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STATUTORY INSTRUMENTS

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**2005 No. 381**

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

**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.

**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)(**1**).”.

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(1) 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).