

**Minutes of Meeting of the  
City of London Law Society Regulatory Law Committee (the “Committee”)**

Held on Thursday 16 May 2024 at 12:30pm  
in person at the offices of Norton Rose Fulbright and by video conference

**ATTENDEES**

<b>Present</b>	<b>Firm Represented</b>
Hannah Meakin (Chair) Anita Edwards (Committee Secretary) Joshua Creutzberg (solicitor non-member)	Norton Rose Fulbright
Brian McDonnell (Chair)	McDonnell Ellis LLP
Peter Bevan	Linklaters
Matthew Baker	Bryan Cave Leighton Paisner
Rob Moulton	Latham Watkins
William Garner	Charles Russell Speechlys
Anthony Ma	Grant Thornton
Nick Bonsall	Slaughter & May
Richard Everett	Travers Smith

**APOLOGIES**

- Kevin Hart – CLLS
- Diego Ballon Ossio – Clifford Chance

**A. DISCUSSION OF MATTERS**

**A.1 Approval of minutes of April meeting**

No objections to the minutes of the Committee meeting held on 18 April 2024 were raised.

**A.2 Responses submitted since April meeting**

It was confirmed that the Committee’s responses to FCA CP24/2 and HM Treasury’s (**HMT**) consultation on PISCES had been submitted since the previous meeting.

One Member provided an update on the PISCES consultation, noting that HMT had provided some feedback on the project and noted that the application of the market abuse regime seemed to be the main area of contention / discussion. It has been engaging with various stakeholder groups on the topic.

**A.3 FCA CP24/7: Payment Optionality for Investment Research**

Members discussed their views on this paper, to which responses are due by 5 June 2024.

It was agreed that there are several potential policy points that could be made about the paper but that the Committee would focus instead on the legal points.

One point raised was the relative complexity of the proposed new option for paying for research. It was flagged that there is a considerable list of requirements around the use of this proposed new option, which are not particularly helpful from a legal (and potentially a policy) perspective.

A second point discussed was the proposal on short-term desk commentary and a need for greater clarity/certainty around the scope of the proposed exemption.

Members also discussed the proposed removal of the exemption relating to non-monetary benefits.

Members agreed that a draft response would be prepared and circulated to the Committee.

#### **A.4 BoE and FCA joint consultation: Digital Securities Sandbox**

Members briefly discussed this paper, to which responses are due by 29 May 2024.

None of the Members present at the meeting raised any points that they thought required addressing in a response to the paper.

#### **A.5 BoE consultation – The BoE’s approach to enforcement: proposed changes to statements of policy and procedure following FSMA 2023**

Members discussed their views on this paper, to which responses are due by 28 June 2024.

It was agreed that there did not appear to be any points to address in a Committee response to the paper, except for one potential area which a Member offered to check after the meeting.

#### **A.6 Feedback on FCA roundtables on cryptoassets (held on 15 and 19 April 2024)**

Two Members provided feedback to the Committee on two FCA roundtables they had attended in April in relation to cryptoasset regulation.

The first roundtable related to whether the FCA should apply the market abuse regime to cryptoassets. The Member outlined some of the key areas discussed, and explained that work has already been carried out to draft the relevant statutory instruments to facilitate this.

The second roundtable discussed was on venues and intermediaries. The Member noted that this was attended by Bim Afolami (Economic Secretary to the Treasury) and Nikhil Rathi (CEO of the FCA), and that there was considerable discussion around whether the UK should take existing financial services regulation and apply it appropriately to cryptoassets, or create something new.

It was agreed that Members would wait and see what the statutory instruments say once published.

### **B. POSSIBLE MATTERS FOR DISCUSSION AT THIS OR SUBSEQUENT MEETINGS**

Members were invited to volunteer to lead the Committee’s response to the following papers, and to discuss initial thoughts on the same.

#### **B.1 HoL Financial Services Regulation Committee (FSRC) Call for Evidence on the FCA’s proposals in CP24/2 on publicising enforcement investigations**

It was noted that the House of Lords FSRC has asked for responses to be submitted to it that have been prepared specifically for this call for evidence, rather than providing responses that were submitted to FCA CP24/2.

Members agreed that the Committee should submit a response to the call for evidence, tailoring the points made in its response to the FCA as appropriate. It was agreed that a draft response would be prepared and circulated to the Committee.

- B.2** PSR Consultation Paper CP24/3 on the FPS APP scams reimbursement requirement: compliance and monitoring
- B.3** PRA and FCA joint consultation on consequential amendments to BTS 2016/2251 (UK EMIR bilateral margin requirements)
- B.4** PRA CP6/24 – Occasional consultation paper: April 2024
- B.5** PSR CP24/7: APP scams data cycle 2 publication guidance
- B.6** PSR CP24/8: CHAPS APP scam reimbursement requirement
- B.7** PSR CP24/6: Securing compliance: Proposed extensions and exemptions guidance
- B.8** **HMT consultation – Improving the effectiveness of the Money Laundering Regulations**

Members discussed their views on this paper, to which responses are due by 8 June 2024.

It was agreed that a draft response would be prepared and circulated to the Committee and also to other potentially interested CLLS Committees.

- B.9** FCA CP24/8: Extending the SDR regime to Portfolio Management
- B.10** FCA CP24/9: Financial Crime Guide updates
- B.11** BoE Policy Statement and Consultation: Mandating ISO 20022 enhanced data in CHAPS

## **C. ANY OTHER BUSINESS**

### **C.1 LinkedIn page update**

Members discussed the new LinkedIn page for the Committee, which has now been set up and which one of the Members has volunteered to run.

Members agreed that draft guidelines relating to the posting of content on the page would be prepared and circulated to the Committee.

### **C.2 Events**

It was noted that the CLLS and CLSC AGMs and summer reception will take place on 26 June 2024.

### **C.3 Meetings**

It was agreed that the Committee would aim to hold 2-3 in-person meetings per year, with the remainder being held via video conference.