
STATUTORY INSTRUMENTS

2018 No. 135

The Financial Services and Markets Act
2000 (Benchmarks) Regulations 2018

PART 2

FCA powers over Miscellaneous BM persons

5.—(1) The FCA has the powers conferred on it by this Part of the Regulations in respect of Miscellaneous BM persons.

- (2) A “Miscellaneous BM person” is a person who is not an authorised person and is—
- (a) involved in the provision of, or contribution of input data to, a benchmark;
 - (b) a service provider to whom functions or any relevant services and activities in the provision of a benchmark have been outsourced;
 - (c) a person who is not the service provider but who is or has been party to a contract in relation to the outsourcing of functions or any relevant services and activities in the provision of a benchmark;
 - (d) a legal representative of a benchmark administrator located in a third country which has obtained or has applied for prior recognition as referred to in Article 32(1) and as provided for in Article 32(3) of the EU Benchmarks Regulation 2016;
 - (e) a person who administers a benchmark relying on [^{F1}Article 46(8) or] Article 51(4) of the EU Benchmarks Regulation 2016; or
 - (f) a supervised entity.

Textual Amendments

- F1** Words in [reg. 5\(2\)\(e\)](#) inserted (14.10.2019) by [The Financial Services and Markets Act 2000 \(Benchmarks\) \(Amendment\) Regulations 2019 \(S.I. 2019/1256\)](#), regs. 1, **2(2)**

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018, Section 5.