
STATUTORY INSTRUMENTS

2002 No. 2157

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

PART 3

AMENDMENT OF THE FINANCIAL SERVICES AND
MARKETS ACT 2000 (PROMOTION OF COLLECTIVE
INVESTMENT SCHEMES) (EXEMPTIONS) ORDER 2001

Interpretation provisions

8.—(1) In article 3, at the end insert—

- “(f) “electronic commerce communication” means a communication, the making of which constitutes the provision of an information society service;
- (g) “incoming electronic commerce communication” means an electronic commerce communication made from an establishment in an EEA State other than the United Kingdom;
- (h) “outgoing electronic commerce communication” means an electronic commerce communication made from an establishment in the United Kingdom to a person in an EEA State other than the United Kingdom.”.

(2) After article 5, insert—

“Interpretation: outgoing electronic commerce communications

5A.—(1) For the purposes of the application of those articles to outgoing electronic commerce communications—

- (a) any reference in article 21(4)(d) or 23(1)(a) or (3)(d) to an authorised person includes a reference to a person who is entitled, under the law of an EEA State other than the United Kingdom, to carry on regulated activities in that State;
- (b) any reference in article 21 or 22 to an amount in pounds sterling includes a reference to an equivalent amount in another currency.

(2) For the purposes of the application of article 22 to outgoing electronic commerce communications, any reference in section 737 or 264(2) of the Companies Act 1985(1) (or the equivalent provision in the Companies (Northern Ireland) Order 1986(2)) to a company includes a reference to a company registered under the law of an EEA State other than the United Kingdom.”.

(1) 1985 c. 6.

(2) S.I.1986/1032 (N.I. 6).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
