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INTERNATIONAL REGULATORY UPDATE 18 – 22 NOVEMBER 2024

- **EU Council adopts ESG Ratings Regulation**
- **EMIR 3.0: ESMA consults on active account requirement**
- **ESMA publishes technical advice on CSDR penalty mechanism**
- **ESMA publishes final report on T+1 settlement**
- **FSB publishes report and letter on implementing regulatory reforms**
- **FSB reports on legal and regulatory challenges to use of compensation tools**
- **IOSCO consults on pre-hedging practices**
- **IOSCO launches roadmap on retail investor online safety**
- **Consumer Composite Investments (Designated Activities) Regulations 2024 made**
- **Packaged Retail and Insurance-based Investment Products (Retail Disclosure) (Amendment) Regulations 2024 made**
- **Prudential Regulation of Credit Institutions (Meaning of CRR Rules and Recognised Exchange) (Amendment) Regulations 2024 made**
- **Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2024 made**
- **Securitisation (Amendment) (No. 2) Regulations 2024 made**
- **Digital assets: House of Lords Committee publishes call for evidence on Property (Digital Assets etc) Bill**
- **UK Government makes statement on Digital Gilt Instrument pilot**
- **BoE consults on fundamental rules for FMIs**
- **FCA launches motor finance complaints consultation**
- **FCA publishes guidance for firms to enable risk-based approach to payments**
- **FINMA publishes 2024 Risk Monitor**
- **Australian Treasury launches supplementary consultation on proposal to address unfair trading practices**
- **HKMA issues circular regarding implementation of Basel III final reform package**
- **HKMA publishes new SPM module on risk-based supervision of approved money brokers**

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If you would like to know more about the subjects covered in this publication or our services, please contact:

International Regulatory Group Contacts

Marc Benzler +49 69 7199 3304

Caroline Dawson +44 207006 4355

Steven Gatti +1 202 912 5095

Rocky Mui +852 2826 3481

Lena Ng +65 6410 2215

Gareth Old +1 212 878 8539

Donna Wacker +852 2826 3478

International Regulatory Update Editor

Joachim Richter +44 (0)20 7006 2503

To email one of the above, please use firstname.lastname @cliffordchance.com

Clifford Chance LLP,
10 Upper Bank Street,
London, E14 5JJ, UK
www.cliffordchance.com

- **MAS announces green finance and capital markets initiatives to strengthen financial cooperation with China**
- **MAS responds to feedback received on proposed enhancements to deposit insurance scheme in Singapore**
- **Ministry of Home Affairs introduces Protection from Scams Bill for first reading in Singapore Parliament**
- **Recent Clifford Chance briefings: EU cryptoassets service providers, Mansion House Speech 2024, and more. Follow this link to the briefings section.**

EU Council adopts ESG Ratings Regulation

The EU Council has adopted the regulation on environmental, social and governance (ESG) rating activities.

The new rules are intended to strengthen the reliability and comparability of ESG ratings by improving the transparency and integrity of the operations of ESG ratings providers.

Under the new rules, ESG rating providers will need to be authorised and supervised by the European Securities and Markets Authority (ESMA) and comply with transparency requirements, in particular with regard to their methodology and sources of information.

Third-country ESG rating providers wishing to operate in the EU will need to obtain an endorsement of their ESG ratings by an EU authorised ESG rating provider or be included in the EU registry of ESG rating providers on the basis of an equivalence decision.

The regulation also introduces a separation of business and activities principle intended to prevent conflicts of interest.

Adoption by the Council follows an agreement reached with the EU Parliament at first reading under the ordinary legislative procedure.

The regulation will enter into force 20 days after its publication in the Official Journal and apply 18 months later.

EMIR 3.0: ESMA consults on active account requirement

ESMA has launched a consultation on its draft regulatory technical standards (RTS) on the active account requirement (AAR) under the revised European Market Infrastructure Regulation (EMIR 3.0).

EMIR 3.0 introduces a new requirement for EU counterparties active in certain derivatives to hold an operational and representative active account at an authorised central counterparty (CCP). ESMA is seeking feedback on various conditions of the AAR including:

- the three operational conditions to ensure that the clearing account is effectively active and functional, including stress-testing;
- the representativeness obligation for the most active counterparties; and
- the reporting requirements to assess their compliance with the AAR.

Comments are due by 27 January 2025. A public hearing is scheduled for 20 January 2025.

ESMA publishes technical advice on CSDR penalty mechanism

ESMA has published its final report on technical advice for the EU Commission on the penalty mechanism under the Central Securities Depositories Regulation (CSDR).

The advice is intended to incentivise all actors in the settlement chain to improve settlement efficiency, especially in light of the EU's potential move to T+1. The report sets out advice relating to:

- alternative parameters to calculate the penalties due to lack of cash, when the official interest rate for overnight credit charged by the central bank issuing the settlement currency is not available;
- the treatment of historical reference prices for the calculation of late matching fail penalties; and
- the design and level of the penalty rates for each asset class.

ESMA has proposed to maintain the design of the current penalty mechanism and introduce an overall moderate increase of the penalty rates, in alignment with the current types of settlement fails and targeting most asset classes.

ESMA publishes final report on T+1 settlement

ESMA has published a final report on shortening the settlement cycle in the EU.

In its report, ESMA recommends that the settlement cycle be shortened to the first business day after the transaction has been executed (T+1), and that the migration to T+1 be achieved by Q4 2027 and occur simultaneously across all relevant instruments on 11 October 2027.

ESMA intends to continue its regulatory work on the revision of rules on settlement efficiency, and to address T+1 governance together with the EU Commission and European Central Bank (ECB).

ESMA notes that a shorter settlement cycle (T+0) could be envisaged in the long term pending further assessment.

FSB publishes report and letter on implementing regulatory reforms

The Financial Stability Board (FSB) has published its 2024 annual report on promoting global financial stability, alongside a letter from its Chair to G20 finance ministers and central bank governors on fully implementing agreed reforms.

The report tracks FSB member jurisdictions' implementation of regulatory reforms and notes uneven progress in implementing key G20 regulatory reforms, including those relating to Basel III and non-bank financial intermediation (NBFI). In the letter, the Chair warns of ongoing vulnerabilities within the global financial system and stresses the importance of continued, full, consistent, and timely implementation of agreed-upon financial regulatory reforms.

The letter also sets out the FSB's efforts to develop policies aimed at mitigating risks associated with digitalisation, artificial intelligence (AI) and climate change.

FSB reports on legal and regulatory challenges to use of compensation tools

The FSB has published a report on legal and regulatory challenges to the use of compensation tools. The report reviews the progress made by FSB member jurisdictions in implementing compensation tools such as in-year adjustments, malus and clawback, highlighting their complexity and variability. The FSB highlights the role of such compensation mechanisms in signalling the importance of prudent risk management and regulatory compliance within financial institutions, providing incentives for good conduct and ensuring accountability through ex post adjustments.

The FSB notes that several jurisdictions have introduced changes related to compensation tools since March 2021, though challenges persist in their use, particularly regarding clawback provisions. The report underscores the importance of strong Board oversight and governance, a robust risk culture, transparency in compensation frameworks, and the role of financial authorities in setting and monitoring standards.

The report outlines practical solutions to address the legal and regulatory challenges identified.

IOSCO consults on pre-hedging practices

The International Organization of Securities Commissions (IOSCO) has published a consultation report on its recommendations for pre-hedging practices.

Pre-hedging is used by dealers to manage risks associated with anticipated wholesale principal orders in relation to primary market offerings and secondary market transactions. This can occur across various markets, including securities and derivatives, on trading venues and over-the-counter (OTC) markets and involves a range of asset classes including equities, fixed income, currencies and commodities. Market participants including standard setters and national and supra-national authorities have raised potential concerns about pre-hedging practices.

According to IOSCO, existing industry codes and standards mostly target OTC markets or only specific asset classes or do not cover the range of potential issues related to pre-hedging. The report provides a definition of pre-hedging and sets out recommendations intended to guide regulators in determining acceptable pre-hedging practices and managing conduct risks effectively.

Comments are due by 21 February 2025.

IOSCO launches roadmap on retail investor online safety

IOSCO has published three consultations under a new roadmap to enhance retail investor online safety.

The roadmap aims to safeguard retail investors worldwide from fraud, excessive risk and misinformation in light of increased digital trading and the influence of social media. IOSCO hopes to address these risks by focussing on enhancing investor education and promoting robust regulatory frameworks to better protect retail investors.

The roadmap consists of five waves of targeted actions planned over twelve months. IOSCO has published three consultation reports under the first wave which focus on:

- finfluencers and the risk they pose by potentially spreading biased information and promoting high-risk products without adequate conflict of interest disclosures;
- copy trading, a popular approach often focused on short-term strategies in complex and volatile markets which exposes retail investors to significant risks through automated, high-risk trading decisions; and
- digital engagement practices (DEPs), such as gamification and targeted prompts which make investing more accessible and engaging, particularly for younger investors.

Comments are due by 20 January 2025.

Consumer Composite Investments (Designated Activities) Regulations 2024 made

The Consumer Composite Investments (Designated Activities) Regulations 2024 (SI 2024/1198) have been made. The Regulations replace assimilated law in relation to the PRIIPs Regulation, establishing a new legislative framework for the regulation of Consumer Composite Investments (CCIs), formerly PRIIPs.

The SI specifies activities related to CCIs as designated activities under the Financial Services and Markets Act 2000 (FSMA 2000). It grants the Financial Conduct Authority (FCA) rule-making, supervision, and enforcement powers to establish regulatory provisions for individuals engaging in designated activities related to CCIs. The SI also includes transitional provisions and amendments to other legislation to ensure the CCI regime remains functional.

Packaged Retail and Insurance-based Investment Products (Retail Disclosure) (Amendment) Regulations 2024 made

The Packaged Retail and Insurance-based Investment Products (Retail Disclosure) (Amendment) Regulations 2024 (SI 2024/1204) have been made.

The Regulations make transitional amendments to assimilated law, in particular the PRIIPs Regulation and certain provisions of the MiFID Org Regulation relating to cost disclosure requirements for investment trusts.

Investment trusts, along with persons advising on or selling shares of investment trusts, will not be required to produce the Key Information Document under the PRIIPs Regulation. Additionally, investment trusts and firms investing in them will not be required to disclose costs and charges relating to investment trusts to clients, pursuant to the MiFID Org Regulation.

The legislation amended by the Regulations is intended to be replaced by a new UK retail disclosure regime for CCIs, which is scheduled to replace the PRIIPs regime in 2025.

The Regulations came into force on 22 November 2024.

Prudential Regulation of Credit Institutions (Meaning of CRR Rules and Recognised Exchange) (Amendment) Regulations 2024 made

The Prudential Regulation of Credit Institutions (Meaning of CRR Rules and Recognised Exchange) (Amendment) Regulations 2024 (SI 2024/1200) have been made.

The Regulations amend:

- the definition of 'CRR rules' to include rules made by the Prudential Regulation Authority (PRA) as part of Basel 3.1 implementation; and
- the definition of 'recognised exchange' to include: exchanges in UK regulated markets; recognised overseas investment exchanges; and investment exchanges that meet conditions specified by the PRA. The PRA intends to consult on these conditions shortly.

The Regulations came into force on 22 November 2024.

Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2024 made

The draft Sanctions (EU Exit) (Miscellaneous Amendments) (No. 2) Regulations 2024 (SI 2024/1157) have been laid in Parliament and made according to the negative procedure.

SI 2024/1157 contains measures intended to improve the ability of HM Treasury's Office of Financial Sanctions Implementation (OFSI) to enforce financial sanctions and encourage better sanctions compliance, such as:

- broadening the scope of financial sanctions reporting obligations to high value dealers, art market participants, insolvency practitioners and letting agencies;
- broadening the requirement to report a suspected offence to report a suspected breach of sanctions;
- introducing an obligation to provide an annual report of frozen assets held;
- updating the notification requirements for specific licences so licence issuers only need to notify the applicant for a licence;
- amending or adding relevant licensing purposes for certain sanctions regimes, and introducing a new exception for certain payments to regulatory authorities;
- new civil monetary penalty powers for Russia land prohibitions and changes to the Democratic People's Republic of Korea (DPRK) land prohibitions;
- amending the definition of designated person (DP) and certain asset freeze prohibitions to explicitly apply to entities owned or controlled by named DPs; and
- amending the Russia Regulations to clarify that acting as a nominee shareholder in relation to the use of a trust or similar arrangement is a prohibited trust service, and to modify the reporting requirements in relation to the funds or economic resources of certain prohibited persons.

SI 2024/1157 comes into force on 5 December 2024, except for the extension of reporting obligations to new sectors, which comes into force on 14 May 2025. OFSI has published new guidance in relation to those sectors and intends to further engage with industry ahead of the reporting obligations taking effect.

Securitisation (Amendment) (No. 2) Regulations 2024 made

The Securitisation (Amendment) (No. 2) Regulations 2024 (SI 2024/1202) have been made.

The Regulations extend the temporary arrangement granting preferential prudential treatment for EU-origin simple, transparent and standardised (STS) securitisations in the UK from 31 December 2024 to 30 June 2026.

The Regulations came into force on 22 November 2024.

Digital assets: House of Lords Committee publishes call for evidence on Property (Digital Assets etc) Bill

The House of Lords (HoL) has established a Special Public Bill Committee on the Property (Digital Assets etc) Bill and published a call for evidence to assist with the scrutiny of the Bill.

The Bill, which was introduced in September 2024, is intended to give effect to the recommendations of the Law Commission to confirm in statute the common law position that certain digital assets, such as cryptotokens, can constitute property.

Written evidence is sought on, among other things:

- whether the Bill is necessary and effective;
- whether the Bill would have any negative or unexpected consequences;
- how the Bill could be improved;
- whether the Bill should have retroactive effect; and
- the implications for the development of the common law in this area, both in England and Wales and other jurisdictions.

The deadline for submissions is 20 December 2024.

UK Government makes statement on Digital Gilt Instrument pilot

The Economic Secretary to HM Treasury, Tulip Siddiq MP, has made a written statement to the UK Parliament on the Government's intention to launch a pilot Digital Gilt Instrument (DIGIT) using distributed ledger technology (DLT).

First announced in the 14 November 2024 Mansion House speech, the pilot is aimed at issuing a digital bond with similar features to a conventional gilt, utilising the Digital Securities Sandbox (DSS) to test the technology across the life cycle of the instrument.

The Government intends for the pilot to sit outside of and be separate from the Debt Management Office's gilt and treasury bill operations, and to engage with industry in the new year on the design of the issuance and the technological options available.

BoE consults on fundamental rules for FMIs

The Bank of England (BoE) has published a consultation paper on proposals to introduce a set of fundamental rules for UK financial market infrastructures (FMIs), as well as an updated approach document.

The rules will apply to UK central counterparties (CCPs), UK central securities depositories (CSDs), BoE-regulated UK payment systems and specified service providers (SSPs). They set out the BoE's desired outcomes across areas such as governance, financial and operational resilience, and consideration of FMIs' impacts on the broader financial system, as well as reinforcing the BoE's commitment to international standards of FMI regulation.

The approach document sets out how the BoE will act as FMI supervisor and is intended to ensure FMIs have a clear understanding of what the BoE seeks to achieve. It will be updated periodically to reflect the BoE's priorities and any new developments.

Comments are due by 19 February 2025.

FCA launches motor finance complaints consultation

The FCA has launched a consultation on extending the time that firms have to respond to consumer complaints about motor finance where a non-discretionary commission arrangement (non-DCA) was involved (CP24/22).

CP24/22 follows the recent Court of Appeal judgment in Johnson v FirstRand Bank Limited [2024] EWCA Civ 1282 which held, among other things, that credit brokers could not lawfully receive a commission from a car finance lender without obtaining the fully informed consent from the customer.

Due to the likelihood of firms receiving a high volume of complaints in light of the judgment, and to allow firms time to consider how to efficiently and effectively handle complaints, the FCA proposes the following two time limits:

- 4 December 2025, to align the limits with the current DCA complaint handling rules; or
- 31 May 2025, to reflect the FCA's best estimate for when the application to appeal the judgment to the UK Supreme Court (UKSC) will have been decided.

Comments are due by 5 December 2024.

For more information on the judgment, please see our briefing *Motor Finance Commissions – Taking Stock*.

FCA publishes guidance for firms to enable risk-based approach to payments

The FCA has published a final guidance (FG24/6) on changes to its Payment Services and Electronic Money Approach Document to support new legislation tackling authorised push payment (APP) fraud.

On 30 October 2024, the Payment Services (Amendment) Regulations 2024 came into force and made changes to the Payment Services Regulations 2017 to extend the amount of time that a payment service provider (PSP) has to process an outbound payment when there are reasonable grounds to suspect fraud or dishonesty. To support the regulations, the HM Treasury

asked the FCA to issue guidance to explain how it expected PSPs to apply these legislative changes, taking into account feedback from stakeholders.

In September 2024, the FCA consulted (GC24/5) on adding this guidance to its approach document, together with guidance on delaying inbound payments where a PSP suspects fraud.

Following consultation feedback, the final guidance sets out:

- the requirements for delaying outbound payments and determining whether the threshold for 'reasonable grounds to suspect' has been met;
- how PSPs should use the payment delay window;
- obligations on PSPs if they delay an outbound transaction; and
- the treatment of suspicious inbound payments.

FINMA publishes 2024 Risk Monitor

The Swiss Financial Market Supervisory Authority (FINMA) has published its 2024 Risk Monitor, which identifies nine significant principal risks for the financial sector. The Risk Monitor provides an overview of what FINMA believes are the most important risks currently facing supervised institutions and describes the resulting focus of its supervisory activity.

The principal financial risks identified in the Risk Monitor are:

- credit risks associated with real estate and mortgages; and
- credit risks associated with other loans, credit spread risks, liquidity and funding risks.

On the non-financial side, the risks identified are:

- sanctions;
- restrictions on cross-border market access;
- combating money laundering;
- outsourcing of business activities; and
- cyberattacks.

Australian Treasury launches supplementary consultation on proposal to address unfair trading practices

The Australian Treasury has released a supplementary consultation paper building on its August 2023 'Protecting Consumers from Unfair Trading Practices Consultation Regulation Impact Statement (RIS)'. The consultation RIS sought evidence on the nature and extent of unfair trading practices and the extent of any consumer and small business harm arising from potential gaps in the Australian Consumer Law (ACL).

The Treasury's research attributes these potential gaps to the increasing complexity of online marketplaces, global supply chains, evolving business models and increased market concentration in certain sectors. It identified several concerning practices, including those that distort, manipulate or undermine consumer choice, without necessarily being misleading or deceptive, such as practices that create an undue sense of urgency or scarcity

(i.e., 'dark patterns') as well as problematic subscription-related practices, pricing-related practices and post-sale practices.

The consultation RIS presented four policy options:

- maintaining the status quo;
- amending statutory unconscionable conduct;
- introducing a general prohibition on unfair trading practices; and
- introducing a combination of general and specific prohibitions.

Submissions received by the Treasury expressed varied views on the existence and extent of gaps in the ACL. However, option 4 garnered the highest level of stakeholder support, as it was seen as offering the most thorough regulation of unfair trading practices while maintaining flexibility to adapt to emerging commercial practices.

Accordingly, the supplementary paper seeks feedback on the introduction of a principles-based general prohibition designed to address unfair practices while maintaining flexibility, and specific prohibitions to address particular unfair practices. It also seeks information on the benefits to consumers and compliance costs for businesses associated with the proposed prohibitions.

The Treasury has indicated that once the consultation process concludes, a decision regulation impact statement will be prepared and published. Options to amend the ACL will be considered in consultation with States and Territories, and the Government will consider changes required to financial services regulated by the Australian Securities and Investments Commission Act to ensure appropriate alignment across the ACL and financial services laws.

Comments on the consultation are due by 13 December 2024.

HKMA issues circular regarding implementation of Basel III final reform package

The Hong Kong Monetary Authority (HKMA) has issued a circular to support the industry in the implementation of the Basel III final reform package. The revised capital standards under Basel III will come into effect when the Banking (Capital) (Amendment) Rules 2023 commence operation on 1 January 2025. To support the implementation of the revised capital standards, the HKMA has shared the following good practices, amongst others, as a reference for authorised institutions' (AIs) final checks:

- senior management oversight – the implementation of Basel III requires AIs to make major changes to their systems, models, controls and related processes. Before these changes are rolled out, AIs should obtain sign-off from senior management to demonstrate involvement and accountability in driving the changes, as well as capacity building for effective implementation;
- audit trails – AIs are advised to maintain adequate documentation of the actions taken for the implementation of Basel III, including but not limited to system changes, model developments, introduction or redesign of control processes, and revisions to policies and procedures. All related reviews, testing and approvals must be recorded properly;

- updates of related internal processes – AIs are expected to conduct a thorough review of their internal processes to identify areas that may need to be updated as a result of the implementation of Basel III and make necessary modifications to ensure ongoing compliance with the relevant supervisory requirements;
- appropriate staff training – AIs should provide adequate training to their staff members to acquaint them with the revised capital standards and possible implications for existing workflows; and
- post-implementation monitoring – AIs are expected to perform ongoing monitoring to assess the effectiveness of the new or upgraded systems, models and control processes to ensure intended outcomes following the implementation of the revised capital standards.

HKMA publishes new SPM module on risk-based supervision of approved money brokers

The HKMA has published a new supervisory policy manual (SPM) module on risk-based supervision of approved money brokers as a statutory guideline under section 118C(7) of the Banking Ordinance (BO).

The new SPM module primarily codifies the existing requirements and expected standards on approved money brokers (AMBs), including those from the Code of Conduct and Practice issued by the Treasury Markets Association as well as the minimum criteria for approval as a money broker in the Eleventh Schedule to the BO. It also elaborates on the risk-based approach of the HKMA to the supervision of AMBs.

The SPM module is effective from 15 November 2024.

MAS announces green finance and capital markets initiatives to strengthen financial cooperation with China

The Monetary Authority of Singapore (MAS) has announced new green finance and capital markets initiatives to strengthen financial cooperation with China. The initiatives include:

- catalysing green financing flows between Singapore and China – the China-Singapore Green Finance Taskforce, established by the MAS and the People's Bank of China (PBC) in 2023, has been working to expand the Common Ground Taxonomy under the International Platform on Sustainable Finance to include the Singapore-Asia Taxonomy. The exercise will be completed by the end of 2024 and is intended to enable easier comparison of the green taxonomies of Singapore and China and facilitate the provision of cross-border green loans, green bond issuance and fund investments;
- piloting the OTC bond market framework between Singapore and China – the MAS and the PBC are exploring a pilot with Singapore and Chinese banks to enhance international investors' access to China's bond market. The pilot will leverage the existing OTC bond market framework in China, in order to enable participating banks in Singapore to provide trading and custody services for selected fixed income products for the China Interbank Bond Market;

- strengthening collaboration in indices and exchange traded funds product links to enrich the regional capital markets ecosystem and cater to the evolving needs of investors; and
- facilitating financial institutions' access to Chinese markets through the first listing of Panda Bonds on the Singapore Exchange and a memorandum of understanding between United Overseas Bank (UOB) and the Shanghai Gold Exchange to cooperate in proprietary trading and physical delivery of gold, as well as providing additional services to ASEAN gold suppliers and investors.

MAS responds to feedback received on proposed enhancements to deposit insurance scheme in Singapore

The MAS has published its responses to the feedback it received on its June 2023 consultation on proposed enhancements to the deposit insurance (DI) scheme in Singapore.

The MAS published Part 1 of the consultation response, on the proposed increase in maximum DI coverage from SGD 75,000 to SGD 100,000 on 22 September 2023. Part 2 of the consultation response, which covers the MAS' responses to the remaining topics, was published on 19 November 2024. The MAS has indicated that there will be a subsequent consultation on the necessary legislative changes to effect the relevant proposals.

Amongst other things, the MAS has clarified the following in Part 2 of its response:

- the MAS will not proceed with the proposal to introduce powers in the Deposit Insurance and Policy Owners' Protection Schemes Act (DI-PPF Act) for the Authority to stipulate a quantification time where deposit balances are taken as final. Instead, DI compensation will be determined based on the end-of-day deposit balances;
- instead of requiring transactions which are not fully settled on the quantification date (QD) to be excluded from the calculation of DI compensation, failed DI Scheme members will be required to compute DI compensation based on deposit balances as of the end-of-day of the next business day (QD+1). Any subsequent adjustments to deposit balances after QD+1 will be assessed and dealt with by the liquidator as part of the liquidation process. The Singapore Deposit Insurance Corporation (SDIC) will also make amendments to the SDIC Rules requiring the failed DI Scheme member to provide information on deposit balances as of QD+1, by QD+2;
- Regulation 12 of the Deposit Insurance and Policy Owners' Protection Schemes (Deposit Insurance) Regulations 2011 (DI Regulations) will be amended to give effect to the proposals regarding maintenance of the register of insured deposits by scheme members to the SDIC;
- the MAS will remove DI Regulation 10(2) to 10(4), which currently allows SDIC the option of choosing among a list of prescribed payment methods for DI compensation paid in respect of insured deposits held under trust, client and sole-proprietor accounts. It has also clarified that the method of compensation payment under DI Regulation 10(1) is at the SDIC's discretion and does not provide an option for insured depositors to select their preferred method of receiving compensation from the DI Fund;

- the SDIC will take over the administration of unclaimed DI monies from the Public Trustee Office;
- the MAS will impose a time limit of seven years from QD or the date when the liquidator is discharged, whichever is later, for insured depositors or their legally authorised representatives to claim their DI compensation. The SDIC will pay any unclaimed monies to the consolidated fund, which is similar to the current treatment. Scheme members will not be required to separately inform customers or include the time limit in their marketing materials, account opening forms and account statements;
- the liquidator's assessment will be taken as final for the purposes of resolving disputes over DI compensation, and the balances of insured depositors with the failed bank may not be disputed after the liquidator is discharged; and
- Section 28 of the DI-PPF Act will be amended to allow the SDIC to accumulate recovered amounts before making aggregate payments to relevant stakeholders.

Ministry of Home Affairs introduces Protection from Scams Bill for first reading in Singapore Parliament

The Ministry of Home Affairs (MHA) has introduced the Protection from Scams Bill for its first reading in the Singapore Parliament.

The Bill is intended to empower the police to issue restriction orders (ROs) to banks in Singapore to restrict an individual's banking transactions if there is reasonable belief that the individual will make money transfers to scammers.

Amongst other things, the Bill:

- empowers a 'specified officer' (from the Police Force or the Commercial Affairs Department) to issue a RO to a bank in Singapore if the officer has the reasonable belief that: the individual will execute a money transfer to a scammer; and the RO is necessary for the protection of the individual;
- provides that a RO (if issued) will by default be issued to the seven Domestic Systemically Important Banks (D-SIBs) in Singapore. The RO can also be issued to a non-DSIB, should there be a reasonable suspicion that a non-DSIB account is directly involved, i.e. the individual will be effecting transfers from a non-DSIB account to a scammer;
- provides that a RO may be issued to one or more banks in relation to a scam victim directing that, during the period the RO is in force, a bank or each of the banks to which the order is directed is prohibited from allowing a transfer or withdrawal of money from any bank account of a scam victim maintained with that bank or granting, or allowing a drawdown of, any credit facility to the scam victim, and specifying the time that the direction takes effect;
- provides for the duration, cancellation, variation and extension of a RO. In particular, a RO will be in effect for a maximum of 30 days at a time;
- provides for the offence of a bank contravening a RO without reasonable excuse and the power of a specified officer to compound the offence;
- protects a bank and any officer, employee or agent of a bank from criminal and civil liability for any act or omission in complying with any RO or in the execution or purported execution of any duty under the Bill – the immunity

applies only if the act was done or the omission was made with reasonable care and in good faith; and

- provides for an appeal mechanism under which an individual can appeal to the Commissioner of Police against a specified officer's decision to issue a RO.

The Bill will come into operation on a date that the Minister appoints by notification in the Gazette.

RECENT CLIFFORD CHANCE BRIEFINGS

Cryptoassets service providers – navigating your EU regulated status

The Markets in Cryptoassets Regulation (MiCA) delivers a new EU-wide regulatory framework for issuing, intermediating and dealing in cryptoassets. Under MiCA, cryptoasset service providers (CASPs) must be authorised, comply with conduct, disclosure, governance and organisational requirements and have prudential safeguards in place.

This briefing paper takes a closer look at some of the wider EU regulatory requirements that will attach to some CASPs for the first time, and to existing service providers more broadly, as EU-regulated entities.

https://www.cliffordchance.com/briefings/2024/11/crypto-assets-service-providers--navigating-your-eu-regulated-st.html

Mansion House Speech 2024 – UK financial services policy initiatives

The new Chancellor of the Exchequer gave her first Mansion House speech on 14 November 2024. The speech announced a range of measures which aim to:

- grow and enhance the competitiveness of the financial services sector;
- consolidate the UK pension system to release new investment and better returns;
- create a world-leading framework for sustainable finance;
- support innovation in the sector;
- retain protections while addressing the unintended consequences of regulation; and
- develop the mutuals sector to support inclusive growth.

This briefing provides an overview of the announced measures and indicates the next steps and timing (where available).

https://www.cliffordchance.com/briefings/2024/11/mansion-house-speech-2024--uk-financial-services-policy-initiati.html

The UAE's new bankruptcy law – key impacts on restructurings

On 1 May 2024, Federal Law Decree 51/2023 on Financial Restructuring and Bankruptcy came into force and replaced the previous 2016 Bankruptcy Law.

Whilst the 2016 Bankruptcy Law provided a powerful framework for debtors to restructure their financial liabilities under the protection of a Court moratorium, it is hoped that the 2024 Bankruptcy Law will provide greater consistency for stakeholders with the introduction of a new specialist bankruptcy unit and bankruptcy court.

This briefing paper discusses the 2024 Bankruptcy Law.

https://www.cliffordchance.com/briefings/2024/11/the-uae-s-new-bankruptcy-law-key-impacts-on-restructurings.html

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