

SCHEDULE 2

Amendments to the Financial Services and Markets Act 2000

41. After section 313C insert—

“313CA Suspension or removal of financial instruments from trading: notification and trading on other venues

(1) The FCA must take the steps in subsection (2) to (4) if it imposes a requirement on an institution under section 313A to—

- (a) suspend or remove a financial instrument from trading; or
- (b) suspend or remove a derivative which relates, or is referenced, to the financial instrument from trading to support the objectives of a suspension or removal mentioned in paragraph (a).

(2) The FCA must require any trading venue or systematic internaliser which falls under its jurisdiction and trades the same instrument or derivative to suspend or remove the instrument or derivative from trading if a suspension or removal mentioned in subsection (1) was due to—

- (a) suspected market abuse;
- (b) a take-over bid; or
- (c) the non-disclosure of inside information about the issuer or the instrument.

(3) But the FCA is not obliged to impose a requirement under subsection (2) if it could cause significant damage to the interests of investors or the orderly functioning of the market.

(4) The FCA must—

- (a) inform ESMA and the competent authorities of every other EEA State of—
 - (i) a decision to impose a requirement under section 313A;
 - (ii) a decision to revoke a requirement imposed under section 313A;
 - (iii) a decision to impose, not to impose, or to revoke a requirement under subsection (2); and
- (b) publish a decision mentioned in paragraph (a)(i) to (iii) in such a manner as it considers appropriate unless the decision has already been published under section 313B(2)(b) or 313BE(5).

313CB Suspension or removal of a financial instrument from a trading by a trading venue: FCA duties

(1) The FCA must take the steps in subsections (2), (4), and (5) if a person specified in subsection (6) operating a trading venue in the United Kingdom informs the FCA it has made a decision—

- (a) to suspend or remove a financial instrument from trading on the trading venue because the instrument no longer complies with the venue's rules, or
- (b) to suspend or remove a derivative which relates, or is referenced, to the financial instrument from trading on the trading venue to support the objectives of a suspension or removal mentioned in paragraph (a).

(2) The FCA must require any other trading venue or any systematic internaliser which falls under its jurisdiction and trades the same instrument or derivative to suspend or

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Changes to legislation: The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017, Paragraph 41 is up to date with all changes known to be in force on or before 10 June 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)

remove the instrument or derivative from trading if a suspension or removal mentioned in subsection (1) was due to—

- (a) suspected market abuse;
- (b) a take-over bid; or
- (c) the non-disclosure of inside information about the issuer or the instrument.

(3) But the FCA is not obliged to impose a requirement under subsection (2) if it could cause significant damage to the interests of investors or the orderly functioning of the market.

(4) The FCA must revoke a requirement imposed under subsection (2) if the person mentioned in subsection (1) informs the FCA it has lifted the suspension mentioned in that subsection.

(5) The FCA must—

- (a) inform ESMA and the competent authorities of every other EEA State of any decision to impose, not to impose, or to revoke a requirement under subsection (2),
- (b) provide ESMA and those competent authorities with an explanation if the decision is not to impose a requirement under subsection (2) because subsection (3) applies, and
- (c) publish any decision mentioned in paragraph (a) in such a manner as it considers appropriate.

(6) The specified persons for the purposes of subsection (6) are—

- (a) a recognised investment exchange,
- (b) an investment firm with a Part 4A permission to carry on a regulated activity which is any of the investment services and activities,
- (c) a credit institution authorised under the capital requirements directive.

313CC Suspension or removal of a financial instrument from trading in another EEA state: FCA duties

(1) The FCA must take the steps in subsections (2) and (3) if the FCA is informed that a competent authority of another EEA State has made a decision to—

- (a) suspend or remove a financial instrument from trading on a trading venue or systematic internaliser in that State for the purposes of—
 - (i) Article 32.2 (suspension and removal of financial instruments from trading on an MTF or OTF) of the markets in financial instruments directive;
 - (ii) Article 52.2 (suspension and removal of financial instruments from trading on a regulated market) of the directive, or
 - (iii) Article 69.2(m) or (n) (supervisory powers) of the directive, or
- (b) suspend or remove a derivative which relates, or is referenced, to the financial instrument from trading on a trading venue or systematic internaliser in that State for those purposes.

(2) The FCA must require any trading venue or systematic internaliser which falls under its jurisdiction and trades the same instrument or derivative to suspend or remove the instrument or derivative from trading if the suspension or removal was due to—

- (a) suspected market abuse;
- (b) a take-over bid; or
- (c) the non-disclosure of inside information about the issuer or the instrument.

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[^{F1}(2A) But the FCA is not obliged to impose a requirement under subsection (2) if it could cause significant damage to the interests of investors or the orderly functioning of the market.]

(3) The FCA must revoke a requirement imposed under subsection (2) if the competent authority of the other EEA State informs the FCA it has lifted the suspension or removal mentioned in subsection (1).

(4) For the purposes of subsection (1) the FCA is informed of a decision mentioned in subsection (1)(a) or (b) when the competent authority that made the decision, the competent authority of any other EEA State, or ESMA informs the FCA of the decision for the purposes of Article 32.2 or 52.2 of the markets in financial instrument directive.”.

Textual Amendments

F1 Words in [Sch. 2 para. 41](#) inserted (2.1.2018) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) \(No.2\) Regulations 2017 \(S.I. 2017/1255\)](#), regs. 2(a), **34**

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