



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XVIII

#### [<sup>F1</sup>RECOGNISED INVESTMENT EXCHANGES, CLEARING HOUSES AND CSDS]

#### [<sup>F1</sup>CHAPTER 3B

#### DISCIPLINARY MEASURES

#### [<sup>F1</sup>312E Public censure

- (1) If the appropriate regulator considers that a recognised body has contravened a relevant requirement imposed on the body, it may publish a statement to that effect.

[ In the circumstances described in the second sub-paragraph of Article 24(5) of the  
<sup>F2</sup>(1A) CSD regulation, if the Bank of England considers that an EEA CSD has contravened a relevant requirement imposed on it, it may publish a statement to that effect.]

- (2) Where the FCA is the appropriate regulator, a requirement is a “relevant requirement” for the purposes of this Chapter if it is—
- (a) a requirement that is imposed by or under any provision of this Part that relates to a recognised investment exchange,
  - (b) a requirement that is imposed under any other provision of this Act by the FCA that relates to a recognised investment exchange,
  - (c) a requirement that is imposed by a qualifying EU provision specified, or of a description specified, for the purposes of this subsection by the Treasury by order, or
  - (d) a requirement that is imposed by this Act and whose contravention constitutes an offence that the FCA has power to prosecute under this Act (see section 401).
- (3) Where the Bank of England is the appropriate regulator, a requirement is a “relevant requirement” for the purposes of this Chapter if it is—

*Status: Point in time view as at 07/12/2018. This version of this provision has been superseded.*

*Changes to legislation: Financial Services and Markets Act 2000, Section 312E is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a requirement that is imposed by or under any provision of this Part that relates to a recognised clearing house [<sup>F3</sup>, a recognised CSD or an EEA CSD],
- (b) a requirement that is imposed under any other provision of this Act by the Bank,
- (c) a requirement that is imposed by [<sup>F4</sup>or under] a qualifying EU provision specified, or of a description specified, for the purposes of this subsection by the Treasury by order, or
- (d) a requirement that is imposed by this Act and whose contravention constitutes an offence that the Bank has power to prosecute under this Act (see section 401, as applied by paragraph 31 of Schedule 17A).]

#### **Textual Amendments**

- F1** Pt. 18 Ch. 3B inserted (24.1.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 33**, 122(3) (with [Sch. 20](#)); S.I. 2013/113, art. 2(1)(b)(c), [Sch. Pts. 2, 3](#); S.I. 2013/423, art. 3, [Sch.](#)
- F2** S. 312E(1A) inserted (28.11.2017) by [The Central Securities Depositories Regulations 2017 \(S.I. 2017/1064\)](#), [regs. 1](#), **2(27)(a)** (with [regs. 7\(4\)](#), 9(1))
- F3** Words in s. 312E(3)(a) inserted (28.11.2017) by [The Central Securities Depositories Regulations 2017 \(S.I. 2017/1064\)](#), [regs. 1](#), **2(27)(b)(i)** (with [regs. 7\(4\)](#), 9(1))
- F4** Words in s. 312E(3)(c) inserted (28.11.2017) by [The Central Securities Depositories Regulations 2017 \(S.I. 2017/1064\)](#), [regs. 1](#), **2(27)(b)(ii)** (with [regs. 7\(4\)](#), 9(1))

#### **Modifications etc. (not altering text)**

- C1** Ss. 312E-312I restricted (1.4.2013) by [The Financial Services Act 2012 \(Transitional Provisions\) \(Enforcement\) Order 2013 \(S.I. 2013/441\)](#), arts. 1(1), **13**
- C2** S. 312E applied (with modifications) (13.7.2016) by [The Financial Services and Markets Act 2000 \(Transparency of Securities Financing Transactions and of Reuse\) Regulations 2016 \(S.I. 2016/715\)](#), [regs. 1\(2\)](#), **13**
- C3** S. 312E applied (with modifications) (7.12.2018) by [The Central Securities Depositories \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1320\)](#), [regs. 1\(2\)](#), **26(3)**

**Status:**

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**Changes to legislation:**

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