

## SCHEDULES

### SCHEDULE 24

Section 284

#### EXCLUDED ARRANGEMENTS

##### *Regulated financial services activity*

- 1 (1) A contract between a consumer and a trader where—
- (a) the contract is entered into by the trader in the course of carrying on a regulated financial services activity, and
  - (b) the trader is authorised to carry on that activity.
- (2) In [sub-paragraph \(1\)\(a\)](#), a regulated financial services activity means—
- (a) a regulated activity for the purposes of section 19 of the Financial Services and Markets Act 2000;
  - (b) a payment service within the meaning of regulation 2(1) of the Payment Services Regulations 2017 ([S.I. 2017/752](#));
  - (c) the issue of electronic money.
- (3) For the purposes of [sub-paragraph \(1\)\(b\)](#), a person is authorised to carry on a regulated financial services activity if—
- (a) the person is an authorised person in relation to the activity for the purposes of section 19 of the Financial Services and Markets Act 2000;
  - (b) the person is exempt from the general prohibition in relation to the activity under section 39(1) of that Act;
  - (c) the person is a payment service provider and the activity is a payment service for which the person is authorised or registered under Part 2 of the Payment Services Regulations 2017;
  - (d) the person is an electronic money issuer and the activity is the issue of electronic money for which the person is authorised or registered under Part 2 of the Electronic Money Regulations 2011 ([S.I. 2011/99](#)).
- (4) In this paragraph—
- “electronic money” has the meaning given by regulation 2(1) of the Electronic Money Regulations 2011 (and references to the issue of electronic money are to be construed in accordance with those regulations);
  - “electronic money issuer” has the meaning given in regulation 2(1) of those Regulations;
  - “the general prohibition” has the same meaning as in the Financial Services and Markets Act 2000 (see section 19(2) of that Act);
  - “payment service provider” has the meaning given in regulation 2(1) of the Payment Services Regulations 2017.

##### *Arrangements for the supply of utilities*

- 2 (1) Arrangements for—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the supply of water under a relevant duty to supply water;
- (b) the supply of electricity under an electricity supply licence;
- (c) the supply of gas under a gas supply licence;
- (d) the supply of heating, cooling or hot water by means of a relevant heat network under a heat network authorisation.

(2) In this paragraph—

“electricity supply licence” means a licence granted under section 6 of the Electricity Act 1989 or Article 10 of the Electricity (Northern Ireland) Order 1992 (S.I. 1992/231 (N.I.1));

“gas supply licence” means a licence granted under section 7A(1) of the Gas Act 1986 or Article 8(1)(c) of the Gas (Northern Ireland) Order 1996 (S.I. 1996/275 (N.I.2));

“heat network authorisation” means an authorisation conferred under regulations made under section 219 of the Energy Act 2023;

“relevant duty to supply water” means the duty imposed by—

- (a) section 52 of the Water Industry Act 1991;
- (b) Article 91 of the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21));
- (c) section 6 of the Water (Scotland) Act 1980;

“relevant heat network” has the same meaning as in Chapter 1 of Part 8 of the Energy Act 2023 (see section 216 of that Act).

#### *Contracts regulated by OFCOM*

3 (1) A contract for the supply of goods, services or digital content by a person who is bound, in relation to that supply, by a general condition set by OFCOM under section 45 of the Communications Act 2003.

(2) In sub-paragraph (1), “OFCOM” means the Office of Communications.

#### *Contracts for prepaid passenger transport services*

4 A contract for prepaid passenger transport services.

#### *Small businesses*

5 (1) A contract between a consumer and a trader where—

- (a) the trader’s turnover in the trader’s last financial year was less than £1,000,000, and
- (b) the trader does not enter into consumer savings scheme contracts which result in an account held by a trader for a consumer being credited with funds of more than £120 at any given time.

(2) Where a trader is in their first year of trading, the exclusion in this paragraph applies if the test in sub-paragraph (1)(b) alone is satisfied.

#### *Childcare voucher schemes*

6 A contract between a consumer and a trader where the contract is entered into by a trader in the course of providing childcare vouchers within the meaning given in

section 84 of the Income Tax (Earnings and Pensions) Act 2003 for the purposes of a scheme to which section 270A of that Act applies.

*Package holidays etc.*

- 7 A package travel contract within the meaning of the Package Travel and Linked Travel Arrangements Regulation 2018 ([S.I. 2018/634](#)).