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STATUTORY INSTRUMENTS

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**2001 No. 544**

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

PART II

SPECIFIED ACTIVITIES

[<sup>F1</sup>CHAPTER 14A

REGULATED CREDIT AGREEMENTS

*The activities*

[<sup>F1</sup>**Exempt agreements: exemptions relating to the nature of the agreement**

**60C.**—(1) A credit agreement is an exempt agreement for the purposes of this Chapter in the following cases.

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- <sup>F2</sup>(2) A credit agreement is an exempt agreement if—
- (a) by entering into the agreement as lender, a person is or was carrying on an activity of a kind specified by article 61(1) (entering into regulated mortgage contracts); <sup>F3</sup>...
  - (b) by entering into the agreement as home purchase provider, a person is or was carrying on an activity of a kind specified by article 63F(1) (entering into regulated home purchase plans) [<sup>F4</sup>; or
  - (c) <sup>F5</sup>... by administering the agreement on 21st March 2016 a person is carrying on an activity of a kind specified by article 61(2) (administering regulated mortgage contracts).]]
- (3) A credit agreement is an exempt agreement if—
- (a) the lender provides the borrower with credit exceeding £25,000, and
  - (b) the agreement is entered into by the borrower wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by the borrower.
- (4) A credit agreement is an exempt agreement if—
- (a) the lender provides the borrower with credit of £25,000 or less,
  - (b) the agreement is entered into by the borrower wholly for the purposes of a business carried on, or intended to be carried on, by the borrower, and
- [ the agreement is a green deal plan made in relation to a property that is not a domestic <sup>F6</sup>(c) property (as defined by article 60LB).]
- (5) For the purposes of paragraph (3), if an agreement includes a declaration which—
- (a) is made by the borrower,

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- (b) provides that the agreement is entered into by the borrower wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by the borrower, and
- (c) complies with rules made by the FCA for the purpose of this article,

the agreement is to be presumed to have been entered into by the borrower wholly or predominantly for the purposes specified in sub-paragraph (b) unless paragraph (6) applies.

(6) This paragraph applies if, when the agreement is entered into—

- (a) the lender (or, if there is more than one lender, any of the lenders), or
- (b) any person who has acted on behalf of the lender (or, if there is more than one lender, any of the lenders) in connection with the entering into of the agreement,

knows or has reasonable cause to suspect that the agreement is not entered into by the borrower wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by the borrower.

(7) Paragraphs (5) and (6) also apply for the purposes of paragraph (4) but with the omission of the words “or predominantly”.

(8) A credit agreement is an exempt agreement if it is made in connection with trade in goods or services—

- (a) between the United Kingdom and a country outside the United Kingdom,
- (b) within a country [<sup>F7</sup>outside the United Kingdom], or
- (c) between countries outside the United Kingdom, and

the credit is provided to the borrower in the course of a business carried on by the borrower.]

#### Textual Amendments

- F1** Pt. II Ch. 14A, 14B 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), **6**
- F2** Art. 60C(2) substituted (5.11.2015 for specified purposes, 1.1.2016 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/1863\)](#), art. 1(2)(b)(3), **2(2)**
- F3** Word in art. 60C(2) omitted (5.11.2015 for specified purposes, 21.3.2016 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/1863\)](#), art. 1(2)(b)(4), **2(3)(a)**
- F4** Art. 60C(2)(c) and word inserted (5.11.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 3\) Order 2015 \(S.I. 2015/1863\)](#), art. 1(2)(b)(4), **2(3)(b)**
- F5** Words in art. 60C(2)(c) omitted (17.3.2016 for specified purposes, 21.3.2016 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2016 \(S.I. 2016/392\)](#), art. 1(2)(3)(c), **2(11)** (with Pt. 5)
- F6** Art. 60C(4)(c) substituted (E.W.S.) (15.7.2014) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Green Deal\) \(Amendment\) Order 2014 \(S.I. 2014/1850\)](#), arts. 1(2), **6** (with art. 1(3))
- F7** Words in art. 60C(8)(b) inserted (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(24)**

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**Modifications etc. (not altering text)**

- C1** Art. 60C(2)(c) applied (with modifications) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), [art. 31A\(3\)](#) (as inserted (17.3.2016 for specified purposes, 21.3.2016 in so far as not already in force) by [S.I. 2016/392](#), [art. 1\(2\)\(3\)\(c\)](#), [8\(6\)](#) (with Pt. 5))
- C2** Art. 60C(5)(6) applied by S.I. 2005/1529, Sch. 1 para. 4C(7) (as 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\(2\)\(6\)](#), [17\(6\)\(a\)](#))
- C3** Art. 60C(5)(6) applied by [1974 c. 39, s. 55C\(5\)](#) (as substituted (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 \(S.I. 2013/1881\)](#), [arts. 1\(2\)](#), [20\(23\)](#))
- C4** Art. 60C(5)(6) applied by [1974 c. 39, s. 60\(6\)](#) (as substituted (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\(2\)\(6\)](#), [20\(24\)](#))
- C5** Art. 60C(5)(6) applied by [1974 c. 39, s. 61A\(7\)](#) (as substituted (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\(2\)\(6\)](#), [20\(25\)](#))
- C6** Art. 60C(5)(6) applied by [1974 c. 39, s. 75A\(7\)](#) (as substituted (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 \(S.I. 2013/1881\)](#), [arts. 1\(2\)](#), [20\(28\)](#))
- C7** Art. 60C(5)(6) applied by [1974 c. 39, s. 77B\(10\)](#) (as substituted (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 \(S.I. 2013/1881\)](#), [arts. 1\(2\)](#), [20\(29\)](#))
- C8** Art. 60C(5)(6) applied by S.I. 1983/1553, reg. 8(1B) (as substituted (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\(2\)\(6\)](#), [23\(4\)](#))
- C9** Art. 60C(5)(6) applied by S.I. 2010/1013, reg. 2(6) (as substituted (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\(2\)\(6\)](#), [26\(4\)](#))
- C10** Art. 60C(5)(6) applied by S.I. 2010/1013, reg. 6(3) (as substituted (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\(2\)\(6\)](#), [26\(6\)](#))
- C11** Art. 60C(5)(6) applied by S.I. 2010/1014, reg. 2(6) (as substituted (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\(2\)\(6\)](#), [27\(4\)](#))

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