

## STATUTORY INSTRUMENTS

# 2019 No. 1043

## The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019

### PART 4

#### Amendments of secondary legislation

#### **Amendments of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005**

**38.**—(1) Article 70 (promotions included in listing particulars etc) of the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 <sup>M1</sup> is amended as follows—

- (a) in paragraph (1)(c)(ii) <sup>M2</sup> for “section 87H of the Act” substitute “ Article 25 of the prospectus regulation ”; and
- (b) in paragraph (1)(d) for “the prospectus directive” substitute “ the prospectus regulation ”.
- (c) in paragraph (1A) <sup>M3</sup> sub-paragraph (b), for “Articles 5(4), 8(1) and 14(2) of the prospectus directive” substitute “ Articles 8(1), 8(4), 8(5), 8(10), 25(4), 17 and 21(2) of the prospectus regulation. ”.
- (d) in paragraph (2) for “the prospectus directive” substitute “ the prospectus regulation ”<sup>M4</sup>.

#### **Commencement Information**

**11** Reg. 38 in force at 21.7.2019, see [reg. 1\(1\)](#)

#### **Marginal Citations**

**M1** [S.I. 2005/1529](#).

**M2** Sub-paragraph (c) was substituted by [S.I. 2007/2615](#).

**M3** [Paragraph 1A](#) was inserted by [SI. 2007/2615](#).

**M4** This definition is substituted in section 103(1) of FSMA by regulation 32(a) of these Regulations.

#### **Amendments of the Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013**

**39.**—(1) The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013 <sup>M5</sup> is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation) after the definition of “the EU Benchmarks Regulation 2016”<sup>M6</sup>, insert—

““the EU Prospectus Regulation” means Regulation (EU) No 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive [2003/71/EC](#).”.

- (3) In article 2 (qualifying EU provisions: general), after paragraph (13) <sup>M7</sup> insert—
- “(14) The EU Prospectus Regulation and any directly applicable measure made under that Regulation is a specified qualifying EU provision for the purpose of section 1A(6)(d) of the Act.”.
- (4) In article 5 <sup>M8</sup> (qualifying EU provisions: injunctions and restitution)—
- (a) after paragraph (2)(q) insert—
- “(r) the EU Prospectus Regulation and any directly applicable measure made under that Regulation.”.
- (b) after paragraph (5)(i) insert—
- “(q) in relation to a contravention of a requirement imposed by the EU Prospectus Regulation or any directly applicable measure made under that Regulation, the FCA.”.
- (5) In article 6 <sup>M9</sup> (qualifying EU provisions: fees)—
- (a) after paragraph (2)(s) insert—
- “(t) the EU Prospectus Regulation and any directly applicable measure made under that Regulation.”.

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#### Commencement Information

**I2** Reg. 39 in force at 21.7.2019, see [reg. 1\(1\)](#)

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#### Marginal Citations

**M5** [S.I. 2013/419](#).

**M6** The definition of “the EU Benchmarks Regulation 2016” was inserted by [S.I. 2018/135](#).

**M7** Paragraph (13) was inserted by [S.I. 2018/135](#).

**M8** [Article 5](#) was amended by [S.I. 2013/1773](#), 2014/2879, 2014/3348, 2015/1882, 2016/680, 2016/715, 2016/936 and 2017/1127.

**M9** [Article 5](#) was amended by [S.I. 2013/1773](#), 2014/2879, 2014/3348, 2015/1882, 2016/680, 2016/715, 2016/936, 2017/7001, 2017/1127, 2018/698 and 2018/1288.

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Prospectus) Regulations 2019, PART 4.