

**Changes to legislation:** The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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

## SCHEDULE 1

Regulation 2

### Modifications to the Insurers (Reorganisation and Winding Up) Regulations 2004

1. The modifications to the Insurers (Reorganisation and Winding Up) Regulations are as follows.

#### Commencement Information

**II** Sch. 1 para. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

2. Regulation 2<sup>M1</sup> applies as if—

[<sup>F1</sup>(a)] in paragraph (1)—]

[<sup>F2</sup>(i)] for the definition of “branch” there were substituted—

““branch” means a permanent presence of a UK insurer or a Gibraltar insurer which is located in the territory of a country other than—

(a) the United Kingdom (in the case of a UK insurer);

(b) Gibraltar (in the case of a Gibraltar insurer);”;

[<sup>F2</sup>(ii)] in the definition of “directive reorganisation measure”, the reference in Article 268(1) (c) of the Solvency 2 Directive to competent authorities were a reference to competent authorities in the United Kingdom or in Gibraltar;

[<sup>F2</sup>(iii)] in the definition of “directive winding up proceedings”, the reference in Article 268(1) (d) of the Solvency 2 Directive to competent authorities were a reference to competent authorities in the United Kingdom or in Gibraltar;

[<sup>F2</sup>(iv)] the definitions of “EEA creditor”, “EEA insurer”, “EEA regulator” and “EEA State” were omitted;

[<sup>F2</sup>(v)] in the appropriate places there were inserted—

““Gibraltar insurer” means an undertaking pursuing the activity of direct insurance (within the meaning of the Solvency 2 Directive) which has received authorisation under the law of Gibraltar which was relied on by Gibraltar before [<sup>F3</sup>IP completion day] to implement Article 14 or Article 162 of the Solvency 2 Directive from the Gibraltar regulator;

“Gibraltar regulator” means the Gibraltar Financial Services Commission;”;

[<sup>F2</sup>(vi)] for the definition of “home state regulator” there were substituted—

““home state regulator” in relation to a Gibraltar insurer, means the Gibraltar Financial Services Commission;”;

[<sup>F2</sup>(vii)] the definition of “official language” were omitted;

[<sup>F2</sup>(viii)] in the definition of “the Solvency 2 Directive”, at the end there were inserted “as it had effect immediately before [<sup>F4</sup>IP completion day]”.

[<sup>F5</sup>(b)] in paragraph (2)—

(i) in sub-paragraphs (a) and (b), for “the relevant EEA State” both times it occurs, there were substituted “Gibraltar”;

(ii) the words after sub-paragraph (b) were omitted.]

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#### Textual Amendments

- F1** Words in Sch. 1 para. 2 inserted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(3)(a)**
- F2** Sch. 1 para. 2(a)-(h) renumbered as Sch. 1 para. 2(a)(i)-(viii) (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(3)(b)**
- F3** Words in Sch. 1 para. 2(e) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, **Sch. para. 40(g)(i)**
- F4** Words in Sch. 1 para. 2(h) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, **Sch. para. 40(g)(ii)**
- F5** Sch. 1 para. 2(b) inserted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(3)(c)**

#### Commencement Information

- I2** Sch. 1 para. 2 in force on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

#### Marginal Citations

- M1** Regulation 2 was amended by [S.I. 2007/108](#) and 2015/575. There are other amendments which are not relevant to this instrument.

#### 3. Regulation 4 <sup>M2</sup> applies as if—

- (a) in the heading, for “EEA insurers”, there were substituted “Gibraltarian insurers”;
- (b) for “an EEA insurer” each time it occurs, there were substituted “a Gibraltarian insurer”.

#### Commencement Information

- I3** Sch. 1 para. 3 in force on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

#### Marginal Citations

- M2** Regulation 4 was amended by [S.I. 2007/851](#).

#### 4. Regulation 5 <sup>M3</sup> applies as if—

- (a) in the heading, for “EEA insurers”, there were substituted “Gibraltarian insurers”;
- (b) for “an EEA insurer” each time it occurs, there were substituted “a Gibraltarian insurer”;
- (c) for “the EEA insurer”, each time it occurs, there were substituted “the Gibraltarian insurer”;
- (d) in paragraph (6), in each of the definitions, the references to competent authorities in the provisions of the Solvency 2 Directive referred to were references to the competent authorities of the United Kingdom or Gibraltar.

#### Commencement Information

- I4** Sch. 1 para. 4 in force on IP completion day (in accordance with [2020 c. 1](#), **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

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#### Marginal Citations

**M3** Regulation 5 was amended by [S.I. 2011/1265](#) and 2015/575.

#### 5. Regulation 6<sup>M4</sup> applies as if—

- (a) for “an EEA insolvency measure” each time it occurs, there were substituted “ a Gibraltar insolvency measure ”;
- (b) for “an EEA insurer” each time it occurs, there were substituted “ a Gibraltarian insurer ”;
- (c) for “the relevant EEA State” each time it occurs, there were substituted “ Gibraltar ”;
- (d) in paragraph (2), in the words after sub-paragraph (b), for “the EEA insurer” there were substituted “ the Gibraltarian insurer ”;
- (e) in paragraph (3)(b), for “the EEA insolvency measure” there were substituted “ the Gibraltar insolvency measure ”;
- (f) in paragraph (6)—
  - (i) in the definition of “EEA insolvency measure” for “EEA insolvency measure” there were substituted “ Gibraltar insolvency measure ”;
  - (ii) the definition of “relevant EEA State” were omitted.

#### Commencement Information

**I5** Sch. 1 para. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M4** Regulation 6 was amended by [S.I. 2015/575](#).

#### [<sup>F6</sup>6. Regulation 10 applies as if—

- (a) in the heading, for “EEA regulators”, there were substituted “the Gibraltarian regulator”;
- (b) for “EEA regulators in every EEA State”, both times it occurs, there were substituted “Gibraltarian regulator”.]

#### Textual Amendments

**F6** Sch. 1 para. 6 substituted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(3)(d)**

#### Commencement Information

**I6** Sch. 1 para. 6 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

7. Regulation 11<sup>M5</sup> applies as if, in paragraph (3), for the words from “the relevant officer” to the end, there were substituted “ if the UK insurer has a branch in Gibraltar, the relevant officer must publish, or cause to be published, in two newspapers circulating in Gibraltar, the information mentioned in paragraph (4) and (if applicable) paragraphs (5), (6) or (7). ”.

#### Commencement Information

**I7** Sch. 1 para. 7 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Changes to legislation:** The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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

**Marginal Citations**

**M5** Regulation 11(3) was amended by [S.I. 2011/1043](#).

8. Regulation 12 applies as if—
- (a) in paragraph (7), the words from “, and that heading” to the end were omitted;
  - (b) paragraph (8) were omitted.

**Commencement Information**

**I8** Sch. 1 para. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

9. Regulations 13 and 16 are to be ignored.

**Commencement Information**

**I9** Sch. 1 para. 9 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

10. Regulation 17<sup>M6</sup> applies as if in paragraph (1)—
- (a) in the definition of “composite insurer”, “, in accordance with Article 73(2) of the Solvency 2 Directive” were omitted;
  - (b) in the definition of “general business assets”, the words from “, in accordance with” to the end were omitted;
  - (c) in the definition of “long term business assets”, the words from “, in accordance with” to the end were omitted.

**Commencement Information**

**I10** Sch. 1 para. 10 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

**M6** Regulation 17 was amended by [S.I. 2015/575](#). There are other amendments to regulation 17 which are not relevant to this instrument.

11. The heading to Part V is to be read as if, for “EEA rights”, there were substituted “Gibraltarian rights”.

**Commencement Information**

**I11** Sch. 1 para. 11 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

12. The heading to regulation 37 is to be read as if, for “EEA rights”, there were substituted “Gibraltarian rights”.

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**Commencement Information**

**I12** Sch. 1 para. 12 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**13.** Regulation 38 applies as if—

- (a) in paragraph (1)—
  - (i) for “EEA employment contract”, there were substituted “ Gibraltar employment contract ”;
  - (ii) for “EEA employment relationship”, there were substituted “ Gibraltar employment relationship ”;
  - (iii) for “the EEA State” there were substituted “ Gibraltar ”;
- (b) in paragraph (2)—
  - (i) for “an EEA employment contract”, there were substituted “ a Gibraltar employment contract ”;
  - (ii) for “an EEA employment relationship”, there were substituted “ a Gibraltar employment relationship ”;
  - (iii) for “an EEA State” there were substituted “ Gibraltar ”.

**Commencement Information**

**I13** Sch. 1 para. 13 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**14.** Regulation 39 applies as if—

- (a) for “an EEA State” there were substituted “ Gibraltar ”; and
- (b) for “that State” there were substituted “ Gibraltar ”.

**Commencement Information**

**I14** Sch. 1 para. 14 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**15.** Regulation 40 applies as if—

- (a) for “an EEA State” there were substituted “ Gibraltar ”; and
- (b) for “that State” there were substituted “ Gibraltar ”.

**Commencement Information**

**I15** Sch. 1 para. 15 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**16.** Regulation 41 applies as if, in paragraph (1), for “an EEA State” there were substituted “ Gibraltar ”.

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**Commencement Information**

**I16** Sch. 1 para. 16 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**17.** Regulation 42 applies as if, for “an EEA State”, both times it occurs, there were substituted “Gibraltar”.

**Commencement Information**

**I17** Sch. 1 para. 17 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**18.** Regulation 43 applies as if—

- (a) in paragraph (1), for “the applicable EEA law” there were substituted “the law applicable to the affected insurer's claim”;
- (b) paragraph (2) were omitted.

**Commencement Information**

**I18** Sch. 1 para. 18 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**19.** Regulation 44<sup>M7</sup> applies as if—

- (a) in paragraph (1), for “regulated market operating in an EEA State” there were substituted “UK regulated market, or a regulated market operating in Gibraltar”;
- (b) for paragraph (3), there were substituted—

“(3) For the purposes of this regulation, “UK regulated market” and “regulated market” have the meanings given in points 2.1.13A and 2.1.13 respectively of Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012, as that Regulation forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018<sup>M8</sup>, as modified by domestic law from time to time.”

**Commencement Information**

**I19** Sch. 1 para. 19 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

**M7** Regulation 44 was amended by [S.I. 2007/126](#) and 2017/701.

**M8** [2018 c.16](#).

**20.** Regulation 45 applies as if, in the heading and in paragraph (1)(a), for “an EEA State” there were substituted “Gibraltar”.

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**Commencement Information**

**I20** Sch. 1 para. 20 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**21.** Regulation 46 applies as if—

- (a) in paragraph (1), for “an EEA State”, each time it occurs, there were substituted “Gibraltar”;
- (b) in paragraph (2), for words from “the EEA State” to the end, there were substituted “Gibraltar”.

**Commencement Information**

**I21** Sch. 1 para. 21 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**22.** Regulation 47 applies as if, in paragraph (1), for “an EEA State” and “that EEA State”, there were substituted in each case “Gibraltar”.

**Commencement Information**

**I22** Sch. 1 para. 22 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**23.** Regulations 48 to 50 are to be ignored.

**Commencement Information**

**I23** Sch. 1 para. 23 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

SCHEDULE 2

Regulation 3

Modifications to the Credit Institutions (Reorganisation and Winding Up) Regulations 2004

**1.** The modifications to the Credit Institutions (Reorganisation and Winding Up) Regulations 2004 are as follows.

**Commencement Information**

**I24** Sch. 2 para. 1 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**2.** Regulation 2<sup>M9</sup> applies as if—

- (a) in paragraph (1)—
  - (i) in the definition of “branch”, for “an EEA or UK” there were substituted “a UK or Gibraltar”;

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- (ii) in the definition of “capital requirements directive”, at the end, there were inserted “as it had effect immediately before [<sup>F7</sup>IP completion day]”;
  - (iii) in the definition of “capital requirements regulation”, at the end, there were inserted “as it forms part of domestic law under section 3 of the European Union (Withdrawal) Act 2018”;
  - (iv) in the definition of “directive reorganisation measure”, at the end, there were inserted “but does not include any “third-country resolution action” within the meaning of section 89H of the Banking Act 2009 <sup>M10</sup>”;
  - (v) in the definition of “directive winding-up proceedings”, the reference in the definition in Article 2 of the reorganisation and winding-up directive to “a Member State” were a reference to “Gibraltar”;
  - (vi) the definitions of “EEA credit institution”, “EEA creditor”, “EEA regulator” and “EEA State” were omitted;
  - (vii) in the appropriate places there were inserted—
    - ““Gibraltarian credit institution” means a Gibraltar undertaking of the kind mentioned in Article 4(1)(1) and 4(1)(17) of the capital requirements regulation and subject to the exclusion of the undertakings referred to in Article 2(5)(2) to (23) of the capital requirements directive;
    - “Gibraltarian regulator” means the Gibraltar Financial Services Commission;”;
  - (viii) for the definition of “home state regulator” there were substituted—
    - ““home state regulator” means the Gibraltar Financial Services Commission;”;
  - (ix) the definition of “official language” were omitted;
  - (x) in the definition of “recovery and resolution directive”, at the end, there were inserted “as it had effect immediately before [<sup>F7</sup>IP completion day]”;
  - (xi) in the definition of “the reorganisation and winding up directive”, at the end, there were inserted “as it had effect immediately before [<sup>F7</sup>IP completion day]”;
- (b) in paragraph (2)—
- (i) in sub-paragraphs (a) and (b), for “the relevant EEA State” both times it occurs, there were substituted “ Gibraltar ”;
  - (ii) the words after sub-paragraph (b) were omitted.

#### Textual Amendments

- F7** Words in Sch. 2 para. 2(a)(x)(xi) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, [Sch. para. 40\(h\)\(i\)](#)

#### Commencement Information

- I25** Sch. 2 para. 2 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

- M9** Regulation 2 was amended by [S.I. 2007/108](#); 2013/3115; 2014/3348. There are other amendments to regulation 2 which are not relevant to this instrument.
- M10** [2009 c. 1](#). Section 89H was inserted by [S.I. 2014/3329](#).

3. Regulation 3 <sup>M11</sup> applies as if—



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- (a) for “an EEA credit institution”, each time it occurs, there were substituted “ a Gibraltarian credit institution ”;
  - (b) in paragraph (7), for “an incorporated EEA credit institution”, there were substituted “ an incorporated Gibraltarian credit institution ”.
- [<sup>F8</sup>(c) paragraph (7A) were omitted.]

#### Textual Amendments

**F8** Sch. 2 para. 3(c) inserted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(4)(a)**

#### Commencement Information

**I26** Sch. 2 para. 3 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M11** Regulation 3 was amended by [S.I. 2007/830](#) and [2014/3348](#).

4. Regulation 4 <sup>M12</sup> applies as if—
- (a) in paragraphs (1) and (2), for “an EEA credit institution”, each time it occurs, there were substituted “ a Gibraltarian credit institution ”;
  - (b) in paragraphs (5) and (6), for “the EEA credit institution”, each time it occurs, there were substituted “ the Gibraltarian credit institution ”.

#### Commencement Information

**I27** Sch. 2 para. 4 in force on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M12** Regulation 4 was amended by [S.I. 2011/1265](#).

5. Regulation 5 <sup>M13</sup> applies as if—
- (a) in the heading, for “EEA credit institutions” there were substituted “ Gibraltarian credit institutions ”;
  - (b) for “an EEA insolvency measure” each time it occurs, there were substituted “ a Gibraltar insolvency measure ”;
  - (c) for “an EEA credit institution” each time it occurs, there were substituted “ a Gibraltarian credit institution ”;
  - (d) for “the relevant EEA State” each time it occurs, there were substituted “ Gibraltar ”;
  - (e) in paragraph (2), in the words after sub-paragraph (b), for “the EEA credit institution” there were substituted “ the Gibraltarian credit institution ”;
  - (f) in paragraph (3)(b), for “the EEA insolvency measure” there were substituted “ the Gibraltar insolvency measure ”;
  - (g) in paragraph (6)—
    - (i) in the definition of “EEA insolvency measure” for “EEA insolvency measure” there were substituted “ Gibraltar insolvency measure ”;
    - (ii) the definition of “relevant EEA State” were omitted.

**Changes to legislation:** The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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

#### Commencement Information

**I28** Sch. 2 para. 5 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M13** Regulation 5 was amended by [S.I. 2013/3115](#).

6. Regulation 6 applies as if, in paragraphs (2) and (3), in the inserted text, the words from “[<sup>F9</sup>for the purposes of Articles 10]” to the end of the inserted text were omitted.

#### Textual Amendments

**F9** Words in Sch. 2 para. 6 substituted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(4)(b)**

#### Commencement Information

**I29** Sch. 2 para. 6 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

7. <sup>M14</sup>Regulation 10 applies as if—

(a) in the heading, for “EEA regulators” there were substituted “ the Gibraltar regulator ”;

(b) in paragraph (3)—

(i) for “an EEA credit institution” there were substituted “ a Gibraltarian credit institution ”,

(ii) for “the home state regulator” there were substituted “ the Gibraltarian regulator ”;

[<sup>F10</sup>(c) for paragraph (4), there were substituted—

“(4) In this regulation, the “relevant person” means, if the UK credit institution has a branch in Gibraltar, the Gibraltarian regulator.”]

#### Textual Amendments

**F10** Sch. 2 para. 7(c) substituted (31.12.2020 immediately before IP completion day) by [The Securities Financing Transactions, Securitisation and Miscellaneous Amendments \(EU Exit\) Regulations 2020 \(S.I. 2020/1385\)](#), regs. 1(4), **60(4)(c)**

#### Commencement Information

**I30** Sch. 2 para. 7 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

#### Marginal Citations

**M14** Regulation 10(3) was amended by [S.I. 2013/472](#); 2014/3348; 2017/80.

8. Regulation 12 <sup>M15</sup> applies as if—

(a) in paragraph (3), for the words from “the relevant officer” to the end, there were substituted “ if the UK credit institution has a branch in Gibraltar, the relevant officer must publish, or cause to be published, in two newspapers circulating in Gibraltar, the information mentioned in paragraph (4) and (if applicable) paragraphs (5) or (6). ”.

(b) paragraph (12) were omitted.

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**Commencement Information**

**I31** Sch. 2 para. 8 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

**M15** Regulation 12(3) and (12) were amended by [S.I. 2011/1043](#).

9. Regulation 13 applies as if, in paragraph (3)(c)(i), for “an EEA State” there were substituted “Gibraltar”.

**Commencement Information**

**I32** Sch. 2 para. 9 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

10. Regulation 14 applies as if, in paragraph (6), the words from “and that heading” to the end were omitted.

**Commencement Information**

**I33** Sch. 2 para. 10 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

11. Regulations 15 and 18 are to be ignored.

**Commencement Information**

**I34** Sch. 2 para. 11 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

12. The heading to Part 4 is to be read as if, for “EEA rights” there were substituted “Gibraltarian rights”.

**Commencement Information**

**I35** Sch. 2 para. 12 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

13. Regulation 22 applies as if, in the heading, for “EEA rights” there were substituted “Gibraltarian rights”.

**Commencement Information**

**I36** Sch. 2 para. 13 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

14. Regulation 23 applies as if—

(a) in paragraph (1)—

(i) for “EEA employment contracts”, there were substituted “Gibraltar employment contracts”;

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- (ii) for “EEA employment relationships” there were substituted “ Gibraltar employment relationships ”;
- (iii) for “the EEA State” there were substituted “ Gibraltar ”;
- (b) in paragraph (2)—
  - (i) for “an EEA employment contract”, there were substituted “ a Gibraltar employment contract ”;
  - (ii) for “an EEA employment relationship” there were substituted “ Gibraltar employment relationship ”;
  - (iii) for “an EEA State” there were substituted “ Gibraltar ”.

**Commencement Information**

**I37** Sch. 2 para. 14 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**15.** Regulation 24 applies as if—

- (a) in paragraph (1)—
  - (i) for “an EEA State” there were substituted “ Gibraltar ”; and
  - (ii) for “that State” there were substituted “ Gibraltar ”;
- (b) in paragraph (2), for “the EEA State in whose territory the property is situated” substitute “ Gibraltar ”.

**Commencement Information**

**I38** Sch. 2 para. 15 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**16.** Regulation 25 applies as if—

- (a) for “an EEA State” there were substituted “ Gibraltar ”; and
- (b) for “that State” there were substituted “ Gibraltar ”.

**Commencement Information**

**I39** Sch. 2 para. 16 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**17.** Regulation 26 applies as if, in paragraph (1), for “an EEA State”, there were substituted “ Gibraltar ”.

**Commencement Information**

**I40** Sch. 2 para. 17 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**18.** Regulation 27 applies as if, for “an EEA State” both times it occurs, there were substituted “ Gibraltar ”.

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#### Commencement Information

**I41** Sch. 2 para. 18 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**19.** Regulation 29<sup>M16</sup> applies as if—

(a) in paragraph (1), for “regulated market operating in an EEA State” there were substituted “UK regulated market, or a regulated market operating in Gibraltar”;

(b) for paragraph (2), there were substituted—

“(2) For the purposes of this regulation, “UK regulated market” and “regulated market” have the meanings given in points 2.1.13A and 2.1.13 respectively of Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012, as that Regulation forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018, as modified by domestic law from time to time.”

#### Commencement Information

**I42** Sch. 2 para. 19 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

#### Marginal Citations

**M16** Regulation 29 was amended by [S.I. 2014/3348](#).

**20.** Regulation 30 applies as if in the heading and in paragraph (1)(a), for “an EEA State” there were substituted “Gibraltar”.

#### Commencement Information

**I43** Sch. 2 para. 20 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**21.** Regulation 31<sup>M17</sup> applies as if—

(a) in paragraph (1), for “an EEA State”, each time it occurs, there were substituted “Gibraltar”;

(b) in paragraph (2), for “the EEA State” there were substituted “Gibraltar”;

(c) in paragraph (3), insert at the end “as that Directive has effect immediately before [F11IP completion day]”.

#### Textual Amendments

**F11** Words in Sch. 2 para. 21(c) substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, [Sch. para. 40\(h\)\(ii\)](#)

#### Commencement Information

**I44** Sch. 2 para. 21 in force on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

**Changes to legislation:** The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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

### Marginal Citations

**M17** Regulation 31 was amended by [S.I. 2007/126](#) and 2017/701.

**22.** Regulation 32 applies as if, in paragraph (1), for “an EEA State” and “that EEA State”, there were substituted in each case “Gibraltar”.

### Commencement Information

**I45** Sch. 2 para. 22 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**23.** Regulation 33 applies as if—

- (a) in paragraph (1), for “the relevant EEA State”, there were substituted “Gibraltar”;
- (b) in paragraph (2)—
  - (i) in the definition of “relevant proprietary right” for “an EEA state” there were substituted “Gibraltar”;
  - (ii) the definition of “relevant EEA State” were omitted.

### Commencement Information

**I46** Sch. 2 para. 23 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**24.** Regulation 34<sup>M18</sup> applies as if, in paragraph (2)(c), for the words “any EEA State” to the end, there were substituted “Gibraltar which was relied on before [F12IP completion day] to implement these provisions; or”.

### Textual Amendments

**F12** Words in Sch. 2 para. 24 substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, **Sch. para. 40(h)(iii)**

### Commencement Information

**I47** Sch. 2 para. 24 in force on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

### Marginal Citations

**M18** Regulation 34 was substituted by [S.I. 2014/332](#); 2014/3348.

**25.** Regulation 35<sup>M19</sup> applies as if, in paragraph (2)(c), for the words “any EEA State” to the end, there were substituted “Gibraltar which was relied on before [F13IP completion day] to implement these provisions; or”.

### Textual Amendments

**F13** Words in Sch. 2 para. 25 substituted (30.12.2020) by [The Financial Services and Economic and Monetary Policy \(Consequential Amendments\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1301\)](#), regs. 1, 3, **Sch. para. 40(h)(iv)**

**Changes to legislation:** The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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

**Commencement Information**

**I48** Sch. 2 para. 25 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

**M19** Regulation 35 was substituted by S.I. 2014/3329; 2014/3348.

26. Regulations 36 to 38 are to be ignored.

**Commencement Information**

**I49** Sch. 2 para. 26 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

27. Regulation 39 <sup>M20</sup> applies as if, for the definition of “EEA investment firm”, there were substituted—

- “(a) “Gibraltarian investment firm” means an investment firm as defined in point (2) of Article 4(1) of the capital requirements regulation (as that regulation forms part of domestic law under section 3 of the European Union (Withdrawal) Act 2018) whose head office is in Gibraltar;”.

**Commencement Information**

**I50** Sch. 2 para. 27 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

**Marginal Citations**

**M20** Regulation 39 was inserted, with regulations 40 to 49, by S.I. 2014/3348.

28. Regulation 41 applies as if—

- (a) in the heading and in the regulation, for “EEA investment firms” there were substituted “ Gibraltarian investment firms ”; and  
(b) for “EEA credit institutions” there were substituted “ Gibraltarian credit institutions ”.

**Commencement Information**

**I51** Sch. 2 para. 28 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

29. Regulation 43 is to be ignored.

**Commencement Information**

**I52** Sch. 2 para. 29 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

30. Regulation 44 applies as if, in paragraph (a)—

- (a) in the opening words, for “EEA” there were substituted “ Gibraltar ”;

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- (b) in the words after paragraph (iii), for “an EEA State other than the United Kingdom” there were substituted “Gibraltar”.

.....  
**Commencement Information**

**I53** Sch. 2 para. 30 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

- 31.** Regulation 46 applies as if, in the heading and in the regulation, for “EEA”, each time it occurs, there were substituted “Gibraltar”.

.....  
**Commencement Information**

**I54** Sch. 2 para. 31 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

- 32.** Regulations 47 to 49 are to be ignored.

.....  
**Commencement Information**

**I55** Sch. 2 para. 32 in force on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)



**Changes to legislation:**

The Gibraltar (Miscellaneous Amendments) (EU Exit) Regulations 2019 is up to date with all changes known to be in force on or before 13 July 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 :**

- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)

**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. 11(5)(z3)(z4) inserted by [S.I. 2019/1370 reg. 3](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)