
STATUTORY INSTRUMENTS

2001 No. 544

The Financial Services and Markets Act
2000 (Regulated Activities) Order 2001

PART II

SPECIFIED ACTIVITIES

[^{F1}CHAPTER 15E

SPECIFIED BENCHMARKS

Textual Amendments

- F1** Pt. 2 Ch. 15E inserted (2.4.2013) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2013 \(S.I. 2013/655\)](#), arts. 1, 5

The activities

Specified benchmarks

630.—(1) The following are specified kinds of activity—

- (a) providing information in relation to a specified benchmark;
- (b) administering a specified benchmark.

(2) In this Chapter—

- (a) “providing information” in relation to a specified benchmark means providing any information or expression of opinion that is—
 - (i) provided to, or for the purpose of passing to, a person who has permission to carry on the activity specified in paragraph (1)(b) in relation to that specified benchmark;
 - (ii) required in connection with the determination of the specified benchmark; and
 - (iii) provided for the purpose of determining the specified benchmark;
- (b) “administering” a specified benchmark means—
 - (i) administering the arrangements for determining a specified benchmark;
 - (ii) collecting, analysing or processing information or expressions of opinion provided for the purpose of determining a specified benchmark;
 - (iii) determining a specified benchmark through the application of a formula or other method of calculation to the information or expressions of opinion provided for that purpose.

Status: Point in time view as at 27/02/2018.

Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Chapter 15E is up to date with all changes known to be in force on or before 04 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)

Publicly available factual data and subscription services

63P. A person does not carry on an activity of the kind specified by article 63O(1)(a) in relation to a specified benchmark where the information provided—

- (a) consists solely of factual data obtained from a publicly available source; or
- (b) is—
 - (i) compiled by a subscription service for purposes other than in connection with the determination of a specified benchmark;
 - (ii) provided to a person who has permission to carry on an activity of the kind specified by article 63O(1)(b) and who is a subscriber to the service; and
 - (iii) provided to such a person only in that person’s capacity as a subscriber.

Administration of a specified benchmark by the FCA

63Q.—(1) The FCA does not carry on the activity of the kind specified by article 63O(1)(b) in relation to a specified benchmark where the FCA administers the specified benchmark itself.

(2) Where a specified benchmark is administered by the FCA, the reference in article 63O(2)(a) (i) to a person who has permission to carry on the activity specified in 63O(1)(b) in relation to that specified benchmark is to be read as referring to the FCA.

Schedule

63R. Schedule 5 specifies benchmarks for the purposes of section 22(1A)(b) of the Act.]

[^{F2}Administering a benchmark

63S.—(1) Administering a benchmark is a specified kind of activity.

(2) In paragraph (1) “administering a benchmark” means acting as an administrator of a benchmark within the meaning of Article 3 of Regulation EU 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 .

Textual Amendments

F2 Arts. 63S, 63T inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **51** (with Pt. 7)

Administration of a benchmark by the FCA

63T. The FCA does not carry on the activity of the kind specified by article 63S(1) in relation to a benchmark where the FCA administers the benchmark itself.]

Textual Amendments

F2 Arts. 63S, 63T inserted (27.2.2018) by [The Financial Services and Markets Act 2000 \(Benchmarks\) Regulations 2018 \(S.I. 2018/135\)](#), regs. 1(2), **51** (with Pt. 7)

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