

VIA CFTC Portal

12 August 2016

Mr. Christopher Kirkpatrick
Commodity Futures Trading Commission
1155 21st Street NW
Three Lafayette Centre
Washington DC 20581

Dear Mr Kirkpatrick:

LCH.Clearnet Ltd ("LCH"), a derivatives clearing organisation registered with the Commodity Futures Trading Commission (the "CFTC"), is submitting for self-certification, pursuant to CFTC regulation §40.6(a), Rulebook changes to implement its Australian PPS ("AUD PPS") initiative. The amendments are to Procedures Section 3 and will take effect on or after August 31, 2016.

Part I: Explanation and Analysis

PPS is the LCH proprietary direct debit system for the transfer of funds to and from Clearing Members. Currently the Rulebook refers to a UK PPS and a US PPS, which operate in London and the United States respectively. LCH is able to provide clearing services in Australia, thus is extending its PPS arrangements to that jurisdiction, and hence the Rulebook is amended to include an AUD PPS. The introduction of AUD PPS is aligned with the business strategy of LCH, and is also intended to satisfy a priority given to LCH by the Reserve Bank of Australia. In addition, some minor amendments of an administrative and clarifying nature have been made.

Part II: Description of Rule Changes

In support of the AUD PPS initiative changes are being made to the LCH Rulebook Procedures Section 3 (Financial Transactions). A black-line version of Procedures Section 3 and a matrix of the changes are included in the appendices of this letter.

Part III: Core Principle Compliance

LCH has concluded that compliance with the Core Principles will not be adversely impacted by these changes.

Part IV: Public Information

LCH has posted a notice of pending certification with the CFTC and a copy of this submission on the LCH website at <http://www.lchclearnet.com/rules-regulations/proposed-rules-changes>

Part V: Opposing Views

There were no opposing views expressed to LCH by governing board or committee members, members of LCH or market participants that were not incorporated into this change.

Certification

LCH hereby certifies to the Commodity Futures Trading Commission, pursuant to the procedures set forth in Commission regulation §40.6, that attached rule submission complies with the Commodity Exchange Act, as amended, and the regulations promulgated there under.

Should you have any questions regarding this submission please contact me at julian.oliver@lch.com

Yours sincerely,



Julian Oliver
Chief Compliance Officer
LCH-LTD

LCH Rule Submission

Appendix A

Matrix of Changes

Matrix of Rule Changes

Procedures Section 3 (Financial Transactions)	Explanation
1.1.3	Renumbering of sub-paragraphs and removal of unnecessary text to provide clarity.
1.1.4	Clarification of the Ledgers that may comprise a collateral account.
1.2	Minor administrative change and removal of unnecessary text.
1.3 & 1.3.1	<p>Renumbering of sub-paragraphs.</p> <p>Insertion of language to account for AUD PPS.</p> <p>Clarification of the requirement to maintain a USD account within the US PPS.</p> <p>Replacement of website link with current link.</p> <p>Change to the contact email address.</p> <p>Clarification of morning PPS calls requirements in respect of AUD PPS and existing UK and US PPS (sub-paragraph (b)).</p> <p>Administrative amendments to language on Intra-day PPS Calls (sub-paragraph (c)).</p> <p>Insertion of new sub-paragraph (e) setting out use of UK and US PPS.</p> <p>Amendment of language to clarify which currencies are same-day value and which currencies are next-day value (sub-paragraph (f)).</p> <p>Changes to clarify process on a currency holiday, including where such currency holiday is an AUD currency holiday) (sub-paragraph (g)).</p>
1.4.3	Insertion of language to make clear the Clearing Member responsibility in respect of moneys due to the Clearing House.
1.5, 1.5.3 & 1.5.4	Renumbering
1.5.5	Renumbering and updating of Exchange names in (b) and (d), as well as insertion of "contingent" being a clarifying amendment.
1.6.1	<p>Removal of gold from (b)(ii)</p> <p>Inclusion of AUD</p>
1.6.4 & 1.7.1	Renumbering.
1.7.2 & 1.8	Inclusion of clarifying text.
1.10.2	Renumbering and addition of "UK" to make clear the applicable time zone.
1.11	Unnecessary text removed.
Schedule 1	<p>Amendment to clarify the legal entity of the accounts set out in this schedule.</p> <p>Change to the contact email address.</p>

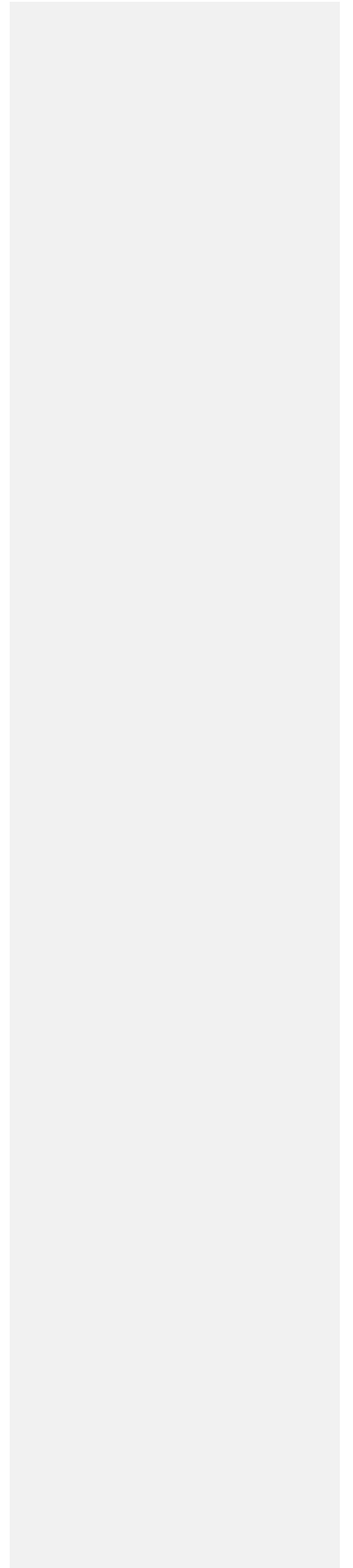
LCH Rule Submission

Appendix B

Procedures Section 3 (Financial Transactions)



LCH.CLEARNET LIMITED
PROCEDURES SECTION 3
FINANCIAL TRANSACTIONS



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1. FINANCIAL TRANSACTIONS

1.1 Accounts and ledgers

1.1.1 *Proprietary Accounts*

Each Proprietary Account will map to two or more of the following sub-accounts:

- (a) a position account; and
- (b) a collateral account opened in relation to a Clearing Member's House Clearing Business (a "**House Collateral Account**"); and
- (c) where relevant, a collateral account opened for the purposes of recording Client Buffer (a Client Buffer Account).

A Clearing Member must identify the Proprietary Account and related collateral sub-account to which Collateral is to be credited. The Clearing House shall credit such Collateral to the relevant collateral sub-account of the relevant Proprietary Account.

1.1.2 *Client Accounts*

A Client Financial Account is comprised of one or more Client Accounts. Each Client Account will map to two or more sub-accounts:

- (a) one or more position accounts; and
- (b) one or more collateral accounts.

A Clearing Member must identify the Client Account to which Collateral is to be credited. The Clearing House shall credit such Collateral to the collateral account of the relevant Client Account.

1.1.3 *Collateral Account Postings*

Transactions posted to the collateral account include but are not limited to:

- (a) PPS calls and pays;
- (b) option premiums;
- ~~(e)~~ prompt day delivery amounts;
- ~~(d)~~(c) interest and accommodation charges;
- ~~(e)~~(d) Clearing House fees, charges and rebates;
- ~~(f)~~(e) exchange fees, levies and rebates;

~~(e)(f)~~ amounts credited or debited in respect of variation margin, price alignment interest, price alignment amounts, NPV Payments and coupons; and

~~(h) — cash settlement; and~~

~~(i)(g) settlement differences.~~

Details of Collateral balances, valuations and instructions are ~~also~~ available using the on-line Collateral Management System ("CMS").

1.1.4 **Ledgers**

Each collateral account may comprise one or more ledgers including:

~~(a) non-cover ledger (for coupons on securities held as collateral and NPV and coupons relating to SwapClear FRA cash flows); and~~

~~(i) — tender ledger;~~

~~(b) couponver ledger (for payment of coupons on securities held as Collateral; all other items); and~~

~~(c) — buffer ledger (for House Excess or Client Excess (as applicable));~~

Liabilities arising from trading activity are recorded against the relevant collateral account only. Ledgers are used to record cash movements between the Clearing House and the Clearing Member. Postings may be applied to ~~collateral;~~ tendercover and ~~other~~non-cover ledger accounts.

~~(d) — Tender Ledger Postings~~

~~Transactions posted to the tender ledger include but are not limited to:~~

~~(i) — PPS calls and pays;~~

~~(ii) — delivery amounts; and~~

~~(iii) — Coupon payments relating to Member Collateral.~~

1.1.5 **Default Fund Account**

Each Clearing Member will be provided with a Default Fund ("DF") account for each Service in which it participates.

1.2 **Financial Transaction Reporting**

Banking reports are generated each day and provide members with data relating to but not limited to: liabilities by market, cash balances, non-cash balances, cash postings and interest rates.

All reports are available via the Member Reporting Web Site (Member Live site) and can be downloaded via the user interface or directly to Member back office systems via an SFTP connection.

Details of valuations, Collateral instructions and cash and non-cash balances are available through the [Clearing Management System CMS](#).

A "Banking Reports Reference Pack" can be requested from the LCH.Cleernet Client Training Team. This contains definitions and examples of each of the available reports.

~~Details of Collateral balances, valuations and instructions are also available using the on-line Collateral Management System (CMS).~~

1.3 Protected Payments System (PPS)

The Clearing House operates a direct debit system, known as the Protected Payments System ("PPS"), for the transfer of funds to and from Clearing Members. ~~PPS is a recognised interbank payments system overseen by the Bank of England.~~

PPS is operated in ~~both London ("UK PPS") and in~~ the United States ~~(where it is known as "~~US PPS"). ~~In this Section, a day on which") and Australia ("Australian PPS is open is referred to as a "working day". The Clearing House also operates accounts in Hong Kong where Clearing Members will be mandated to hold accounts for the operation of certain Asian markets:").~~

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Clearing Members should note that the PPS ~~(both in London and in the US in each location mentioned above)~~ is a system for facilitating payment to the Clearing House of moneys due from Clearing Members to the Clearing House and vice versa. The giving of a commitment by a participating bank through PPS to make any payment, and the receipt of that commitment by the Clearing House, is not to be regarded as satisfaction of any payment due to the Clearing House.

Each Clearing Member remains fully responsible for the payment to the Clearing House of all moneys due to the Clearing House as required, *inter alia*, by the Clearing Membership Agreement, clearing extension documentation and the Regulations, Default Rules and Procedures. ~~Payment is~~ Payments will only be recognised ~~completed when the funds have been credited~~ for value to this purpose if the relevant PPS bank (i) has performed its concentration function (being the transfer of net funds from the PPS bank to a central account in the name of the Clearing House bank account), and (ii) any time permitted by the relevant payment ~~settlement~~ system for the recall of any such payment has expired; or funds received have been paid out to another member using the same PPS bank.

Where payments are due to a Clearing Member, payments will be recognised by the Clearing House as having been made as soon as payment instructions in respect of that payment have been given to a PPS bank. For this purpose, a payment instruction will only be recognised to the extent that the Clearing House has taken steps to transfer to the

PPS bank any such sums as may be necessary to enable that payment instruction to be performed by the PPS bank.

1.3.1 PPS Mandates

(a) Introduction

A Clearing Member is required to maintain a PPS bank account(s) in the currency or currencies in which it makes Contributions, and for each currency in which it incurs settlements, at one or more of the bank branches participating in the PPS system in London. ~~Different banks may be used for different currencies~~ As an exception, an Australian PPS bank may be used for all AUD settlement and margin payments. All PPS calls and payments in AUD will be settled using Australian PPS where the Clearing Member has opted to use Australian PPS.

Clearing Members may use different banks for different currencies.

Each Clearing Member is also required to maintain at least one US dollar PPS account with at least one of the US PPS banks ~~(please,~~

~~Please refer to the following link for details):~~
~~<http://www.lchlearnet.com/risk-collateral-management/collateral-management/protected-payments-system>~~ : <http://www.lch.com/risk-collateral-management/collateral-management/protected-payments-system>.

Clearing Members are responsible at all times for ensuring that their PPS ~~banks~~bank accounts have sufficient funds or credit lines to be able to meet margin calls from the Clearing House.

Any bank charges connected with the holding of any PPS bank accounts or related to any activity on that account must be paid by the Clearing Member holding the relevant account PPS mandates.

Each Clearing Member is required to complete a standard form UK PPS Mandate and ~~for~~ US PPS Mandate and, where applicable, Australian PPS Mandate (copies are available from ~~treasury.ops.uk@lchlearnet~~collateral.clientservices@lch.com) for each bank branch at which they wish to operate an account before clearing can commence. The original of the mandate must be signed by a person with the appropriate authority within the Clearing Member institution and then forwarded to the relevant bank. A copy must also be forwarded at the same time to the Clearing House Membership Department.

~~(b)~~ Currency Conversion

The Clearing House supports cross currency collateral, which allows the Clearing Member to elect to use Collateral denominated in one currency in respect of initial and contingent margin liabilities calculated in another

currency. Clearing Members must nominate the currency in which they wish to cover margin liabilities by prior arrangement with LCH.Clearnet Limited Treasury Operations.

(e)(b) Morning PPS Calls

Clearing Members' liabilities are calculated overnight UK time. Should the relevant liability not be covered by acceptable forms of Collateral held by the Clearing House (see Section 1.45) any shortfall is called through ~~UK~~either UK or Australian PPS with separate calls made for each currency. It is the responsibility of each Clearing Member to ensure that its ~~UK PPS bank(s) meets all payment instructions received from the Clearing House. Confirmation of payments, as notified, must be received by the Clearing House from the relevant PPS bank(s) by 09:00 London time, or within one hour of a subsequent call, on the day on which the PPS call is made. Payments will only be recognized for this purpose if the relevant PPS bank (i) has performed its concentration function (being the transfer of net funds from the PPS bank to a central account in the name of the Clearing House), (ii) has made such payments, and (iii) any time permitted by the relevant payment settlement system for the recall of any such payment has expired.~~PPS bank(s) meets all call instructions received from the Clearing House.

~~Where payments are due to a Clearing Member, payments will be recognized as soon as payment instructions in respect of that payment have been given to a PPS bank.~~Confirmation of calls, as notified, must be received by the Clearing House from the relevant UK PPS bank(s) by 09:00 London time on the day on which the PPS call is made, or by 09:00 London time on the next day on which the Clearing House is open for business if the PPS call is made on a day on which the Clearing House is not open for business.

Confirmation of calls, as notified, must be received by the Clearing House from the relevant Australian PPS bank(s) within one hour of receipt of the PPS Call Instruction if the PPS Call Instruction is received on a day on which the Clearing House is open for business, or by 10:00 the next day on which LCH is open for business if the PPS Call Instruction is received on a day on which LCH is not open for business.

Failure of a bank to confirm a PPS call within the required deadline may result in the Clearing Member being declared in default. Late confirmation of PPS calls are reported to the regulators of the Clearing House. ~~For this purpose, a payment instruction will only be recognised to the extent that the Clearing House has taken steps to transfer to the PPS bank any such sums as may be necessary to enable that payment instruction to be performed by the PPS bank.~~

~~(d)~~(c) Intra-day PPS Calls

~~The An~~ intra-day margin call by the Clearing House is for ~~intra~~same-day ~~Collateral~~ payments. GBP, EUR or USD can be used to cover margin obligations intra-day. Between 14:30 – 16:00 (London time) only USD will be called ~~in London~~through UK PPS.

Normally the Clearing House will call intra-day margin through UK PPS accounts. However, where the Clearing House wishes to make such an intra-day call after UK PPS closes (16:00 London time), such a call will be made upon the Clearing Member's nominated US PPS account.

Clearing Members must designate a currency ("GBP", "EUR" or "USD") that will be called by default during the hours of UK PPS for each mnemonic/sub-account. Clearing Members ~~may~~must request a change to the default currency no later than 09:30 London time in order for the change to be undertaken the following day. Members can submit a request to change their currency at the following link: <http://www.lchclearnet.com/risk-collateral-management/collateral-management/acceptable-collateral/preferred-currency>~~http://www.lch.com/risk-collateral-management/collateral-management/acceptable-collateral/preferred-currency.~~

The Clearing House has the ability to call US dollars in respect of an intra-day margin call up until 16:00 New York time (21:00 London time).

~~It is noted that the~~The Clearing House ~~may~~will not accept delivery of US dollar cash other than in satisfaction of an intra-day margin call after 14:00 hours New York time.

The Clearing House must receive confirmation of payment from the Clearing Member's nominated PPS bank(s) within one hour of receipt of the intra-day call by the relevant bank ~~branch~~.

Failure of a bank to confirm a PPS call within one hour may result in the Clearing Member being declared in default. Late confirmation of PPS calls are reported to the regulators of the ~~LCH.Clearnet Group~~Clearing House.

e) Use of UK and US PPS

–Generally UK PPS will be used for Morning PPS Calls (including Contributions to the Default Fund), remitting surplus cash balances to a Clearing Member, and for intra-day margin calls up to 16:00 hours London time. However Clearing Members should be aware that the Clearing House reserves the right to direct a morning PPS call or intra-day margin calls before 16:00 hours London time to a Clearing Member's US PPS account in exceptional circumstances (an "Exceptional PPS Call"). The Clearing House will use all reasonable commercial endeavours to notify

the Clearing Member in advance of issuing any such Exceptional PPS Call.

e)f) Auto-repay

Clearing Members may request that they are automatically repaid any excess cash balances that remain on their accounts (other than an Individual Segregated Account) at the end of each day where the relevant Service of which the Clearing Member is a member provides an auto-repay mechanism. Clearing Members must contact Treasury Operations in order to have auto-repay applied to their accounts. (treasury.ops.uk@lchclearnet collateral.clientservices@lch.com or Tel +44 (0)20 7426 7505).

Those Clearing Members who are not on auto-repay may request that any cash balances on their accounts (other than an Individual Segregated Account) be repaid on the same day, provided that such request is received by the Clearing House by 09:30 London time.

In certain circumstances and following notification to one or more relevant Regulatory Bodies, the Clearing House may disable the auto-repay functionality for all Clearing Members of a Service. The Clearing House will notify affected Clearing Members via Clearing member Circular in the event that the functionality is disabled.

(f) Value Date

~~Although confirmation from the banks that PPS calls and payments will be made must be received within the deadlines set out in Section 1.3.1(d); subject to Section 1.3.1(h), all currency transactions are processed by PPS with next business day for value with the exceptions same day as the day of the following currencies: call or payment instruction for CAD, EUR, GBP and USD, which are processed and with value for the same business day.~~

(g) Foreign Bank Holidays

~~The next day for all other currencies, subject to Section 1.3.1(g). Call instructions issued on a day when the Clearing House has made arrangements with UK PPS banks to operate the PPS on each day (except a Saturday or Sunday) on which banks in the UK are is not open for business (each a "UK Banking Day"), including e.g. Saturdays are for value the next day for CAD, EUR, GBP and USD and for value two days after the instruction for all UK Banking Days which are currency holidays in countries other than currencies. Payment instructions will not be issued on a day when the UK.~~

~~The Clearing House must receive confirmation that PPS payments will be made within the deadlines set out in Section 1.3.1(d). is not open for business.~~

However if:

(g) Currency Holidays

In respect of currency holidays for EUR, GBP and USD (“Major Currencies”) Clearing Members are required to be able to meet PPS calls in all of the three Major Currencies and therefore must have an account with a PPS Bank in London in each of EUR, GBP and USD. If a Clearing Member’s preferred currency is available to be settled on a currency holiday the Clearing House will call such preferred currency. In the event that such currency is not available to be settled on a particular day the Clearing House will issue calls in the following order:

- (a) on a USD holiday the Clearing House will issue a call in GBP;
 - (b) on a GBP holiday the Clearing House will issue a call in USD;
 - (c) on a EUR holiday the Clearing house will issue a call in GBP;
- and
- (d) on a day which is both a USD holiday and a GBP holiday the Clearing House will issue a call in EUR.

The Clearing House will observe Clearing Members’ currency preferences on all days, other than currency holidays.

- (i) ~~PPS~~ If, under 1.3.1(f), a PPS call or payment in a particular currency ~~(other than AUD) is would be~~ due to be made for value on a day (“**Payment Date**”) which is a holiday in respect of that currency, the value date for such PPS ~~transactions~~ transaction will be the first ~~Value Date~~ day which is not a holiday in respect of that currency occurring after the Payment Date; and
- (ii) ~~a PPS~~ in respect of AUD, if the PPS call or payment ~~in AUD is due to be made~~ instructed on a ~~Payment Date~~ day which is a holiday for ~~such currency, the~~ AUD or on a day when the Clearing House is not open for business (e.g. Saturdays), the value date for such PPS ~~call or~~ payment will be the second ~~Value Date~~ day which is not a holiday in respect of AUD occurring after the Payment Date.

~~For the purposes of this section 1.3.1(g) “Value Date” means, in respect of a PPS payment in a particular currency, a day which is both (i) a business day and (ii) not a holiday for such currency.~~

Example 1: 20 August is a public ~~currency~~ holiday in the USA. The Clearing House is open. 21 August is not a currency holiday in the USA ~~but not in the UK. 21 August is a normal banking day in the USA.~~

On 20 August, the Clearing House will issue ~~its normal~~ USD instructions to PPS banks, and receive confirmation in response to the PPS ~~call~~ calls

on the Value Date same day; the value date for such calls will be 21 August.

Example 2: 20 August is a currency holiday in the UK. The Clearing House is open. 21 August is a currency holiday in Japan. 22 August is not a currency holiday in Japan.

On 20 August, the Clearing House will issue JPY instructions to PPS banks, and receive confirmations in response to the PPS calls on the same day; the value date for such calls will be 22 August.

Example 3: 16 January is a Saturday. The Clearing House is not open. 18 and 19 January are not currency holidays in Australia.

On Saturday 16 January, the Clearing House will issue AUD instructions to PPS banks, and receive confirmations in response to the PPS calls on Monday 18 January; the value date for such calls will be Tuesday 19 January.

Example 4: 23 January is a Saturday. The Clearing House is not open. 26 January is a currency holiday in Australia. 25 and 27 January are not currency holidays in Australia.

On Saturday 23 January, the Clearing House will issue AUD instructions to PPS banks, and receive confirmations in response to the PPS calls on Monday 25th January; the value date for such calls will be Wednesday 27th January.

Please refer to Clearing Member Circulars for details of Clearing House opening days and currency holidays at the following link:

<http://www.lchlearnet.com/news-events/members-updates/general-information><http://www.lch.com/news-events/members-updates/general-information>.

UK Bank Holidays

~~The Clearing House does not give value to any currency on a UK bank holiday, if the Clearing House is closed for business on that bank holiday.~~

~~However, the Clearing House may sometimes be open for business on a UK bank holiday—in such circumstances PPS calls will be made as normal that day. Value will be given the same day **provided that** the relevant currency centre is open for business.~~

Use of UK PPS and US PPS

~~These Procedures indicate which part of the PPS system will be used in the normal course of events for making PPS calls. Generally UK PPS will be used for Morning PPS Calls (including Contributions to the Default Fund), remitting surplus cash balances to a Clearing Member, and for intra-day margin calls up to 16:00 hours London time. However Clearing~~

~~Members should be aware that the Clearing House reserves the right to direct a morning PPS call or intra-day margin calls before 16:00 hours London time to a Clearing Member's US PPS account in exceptional circumstances (an "Exceptional PPS Call"). The Clearing House will use all reasonable commercial endeavours to notify the Clearing Member in advance of issuing any such Exceptional PPS Call.~~

(h) *Contingency Payment Arrangements*

Clearing Members are required to have contingency payment arrangements in place to ensure that they can continue to meet their margin obligations in the event of failure of their nominated PPS bank(s). During the application process, the Clearing House will require the applicant to provide evidence of these arrangements and will test these prior to the applicant becoming a Clearing Member. The Clearing Member will be required to provide evidence of their contingency payment arrangements on an ongoing basis at the Clearing House's request.

(i) *Recovery from Insolvent PPS Banks*

In the event that payment is not completed by the relevant PPS bank, due to insolvency rather than technical failure, and the affected Clearing Member(s) make alternative payments, the Clearing House, should it make a recovery from the estate of the PPS bank, will credit such recovery, net of cost, to the accounts of the affected Clearing Members in proportion to the amount of the original missed payment.

1.4 **Hong Kong Payments**

1.4.1 *Introduction*

In order to facilitate clearing services for the Asian/Pacific markets, the ability to call funds to cover margin requirements during the Asian day is required.

The Clearing House mandates that Clearing Members clearing in certain Asian markets maintain bank accounts in Hong Kong to facilitate margin calls during the Hong Kong day.

Currently only USD accounts are operated in Hong Kong.

Where the Clearing House has mandated that Clearing Members must operate an account in Hong Kong, each Clearing Member is required to maintain one US dollar account at a bank in Hong Kong where the Clearing House also operates an account. A list of the banks used by the Clearing House in Hong Kong appears in Schedule 1.

1.4.2 *Intra-Day Margin Call in Hong Kong (overnight UK)*

The intra-day margin call by the Clearing House is for intra-day Collateral payments.

The Clearing Member will be requested to make a payment to the Clearing House's account at their nominated bank.

A payment to the Clearing House's account in Hong Kong may be requested between the hours of 08:00 and 16:00 Hong Kong time.

1.4.3 **Confirmations**

The Clearing House must receive confirmation of payment from the Clearing House's bank within one hour of the Clearing House requesting funds from the Clearing Member.

Each Clearing Member remains fully responsible for the payment to the Clearing House of all moneys due to the Clearing House as required, *inter alia*, by the Clearing Membership Agreement, clearing extension documentation and the Regulations, Default Rules and Procedures. Payments will only be recognised for this purpose if the relevant bank (i) has performed its concentration function (being the transfer of net funds from the bank to a central account in the name of the Clearing House), and (ii) any time permitted by the relevant payment system for the recall of any such payment has expired; or funds received have been paid out to another member using the same PPS bank.

1.4.4 **Operating Days and Bank Holidays**

USD payments are supported during Hong Kong public holidays when the US is open.

Members may be required to transfer additional cash Collateral on any day that the markets and the Clearing House are open.

Therefore the Clearing House can instruct a USD payment on a public holiday in Hong Kong and receive good value (except on a US currency holiday when margin will be collected once UK PPS opens in UK business hours or if the Clearing House considers that internal measures of credit tolerance may be breached, additional Collateral can be requested ahead of US bank holidays).

1.4.5 **Value Date**

Clearing Members must meet these margin calls for all USD working days even if it is a Hong Kong holiday, if the markets are open.

Each Clearing Member remains fully responsible for the payment to the Clearing House of all moneys due to the Clearing House as required, *inter alia*, by the Clearing Membership Agreement, clearing extension documentation and the Regulations, Default Rules and Procedures.

Payment is only completed when the funds have been credited for the full value to the Clearing House bank account, at the nominated Hong Kong bank, and at the point in time when the Clearing House is able to verify that the funds are within the account.

1.5 Acceptable Forms of Collateral

The Clearing House accepts certain types of Collateral in the Clearing House's prescribed form against liabilities. Please refer to the following link for further details: <http://www.lchclearnet.com/risk-collateral-management/collateral-management/acceptable-collateral>

The Clearing House may vary, at its discretion, the standard requirements and valuation procedures set out in this Section 1.45, either generally or in a particular case, without giving prior written notice to Clearing Members. Further, the Clearing House may vary the types of Collateral acceptable to it.

1.5.1 *Cash*

In order not to fall within the scope of deposit-taking regulations applying to banks and similar institutions, the Clearing House can accept cash from Clearing Members only in relation to current or anticipated obligations.

Cash used as Collateral need not be provided in the same currency as that of the liability. In such cases, currencies will be notionally converted with reference to quoted exchange rates determined at approximately 16:45 London time the previous business day.

Clearing Members must give LCH.Clearnet Limited Treasury Operations no less than two business days' notice of their intention to substitute existing cash Collateral with non-cash Collateral or cash Collateral in a different currency where the amount of cash is 50 million GBP or greater. Where a Clearing Member fails to give such notice, the Clearing House may decline to transfer or release the cash Collateral to be withdrawn until the end of the required notice period.

1.5.2 *Securities*

Please refer to the following pages on our website for both prevailing haircuts and notes on Collateral acceptable to the Clearing House:

http://www.lchclearnet.com/risk_management/ltd/acceptable_collateral.asp

1.5.3

~~1.5.3~~ 1.5.4 *Value Notification*

Clearing Members may obtain details on the value ascribed to non-cash Collateral on their account for the purpose of calculating their Current Collateral Value by viewing the relevant reports available on the Member Reporting Website. The value of Collateral can be viewed on the Clearing Management System. Details of

Collateral balances, valuations and instructions are also available using the on-line Collateral Management System (CMS).

~~1.5.4~~1.5.5 *Use of Credits as Collateral*

The following credit amounts are not paid in cash, but may (subject to the restrictions described below) be offset against certain specific margin obligations, with the result that the relevant Clearing Member will need to provide less Collateral in respect of those margin obligations:

- (a) EquityClear credit contingent margin may be used to offset EquityClear debit contingent variation margin and initial margin across currencies;
- (b) ~~LSE-DML~~SEDMD credit contingent variation margin (for forwards) and credit net liquidating value may be used to offset ~~Turquoise Derivatives~~SEDMD debit contingent variation margin, debit net liquidating value and initial margin across currencies; ~~and~~
- (c) EnClear credit net liquidating value may be used to offset EnClear debit net liquidating value and initial margin across currencies; and
- (d) ~~RepoClear-NLX~~ credit ~~contingent~~ variation margin may be used to offset ~~NLX-RepoClear~~ debit ~~contingent~~ variation margin ~~and initial margin~~ across currencies.

1.6 **Distribution of Collateral**

The following procedures are not in any way intended to restrict, vary, or alter the Clearing House's rights to apply Collateral held (including any described in Clearing House reports/records as "unutilised" or "excess") to meet the Clearing Member's liabilities/obligations to the Clearing House.

1.6.1 *Collateral Application*

In the absence of a Clearing Member election, the Clearing House will apply a Clearing Member's Collateral (in turn) to each liability in the following order:

- (a) non-cash Collateral denominated in the same currency as the liability;
- (b) non-cash Collateral denominated in other currencies, in the following order:
 - (i) GBP;
 - (ii) USD ~~(including gold)~~;
 - (iii) CHF;

- (iv) EUR;
- (v) JPY;
- (vi) SEK;
- (vii) CAD;
- ~~(viii)~~ NOK;
- ~~(ix)~~ DKK;
- ~~(viii)(x)~~ AUD; then
- ~~(ix)~~ DKK;

- (c) cash Collateral in the same currency as the liability; then
- (d) cash Collateral in a different currency to the liability, in the nominated currency preference order.

Clearing Members may make the following choices:

- (i) whether to have cash Collateral applied before or after non-cash Collateral;
- (ii) whether to apply non-cash Collateral to liabilities in a different currency; and
- (iii) whether to apply cash Collateral to liabilities in a different currency.

1.6.2 *Cash Currency Preference*

Clearing Members may nominate the sequence of cash Collateral distribution.

In the absence of a nominated sequence of currency preferences, a Clearing Member's liabilities will be covered by cash in the same currency as the liability. This means that a GBP liability will be covered in GBP cash, a EUR liability will be covered in EUR cash and so forth. Any further liabilities in the relevant currency will be covered by cash called via PPS.

Clearing Members may define their own sequence of cash Collateral utilisation for each mnemonic and each account type (i.e. House or Client). The sequence does not have to be on a like for like basis and a Clearing Member may choose any eligible currency to cover its liability (for example, a GBP liability can be covered in EUR cash).

Any changes to a Clearing Member's nominated currency sequence, or a request relating to excess cash currency balances in a particular currency, should be

notified to the Clearing House by providing a minimum of two business days' notice.

1.6.3 *Record of Collateral Provided*

Charges and interest shall be calculated in accordance with the information published on the website of the Clearing House.

1.6.4 *Use of a Defaulter's Collateral*

The order of priority (in which cash and non-cash Collateral are applied to cover Clearing Members' liabilities), set out elsewhere in this Section 1.56, does not necessarily reflect the order of priority of realisation or application of Collateral which the Clearing House may follow in the case of default by a Clearing Member. Post-default the Clearing House is entitled to realise and/or apply Collateral in whatever order it deems appropriate.

1.7 **Interest**

1.7.1 *Interest Rates*

The Clearing House applies interest to Clearing Member's cleared cash balances as published on the Clearing House's website. This provision 1.67.1 does not deal with Price Alignment Interest, which is covered by the applicable provisions of Procedures Section 2C (SwapClear Clearing Service).

1.7.2 *Payment of Interest and Charges*

Interest and accommodation charges are charged monthly, from the last day of the previous month to the penultimate day of the current month. Interest and accommodation charges are calculated on a daily basis and the resultant monthly total is posted to the relevant collateral account(s) of the Clearing Member for value on the third business day following the penultimate day of the month. A VAT invoice is also issued on the third business day of each month detailing the interest and accommodation charges applicable for the previous month. Separate invoices are issued for each currency which can be found on the Member Reporting Website.

VAT is charged, dependent on contract and accommodation charges, at current rates. On foreign currency amounts VAT is charged in sterling on the converted value of any relevant charges. The sterling collateral account shows separate postings for sterling VAT amounts arising from foreign currency charges.

The net invoice value for each currency is posted to the relevant collateral account for value on the second working day for the relevant currency of the month succeeding the month in which the charges arose.

The invoice provides detail in respect of:

- (a) interest due to be credited or debited; and

(b) accommodation charges.

VAT on accommodation charges is subject to the standard rate; some markets may be excluded.

1.8 Fees

Details of fees and refunds pending are collated during the month.

An invoice or credit note is produced detailing the fees to be posted to collateral accounts.

The invoice/credit note displays the type of fee, contract, future or option type, currency, fee rate, volume, fee amount, VAT amount, sub totals for each fee class and the overall total posted to a collateral account.

Monthly postings are processed via the relevant collateral account at the beginning of the following month, on the third working day for the relevant currency. Other postings, such as various Market Maker Scheme rebates, are processed by the Clearing House following receipt of data from the relevant Exchange.

1.9 VAT Status

By default a Member will be charged VAT for transactions on applicable markets. If the Member's registered address is outside of the UK, or if the Member is acting out of their non-UK operations, they will be required to provide a written declaration that their place of operations is also outside the UK for VAT purposes.

If a Member extends to a VAT applicable market the Member will be requested to provide written confirmation that the operations address is the same as that stated on their application form. If the address is different, and is outside the UK, the Member will also be asked to confirm this in writing so they will not be charged VAT on transactions on that market.

1.10 Participation Monies

1.10.1 *Share Subscriptions*

Clearing Member share subscriptions will be called via PPS on a date advised by the Clearing House. They will be called from Clearing Members' house PPS account and subscriptions will be debited from the House Collateral Account.

1.10.2 *Default Fund Contributions: Commodities, Equities and Listed Interest Rates*

This Section 1.910.2 applies to Commodities Contributions, Equities Contributions and Listed Interest Rate Contributions (“**Relevant Contributions**”).

Relevant Contributions will be called via PPS on the fourth UK working day of each month or more frequently pursuant to a determination of the Relevant Contribution under the applicable Supplement (each a “**Reset Day**”). Relevant Contribution requirements will be notified to Clearing Members at least two UK

working days prior to each Reset Day on the report available on the Member website named “Member Default Fund” (REP000032).

Clearing Members will be repaid via PPS any excess Relevant Contribution amounts on the Reset Day immediately following the determination of the Relevant Contribution.

The Clearing House will, from time to time, notify Clearing Members of the rate of interest that will apply to a Relevant Contribution. Interest on Relevant Contributions will be paid to Clearing Members’ PPS accounts on the first **UK** working day after the Reset Day following the end of the relevant “interest accrual period”. Interest is calculated in respect of each “interest accrual period”, which commences on (and includes) a Reset Day and ends on (and includes) the calendar day immediately before the next Reset Day. Notwithstanding the preceding paragraphs, if the rate of interest payable on Relevant Contributions is negative, interest shall be payable by Clearing Members to the Clearing House.

1.10.3 *Loss Distribution Charges: Commodities, Equities and Listed Interest Rates*

This Section 1.9.3 applies to Loss Distribution Charges called by the Clearing House under the Commodities Default Fund Supplement, the Equities Default Fund Supplement and/or the Listed Interest Rate Default Fund Supplement (each a “**Relevant Supplement**”).

Loss Distribution Charges called under Rule 8 <http://www.lchclearnet.com/about-us/governance/end-user-notice> of the Relevant Supplement shall be called via PPS in the same currency as a Clearing Member’s Relevant Contribution.

1.10.4 *Default Fund Contributions: RepoClear, SwapClear and ForexClear*

Provisions relating to RepoClear Contributions, SwapClear Contributions and ForexClear Contributions are set out in Section 2B (RepoClear), Section 2C (SwapClear) and Section 2I (ForexClear) of the Procedures, respectively.

1.11 **Clearing House Reporting**

The Clearing House (acting, where applicable, through the entity to which it has elected to delegate the relevant reporting obligation) shall report to a trade repository or similar body the details of a Contract and any modification or termination of such a Contract without duplication ~~and no later than the working day following the conclusion, modification or termination of such Contract,~~ in line with the requirements of Applicable Law.

SCHEDULE 1
LCH.CLEARNET LTD BANK ACCOUNTS IN HONG KONG

Note: accounts are operated in USD only.

The Clearing Member will be mandated to hold an account with one of the following banks in order to facilitate margin calls during the Hong Kong day for certain markets.

When requested the Clearing Member must make a payment to the Clearing House's account at the same bank.

Clearing House bank in Hong Kong	LCH.Clearnet Ltd account details to which payments must be made.
Bank of America NA	84936018
Citibank NA	1168383025
HSBC Ltd	808 692818 201

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For more information on Hong Kong PPS-Banks please contact LCH.Clearnet Limited Treasury Operations on +44 (0)20 7426 7505 or leheoperations-treasury@lehelearnetcollateral.clientservices@lch.com.