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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

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

PART 2

Amendments to the Act

CHAPTER 15

Part 27 of the Act: offences

**Section 398 (misleading FCA or PRA: residual cases)**

**80.**—(1) Section 398(1) (misleading FCA or PRA: residual cases) is amended as follows.

(2) In subsection (1A)(2)—

(a) for paragraph (ea) substitute—

“(ea) any EU regulation, originally made under the markets in financial instruments directive, which is retained direct EU legislation;”;

(b) for paragraph (eb) substitute—

“(eb) any of the following—

- (i) the markets in financial instruments regulation,
- (ii) any EU regulation, originally made under the markets in financial instruments regulation, which is retained direct EU legislation, and
- (iii) any subordinate legislation (within the meaning of the Interpretation Act 1978) made under the markets in financial instruments regulation on or after exit day;”.

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(1) Section 398 was amended by section 37(1) of, and paragraph 1 of part 1 and paragraphs 36(1) and (3) of Part 7 of Schedule 9 to, the Financial Services Act 2012, [S.I. 2013/1773](#), [2015/1882](#), [2016/680](#), [2017/701](#), [2018/135](#) and [2018/698](#).

(2) Subsection (1A) was amended by [S.I. 2013/1773](#), [2015/1882](#), [2016/680](#), [2017/701](#), [2018/135](#) and [2018/698](#).