

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4896 GIBRALTAR Thursday 9th September 2021

LEGAL NOTICE NO. 392 OF 2021

EUROPEAN UNION (WITHDRAWAL) ACT 2019

FINANCIAL SERVICES (INTERNATIONAL ACCOUNTING STANDARDS) (AMENDMENT AND TRANSITIONAL PROVISION) (EU EXIT) REGULATIONS 2021

In exercise of the powers conferred on the Minister by sections 11 and 15 of the European Union (Withdrawal) Act 2019, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Financial Services (International Accounting Standards) (Amendment and Transitional Provision) (EU Exit) Regulations 2021.

Commencement.

2. These Regulations are deemed to have come into operation on 1st January 2021.

Amendment of the Credit Institutions (Accounts) Regulations.

3. In regulation 3(1) of the Financial Services (Credit Institutions) (Accounts) Regulations 2021, for the definition of “international accounting standards” substitute-

““international accounting standards” means-

- (a) the international accounting standards, as defined in Article 2 of the IAS Regulation, which were contained in Regulation (EC) No 1126/2008 as it had effect immediately before IP completion day; and
- (b) any international accounting standards, as defined in that Article, which are adopted for use in the United Kingdom by the UK Accounting Standards Endorsement Board or the relevant UK Secretary of State,

and to the extent that any standards in paragraph (a) are superseded by or otherwise differ from those in paragraph (b), the latter are to prevail;”.

Amendment of the Insurance Companies (Accounts) Regulations.

4. In regulation 3(1) of the Financial Services (Insurance Companies) (Accounts) Regulations 2021, for the definition of “international accounting standards” substitute-

““international accounting standards” means–

- (a) the international accounting standards, as defined in Article 2 of the IAS Regulation, which were contained in Regulation (EC) No 1126/2008 as it had effect immediately before IP completion day; and
- (b) any international accounting standards, as defined in that Article, which are adopted for use in the United Kingdom by the UK Accounting Standards Endorsement Board or the relevant UK Secretary of State,

and to the extent that any standards in paragraph (a) are superseded by or otherwise differ from those in paragraph (b), the latter are to prevail;”.

Transitional provision.

5. For the purpose of accounts for any financial year beginning on or before IP completion day which are prepared in accordance with–

- (a) the Financial Services (Credit Institutions) (Accounts) Regulations 2021; or
- (b) the Financial Services (Insurance Companies) (Accounts) Regulations 2021,

“international accounting standards” means the international accounting standards, as defined in Article 2 of Regulation (EC) No 1606/2002, which were contained in Regulation (EC) No 1126/2008 as it had effect immediately before IP completion day.

Dated: 9th September 2021.

A J ISOLA,
Minister with responsibility for financial services.

EXPLANATORY MEMORANDUM

These Regulations are made under section 11 of the European Union (Withdrawal) Act 2019, in order to address failures of retained EU law to operate effectively arising from Gibraltar's withdrawal from the European Union.

The Regulations amend the Financial Services (Credit Institutions) (Accounts) Regulations 2021 and the Financial Services (Insurance Companies) (Accounts) Regulations 2021. They provide for international accounting standards, which were previously subject to approval by the European Commission, to be approved for use in Gibraltar if they are adopted for use in the United Kingdom.

The Regulations also make transitional provision for accounts which relate to financial years which began before IP completion day.