
STATUTORY INSTRUMENTS

2001 No. 544

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

[^{F1}PART 3B

CLAIMS MANAGEMENT ACTIVITIES IN GREAT BRITAIN

The activities

[^{F1}Specified kinds of claims management activity

(1) A claims management activity is a specified kind of activity when it is an activity specified in any of articles 89G to 89M.

(2) For the purposes of this Part—

- (a) “claimant” includes, in civil proceedings in Scotland, a pursuer;
- (b) “defendant” includes, in civil proceedings in Scotland, a defender;
- (c) “personal injury claim” means a claim for personal injury within the meaning of the Civil Procedure Rules 1998 in England and Wales and an action for damages for, or arising from, personal injuries within the meaning set out in section 8(7) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 in Scotland;
- (d) “financial services or financial product claim” includes a claim made under section 75 of the Consumer Credit Act 1974;
- (e) “housing disrepair claim” means a claim under section 11 of the Landlord and Tenant Act 1985 or section 4 of the Defective Premises Act 1972 in England and Wales or an application in respect of the repairing standard under section 22 of the Housing (Scotland) Act 2006, or claims in relation to the disrepair of premises under a term of a tenancy agreement or lease or under the common law relating to nuisance or negligence, but does not include claims for statutory nuisance under section 82 of the Environmental Protection Act 1990;
- (f) “a claim for a specified benefit” means a claim for one of the following benefits—
 - (i) industrial injuries benefit, within the meaning given by section 94 of the Social Security Contributions and Benefits Act 1992;
 - (ii) any supplement or additional allowance, or increase of benefit or allowance to which a recipient of an industrial injuries benefit may be entitled under that Act or any other Act;
 - (iii) a benefit under a scheme referred to in paragraph 2 or 4 of Schedule 8 to that Act; or
 - (iv) a benefit under the Pneumoconiosis etc. (Workers’ Compensation) Act 1979.
- (g) “criminal injury claim” means a claim under the Criminal Injuries Compensation Scheme established under the Criminal Injuries Compensation Act 1995;

Status: Point in time view as at 01/04/2019.

Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Section 89F is up to date with all changes known to be in force on or before 04 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)

- (h) “employment related claim” includes a claim in relation to wages and salaries and other employment related payments and claims in relation to wrongful or unfair dismissal, redundancy, discrimination and harassment;
 - (i) “investigating” means carrying out an investigation into, or commissioning the investigation of, the circumstances, merits or foundation of a claim; and
 - (j) “representing” means representation in writing or orally, regardless of the tribunal, body or person before which or to whom the representation is made.
- (3) A person is to be treated as carrying on a regulated claims management activity in Great Britain when the activity is carried on—
- (a) by a person who is—
 - (i) an individual who is ordinarily resident in Great Britain; or
 - (ii) a person, other than an individual, who is constituted under the law of England and Wales or Scotland; or
 - (b) in respect of a claimant or potential claimant who is—
 - (i) an individual who is ordinarily resident in Great Britain; or
 - (ii) a person, other than an individual, who is constituted under the law of England and Wales or Scotland.
- (4) For the purposes of this article—
- (a) a person is “ordinarily resident” in Great Britain if that person satisfies the requirements of the Statutory Residence Test as set out in Schedule 45 to the Finance Act 2013 either—
 - (i) at the time of the facts giving rise to the claim or potential claim; or
 - (ii) at the time when the regulated claims management activity is carried out in respect of that claimant or potential claimant;
 - (b) the references to the “UK” in the Statutory Residence Test in Schedule 45 are to be read as if they were expressed as references to “Great Britain”.]

Textual Amendments

- F1** Pt. 3B inserted (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), art. 1(2)(3), 7

Status:

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