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*Status: Point in time view as at 08/11/2013.*

*Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Cross Heading: The activity 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)*

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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

##### CHAPTER XII

##### ADVISING ON INVESTMENTS

##### *The activity*

#### **Advising on investments**

- 53.** Advising a person is a specified kind of activity if the advice is—
- (a) given to the person in his capacity as an investor or potential investor, or in his capacity as agent for an investor or a potential investor; and
  - (b) advice on the merits of his doing any of the following (whether as principal or agent)—
    - (i) buying, selling, subscribing for or underwriting a particular investment which is a security or a [<sup>F1</sup>relevant investment], or
    - (ii) exercising any right conferred by such an investment to buy, sell, subscribe for or underwrite such an investment.

#### **Textual Amendments**

- F1** Words in art. 53(b)(i) substituted (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), **9(1)**

#### **[<sup>F2</sup>Advising on regulated mortgage contracts**

- 53A.—**(1) Advising a person is a specified kind of activity if the advice—
- (a) is given to the person in his capacity as a borrower or potential borrower; and
  - (b) is advice on the merits of his doing any of the following—
    - (i) entering into a particular regulated mortgage contract, or
    - (ii) varying the terms of a regulated mortgage contract entered into by him after the coming into force of article 61 in such a way as to vary his obligations under that contract.
- (2) In this article, “borrower” has the meaning given by article 61(3)(a)(i).]

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#### Textual Amendments

**F2** Art. 53A inserted (31.10.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 1\) Order 2003 \(S.I. 2003/1475\)](#), arts. 1(3), **13**

#### [<sup>F3</sup> Advising on regulated home reversion plans

**53B.** Advising a person is a specified kind of activity if the advice—

- (a) is given to the person in his capacity as—
  - (i) a reversion seller or potential reversion seller, or
  - (ii) a plan provider or potential plan provider; and
- (b) is advice on the merits of his doing either of the following—
  - (i) entering into a particular regulated home reversion plan, or
  - (ii) varying the terms of a regulated home reversion plan, entered into on or after 6th April 2007 by him, in such a way as to vary his obligations under that plan.]

#### Textual Amendments

**F3** Arts. 53B, 53C inserted (6.11.2006 for specified purposes, 6.4.2007 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2006 \(S.I. 2006/2383\)](#), arts. 1(2), **13**

#### [<sup>F3</sup> Advising on regulated home purchase plans

**53C.** Advising a person is a specified kind of activity if the advice—

- (a) is given to the person in his capacity as a home purchaser or potential home purchaser; and
- (b) is advice on the merits of his doing either of the following—
  - (i) entering into a particular regulated home purchase plan, or
  - (ii) varying the terms of a regulated home purchase plan, entered into on or after 6th April 2007 by him, in such a way as to vary his obligations under that plan.]

#### Textual Amendments

**F3** Arts. 53B, 53C inserted (6.11.2006 for specified purposes, 6.4.2007 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2006 \(S.I. 2006/2383\)](#), arts. 1(2), **13**

#### [<sup>F4</sup> Advising on regulated sale and rent back agreements

**53D.** Advising a person is a specified kind of activity if the advice—

- (a) is given to the person (“A”) in A’s capacity as—
  - (i) an agreement seller or potential agreement seller, or
  - (ii) an agreement provider or potential agreement provider; and
- (b) is advice on the merits of A doing either of the following—
  - (i) entering into a particular regulated sale and rent back agreement; or

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- (ii) varying the terms of a regulated sale and rent back agreement entered into on or after 1st July 2009 by A as agreement seller or agreement provider, in such a way so as to vary A's obligations under that agreement.]

**Textual Amendments**

- F4** Art. 53D inserted (1.7.2009 for specified purposes, 30.6.2010 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2009 \(S.I. 2009/1342\)](#), arts. 1(2), **13**

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