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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 XIV

FUNERAL PLAN CONTRACTS

*The activity*

**Funeral plan contracts**

- 59.**—(1) Entering as provider into a funeral plan contract is a specified kind of activity.
- (2) A “funeral plan contract” is a contract (other than one excluded by article 60) under which—
- (a) a person (“the customer”) makes one or more payments to another person (“the provider”); and
  - (b) the provider undertakes to provide, or secure that another person provides, a funeral in the United Kingdom for the customer (or some other person who is living at the date when the contract is entered into) on his death;

unless, at the time of entering into the contract, the customer and the provider intend or expect the funeral to occur within one month.

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**Commencement Information**

- II** Art. 59 in force at 1.1.2002, see [art. 2\(2\)\(a\)](#)

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

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**Textual Amendments**

- F1** Art. 60 cross-heading substituted (21.8.2002) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2002 \(S.I. 2002/1776\)](#), arts. 1, **3(14)**

**Plans covered by insurance or trust arrangements**

- 60.**—(1) There is excluded from article 59 any contract under which—

**Status:** Point in time view as at 17/03/2016.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, Chapter XIV 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)

- (a) the provider undertakes to secure that sums paid by the customer under the contract will be applied towards a contract of whole life insurance on the life of the customer (or other person for whom the funeral is to be provided), effected and carried out by an authorised person who has permission to effect and carry out such contracts of insurance, for the purpose of providing the funeral; or
  - (b) the provider undertakes to secure that sums paid by the customer under the contract will be held on trust for the purpose of providing the funeral, and that the following requirements are or will be met with respect to the trust—
    - (i) the trust must be established by a written instrument;
    - (ii) more than half of the trustees must be unconnected with the provider;
    - (iii) the trustees must appoint, or have appointed, an independent fund manager who is an authorised person who has permission to carry on an activity of the kind specified by article 37, and who is a person who is unconnected with the provider, to manage the assets of the trust;
    - (iv) annual accounts must be prepared, and audited by a person who is eligible for appointment as a [<sup>F2</sup>statutory auditor under Part 42 of the Companies Act 2006], with respect to the assets and liabilities of the trust; and
    - (v) the assets and liabilities of the trust must, at least once every three years, be determined, calculated and verified by an actuary who is a Fellow of the Institute of Actuaries or of the Faculty of Actuaries.
- (2) For the purposes of paragraph (1)(b)(ii) and (iii), a person is unconnected with the provider if he is a person other than—
- (a) the provider;
  - (b) a member of the same group as the provider;
  - (c) a director, other officer or employee of the provider, or of any member of the same group as the provider;
  - (d) a partner of the provider;
  - (e) a close relative of a person falling within sub-paragraph (a), (c) or (d); or
  - (f) an agent of any person falling within sub-paragraphs (a) to (e).

#### Textual Amendments

**F2** Words in art. 60(1)(b)(iv) substituted (6.4.2008) by virtue of [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), [Sch. 1 para. 1\(tt\)](#) (with arts. 6, 11, 12)

#### Commencement Information

**I2** Art. 60 in force at 1.1.2002, see art. 2(2)(a)

### [<sup>F3</sup>Information society services [<sup>F4</sup>and managers of UCITS and AIFs]

**60A.** Article 59 is subject to the [<sup>F5</sup>exclusions] in article 72A (information society services) [<sup>F6</sup>and article 72AA (managers of UCITS and AIFs).]

#### Textual Amendments

**F3** Art. 60A inserted (21.8.2002) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2002 \(S.I. 2002/1776\)](#), arts. 1, [3\(15\)](#)

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- F4** Words in art. 60A heading inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 1(4)(a)**
- F5** Word in art. 60A substituted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 1(4)(b)**
- F6** Words in art. 60A inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 2 para. 1(4)(c)**

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