

Appendix 2: Draft FMI rule changes

EU EXIT INSTRUMENT: RECOGNISED CLEARING HOUSE RULES (EU EXIT) INSTRUMENT 2019

Powers exercised

- A. The Bank of England (“the Bank”), being the appropriate regulator within the meaning of the Financial Regulators’ Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018 (“the Regulations”), with the approval of the Treasury, makes this instrument in exercise of the power conferred by regulation 3 of the Regulations.

Pre-conditions to making

- B. A draft of this instrument has been approved by the Treasury, the Minister considering that it makes appropriate provision to prevent, remedy or mitigate any failure of retained EU law to operate effectively, or any other deficiency in retained EU law, arising from the withdrawal of the United Kingdom from the European Union.

Interpretation

- C. In this instrument “Exit Day” has the meaning given in the European Union (Withdrawal) Act 2018.
- D. The Bank makes the modifications specified in the Annexes to this instrument.

<i>Part</i>	<i>Annex</i>
<i>Recognised Clearing House Rules Instrument (FMI 2013/1)</i>	<i>A</i>
<i>Recognised Clearing House Rules Instrument (FMI 2018/1)</i>	<i>B</i>

Commencement

- E. This instrument comes into force on Exit Day.

Citation

- F. This instrument may be cited as the Recognised Clearing House Rules (EU Exit) Instrument 2019.

By order of the Bank of England
[DATE]

Annex A

Recognised Clearing House Rules Instrument 2013

1. MODIFICATIONS TO RECOGNISED CLEARING HOUSE RULES INSTRUMENT 2013

1.1 In this Annex new text is underlined and deleted text is struck through.

1.2 Recognised Clearing House Rules Instrument 2013 (FMI 2013/1) is modified as follows:

RCH 2 Extent of duty and notice requirements for proposal to make regulatory provisions

...

2.3 The duty in section 300B(1) does not apply to a regulatory provision to the extent that it:

(a) is required under ~~EU law~~ or any enactment or rule of law in the United Kingdom;

...

Annex B

Recognised Clearing House Rules Instrument 2018

1. MODIFICATIONS TO RECOGNISED CLEARING HOUSE RULES INSTRUMENT 2018

1.1 In this Annex new text is underlined and deleted text is struck through.

1.2 Recognised Clearing House Rules Instrument 2018 (FMI 2018/1) is modified as follows:

RCH 4 Notification of incidents

...

4.5 In this rule, in respect of a recognised central counterparty:

...

- (b) 'information technology system' includes a 'network and information system' as such term is defined in regulation 1(2) of The Network and Information Systems Regulations 2018~~Article 4(1) of Directive 2016/1148/EC~~; and

...