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STATUTORY INSTRUMENTS

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**2002 No. 2157**

The Financial Services and Markets Act  
2000 (Financial Promotion) (Amendment)  
(Electronic Commerce Directive) Order 2002

PART 2

AMENDMENT OF THE FINANCIAL SERVICES AND  
MARKETS ACT 2000 (FINANCIAL PROMOTION) ORDER 2001

**Mere conduits, caching and hosting**

5.—(1) In article 18—

(a) in paragraph (1), at the beginning insert “Subject to paragraph (4),”;

(b) at the end, insert—

“(4) This article does not apply to an electronic commerce communication.”.

(2) After article 18, insert—

**“Electronic commerce communications: mere conduits, caching and hosting**

**18A.** The financial promotion restriction does not apply to an electronic commerce communication in circumstances where—

(a) the making of the communication constitutes the provision of an information society service of a kind falling within paragraph 1 of Article 12, 13 or 14 of the electronic commerce directive (“mere conduit”, “caching” and “hosting”); and

(b) the conditions mentioned in the paragraph in question, to the extent that they are applicable at the time of, or prior to, the making of the communication, are or have been met at that time.”.