

**Status:** Point in time view as at 01/04/2013.

**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, SCHEDULE 1 is up to date with all changes known to be in force on or before 03 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)

## SCHEDULE 1

Article 3(1)

### CONTRACTS OF INSURANCE

#### Modifications etc. (not altering text)

- C1** Sch. 1 applied in part (1.12.2001) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) Order 2001 \(S.I. 2001/1335\)](#), **art. 25(2)**, reg. 1(2); S.I. 2001/3538, art. 2(1)
- C2** Sch. 1 applied in part (1.12.2001) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) Order 2001 \(S.I. 2001/1335\)](#), **art. 10(2)**, reg. 1(2); S.I. 2001/3538, art. 2(1)

## PART I

### CONTRACTS OF GENERAL INSURANCE

#### Accident

1. Contracts of insurance providing fixed pecuniary benefits or benefits in the nature of indemnity (or a combination of both) against risks of the person insured or, in the case of a contract made by virtue of section 140, 140A or 140B of the Local Government Act 1972 <sup>M1</sup> (or, in Scotland, section 86(1) of the Local Government (Scotland) Act 1973 <sup>M2</sup>), a person for whose benefit the contract is made—

- (a) sustaining injury as the result of an accident or of an accident of a specified class; or
- (b) dying as a result of an accident or of an accident of a specified class; or
- (c) becoming incapacitated in consequence of disease or of disease of a specified class,

including contracts relating to industrial injury and occupational disease but excluding contracts falling within paragraph 2 of Part I of, or paragraph IV of Part II of, this Schedule.

#### Marginal Citations

- M1** [S.I. 1999/2725](#), amended by [S.I. 2000/1797](#).
- M2** 1972 c. 70. Section 140 was amended by the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30\)](#), s. 39(1) and Sch. 7, Part XVI; by the [Insurance Companies Act 1982 \(c. 50\)](#), Sch. 5, para. 13; and by the [London Regional Transport Act 1984 \(c. 32\)](#), Sch. 7. Section 140A was inserted by s. 39(2) of the [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30\)](#), and amended by the [Planning \(Consequential Provisions\) Act 1990 \(c. 10\)](#), Sch. 2, para. 28, and by the [Environment Act 1995 \(c. 25\)](#), Sch. 24. Section 140B was inserted by s. 39(2) of the [Local Government \(Miscellaneous Provisions\) Act 1982](#), and amended by the [Local Government Act 1985 \(c. 51\)](#), Sch. 17, and by the [Local Government \(Wales\) Act 1994 \(c. 19\)](#), Sch. 15, para. 31.

#### Sickness

2. Contracts of insurance providing fixed pecuniary benefits or benefits in the nature of indemnity (or a combination of both) against risks of loss to the persons insured attributable to sickness or infirmity but excluding contracts falling within paragraph IV of Part II of this Schedule.

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### **Land vehicles**

3. Contracts of insurance against loss of or damage to vehicles used on land, including motor vehicles but excluding railway rolling stock.

### **Railway rolling stock**

4. Contract of insurance against loss of or damage to railway rolling stock.

### **Aircraft**

5. Contracts of insurance upon aircraft or upon the machinery, tackle, furniture or equipment of aircraft.

### **Ships**

6. Contracts of insurance upon vessels used on the sea or on inland water, or upon the machinery, tackle, furniture or equipment of such vessels.

### **Goods in transit**

7. Contracts of insurance against loss of or damage to merchandise, baggage and all other goods in transit, irrespective of the form of transport.

### **Fire and natural forces**

8. Contracts of insurance against loss of or damage to property (other than property to which paragraphs 3 to 7 relate) due to fire, explosion, storm, natural forces other than storm, nuclear energy or land subsidence.

### **Damage to property**

9. Contracts of insurance against loss of or damage to property (other than property to which paragraphs 3 to 7 relate) due to hail or frost or any other event (such as theft) other than those mentioned in paragraph 8.

### **Motor vehicle liability**

10. Contracts of insurance against damage arising out of or in connection with the use of motor vehicles on land, including third-party risks and carrier's liability.

### **Aircraft liability**

11. Contracts of insurance against damage arising out of or in connection with the use of aircraft, including third-party risks and carrier's liability.

### **Liability of ships**

12. Contracts of insurance against damage arising out of or in connection with the use of vessels on the sea or on inland water, including third party risks and carrier's liability.

### **General liability**

13. Contracts of insurance against risks of the persons insured incurring liabilities to third parties, the risks in question not being risks to which paragraph 10, 11 or 12 relates.

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## **Credit**

**14.** Contracts of insurance against risks of loss to the persons insured arising from the insolvency of debtors of theirs or from the failure (otherwise than through insolvency) of debtors of theirs to pay their debts when due.

## **Suretyship**

**15.—(1)** Contracts of insurance against the risks of loss to the persons insured arising from their having to perform contracts of guarantee entered into by them.

(2) Fidelity bonds, performance bonds, administration bonds, bail bonds or customs bonds or similar contracts of guarantee, where these are—

- (a) effected or carried out by a person not carrying on a banking business;
- (b) not effected merely incidentally to some other business carried on by the person effecting them; and
- (c) effected in return for the payment of one or more premiums.

## **Miscellaneous financial loss**

**16.** Contracts of insurance against any of the following risks, namely—

- (a) risks of loss to the persons insured attributable to interruptions of the carrying on of business carried on by them or to reduction of the scope of business so carried on;
- (b) risks of loss to the persons insured attributable to their incurring unforeseen expense (other than loss such as is covered by contracts falling within paragraph 18);
- (c) risks which do not fall within sub-paragraph (a) or (b) and which are not of a kind such that contracts of insurance against them fall within any other provision of this Schedule.

## **Legal expenses**

**17.** Contracts of insurance against risks of loss to the persons insured attributable to their incurring legal expenses (including costs of litigation).

## **Assistance**

**18.** Contracts of insurance providing either or both of the following benefits, namely—

- (a) assistance (whether in cash or in kind) for persons who get into difficulties while travelling, while away from home or while away from their permanent residence; or
- (b) assistance (whether in cash or in kind) for persons who get into difficulties otherwise than as mentioned in sub-paragraph (a).

# **PART II**

## **CONTRACTS OF LONG-TERM INSURANCE**

### **Life and annuity**

**I.** Contracts of insurance on human life or contracts to pay annuities on human life, but excluding (in each case) contracts within paragraph III.

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## Marriage and birth

**II.** Contract of insurance to provide a sum on marriage [<sup>F1</sup>or the formation of a civil partnership] or on the birth of a child, being contracts expressed to be in effect for a period of more than one year.

### Textual Amendments

- F1** Words in Sch. 1 Pt. II para. 2 inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), reg. 1, [Sch. 16 para. 1\(5\)](#)

## Linked long term

**III.** Contracts of insurance on human life or contracts to pay annuities on human life where the benefits are wholly or partly to be determined by references to the value of, or the income from, property of any description (whether or not specified in the contracts) or by reference to fluctuations in, or in an index of, the value of property of any description (whether or not so specified).

## Permanent health

**IV.** Contracts of insurance providing specified benefits against risks of persons becoming incapacitated in consequence of sustaining injury as a result of an accident or of an accident of a specified class or of sickness or infirmity, being contracts that—

- (a) are expressed to be in effect for a period of not less than five years, or until the normal retirement age for the persons concerned, or without limit of time; and
- (b) either are not expressed to be terminable by the insurer, or are expressed to be so terminable only in special circumstances mentioned in the contract.

## Tontines

**V.** Tontines.

## Capital redemption contracts

**VI.** Capital redemption contracts, where effected or carried out by a person who does not carry on a banking business, and otherwise carries on a regulated activity of the kind specified by article 10(1) or (2).

## Pension fund management

**VII.**

- (a) Pension fund management contracts, and
- (b) pension fund management contracts which are combined with contracts of insurance covering either conservation of capital or payment of a minimum interest,

where effected or carried out by a person who does not carry on a banking business, and otherwise carries on a regulated activity of the kind specified by article 10(1) or (2).

## Collective insurance etc.

**VIII.** Contracts of a kind referred to in article 1(2)(e) of the first life insurance directive.

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## **Social insurance**

**IX.** Contracts of a kind referred to in article 1(3) of the first life insurance directive.

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