

This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 2nd February 2016 (ISBN 978-0-11-114325-4). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Order laid before Parliament under paragraphs 2 and 2A of Schedule 2 to the European Communities Act 1972, section 429(3) and (4) of, and paragraph 26(2) of Schedule 2 to, the Financial Services and Markets Act 2000, and sections 6(10) and 161(4) of the Small Business, Enterprise and Employment Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No. 0000

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2016

Made - - - - - ***

Coming into force in accordance with article 1

The Treasury are a government department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to financial services.

In the opinion of the Treasury, one of the effects of this Order is that an activity which is not a regulated activity, within the meaning of the Financial Services and Markets Act 2000⁽³⁾, will become a regulated activity.

A draft of this Order has been laid before and approved by a resolution of each House of Parliament in accordance with paragraphs 2 and 2A of Schedule 2 to the European Communities Act 1972⁽⁴⁾, section 429(3) and (4) of, and paragraph 26(2) of Schedule 2 to, the Financial Services and Markets Act 2000⁽⁵⁾ and sections 6(10) and 161(4) of the Small Business, Enterprise and Employment Act 2015⁽⁶⁾.

The Treasury make this Order in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972, sections 21(9), (10) and (15), 22(1) and (5), 38, 39 and 428(3)

(1) [S.I. 2012/1759](#).

(2) [1972 c. 68](#). Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and the European Union (Amendment) Act [2008 \(c. 7\)](#), Schedule, Part 1. By virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act [1993 \(c. 51\)](#) legislation may be made under section 2(2) of the European Communities Act to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1992 (Cm 2183).

(3) [2000 c.8](#).

(4) Paragraph 2 was amended by section 27 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#) and paragraph 2A was inserted by section 29 of that Act.

(5) Paragraph 25 of Schedule 2 was amended, and paragraph 26 was substituted, by section 8 of the Financial Services Act [2012 \(c. 21\)](#).

(6) [2015 c. 26](#).

of, and paragraph 25 of Schedule 2 to, the Financial Services and Markets Act 2000(7) and sections 5(3) and 161(2)(d) of the Small Business, Enterprise and Employment Act 2015.

(7) Section 38 was amended by paragraph 4 of Schedule 18 to the Financial Services Act 2012. Paragraph 25(1)(f), (2) and (3) of Schedule 2 to the Financial Services and Markets Act 2000 provides that an order under section 22(1) of that Act may make consequential, transitional or supplemental provision.