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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies kinds of activities and investments for the purposes of the Financial Services and Markets Act 2000 ("the Act"). When an activity of a specified kind is carried on by way of business in relation to an investment of a specified kind, it is a "regulated activity" for the purposes of the Act. The Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001 (S.I. 2001/1177) makes provision as to the circumstances in which a person is, or is not, to be regarded as carrying on a regulated activity by way of business. Section 19 of the Act prohibits person who are not authorised or exempt from carrying on any regulated activity in the United Kingdom. Contravention of that prohibition is a criminal offence.

Part I of this Order makes provision for the citation, commencement and interpretation of the Order.

Part II specifies types of activities. Those activities are accepting deposits; effecting and carrying out contracts of insurance; dealing in investments as principal, or as agent; arranging deals in investments; managing investments; safeguarding and administering investments; sending dematerialised instructions; establishing etc. a collective investment scheme, or a stakeholder pension scheme; advising on investments; certain activities in relation to Lloyd's; entering into funeral plan contracts, or regulated mortgage contracts; and agreeing to carry on certain of the above activities.

Part II also sets out the exclusions (if any) applicable to each kind of specified activity.

Part III of the Order specifies the kinds of investment which are relevant for determining whether a person is carrying on a regulated activity for the purposes of the Act.

Part IV makes consequential amendments to the Consumer Credit Act 1974, and subordinate legislation under that Act, so as to exclude from its scope those categories of mortgage contract which are specified under this Order and which will therefore be regulated under the Act.

Schedule 1 to the Order lists the classes of insurance contract which are relevant to the scope of the activity specified by article 10.

Schedules 2 and 3 set out the text of certain provisions of Council Directive No. [93/22/EEC](#) on investment services in the securities field which are relevant to the applicability of the exclusions contained in the Order (see article 4).

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 2 Pt. 2 words substituted by [S.I. 2018/1403 reg. 4\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4)(b) substituted immediately before IP completion day by S.I. 2019/710, regs. 1(2), 16(2)(b)(ii))
- Sch. 2 Pt. 2 words substituted by [S.I. 2018/1403 reg. 4\(4\)\(c\)\(iv\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4(4)(c)(iv) substituted immediately before IP completion day by S.I. 2019/710, regs. 1(2), 16(2)(b)(iii))
- art. 3(1) words omitted by [S.I. 2023/548 art. 2\(2\)\(a\)\(i\)](#)
- art. 3(1) words omitted by [S.I. 2023/548 art. 2\(2\)\(a\)\(ii\)](#)
- art. 3(1) words omitted by [S.I. 2023/548 art. 2\(2\)\(b\)](#)
- art. 3(1) words omitted by [S.I. 2024/705 Sch. 2 para. 3\(2\)\(a\)](#)
- art. 3(1) words substituted by [S.I. 2024/705 Sch. 2 para. 3\(2\)\(b\)](#)
- art. 3(1A)(a) words omitted by [S.I. 2023/548 art. 2\(3\)\(a\)](#)
- art. 3(1A)(b) words omitted by [S.I. 2023/548 art. 2\(3\)\(b\)](#)
- art. 7(2)(b) word inserted by [S.I. 2019/710 reg. 6\(1\)\(a\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 substituted immediately before IP completion day by S.I. 2020/1342, reg. 1(3), Sch. para. 19)
- art. 7(2)(d)(e) omitted by [S.I. 2019/710 reg. 6\(1\)\(a\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 substituted immediately before IP completion day by S.I. 2020/1342, reg. 1(3), Sch. para. 19)
- art. 7(3)(b) word inserted by [S.I. 2019/710 reg. 6\(1\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 substituted immediately before IP completion day by S.I. 2020/1342, reg. 1(3), Sch. para. 19)
- art. 7(3)(d) and word omitted by [S.I. 2019/710 reg. 6\(1\)\(b\)\(ii\)](#) (This amendment not applied to legislation.gov.uk. Reg. 6 substituted immediately before IP completion day by S.I. 2020/1342, reg. 1(3), Sch. para. 19)
- art. 24A omitted by [S.I. 2019/632 reg. 126](#) (This amendment not applied to legislation.gov.uk. Reg. 126 omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 57(3)(a))
- art. 24B omitted by [S.I. 2019/632 reg. 127](#) (This amendment not applied to legislation.gov.uk. Reg. 127 omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 57(3)(b))
- art. 35AB words substituted by [S.I. 2024/705 Sch. 2 para. 3\(3\)](#)
- art. 72J omitted by [S.I. 2023/548 art. 2\(4\)](#)
- art. 82A omitted by [S.I. 2019/632 reg. 154](#) (This amendment not applied to legislation.gov.uk. Reg. 154 omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 57(3)(c))
- art. 82B(1) words inserted by [S.I. 2019/632 reg. 155\(2\)](#) (This amendment not applied to legislation.gov.uk. Reg. 155(2) omitted immediately before IP completion day by virtue of S.I. 2020/1385, regs. 1(4), 57(3)(d))

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 Pt. 1 para. 2(c) words substituted by [S.I. 2023/548 art. 2\(5\)](#)