform) Act 2013 and [S.I. 2013/1388](#), [2014/3329](#), [2016/680](#) and [2017/1064](#).

Changes to legislation:

There are currently no known outstanding effects for the The Uncertificated Securities (Amendment and EU Exit) Regulations 2019, Section 4.