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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Financial Services and Markets Act 2000  
(Amendment) (EU Exit) Regulations 2019**

**PART 3**

**Amendments to the Financial Services and Markets  
Act 2000 (Regulated Activities) Order 2001**

**Article 72G (local authorities)**

**151.**—(1) Article 72G(1) (local authorities) is amended as follows.

(2) In paragraph (3B)(b), for paragraph (i) substitute—

“(i) is an agreement to which section 423A(3) of the Act applies;”.

(3) In paragraph (4)(a), in paragraph (ii), for the words after “a credit agreement” substitute “falling within paragraph (6A) or within section 423A(2)(a) or (b) or (3)(b), (d), (e) or (f) of the Act;”.

(4) In paragraph (4)(b), for paragraph (i) substitute—

“(i) it is an agreement to which section 423A(3) of the Act applies;”.

(5) After paragraph (4) insert—

“(4A) A reference in paragraph (4) to any land or building—

- (a) in relation to an agreement entered into before exit day, is a reference to any land or building in the United Kingdom or within the territory of an EEA State;
- (b) in relation to an agreement entered into on or after exit day, is a reference to any land or building in the United Kingdom.”.

(6) After paragraph (6) insert—

“(6A) The following credit agreements fall within this paragraph—

- (a) an agreement involving a total amount of credit of less than 200 euro;
- (b) an agreement that involves a total amount of credit of more than 75,000 euro, other than an unsecured credit agreement the purpose of which is the renovation of a residential immovable property;
- (c) a hiring or leasing agreement under which an obligation to purchase the object of the agreement is not laid down either by the agreement itself or by any separate agreement;
- (d) an agreement under which the credit is granted free of interest and without any other charges;
- (e) an agreement under which the credit has to be repaid within three months and only insignificant charges are payable;

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(1) Article 72G was inserted by [S.I. 2014/366](#); paragraph (3B) and (7) were inserted, and paragraph (4) substituted, by [S.I. 2015/910](#); paragraphs (3B) and (4) were amended by [S.I. 2016/392](#).

- (f) an agreement concluded with an investment firm or a credit institution for the purposes of allowing an investor to carry out a transaction relating to one or more of the instruments listed in Part 1 of Schedule 2, where the investment firm or credit institution granting the credit is involved in that transaction;
- (g) an agreement under which the consumer's liability is strictly limited to an item that the consumer is requested to deposit, upon the conclusion of the agreement, as security in the creditor's safe-keeping;
- (h) an agreement that relates to a restricted public loan.

(6B) For the purposes of subsection (6A)(c), an obligation to purchase the object of the agreement is deemed to exist if the creditor decides that it does.”

(7) In paragraph (7)—

- (a) in the definition of “bridging loan”, for “Article 4(23) of the mortgages directive” substitute “article 60G(9)”;
- (b) at the appropriate place insert—
  - ““consumer” means an individual who is acting for purposes outside those of any trade, business or profession carried on by the individual;”;
- (c) omit the definition of “consumer credit directive”.