

Handbook Notice No 107

February 2023

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1 Overview

Legislative changes

- 1.1 On 23 February 2023, the Board of the FCA made the relevant changes to the Handbook as set out in the instruments listed below.

CP	Title of instrument	Instrument No	Changes effective
CP21/31	EMIR Rules (Procedures for Ensuring Data Quality) Instrument 2023	FCA 2023/3	30/09/2024
CP21/31	FCA Standards Instrument: Technical Standards (EMIR Reporting and Data Quality and Miscellaneous Amendments) Instrument 2023	FCA 2023/4	30/09/2024
CP21/31	Technical Standards (EMIR Registration of Trade Repositories and Miscellaneous Amendments) Instrument 2023	FCA 2023/5	24/02/2023; 30/09/2024
CP22/26	FCA Registration Function Under the Co-Operative and Community Benefit Societies Act 2014 Guide Instrument 2023	FCA 2023/6	24/02/2023
CP22/26	Enforcement Guide (Amendment) Instrument 2023	FCA 2023/7	24/02/2023
CP22/26	Training and Competence Sourcebook (Amendment No 11) Instrument 2023	FCA 2023/8	01/04/2023
N/A	Handbook Administration (No 63) Instrument 2023	FCA 2023/9	24/02/2023

Summary of changes

- 1.2 The legislative changes referred to above are listed and briefly described in Chapter 2 of this Notice.

Feedback on responses to consultations

- 1.3 Consultation feedback is published in Chapter 3 of this Notice or in separate Policy Statements.

FCA Board dates for 2023

- 1.4 The table below lists forthcoming FCA board meetings. These dates are subject to change without prior notice.

FCA board meetings		
March	30	2023
April	27	2023
May	25	2023
June	29	2023
July	27	2023
September	28	2023
October	26	2023
November	23	2023
December	14	2023

2 Summary of changes

- 2.1 This Handbook Notice describes the changes to the FCA Handbook and other material made by the FCA Board under its legislative and other statutory powers on 23 February 2023. Where relevant, it also refers to the development stages of that material, enabling readers to look back at developmental documents if they wish. For information on changes made by the Prudential Regulation Authority please see <https://www.bankofengland.co.uk/news/prudential-regulation>.

EMIR Rules (Procedures for Ensuring Data Quality) Instrument 2023

- 2.2 The FCA Board has made changes to the Handbook sections listed below:

Glossary
GEN Sch 4
EMIR 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4

- 2.3 In summary, this instrument makes changes to the Glossary of definitions to define EMIR as the 'European Market Infrastructure Regulation Rules sourcebook', clarifies the Powers exercised by the FCA in making certain rules in GEN, and requires trade repositories to ensure effective reconciliation of data by trade repositories, the verification of compliance by counterparties and Central Counterparties (CCPs) with the EMIR reporting obligation, and the verification of the completeness and correctness of the data reported.
- 2.4 This instrument comes into force on 30 September 2024. Feedback has been published in a separate [Policy Statement](#).

FCA Standards Instrument: Technical Standards (EMIR Reporting and Data Quality and Miscellaneous Amendments) Instrument 2023

- 2.5 The FCA Board has made changes to our technical standards – specifically, the addition of the new technical standards:

Technical Standards on the Minimum Details of the Data to be Reported to Trade Repositories
Technical Standards on the Standards, Formats, Frequency and Methods and Arrangements for Reporting

- 2.6 The FCA Board has also made changes to our existing technical standards:

Commission Delegated Regulation (EU) No 149/2013
Commission Delegated Regulation (EU) No 151/2013
Commission Delegated Regulation (EU) No 2016/957

- 2.7 In summary, this instrument makes changes to the table of reportable fields under UK EMIR, sets out notifications and reconciliation processes for counterparties, mandates certain delegated reporting requirements, and requires the use of standardised XML schemas and of certain global identifiers.
- 2.8 This instrument comes into force on 30 September 2024. Feedback has been published in a separate [Policy Statement](#).

Technical Standards (EMIR Registration of Trade Repositories and Miscellaneous Amendments) Instrument 2023

- 2.9 The FCA Board has made changes to our technical standards:
**Commission Delegated Regulation (EU) No 150/2013
Commission Implementing Regulation (EU) No 1248/2012**
- 2.10 In summary, this instrument makes changes to the details and format of the application for registration as a trade repository, and to the rules governing access by relevant authorities to certain transaction data.
- 2.11 This instrument comes into force on 24 February 2023, except Part 1 of Annex A, which comes into force on 30 September 2024. Feedback has been published in a separate [Policy Statement](#).

FCA Registration Function Under the Co-Operative and Community Benefit Societies Act 2014 Guide Instrument 2023

- 2.12 The FCA Board has made changes to the Handbook section listed below:
Glossary
- 2.13 The FCA Board has made changes to introduce a new regulatory/registry guide:
FCA Registration Function under the Co-operative and Community Benefit Societies Act 2014 Guide
- 2.14 In summary, this instrument makes changes to move Finalised Guidance (FG) [15/12](#) from its static PDF format on our website to the FCA Handbook to make it more accessible and capable of future updates.
- 2.15 This instrument comes into force on 24 February 2023. Feedback is published in Chapter 3 of this Notice.

Enforcement Guide (Amendment) Instrument 2023

- 2.16 The FCA Board has made changes to the Handbook sections listed below:
EG 19.14, EG 19.15
- 2.17 In summary, this instrument makes changes to update the Enforcement Guide (EG) to reflect the application of Regulation 74C to include Annex 1 financial institutions. This change aligns EG with the amended Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs).
- 2.18 This instrument comes into force on 24 February 2023. Feedback is published in Chapter 3 of this Notice.

Training and Competence Sourcebook (Amendment No 11) Instrument 2023

- 2.19 The FCA Board has made changes to the Handbook sections listed below:
**Glossary
TC App 4.1**
- 2.20 In summary, this instrument makes changes to enable us to provide firms and consumers with the most up-to-date information in relation to our qualifications table and the Glossary definition of accredited bodies. This will also enable us to ensure the financial workforce have the appropriate skills and knowledge needed to continue to deliver good outcomes for consumers using their services.
- 2.21 This instrument comes into force on 31 March 2023. Feedback is published in Chapter 3 of this Notice.

Handbook Administration (No 63) Instrument 2023

- 2.22 The FCA Board has made a minor change to the Handbook section listed below:
CONRED 3.1
- 2.23 In [Handbook Notice No 106](#) and Policy Statement (PS) [23/1](#), we confirmed that, on 26 January 2023, following consultation, the FCA Board made changes to extend the temporary British Steel Pension Scheme (BSPS) asset retention rules to ensure that the rules continue to apply until firms have resolved all the consumer redress scheme cases that they are responsible for, plus other relevant cases outside the scheme.
- 2.24 As part of [PS23/1](#), we confirmed that the rules would apply to firms that provided BSPS advice to 3 or more members, rather than 5 or more members

(as had been the case under the temporary asset retention rules that applied until 31 January 2023).

- 2.25 Since those rules were made we have identified a typographical error at CONRED 3.1.4R(4) in the legal instrument published with the Policy Statement. Whereas the consultation text, its accompanying legal instrument and the Policy Statement text were clear about our intention, part of the legal instrument accompanying the Policy Statement did not correctly reflect that the rules would not apply to firms that provided BPS advice to fewer than 3 members. This instrument corrects the typographical error.
- 2.26 As explained in [PS23/1](#) and CONRED 3.2.7R(1A), firms that arranged 3 or 4 BPS transactions, and which are subject to the asset retention rules for the first time, are required to report the outcome of their first Financial Resilience Assessment to us by 28 February 2023.
- 2.27 This change was not consulted on separately because it is a minor amendment which corrects or clarifies an existing provision which has previously been consulted on. This change does not represent any change in FCA policy.
- 2.28 This instrument comes into force on 24 February 2023.

3 Consultation feedback

- 3.1 This chapter provides feedback on consultations that will not have a separate policy statement published by the FCA.

FCA Registration Function Under the Co-Operative and Community Benefit Societies Act 2014 Guide Instrument 2023

Background

- 3.2 Our registration function under the Co-operative and Community Benefit Societies Act 2014 (the Act) is distinct from our functions as a regulator of financial services. Our statutory objectives under the Financial Services and Markets Act 2000 (FSMA) are disengaged for the purposes of this function.
- 3.3 Under the Financial Services Act 2012 (Mutual Societies) Order 2013, we must maintain arrangements designed to enable us to determine whether persons are complying with requirements imposed on them by or under the legislation relating to mutual societies.
- 3.4 In November 2015, we published Finalised Guidance (FG) [15/12](#), following [extensive consultation](#) with stakeholders. The guidance explains our policy and our approach to our role as a registering authority for societies under the Co-operative and Community Benefit Societies Act 2014. This document was published in a single file in PDF format and was not designed to be updated.

Summary of proposals

- 3.5 Lift and shift of [FG15/12](#): We proposed to move [FG15/12](#) from its static position into the FCA Handbook which sits as a new distinct 'Guide', which users can directly navigate and link to.
- 3.6 Removal of 'Finalised Guidance 15/12' from front page: This correctly reflects the move from a static document into a Handbook document.
- 3.7 Removal of 'November 2015' from front page: This also correctly reflects the move from a static document into a Handbook document.
- 3.8 Addition of 'Amendments to the Glossary of definitions'
- 3.9 Moving from static PDF to Handbook style will make the guidance more accessible as it will enable users to:
- use an intuitive table of contents to navigate content at different levels
 - use timeline options to view the Handbook in the past, present and future

- use quick and advanced search facilities to find content based on given criteria
- navigate content via internal integrated links
- view supporting information for content
- reach related content (outside of the Handbook) through external links
- use direct links to sections of the guidance for easier navigation and sharing

3.10 Moving [FG15/12](#) to the Handbook means that the guidance can be updated in the future as it is no longer 'finalised'. Any changes made will be subject to consultation as usual.

Feedback

3.11 We received 3 responses; 2 of the responses fully supported the proposals whilst the third provided comments outside of the scope of the consultation in relation to the text of one of the topics in the existing guidance.

Our response

3.12 Given the support we received, we have proceeded with our proposals as consulted on. As the third respondent's comments on the text of the guidance are out of scope of this 'lift and shift' consultation, we will consider them as part of our planned substantive review of the text of the guidance later this year.

Cost benefit analysis

3.13 As mentioned above, our statutory objectives under FSMA are disengaged for the purposes of the registration function. We have no rule making power in this context. Accordingly, all aspects of this Handbook are guidance rather than rules. Therefore, we are not required to publish a cost benefit analysis.

Equality and diversity statement

3.14 We continue to believe that the proposals will not have a negative impact on any of the groups with protected characteristics under the Equality Act 2010 and no concerns were raised during consultation.

Enforcement Guide (Amendment) Instrument 2023

Background

3.15 We consulted on minor amendments to the Enforcement Guide (EG) to reflect the Money Laundering and Terrorist Financing (Amendment) (No. 2) Regulations 2022 (Regulations). These Regulations amend The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLRs).

- 3.16 The FCA is responsible for monitoring and enforcing compliance with the MLRs not only by authorised firms who are within the MLR's scope, but also by cryptoasset businesses and Annex 1 financial institutions. Annex 1 financial institutions are businesses that perform activities such as financial leasing, commercial lending and safe custody services.
- 3.17 The MLRs provide the FCA with existing powers to gather information, investigate and impose directions on cryptoasset businesses. The Regulations extend those powers so that they apply to Annex 1 Financial Institutions as they do to cryptoasset businesses.

Summary of proposals

- 3.18 Following the consultation, we have amended EG 19.14 to reflect the FCA's power to impose a direction on an Annex 1 financial institution under Regulation 74C of the MLRs.
- 3.19 We have amended EG 19.15 to reflect that the FCA will apply its existing approach to imposing a direction on cryptoasset businesses to Annex 1 financial institutions.

Feedback

- 3.20 We received no feedback during the consultation period.

Our response

- 3.21 We have implemented the proposal as consulted on.

Cost benefit analysis

- 3.22 The proposal set out in Consultation Paper (CP) [22/26](#) does not impose additional obligations on firms. It does not relate to rule changes or guidance on rules. Since the requirements under section 138I FSMA are not applicable, we are not required to carry out a cost benefit analysis. In any event, we do not expect that the proposal to amend EG 19.14 and EG 19.15 will lead to any increase in costs, or the cost increase will be of minimal significance.

Equality and diversity statement

- 3.23 We continue to believe that the proposals will not have a negative impact on any of the groups with protected characteristics under the Equality Act 2010 and no concerns were raised during consultation.

Training and Competence Sourcebook (Amendment No 11) Instrument 2023

Background

- 3.24 The Training and Competence (TC) regime supports consumers by making sure the financial services workforce is appropriately qualified and well regulated. The regime includes detailed requirements for individuals carrying on certain

retail activities and qualification requirements, which are set out in the TC sourcebook.

- 3.25 Accredited bodies are a body recognised by the FCA, and help retail investment advisers to maintain our required professional standards and report to us on these standards, in accordance with the requirements in the TC sourcebook. Our accredited bodies are listed in the Glossary of definitions.

Summary of proposals

- 3.26 In [CP22/26](#), we proposed amendments to the list of accredited bodies in the Glossary of definitions and TC Appendix 4. We proposed updating the Glossary definition of an accredited body to reflect that The London Institute of Banking and Finance (LIBF) would cease to be recognised as an accredited body and The London Institute of Banking and Finance Limited (LIBF Limited) would be added. We also suggested updates to the appropriate qualifications table, reflecting the change in accredited bodies and adding a rule reference to part 2 of the qualifications table at TC App 4.1.

Feedback

- 3.27 No feedback was received for the changes proposed in [CP22/26](#).

Our response

- 3.28 We proceeded with our proposed changes as set out in [CP22/26](#). We consider these changes will support firms and individuals in having access to the most updated TC requirements.

Cost benefit analysis

- 3.29 We expect firms to incur no, or minimal, additional costs as a result of these proposals. The proposals in this consultation keep the list of appropriate qualifications in the TC sourcebook, and the Glossary definition for accredited bodies, up to date. As such, we have not conducted a CBA as per the exemption under FSMA.

Equality and diversity statement

- 3.30 We continue to believe that the proposals will not have a negative impact on any of the groups with protected characteristics under the Equality Act 2010 and no concerns were raised during consultation.

4 Additional information

Making corrections

- 4.1 The FCA reserves the right to make correctional or clarificatory amendments to the instruments made at the Board meeting without further consultation should this prove necessary or desirable.

Publication of Handbook material

- 4.2 This Notice is published on the FCA website and is available in hardcopy.
- 4.3 The formal legal instruments (which contain details of the changes) can be found on the FCA's website listed by date, reference number or module at www.handbook.fca.org.uk/instrument. The definitive version of the Handbook at any time is the version contained in the legal instruments.
- 4.4 The changes to the Handbook are incorporated in the consolidated Handbook text on the website as soon as practicable after the legal instruments are published.
- 4.5 The consolidated text of the Handbook can be found on the FCA's website at www.handbook.fca.org.uk/. A print version of the Handbook is available from The Stationery Office's shop at www.tsoshop.co.uk/Financial-Conduct-Authority-FCA/.
- 4.6 Copies of the FCA's consultation papers referred to in this Notice are available on the FCA's website.

Obligation to publish feedback

- 4.7 This Notice, and the feedback to which paragraph 1.3 refers, fulfil for the relevant text made by the Board the obligations in sections 138I(4) and (5) and similar sections of the Financial Services and Markets Act 2000 ('the Act'). These obligations are: to publish an account of representations received in response to consultation and the FCA's response to them; and to publish (where applicable) details of any significant differences between the provisions consulted on and the provisions made by the Board, with a cost benefit analysis and a statement under section 138K(4) of the Act if a proposed altered rule applies to authorised persons which include mutual societies.

Comments

- 4.8 We always welcome feedback on the way we present information in the Handbook Notice. If you have any suggestions, they should be sent to handbookproduction@fca.org.uk (or see contact details at the front of this Notice).

Handbook Notice 107

This Handbook Notice describes the changes to the Handbook and other material made by the Financial Conduct Authority (FCA) Board under its legislative and other statutory powers on 23 February 2023.

It also may contain information about other publications relating to the Handbook and, if appropriate, lists minor corrections made to previous instruments made by the Board.

Contact names for the individual modules are listed in the relevant Consultation Papers and Policy Statements referred to in this Notice.

General comments and queries on the Handbook can be addressed to:

Lisa Ocero

Tel: 020 7066 0198

Email: Lisa.Ocero@fca.org.uk

However, queries on specific requirements in the Handbook should be addressed first to your normal supervisory contact in the FCA. For most firms this will be the FCA's Contact Centre:

Tel: 0300 500 0597

Fax: 0207 066 0991

Email: firm.queries@fca.org.uk

Post: Contact Centre
Financial Conduct Authority
12 Endeavour Square
London E20 1JN

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