

COVID-19 Regulatory Actions and Developments Financial Conduct Authority (FCA)

Date: May 14, 2020

NEW! *FCA Statement on the UK Corporate Insolvency and Governance Bill*

The FCA published a statement commenting on certain impacts on the financial services sector of the planned Corporate Insolvency and Governance Bill (which aims to help businesses affected by the COVID-19 pandemic). The FCA notes that certain measures will not be available for some financial services firms and contracts, including company moratoriums, the suspension of ipso facto (termination) clauses and the temporary suspension of wrongful trading provisions.

[External Link](#)

Date: May 13, 2020

FCA Update Regarding LIBOR Transition

The FCA and PRA have announced that they will resume full supervisory engagement with dual regulated firms on their LIBOR transition progress from June 1, 2020, including data reporting at the end of Q2 in light of the PRA and FCA suspended transition data reporting at the end of Q1 for dual regulated firms and the Bank of England's Financial Stability Report on May 7, 2020 regarding the impact of COVID-19.

[External Link](#)

Date: May 13, 2020

FCA Statement on How Firms Should Handle Post and Paper Documents

The FCA expects firms to continue to comply with the requirements for post and paper-based processes, but understands that certain firms may not be able to fully comply during COVID-19. Where this is the case, affected firms should notify the FCA. The FCA also expects firms to provide general updates on how they will treat incoming and outgoing post, and cheques, through its website and other public channels.

[External Link](#)

Date: May 7, 2020

Regulatory Initiatives Grid Launched

The Financial Services Regulatory Initiatives Forum, comprised of the Bank of England, PRA, FCA, Payment Systems Regulator, Competition and Markets Authority, and HM Treasury, launched a new initiative, the Regulatory Initiatives Grid (the "Grid"), to help financial firms prepare for upcoming regulatory work. The launch of the Grid was brought forward due to the COVID-19 pandemic. The Grid sets out the planned timetable for major initiatives, including the transition from LIBOR and the introduction of financial services legislation post Brexit.

[External Link](#)

Date: May 6, 2020

FCA Statement on Absent Senior Managers

The FCA has published a modification by consent allowing solo-regulated firms to apply to extend the maximum period, from 12 weeks to 36 weeks, that such firms can arrange cover for an absent senior manager. Where granted, the modification can remain in place until April 30, 2021.

[External Link](#)

Date: April 29, 2020

FCA Statement on LIBOR Timeline

Following discussions with the Working Group on Sterling Risk-Free Reference Rates, the FCA published a joint statement with the Bank of England maintaining the position that firms cannot rely on LIBOR being published after the end of 2021, despite any impacts of the COVID-19 pandemic. The Working Group has made a number of LIBOR transition recommendations to the FCA.

[External Link](#)

Date: April 27, 2020

FCA and PRA Statements on HM Treasury's Amendments to the UK's CBILS, CLBILS and BBL Schemes

HM Treasury has amended the coronavirus business interruption loan scheme ("CBILS") and the new bounce back loan ("BBL") scheme to support small businesses. In response, the FCA notes that certain FCA Handbook creditworthiness rules and customer due diligence procedures for lenders may be relaxed in some limited instances in connection with the CBILS. The PRA's statement considers whether guarantees provided by the Secretary of State for Business, Energy and Industrial Strategy under the amended CBILS and the coronavirus large business interruption loan scheme ("CLBILS") are eligible for recognition as unfunded credit risk mitigation under the Capital Requirement Regulation.

[External Link](#)

Date: April 25, 2020

FCA Updates Key Workers Website after expansion of COVID-19 Testing

The FCA notes that, after the expansion of coronavirus testing in England to include self-isolating essential workers showing symptoms, only those financial services workers previously identified as essential workers should seek testing at this time.

[External Link](#)

Date: April 22, 2020

FCA Publishes Webpage on Changes to Regulatory Reporting

The FCA introduced a number of temporary measures to assist firms with their regulatory reporting requirements during the COVID-19 pandemic. The FCA has extended the submission date for certain regulatory returns and waived the administrative fee for late returns for small or medium-size businesses until June 30, 2020.

[External Link](#)

Date: April 21, 2020

FCA Webpage on Financial Advisers' Professional Indemnity Insurance ("PII")

The FCA published a new webpage setting out its position on the impact of the COVID-19 pandemic on financial advisers' PII. Following the FCA's conversations with the International Underwriting Association, it understands that PII cover remains available in the market and the

COVID-19 pandemic is not preventing insurers from undertaking the renewals process. The FCA continues to require firms to have PII policies in place in accordance with its rules, to support their ability to meet liabilities as they fall due and protect their consumers.

[External Link](#)

Date: April 20, 2020

FCA Provides for an Extension on the Time Limit for Obtaining Appropriate Qualifications

While the FCA still expects firms to ensure that all employees have the skills, knowledge and expertise needed to discharge their responsibilities, the FCA has announced that it has no intention of taking action against firms that are not able to ensure that an employee has attained an appropriate qualification within the usually required 48 months because the relevant examinations were cancelled or postponed. Affected employees now have an additional 12 months to complete the appropriate qualifications.

[External Link](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: April 20, 2020

FCA Announcement on Wet-Ink Signatures

The FCA has clarified that firms may use electronic signatures for all interactions with the FCA, but it also notes that firms should consider the legal position of the validity of electronic signatures when liaising with the FCA.

[External Link](#)

Date: April 15, 2020

FCA Updates Website on its Expectations Regarding Funds

The FCA has published a website dedicated to its expectations regarding funds in light of the COVID-19 pandemic, which includes a number of flexible measures to help funds navigate the challenges that they might be facing. The latest update relates to portfolio value reporting, the use of repos for liquidity management, client assets and paper-based and manual processes.

[External Link](#)

Date: April 8, 2020

FCA Publishes Statement of Policy on Listed Companies and Recapitalization Issuances

The FCA introduced a series of measures aimed at assisting companies in raising new share capital in response to the COVID-19 pandemic while retaining an appropriate degree of investor protection. These include measures relating to smaller share issues, shorter form prospectuses, working capital statements and general meeting requirements.

[External Link](#)

Date: April 8, 2020

FCA Welcomes BCBS and IOSCO Delay to Initial Margin Requirements for Non-Centrally Cleared Derivatives

The Basel Committee on Banking Supervision and the International Organization of Securities Commissions published a joint statement announcing a one-year deferral of the September 2020 and September 2021 phase-ins of the global initial margin requirements for non-centrally cleared derivatives.

[External Link](#)

Date: April 6, 2020

FCA Publishes Revised COVID-19 Statement

The FCA issued a revised statement on its joint efforts with the Bank of England and HM Treasury to engage with firms, trade associations and industry bodies to understand the pressures they are facing as a result of the COVID-19 pandemic. This work includes actively reviewing the contingency plans of a wide range of firms. In particular, while the FCA has no objection in principle to staff working from home or from alternative sites, it expects that firms will, for example, use recorded lines when trading and give staff access to any compliance support they may need.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: April 3, 2020

Expectations of firms under the Senior Managers and Certification Regime in Light of the COVID-19 Pandemic

The FCA announced its expectations of solo-regulated firms, and jointly announced its expectations of dual-regulated firms with the Bank of England and the UK's Prudential Regulation Authority ("PRA"), on the Senior Managers and Certification Regime during the COVID-19 pandemic. The statements provide firms with some temporary reliefs under the Regime, but also outline expected ongoing compliance obligations.

FCA Solo-regulated firms statement [available here](#)

FCA Dual-regulated firms statement [available here](#)

BoE dual-regulated firms statement [available here](#)

Date: March 31, 2020

FCA Information for Firms on COVID-19 Response Webpage

The FCA updated its COVID-19 response webpage to state that it continues to monitor the spread of the virus and is prepared to take any necessary steps to ensure customers are protected and markets continue to function well. The FCA is in regular contact with firms to assess their current position and expects them to take reasonable steps to ensure they are prepared to meet the challenges COVID-19 poses to customers and staff. The new webpage also sets out the FCA's responses on a variety of discrete regulatory and compliance topics.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 29, 2020

FCA Uploads New Webpage on Work-Related Travel and Responsibilities of Senior Managers

The FCA launched a webpage in which it stated that the COVID-19 pandemic constitutes a public health emergency and further noted that only those workers who cannot work from home should continue to travel to and from work. The FCA went on to clarify that each firm's Senior Manager (or equivalent) is responsible for identifying which employees are unable to perform their jobs from home and must instead travel to the office or business continuity site. The FCA also set out its expectations of which sorts of work would not require travel to the office or face-to-face meetings.

[External Link](#)

Date: March 27, 2020

FCA and PSR Respond to the CMA's Guidance on Business Cooperation under Competition Law.

Both the FCA and the UK's Payment Systems Regulator ("PSR") supported the UK's Competition and Markets Authority's guidance on its approach to business cooperation under competition law. Both regulators will take a consistent approach to their competition law enforcement activity, which should not impede firms from working together to provide essential services to consumers during the COVID-19 pandemic. At the same time, the FCA and the PSR will not tolerate conduct that exploits the situation and harms consumers.

FCA statement [available here](#)

CMA's guidance is [available here](#)

Date: March 27, 2020

Short Selling Updates

In a statement, the FCA announced that it continues to monitor market and short selling activity closely. The statement provides that aggregate net short selling activity reported to the FCA is low as a percentage of total market activity and there is no evidence that short selling has driven the recent market falls. In the FCA's updated statement, it noted that it will be ready to receive notifications at the new, lower 0.1% net short threshold set by ESMA from April 6, 2020.

[Available here](#) and [Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 27, 2020

Joint Statement by the FCA, FRC and PRA on Actions to Support Capital Markets

The FCA, the UK's Financial Reporting Council ("FRC") and the PRA announced certain actions to ensure information flow to investors and to support the continued functioning of the UK's capital markets, including a two-month delay in publishing audited annual financial reports, overcoming challenges in obtaining audit evidence and assessing expected loss provisions under IFRS 9.

FCA statement [available here](#)

BoE statement is [available here](#)

Date: March 26, 2020

FCA Delay Annual Company Accounts

The FCA announced that it will grant listed companies an extra two months (from four to six months) following their financial year-end to publish their audited annual financial reports.

[External Link](#)

Date: March 26, 2020

FCA Updates Webpage on Approach to SFTR Reporting Requirements

The FCA updated its webpage on the EU Securities Financing Transactions Regulation ("SFTR") to support ESMA's updated statement of March 26, 2020 in relation to their supervisory approach during COVID-19.

[Available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)

Date: March 26, 2020

FCA's Expectations on Financial Resilience for FCA Solo-Regulated Firms

The FCA published a statement announcing its desire for firms to continue operating during the COVID-19 pandemic and stating its intention to provide regulatory flexibility to firms. The FCA went on to note that capital and liquidity buffers are there to be used in times of stress and that firms should ensure the sound management of their financial resources, including where appropriate accepting government assistance in meeting debts through this period.

[External Link](#)

Date: March 25, 2020

Impact of COVID-19 on Firms' LIBOR Transition Plans

The FCA, Bank of England ("BoE") and members of the Working Group on Sterling Risk-Free Reference Rates ("Working Group") concluded that firms must not rely on LIBOR being published after the end of 2021, even in light of the COVID-19 pandemic. There has, however, been an impact on the timing of some aspects of the transition programs of many firms and some interim transition milestones. The FCA, BoE and Working Group will continue to monitor and assess the impact of the COVID-19 pandemic on transition timelines with a view to updating market participants as soon as possible.

[External Link](#)

Date: March 20, 2020

FCA Publishes Guidance for Mortgage Providers and for Lenders

The FCA has advised firms to grant borrowers a no-fee, no-charge payment holiday for an initial period of three months, where such borrowers request such a holiday due to payment difficulties as a result of the COVID-19 pandemic. The FCA has also issued new guidance to firms participating in the Government's Coronavirus Business Interruption Loan Scheme, which supports lending of up to £5 million to affected small and medium-sized enterprises, stating that lenders should consider deferring repayments to struggling firms until actual income reaches forecast income.

[External Link](#)

Date: March 20, 2020

FCA and PRA Publish Guidance on Key Financial Workers Critical to COVID-19 Response

The FCA and the PRA separately published guidance on steps that firms should take in identifying key workers in the financial services industry, which is defined to include those who are essential to the provision of financial services to the real economy or to financial stability. The identification of key workers should also include those associated with critical outsource partners, which may not be financial services firms.

FCA statement [available here](#)

BoE statement is [available here](#)

Katten's *Corporate and Financial Weekly Digest* article on this topic is [available here](#)