

---

STATUTORY INSTRUMENTS

---

**1995 No. 3273**

**FINANCIAL SERVICES**

**The Financial Services Act 1986 (EEA  
Regulated Markets) (Exemption) Order 1995**

<i>Made</i>	- - - -	<i>18th December 1995</i>
<i>Laid before Parliament</i>		<i>18th December 1995</i>
<i>Coming into force</i>	- -	<i>1st January 1996</i>

The Treasury, in exercise of the powers conferred on them by section 46 of the Financial Services Act 1986<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Financial Services Act 1986 (EEA Regulated Markets) (Exemption) Order 1995 and shall come into force on 1st January 1996.

(2) In this Order—

“EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2nd May 1992<sup>(2)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(3)</sup>;

“the Investment Services Directive” means the Council Directive on investment services in the securities field (No.93/22/EEC)<sup>(4)</sup>.

**Exemption of certain European markets**

2. A person who provides the trading facilities constituting a market which—

- (a) appears on the list drawn up by an EEA State other than the United Kingdom pursuant to article 16 of the Investment Services Directive; and
- (b) operates without any requirement that a person dealing on the market should have a physical presence in the EEA State from which the trading facilities are provided or on any trading floor that the market may have,

---

(1) 1986 c. 60. Certain of the functions of the Secretary of State under the Financial Services Act 1986 were transferred to the Treasury by the Transfer of Functions (Financial Services) Order 1992 (S.I.1992/1315). The functions transferred included functions under section 46 of the Act.

(2) Cm 2073.

(3) Cm 2183.

(4) OJ No. L141, 10.5.93, p. 27.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

is an exempted person as respects anything done in connection with or for the purposes of the provision of those trading facilities.

18th December 1995

*Derek Conway*  
*Simon Burns*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order makes provision for an exemption from the scope of the authorisation requirement imposed by Part I of the Financial Services Act 1986. The exemption is needed because Article 15.4 of Council Directive No. [93/22/EEC](#) on investment services in the securities field (OJ No, L141, 10.5.93, p. 27) (“the Investment Services Directive”) has the effect that an EEA State must allow a market of the kind described in the Order to place within the territory of the State the facilities necessary to enable investment firms from that State to become members of the market or to have access to it.

The exemption has the effect that a person may, without having to obtain authorisation under the Financial Services Act, provide within the United Kingdom trading facilities constituting a market which operates without any requirement for a person dealing on the market to have a physical presence either in the EEA State from which the trading facilities are provided or on any physical floor that the market may have provided that the market appears on a list drawn up by another EEA State pursuant to the provisions of Article 16 of the Investment Services Directive. An EEA State may enter a market on the list only if the market concerned is a regulated market within the meaning of Article 1.13 of the Investment Services Directive and only if the EEA State is the home member State of the market within the meaning of article 1.6(c) of that Directive.