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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

*[<sup>F1</sup>Exclusions*

**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

**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);
  - (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—

**Status:** Point in time view as at 15/07/2014.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Cross Heading: Exclusions is up to date with all changes known to be in force on or before 01 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)

- (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) [<sup>F4</sup>, 72AA (managers of UCITS and AIFs)]<sup>F5</sup>, 72D (large risks contracts where risk situated outside the EEA), 72G (local authorities) and 72H (insolvency practitioners)]].]

#### Textual Amendments

- F4** Words in art. 39C substituted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 2 para. 1(7)**
- F5** Words in art. 39C 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(12)**

**Status:**

Point in time view as at 15/07/2014.

**Changes to legislation:**

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Cross Heading: Exclusions is up to date with all changes known to be in force on or before 01 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.