

STATUTORY INSTRUMENTS

2005 No. 1529

The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

PART IV

Exempt Communications: All Controlled Activities

Electronic commerce communications: mere conduits, caching and hosting

18A. The financial promotion restriction does not apply to an electronic commerce communication in circumstances where—

- (a) the making of the communication constitutes the provision of an information society service of a kind falling within [^{F1}regulation 17(1), 18 or 19 of the Electronic Commerce (EC Directive) Regulations 2002] (“mere conduit”, “caching” and “hosting”); and
- (b) [^{F2}the conditions mentioned in—
 - (i) regulation 17(1)(a) to (c) of those Regulations (where regulation 17 is the relevant regulation),
 - (ii) regulation 18(b)(i) to (v) of those Regulations (where regulation 18 is the relevant regulation), or
 - (iii) regulation 19(a)(i) and (ii) of those Regulations (where regulation 19 is the relevant regulation),

to the extent] that they are applicable at the time of, or prior to, the making of the communication, are or have been met at that time.

Textual Amendments

- F1** Words in art. 18A(a) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/632), regs. 1(3), **168(2)** (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in art. 18A(b) substituted (31.12.2020) by [The Financial Services and Markets Act 2000 \(Amendment\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/632), regs. 1(3), **168(3)** (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 18A.