
STATUTORY INSTRUMENTS

2005 No. 381

**The Financial Services and Markets Act
2000 (Market Abuse) Regulations 2005**

Citation and commencement

1.—(1) These Regulations may be cited as the Financial Services and Markets Act 2000 (Market Abuse) Regulations 2005.

(2) Except as provided for in paragraph (3), these Regulations shall come into force on 1st July 2005.

(3) The following provisions shall come into force on 17th March 2005—

- (a) regulations 2, 3 and 8,
- (b) paragraphs 2, 3, 6 and 11 of Schedule 1.

Interpretation

2. In these Regulations—

“the 2000 Act” means the Financial Services and Markets Act 2000(1);

“the 2001 Order” means the Financial Services and Markets Act 2000 (Prescribed Markets and Qualifying Investments) Order 2001(2).

Amendment of Schedule 1 to the Criminal Justice Act 1993

3. In Schedule 1 to the Criminal Justice Act 1993(3), at the end of paragraph 5(1) insert—

“or with the relevant provisions of Commission Regulation (EC) No 2273/2003 of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards exemptions for buy-back programmes and stabilisation of financial instruments”.

Amendment of Part 6 of the 2000 Act

4. Schedule 1 (which contains amendments to Part 6 of the 2000 Act (official listing)) has effect.

Amendment of Part 8 of the 2000 Act

5. Schedule 2 (which contains amendments to Part 8 of the 2000 Act (market abuse)) has effect.

Amendment of section 150 of the 2000 Act

6. In subsection (4)(a) of section 150 (actions for damages) of the 2000 Act, for “listing rules” substitute “Part 6 rules”.

(1) 2000 c. 8.
(2) S.I.2001/996.
(3) 1993 c. 36.

Amendment of section 395 of the 2000 Act

7. In section 395(13) of the 2000 Act after paragraph (b) insert—
 “(ba) 96C;”.

Amendment of section 397 of the 2000 Act

- 8.—(1) Section 397 (misleading statements and practices) of the 2000 Act is amended as follows.
- (2) In subsection (4), for “price stabilising rules or control of information rules” substitute “—
 (a) price stabilising rules;
 (b) control of information rules; or
 (c) the relevant provisions of Commission Regulation (EC) No 2273/2003 of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards exemptions for buy-back programmes and stabilisation of financial instruments.”.
- (3) In subsection (5), the word “or” after paragraph (b) is repealed and after paragraph (c) insert—
 “; or
 (a) that he acted or engaged in the conduct in conformity with the relevant provisions of Commission Regulation (EC) No 2273/2003 of 22 December 2003 implementing Directive 2003/6/EC of the European Parliament and of the Council as regards exemptions for buy-back programmes and stabilisation of financial instruments.”.

Revocation of the Traded Securities (Disclosure) Regulations 1994

9. The Traded Securities (Disclosure) Regulations 1994(4) are revoked.

Amendment of the 2001 Order

- 10.—(1) In the 2001 Order, the following definition is inserted before the definition of a “UK recognised investment exchange” in article 3 —
 ““regulated market” has the meaning given in Article 1(13) of the investment services directive;”.
- (2) In the 2001 Order, for articles 4, 4A and 5 substitute—

“Prescribed Markets

- 4.—(1) There are prescribed, as markets to which subsections (2), (3), (5), (6) and (7) of section 118 apply—
 (a) all markets which are established under the rules of a UK recognised investment exchange,
 (b) the market known as OFEX,
 (c) all other markets which are regulated markets.
- (2) There are prescribed, as markets to which subsections (4) and (8) of section 118 apply—
 (a) all markets which are established under the rules of a UK recognised investment exchange;
 (b) the market known as OFEX.

(4) S.I. 1994/188, as amended by S.I. 2001/3649.

Qualifying Investments

5. There are prescribed, as qualifying investments in relation to the markets prescribed by article 4, all financial instruments within the meaning given in Article 1(3) of Directive [2003/6/EC](#) of the European Parliament and the Council of 28 January 2003 on insider dealing and market manipulation (market abuse)(5).”.

Amendment of the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001

11. In the Schedule to the Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001(6), paragraph 5 is repealed.

23rd February 2005

Nick Ainger
Jim Murphy
Two of the Lords Commissioners
of Her Majesty’s Treasury

(5) O.J. L 96, 12.4.2003, p.16; applied to the EEA by Joint Committee Decision 38/2004 of 23 April 2004 (not yet published in the Official Journal of the European Communities).

(6) S.I. [2001/995](#).