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STATUTORY INSTRUMENTS

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**2013 No. 504**

**The Financial Services and Markets Act 2000 (Over  
the Counter Derivatives, Central Counterparties  
and Trade Repositories) Regulations 2013**

**PART 5**

**Designation of competent authorities and powers of FCA**

**Power of the FCA to require information**

7.—(1) In this regulation a “non-authorised counterparty” is—

- (a) a financial counterparty which is not an authorised person; <sup>F1</sup>...
- (b) a non-financial counterparty<sup>F2</sup>; or
- (c) an entity referred to in Article 4(1)(a)(v) of the EMIR regulation which is not an authorised person.]

(2) Where—

- (a) a non-authorised counterparty is subject to an obligation under the EMIR regulation, or
- (b) it is necessary for the FCA to determine whether a person is subject to an obligation under the EMIR regulation,

paragraph (3) applies.

(3) The FCA may, by notice in writing, require the counterparty or person—

- (a) to provide specified information or information of a specified description; or
- (b) to produce specified documents or documents of a specified description,

so that it can verify whether the non-authorised counterparty or person has complied with, or is subject to, the EMIR regulation.

(4) The information or documents must be provided or produced—

- (a) before the end of such reasonable period as may be specified;
- (b) at such place as may be specified.

(5) This regulation applies only to information and documents reasonably required in connection with the exercise by the FCA of its functions under the EMIR regulation.

(6) The FCA may require any information provided under this regulation to be provided in such a form as it may reasonably require.

(7) The FCA may require—

- (a) any information provided, whether in a document or otherwise, to be verified in such a manner, or
- (b) any document produced to be authenticated in such a manner,

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**Changes to legislation:** There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013, Section 7. (See end of Document for details)

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as it may reasonably require.

(8) A requirement imposed under this regulation is a “relevant requirement” for the purposes of sections 380 (injunctions) and 382 (restitution orders) of the Act<sup>(1)</sup>.

(9) In this regulation, “specified” means specified in the notice.

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**Textual Amendments**

- F1** Word in reg. 7(1) omitted (26.8.2013) by virtue of The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) (No. 2) Regulations 2013 (S.I. 2013/1908), regs. 1(3)(c), **4(2)(a)**
- F2** Reg. 7(1)(c) and word inserted (26.8.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) (No. 2) Regulations 2013 (S.I. 2013/1908), regs. 1(3)(c), **4(2)(b)**
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**Commencement Information**

- I1** Reg. 7 in force at 1.4.2013 in accordance with reg. 1(2)

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(1) Sections 380 and 382 were amended by Schedule 9 to the Financial Services Act 2012 and S.I. 2007/126, 2011/1613 and 2012/1906 and 2554.

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013, Section 7.