

SCHEDULE 3

Amendments to secondary legislation made under the Financial Services and Markets Act 2000

Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

4.—(1) The Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 ^{M1} are amended as follows.

(2) In regulation 2 ^{M2} (interpretation)—

- (a) in the definition of “EEA competent authority”, after “the EMIR regulation” omit “, the market abuse regulation”;
- (b) omit the definition of “market abuse regulation information”;
- (c) in the definition of “markets in financial instruments directive information” after “markets in financial instruments directive” insert “ and the markets in financial instruments regulation ”;
- (d) in the definition of “single market information” after “markets in financial instruments directive” insert “, the markets in financial instruments regulation ”; and
- (e) in the definition of “single market restrictions”—
 - (i) in paragraph (a) for “54 and 58” substitute “ 76 and 81 ”;
 - (ii) at the end of paragraph (m), after “;” insert “ and ”; and
 - (iii) omit paragraph (n).

(3) In regulation 8 (disclosure of single market information)—

- (a) in paragraph (b)—
 - (i) in sub-paragraph (i) for “article 63” substitute “ article 88 ”; and
 - (ii) in sub-paragraph (ii) ^{M3} for “article 58.1” substitute “ article 81.1 ”;
- (b) at the end of paragraph (d) insert “ and ”; and
- (c) omit paragraph (e).

(4) In regulation 9 (disclosure by regulators or regulator workers to certain other persons) —

- (a) in paragraph (1) after “(3F),” omit “(3G),”;
- (b) in paragraph (2), for “, (2C) or (2D)” substitute “ or (2C) ”;
- (c) in paragraph (2ZA) ^{M4} for “article 63” substitute “ article 88 ”;
- (d) omit paragraph (2D) ^{M5};
- (e) in paragraph (3A)(a) ^{M6} for “article 58.1” substitute “ article 81.1 ”; and
- (f) omit paragraph (3G) ^{M7}.

(5) In regulation 11 (disclosure of confidential information not subject to single market restrictions)—

- (a) in paragraph (d)—
 - (i) in sub-paragraph (i) ^{M8} for “article 63” substitute “ article 88 ”;
 - (ii) in sub-paragraph (ii) ^{M9} for “article 58.1” substitute “ article 81.1 ”; and
- (b) omit paragraph (h).

Changes to legislation: The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017, Paragraph 4 is up to date with all changes known to be in force on or before 27 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) View outstanding changes

(6) After regulation 12(4) (disclosure by and to a Schedule 1 or 2 person or disciplinary proceedings authority) insert—

“(5) This regulation does not permit the disclosure of information if—

- (a) the information is confidential information received by the FCA in the course of discharging its functions as a competent authority under the market abuse regulation or any directly applicable EU regulation made under the market abuse regulation; and
- (b) the disclosure of the information contravenes the market abuse regulation.”.

Marginal Citations

- M1** [S.I. 2001/2188](#).
- M2** [Regulation 2](#) was amended by [S.I. 2006/3413](#), 2010/2628, 2012/916, 2013/472, and 2013/3115; there are other amendments but none is relevant.
- M3** Paragraph (b)(ii) was amended by [S.I. 2013/504](#) and 2014/3348.
- M4** Paragraph (2ZA)(a) was inserted by [S.I. 2013/1773](#).
- M5** Paragraph (2D) was inserted by [S.I. 2016/680](#).
- M6** Paragraph (3A)(a) was inserted by [S.I. 2006/3413](#).
- M7** Paragraph (3G) was inserted by [S.I. 2016/680](#).
- M8** [Regulation 11\(d\)\(i\)](#) was inserted by [S.I. 2006/3413](#).
- M9** [Regulation 11\(d\)\(ii\)](#) was inserted by [S.I. 2006/3413](#) and amended by [S.I. 2011/1613](#).

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The Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017, Paragraph 4 is up to date with all changes known to be in force on or before 27 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.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 15A inserted by [2023 c. 29 Sch. 2 para. 45](#)
- reg. 16(1A)(1B) omitted by [2023 c. 29 Sch. 2 para. 46\(4\)](#)