
STATUTORY INSTRUMENTS

2001 No. 544

The Financial Services and Markets Act
2000 (Regulated Activities) Order 2001

PART II

SPECIFIED ACTIVITIES

[^{F1}CHAPTER 7B

ACTIVITIES IN RELATION TO DEBT

Exclusions

[^{F1}Activities where person has a connection to the agreement

39H.—(1) There are excluded from articles 39D(1), 39E(1) and 39F(1) activities carried on by a person who is—

- (a) the lender under the agreement,
- (b) the supplier in relation to that agreement,
- (c) a person carrying on an activity of the kind specified by article 36A by way of business and who has acquired the business of the person who was the supplier in relation to the agreement, or
- (d) a person who would be carrying on an activity of the kind specified by article 36A by way of business but for the exclusion in article 36B where the agreement was made in consequence of an introduction (by that person or another person) to which article 36B applies.

[
^{F2}(1A) In so far as it applies to article 39F(1), the exclusion in paragraph (1)(a) does not apply to a lender under a credit agreement which is an exempt agreement by virtue of article 60C(4A).]

(2) There are excluded from articles 39D(2), 39E(2) and 39F(2) activities carried on by a person who is—

- (a) the owner under the consumer hire agreement, or
- (b) a person who would be carrying on an activity of the kind specified by article 36A by way of business but for the exclusion in article 36B where the agreement was made in consequence of an introduction (by that person or another person) to which article 36B applies.

(3) There is excluded from article 39G(1) steps taken under or in relation to an agreement [^{F3}by] a person who is, in relation to that agreement, a person falling within paragraph (1)(a) to (d).

Status: Point in time view as at 04/05/2020.

Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Section 39H is up to date with all changes known to be in force on or before 22 July 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. (See end of Document for details)

- (4) There is excluded from article 39G(2) steps taken under or in relation to a consumer hire agreement [^{F4}by] a person who is, in relation to that agreement, a person falling within paragraph (2) (a) or (b).
- (5) In paragraph (1), “supplier”, in relation to an agreement, means—
- (a) a person, other than the lender, whose transaction with the borrower is, or is to be, financed by the agreement, or
 - (b) a person to whom the rights and duties of a person falling within sub-paragraph (a) have been passed by assignment or operation of law.]

Textual Amendments

- F1** Pt. II Ch. 7B inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **5**
- F2** Art. 39H(1A) inserted (4.5.2020) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Coronavirus\) \(Amendment\) Order 2020 \(S.I. 2020/480\)](#), arts. 1(2), **2(3)** (with art. 3)
- F3** Word in art. 39H(3) substituted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), art. 1(3)(4), **2(13)**
- F4** Word in art. 39H(4) substituted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), art. 1(3)(4), **2(13)**

Status:

Point in time view as at 04/05/2020.

Changes to legislation:

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Section 39H is up to date with all changes known to be in force on or before 22 July 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.