

**ENFORCEMENT (EU SECURITISATION REGULATION) (No 2) INSTRUMENT
2019**

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of and/or under:
- (1) section 139A (Power of the FCA to give guidance) of the Financial Services and Markets Act 2000 (“the Act”); and
 - (2) the following provisions in the Financial Services and Markets Act 2000 (Securitisation) Regulations 2018:
 - (a) regulation 9 (Statements of policy); and
 - (b) paragraph 1 of Schedule 1 (Application of sections 66 to 70 of the Act).

Commencement

- B. This instrument comes into force on 6 June 2019.

Amendments to the Handbook

- C. The Decision Procedure and Penalties manual (DEPP) is amended in accordance with Annex A to this instrument.

Material outside the Handbook

- D. The Enforcement Guide (EG) is amended in accordance with Annex B to this instrument.

Citation

- E. This instrument may be cited as the Enforcement (EU Securitisation Regulation) (No 2) Instrument 2019.

By order of the Board
30 May 2019

Annex A

Amendments to the Decision Procedure and Penalties manual (DEPP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

2 Statutory notices and the allocation of decision making

...

2 Annex 1G Warning notices and decision notices under the Act and certain other enactments

...

UK Securitisation Regulations	Description	Handbook reference	Decision maker
...			
Paragraph 1 of Schedule 1	when the <i>FCA</i> is proposing or deciding to take action against an individual by exercising the disciplinary powers conferred by section 66* ₂ to publish a statement or ₂ impose a financial penalty as applied by paragraph 1 of schedule 1		<i>RDC</i>
Paragraph 4 of Schedule 1	when the <i>FCA</i> is proposing or deciding to publish a statement (under section 205) ₂ or impose a financial penalty (under section 206), <u>or suspend a permission or impose a restriction in relation to the carrying on of a regulated activity (under section 206A)</u> as applied by paragraph 4 of schedule 1.		<i>RDC</i>
...			

Annex B

Amendments to the Enforcement Guide (EG)

In this Annex, underlining indicates new text and striking through indicates deleted text.

19.38 UK Securitisation Regulations

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19.38.4 The regulatory powers which the *UK Securitisation Regulations* provide to the *FCA* include the power:

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- (6) to require restitution; ~~and~~
- (7) to impose temporary prohibitions on individuals holding management functions; and
- (8) to impose a suspension, condition, limitation or other restriction.