Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 is up to date with all changes known to be in force on or before 25 June 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)

## STATUTORY INSTRUMENTS

## 2001 No. 544

## FINANCIAL SERVICES AND MARKETS

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

Approved by both Houses of Parliament

Made - - - - 26th February 2001 Laid before Parliament 27th February 2001

Coming into force in accordance with article 2

## THE FINANCIAL SERVICES AND MARKETS ACT 2000 (REGULATED ACTIVITIES) ORDER 2001

#### PART I

## **GENERAL**

- 1. Citation
- 2. Commencement
- 3. Interpretation

## PART II

## SPECIFIED ACTIVITIES

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4. Specified activities: general

Chapter II

Accepting Deposits

The activity

5. Accepting deposits

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#### Exclusions

- 6. Sums paid by certain persons
- 7. Sums received by solicitors etc.
- 8. Sums received by persons authorised to deal etc.
- 9. Sums received in consideration for the issue of debt securities
- 9A Sums received in exchange for electronic money
- 9AA Information society services
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#### CHAPTER IIA

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## The activity

- 9B Issuing electronic money
- 9BA Articles 9C to 9I and 9K apply only in the...

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- 9C Persons certified as small issuers etc.
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- 9F Revocation of certificate on request
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#### The activities

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#### Chapter IV

#### Dealing in Investments as Principal

#### The activity

14. Dealing in investments as principal

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- 15. Absence of holding out etc.
- 16. Dealing in contractually based investments
- 17. Acceptance of instruments creating or acknowledging indebtedness
- 18. Issue by a company of its own shares etc.
- 18A Dealing by a company in its own shares
- 19. Risk management
- 20. Other exclusions

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## Dealing in Investments as Agent

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- 22. Deals with or through authorised persons
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## Chapter VI

## Arranging Deals in Investments

## The activities

- 25. Arranging deals in investments
- 25A Arranging regulated mortgage contracts
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- 25C Arranging regulated home purchase plans
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- 25E Arranging regulated sale and rent back agreements

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- 26. Arrangements not causing a deal
- 27. Enabling parties to communicate
- 28. Arranging transactions to which the arranger is a party
- Arranging contracts, plans or agreements to which the arranger is a party
- 29. Arranging deals with or through authorised persons
- 29A Arrangements made in the course of administration by authorised person
- 30. Arranging transactions in connection with lending on the security of insurance policies
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- 32. Provision of finance
- 33. Introducing
- 33A Introducing to authorised persons etc.
- 34. Arrangements for the issue of shares etc.
- 35. International securities self-regulating organisations
- 36. Other exclusions

## Chapter VII

#### Managing Investments

The activity

37. Managing investments

Exclusions

- 38. Attorneys
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39A Assisting in the administration and performance of a contract of insurance

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## Safeguarding and Administering Investments

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- 41. Acceptance of responsibility by third party
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- 43. Activities not constituting administration
- 44. Other exclusions

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## Sending Dematerialised Instructions

The activities

45. Sending dematerialised instructions

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#### Exclusions

- 46. Instructions on behalf of participating issuers
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51A Information society services

Chapter XI

... Pension Schemes

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52A Information society services

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## Providing Basic Advice On Stakeholder Products

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## Advising on Investments

## The activity

- 53. Advising on investments
- 53A Advising on regulated mortgage contracts
- 53B Advising on regulated home reversion plans
- 53C Advising on regulated home purchase plans
- 53D Advising on regulated sale and rent back agreements

#### **Exclusions**

- 54. Advice given in newspapers etc.
- 54A Advice given in the course of administration by authorised person
- 55. Other exclusions

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- 56. Advice on syndicate participation at Lloyd's
- 57. Managing the underwriting capacity of a Lloyd's syndicate
- 58. Arranging deals in contracts of insurance written at Lloyd's

#### Exclusion

58A Information society services

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#### *The activity*

59. Funeral plan contracts

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- 60. Plans covered by insurance or trust arrangements
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## The activities

61. Regulated mortgage contracts

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- 62. Arranging administration by authorised person
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## Regulated Home Reversion Plans

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63B Entering into and administering regulated home reversion plans

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- 63E Other exclusions

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#### Regulated Home Purchase Plans

The a	ctivities
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63F Entering into and administering regulated home purchase plans

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- 63G Arranging administration by authorised person
- 63H Administration pursuant to agreement with authorised person
- 63I Other exclusions

## Chapter XVC

## Regulated Sale and Rent Back Agreements

#### The activities

63J Entering into and administering regulated sale and rent back agreements

#### **Exclusions**

- 63K Arranging administration by authorised person
- 63L Administration pursuant to agreement with authorised person
- 63M Other exclusions

## Chapter 15D

#### Activities of Reclaim Funds

#### The activities

63N Dormant account funds

## Chapter XVI

## Agreeing to Carry on Activities

The activity

64. Agreeing to carry on specified kinds of activity

#### Exclusions

65. Overseas persons etc

## Chapter XVII

## Exclusions Applying to Several Specified Kinds of Activity

- 66. Trustees, nominees and personal representatives
- 67. Activities carried on in the course of a profession or non-investment business

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- 68. Activities carried on in connection with the sale of goods or supply of services
- 69. Groups and joint enterprises
- 70. Activities carried on in connection with the sale of a body corporate
- 71. Activities carried on in connection with employee share schemes
- 72. Overseas persons
- 72A Information society services
- 72B Activities carried on by a provider of relevant goods or services
- 72C Provision of information on an incidental basis
- 72D Large risks contracts where risk situated outside the EEA
- 72E Business Angel-led Enterprise Capital Funds
- 72F Interpretation

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- 74. Deposits
- 74A Electronic money
- 75. Contracts of insurance
- 76. Shares etc.
- 77. Instruments creating or acknowledging indebtedness
- 77A Alternative finance investment bonds
- 78. Government and public securities
- 79. Instruments giving entitlements to investments
- 80. Certificates representing certain securities
- 81. Units in a collective investment scheme
- 82. Rights under a pension scheme
- 83. Options
- 84. Futures
- 85. Contracts for differences etc.
- 86. Lloyd's syndicate capacity and syndicate membership
- 87. Funeral plan contracts
- 88. Regulated mortgage contracts
- 88A Regulated home reversion plans
- 88B Regulated home purchase plans
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- 90. Consequential amendments of the Consumer Credit Act 1974
- 91. Consequential amendments of subordinate legislation under the Consumer Credit Act 1974

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## UNATHORISED PERSONS CARRYING ON INSURANCE MEDIATION ACTIVITIES

92. Interpretation

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- 93. Duty to maintain a record of unauthorised persons carrying on insurance mediation activities
- 94. Members of designated professional bodies
- 95. Exclusion from record where not fit and proper to carry on insurance mediation activities
- 96. Exclusion from the record where Authority has exercised its powers under Part XX of the Act

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#### **MISCELLANEOUS**

97. Disapplication of section 49(2) of the Act Signature

SCHEDULE 1 — CONTRACTS OF INSURANCE PART I — CONTRACTS OF GENERAL INSURANCE

- 1. Accident
- 2. Sickness
- 3. Land vehicles
- 4. Railway rolling stock
- 5. Aircraft
- 6. Ships
- 7. Goods in transit
- 8. Fire and natural forces
- 9. Damage to property
- 10. Motor vehicle liability
- 11. Aircraft liability
- 12. Liability of ships
- 13. General liability
- 14. Credit
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- 18. Assistance

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- II Marriage and birth
- III Linked long term
- IV Permanent health
- V Tontines
- VI Capital redemption contracts
- VII Pension fund management
- VIII Collective insurance etc.
  - IX Social insurance

SCHEDULE 2 — SECTIONS A AND C OF ANNEX I TO THE MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE AND RELATED COMMUNITY SUBORDINATE LEGISLATION

PART 1 — SECTION C OF ANNEX I TO THE MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE

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#### "Financial instruments

- 1. Transferable securities:
- 2. Money-market instruments;
- 3. Units in collective investment undertakings;
- 4. Options, futures, swaps, forward rate agreements and any other derivative...
- 5. Options, futures, swaps, forward rate agreements and any other derivative...
- 6. Options, futures, swaps, and any other derivative contracts relating to...
- 7. Options, futures, swaps, forwards and any other derivative contracts relating...
- 8. Derivative instruments for the transfer of credit risk;
- 9. Financial contracts for differences;
- 10. Options, futures, swaps, forward rate agreements and any other derivative...
  - PART 2 CHAPTER VI OF THE COMMISSION REGULATION
  - PART 3 SECTION A OF ANNEX I TO THE MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE

#### "Investment services and activities

- 1. Reception and transmission of orders in relation to one or...
- 2. Execution of orders on behalf of clients.
- 3. Dealing on own account.
- 4. Portfolio management.
- 5. Investment advice.
- 6. Underwriting of financial instruments and/or placing of financial instruments on...
- 7. Placing of financial instruments without a firm commitment basis.
- 8. Operation of Multilateral Trading Facilities."

PART 4 — ARTICLE 52 OF COMMISSION DIRECTIVE 2006/73/EC

SCHEDULE 3 — ARTICLE 2 OF THE MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE

— "Article 2

#### **Exemptions**

- 1. This Directive shall not apply to: (a) insurance undertakings as...
- 2. The rights conferred by this Directive shall not extend to...
- 3. In order to take account of developments on financial markets,...

SCHEDULE 4 — RELEVANT TEXT OF THE INSURANCE MEDIATION DIRECTIVE

Part 1 — Article 1.2

Part II — Article 2.3

Part III — Article 2.4

**Explanatory Note** 

## **Status:**

Point in time view as at 23/12/2011.

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