

PRA RULEBOOK: CRR FIRMS, NON CRR FIRMS, NON AUTHORISED PERSONS: DEPOSITOR PROTECTION (MISCELLANEOUS AMENDMENTS) INSTRUMENT 2019

Powers exercised

- A. The Prudential Regulation Authority (“PRA”) 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 137G (The PRA’s general rules);
 - (2) section 137T (General supplementary powers);
 - (3) section 213 (The compensation scheme); and
 - (4) section 214 (General).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

Pre-conditions to making

- C. In accordance with section 138J of the Act (Consultation by the PRA), the PRA consulted the Financial Conduct Authority. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

PRA Rulebook: CRR Firms, Non CRR Firms, Non Authorised Persons: Depositor Protection (Miscellaneous Amendments) Instrument 2019

- D. The PRA makes the rules in Annexes A and B to this instrument.

Part	Annex
Glossary	A
Depositor Protection	B

Commencement

- E. This instrument comes into force on 7 March 2019.

Citation

- F. This instrument may be cited as the PRA Rulebook: CRR Firms, Non CRR Firms, Non Authorised Persons: Depositor Protection (Miscellaneous Amendments) Instrument 2019.

By order of the Prudential Regulation Committee

1 March 2019

Annex A

Amendments to the Glossary

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

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GDPR

means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC.

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Annex B

Amendments to the Depositor Protection Part

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

2 Eligibility

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2.2 ...

(4) The following are not *eligible deposits*:

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(f) a *deposit* the holder and any beneficial owner (as defined in regulation ~~63~~ of the Money Laundering Regulations, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2007~~17~~) of which have not, at the *compensation date* had their identity verified in accordance with:

(i) regulation 930 of the Money Laundering Regulations, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2007~~17~~;

(ii) if their identity was verified prior to 26 June 2017, regulation 9 of the Money Laundering Regulations 2007 (in which case, the term beneficial owner in (f) above shall have the meaning given in regulation 6 of the Money Laundering Regulations 2007); or

(iii) in each case, (or-equivalent ~~EEA~~European Economic Area requirements);

...

26 Confidentiality, Information Sharing and Co-operation

26.1 The *FSCS* must ensure the confidentiality and the protection of the data pertaining to *depositors'* accounts. The processing of such data must be carried out in accordance with the Data Protection Act ~~1998~~2018 and the *GDPR*.

...

28 Subrogation

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28.3 (1) The *FSCS* may determine that, if it is necessary or desirable in conjunction with the exercise of the *FSCS's* powers under 28.2, that the *compensation recipient* shall be treated as having irrevocably and unconditionally appointed the chairman of the *FSCS* for the time being to be their attorney and agent and on their behalf and in their name or otherwise to do such things and execute such deeds and documents as may be required under such laws of the *UK*, another *EEA State* or any other state or ~~law~~-country to create or give effect to such assignment or transfer or otherwise give full effect to those powers.

...

44 Funding – Reporting Requirements

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44.4 If a *firm* does not submit a complete *statement of business* by the date on which it is due in accordance with 44.2 and any prescribed submission procedures:

...

(2) The *DGS compensation costs levy* and any *DGS specific costs levy* will be calculated using (where relevant) the valuation or valuations of business applicable to the previous period, multiplied by a factor of 1.10 (or if it has become a *DGS member* part way through a financial year, on the basis of the information provided to the *PRA* and used to calculate *PRA fees for the purposes of Fees 3.6 (1)* or on any other reasonable basis, making such adjustments as seem appropriate in subsequent levies once the true figures are known).

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