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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 VIIA

ASSISTING IN THE ADMINISTRATION AND PERFORMANCE OF A CONTRACT OF INSURANCE

**Textual Amendments**

- F1** Pt. 2 Ch. 7A inserted (31.10.2004 for specified purposes, 14.1.2005 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2003 \(S.I. 2003/1476\)](#), arts. 1(3), 7

*The activity*

**Assisting in the administration and performance of a contract of insurance**

**39A.** Assisting in the administration and performance of a contract of insurance is a specified kind of activity.

*Exclusions*

**Claims management on behalf of an insurer etc.**

**39B.—**(1) A person does not carry on an activity of the kind specified by article 39A if he acts in the course of carrying on the activity of—

- (a) expert appraisal;
- (b) loss adjusting on behalf of a relevant insurer; or
- (c) managing claims on behalf of a relevant insurer,

and that activity is carried on in the course of carrying on any profession or business.

(2) In this article—

- (a) “relevant insurer” means—
  - (i) a person who has Part IV permission to carry on an activity of the kind specified by article 10;
  - (ii) a person to whom the general prohibition does not apply by virtue of section 316(1) (a) of the Act (members of the Society of Lloyd's);

**Status:** Point in time view as at 10/12/2007.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, CHAPTER VIIA is up to date with all changes known to be in force on or before 26 May 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)

- (iii) an EEA firm falling within paragraph 5(d) of Schedule 3 to the Act (insurance undertaking); or
- (iv) a relevant reinsurer;
- (b) “relevant reinsurer” means a person whose main business consists of accepting risks ceded by—
  - (i) a person falling within sub-paragraph (i), (ii) or (iii) of the definition of “relevant insurer”; <sup>F2</sup>...
  - [<sup>F3</sup>(ii) an EEA firm falling within paragraph 5(da) of Schedule 3 to the Act (reinsurance undertaking); or
  - (iii) a person established outside the United Kingdom and not falling within paragraph (ii) who carries on an activity of the kind specified by article 10 by way of business.]

#### Textual Amendments

- F2** Word in art. 39B(2)(b)(i) omitted (10.12.2007) by [The Financial Services and Markets Act 2000 \(Reinsurance Directive\) Order 2007 \(S.I. 2007/3254\)](#), arts. 1, **2(2)(a)**
- F3** Art. 39B(2)(b)(ii)(iii) substituted for art. 39B(2)(b)(ii) (10.12.2007) by [The Financial Services and Markets Act 2000 \(Reinsurance Directive\) Order 2007 \(S.I. 2007/3254\)](#), arts. 1, **2(2)(b)**

#### Other exclusions

**39C.** Article 39A is also subject to the exclusions in articles 66 (trustees etc.), 67 (profession or non-investment business), 72A (information society services), 72B (activities carried on by a provider of relevant goods or services), 72C (provision of information about contracts of insurance on an incidental basis) and 72D (large risks contracts where risk situated outside the EEA).]

**Status:**

Point in time view as at 10/12/2007.

**Changes to legislation:**

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