

**BANK OF ENGLAND FMI RULEBOOK: OVERSEAS CENTRAL COUNTERPARTIES
INSTRUMENT [2025]**

Powers exercised

- A. The Bank of England makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137T (General supplementary powers) as applied by paragraph 10 (Rules) of Schedule 17A (Further provision in relation to exercise of Part 18 functions by Bank of England);
 - (2) section 293 (Notification requirements); and
 - (3) section 300F (Rules relating to central counterparties and central securities depositories) exercised in accordance with section 300G (Section 300F; rules in relation to overseas FMI entities).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act as applied by paragraph 10 (Rules) of Schedule 17A (Further provision in relation to exercise of Part 18 functions by Bank of England)).
- C. The Bank of England makes the rules in the Annex to this instrument.

Part	Annex
Overseas CCPs	A

Commencement

- D. This instrument comes into force on [DATE]

Citation

- E. This instrument may be cited as the Bank of England FMI Rulebook: Overseas Central Counterparties Instrument [2025]

By order of the Financial Market Infrastructure Committee
[DATE]

Annex A
Overseas CCPs Part

In this Annex, the text is all new and is not underlined.

OVERSEAS CCPs

Chapter content

- 1. APPLICATION**
- 2. NON-SYSTEMIC OVERSEAS CCP NOTIFICATIONS**
- 3. CORRESPONDING RULES APPLYING TO SYSTEMIC OVERSEAS CCPS**
- 4. SYSTEMIC OVERSEAS CCP NOTIFICATIONS**

1 APPLICATION

- 1.1 This Part applies to an *overseas CCP*.

2 NON-SYSTEMIC OVERSEAS CCP NOTIFICATIONS

- 2.1 In this Chapter, an expression in italics defined in the *FMI Rulebook* Glossary has the meaning given in that glossary.
- 2.2 A *non-systemic overseas CCP* must, without undue delay, notify the *Bank* of any material changes relevant to whether it meets the conditions for recognition in [paragraphs (b) and (c)] of [section 300EA(2)] of *FSMA*.
- 2.3 If any emergency arises which:
- (1) makes it impracticable for the *non-systemic overseas CCP* to comply with 2.2;
 - (2) could not have been avoided by the *non-systemic overseas CCP* taking all reasonable steps; and
 - (3) is outside the control of the *non-systemic overseas CCP*, its associates and agents (and of its and their *employees*),

the *non-systemic overseas CCP* must notify the *Bank* as soon as practicable of the emergency and of the steps it is taking and proposes to take to deal with the consequences of the emergency.

3 CORRESPONDING RULES APPLYING TO SYSTEMIC OVERSEAS CCPS

- 3.1 The following Parts apply to a *systemic overseas CCP*:
- (1) the Interpretation and General Provisions Part;
 - (2) the Capital Part;
 - (3) the Management and Governance Part;
 - (4) the Change in Control Part;
 - (5) the Record Keeping Part;
 - (6) the Business Continuity Part;
 - (7) the Operational Resilience Part;

- (8) the Conduct of Business Part;
- (9) the Exposure Management Part;
- (10) the Margin Requirements Part;
- (11) the Default Procedures Part;
- (12) the Default Fund Part;
- (13) the Default Waterfall Part;
- (14) the Liquidity Risk Controls Part;
- (15) the Collateral Part;
- (16) the Investment Policy Part;
- (17) the Review and Testing of Models and Parameters Part;
- (18) the Settlement Part.
- (19) the Capital Calculations and Reporting Part; and
- (20) the Interoperability Arrangements Part.

3.2 A *systemic overseas CCP* may apply for a *section 138BA permission* from the *Bank* to waive or modify the application of 3.1.

4 SYSTEMIC OVERSEAS CCP NOTIFICATIONS

- 4.1 A *systemic overseas CCP* must, without undue delay, notify the *Bank* of any material changes relevant to whether it meets the conditions for recognition in:
- (1) [paragraphs (b) and (c)] of [section 300EA(2)] of *FSMA*; and
 - (2) [paragraph (b)] of [section 300EA(3)] of *FSMA*.
- 4.2 A *systemic overseas CCP* must annually provide the *Bank* with written confirmation that the condition for recognition in [paragraph (b)] of [section 300EA(3)] of *FSMA* continues to be met.