

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4949 GIBRALTAR Thursday 31st March 2022

LEGAL NOTICE NO. 83 OF 2022.

FINANCIAL SERVICES ACT 2019

FINANCIAL SERVICES (FEES) (AMENDMENT No. 2) REGULATIONS 2022

In exercise of the powers conferred on the Minister by sections 620, 624 and 627 of the Financial Services Act 2019 the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Financial Services (Fees) (Amendment No.2) Regulations 2022.

Commencement.

2. These Regulations come into operation on 2nd April 2022.

Amendment of the Financial Services (Fees) Regulations 2020.

3.(1) The Financial Services (Fees) Regulations 2020 are amended as follows.

(2) In regulation 3(1)-

(a) for the definition of “Category 1 MiFID firm”, “Category 2 MiFID firm” and “Category 3 MiFID firm” substitute-

““Category 1 investment firm” means an investment firm to which regulation 4(3) or 5 of the Financial Services (Investment Firms) (Prudential Requirements) Regulations 2021 applies;

“Category 2 investment firm” means an investment firm, other than a Category 1 or Category 3 investment firm, which either-

(a) carries on the regulated activity in paragraph 50 or 53 of Schedule 2 to the Act (a “Category 2A investment firm”); or

(b) does not carry on either of those regulated activities (a “Category 2B investment firm”);

“Category 3 investment firm” means a small and non-interconnected investment firm within the meaning of regulation 15(1) of the Financial Services (Investment Firms) (Prudential Requirements) Regulations 2021;”;

(b) omit the definition of “MiFID firm”.

(3) In Schedule 1–

(a) in Fee Block B1, in the sixth entry–

- (i) in the first column, for “MiFID Firms Categories 1, 2 and 3 (Credit institutions)” substitute “Credit institutions carrying on investment business”;
- (ii) in the third column, in the entry in respect of “Additional Fee 1”, for “category of the MiFID firm” substitute “credit institution’s ‘MiFID’ category”;
- (iii) in the third column, for the entry in respect of “Transaction Fee”, omit “MiFID”;

(b) in Fee Block B1, in the seventh entry–

- (i) in the first column, for “MiFID Firms Categories 1, 2 and 3 (Non-credit institutions)” substitute “Investment Firms”;
- (ii) in the third column, for the entry in respect of “Additional Fee 1”, substitute–

“Additional Fee 1

An additional fee, depending on the category of the investment firm–

Category 1 – a flat fee of £16,000

Category 2A – a flat fee of £10,927

Category 2B – a flat fee of £8,499

Category 3 – a flat fee of £3,035.”;

- (iii) in the third column, for the entry in respect of “Transaction Fee”, omit “MiFID”;

(c) in Fee Block B2, in the second entry, in the first column, for “MiFID” substitute “investment firm”.

(4) In Schedule 2–

(a) in Fee Block A1, in the seventh entry, in the first column, for “MiFID Firm” substitute “investment firm”;

(b) in Fee Block B1–

(i) before the fifteenth entry, insert–

“Category 1 investment firm	Application for a Part 7 permission	£17,000”
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(ii) in the fifteenth entry, in the first column, for “MiFID Firm Category 1” substitute “Category 2A investment firm”;

(iii) in the sixteenth entry, in the first column, for “MiFID Firm Category 2” substitute “Category 2B investment firm”;

(iv) in the seventeenth entry, in the first column, for “MiFID Firm Category 3” substitute “Category 3 investment firm”;

(v) in the eighteenth entry, in the first column, for “MiFID Firm Categories 1, 2, and 3” substitute “Investment firm, all Categories”;

(c) in Fee Block B2, in the fourth entry, in the first column, for “MiFID” substitute “investment firm”.

Dated: 31st March 2022

A J ISOLA,
Minister with responsibility for Financial Services.

EXPLANATORY MEMORANDUM

These Regulations amend the Financial Services (Fees) Regulations 2020. The Regulations amend provisions relating to investment firms, to take account of changes in the categorisation of investment firms introduced by the Financial Services (Investment Firms) (Prudential Requirements) Regulations 2021.