
STATUTORY INSTRUMENTS

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

Applications and notifications to FCA

8.—(1) Paragraphs (2) and (5) to (8) apply—

- (a) where a person (“P”) is seeking exemption from the clearing obligation as set out in Article 4(1) or 10(1) of the EMIR regulation in reliance on Article 4(2), 10(2) or 89(2) of that Regulation; or
- (b) to a notification to the FCA under Article 10(1)(a) of the EMIR regulation.

(2) An application or notification to the FCA must—

- (a) be made in such manner as the FCA may direct; and
- (b) contain, or be accompanied by, such other information as the FCA may reasonably require.

(3) Paragraphs (4) to (8) apply where a person (“P”) is seeking exemption from the risk management procedures as set out in Article 11(3) of the EMIR regulation in reliance on Article 11(6), (7), (8), (9) or (10) of that Regulation.

(4) An application or notification to the FCA must contain, or be accompanied by, such information in addition to any information required to be provided under the EMIR regulation as the FCA may reasonably require.

(5) At any time after receiving an application or notification and before determining it, the FCA may require P to provide it with such further information as it reasonably considers necessary to enable it to determine the application or consider the notification.

(6) Different directions may be given, and different requirements imposed, in relation to different applications or notifications or categories of application or notification.

(7) The FCA may require P to provide information under this regulation in such form, or to verify it in such a way, as the FCA may reasonably direct.

(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.