

*These notes refer to the Financial Services Act 2012  
(c.21) which received Royal Assent on 19 December 2012*

# FINANCIAL SERVICES ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 2 - Amendments of Financial Services and Markets Act 2000**

#### **Recognised investment exchanges and clearing houses**

#### ***Section 30: Recognition requirements: power of FCA and Bank to make rules***

387. This section inserts a new *subsection (4F)* into section 286 of FSMA (qualification for recognition) which confers on the Treasury a power to make regulations setting out the requirements which must be satisfied by an investment exchange or a clearing house in order for it to qualify as a recognised body. *Subsection (4F)* provides that the Treasury may, in regulations made under section 286, confer on the Bank or the FCA (as the case may be) the power to make rules for the purposes of the regulations or any specified provision made by the regulations. This power will enable the Treasury to confer on the appropriate regulator the power to make rules relating to the recognition requirements whether those requirements are specified under directly applicable European regulation (and only referred to in the domestic regulations) or are set out in the domestic regulations. This enables further, or more prescriptive requirements (for example, concerning what constitutes “adequate resources”), to be imposed if necessary.