

2004 No. 453

FINANCIAL SERVICES AND MARKETS

**The Financial Services and Markets Act 2000
(Appointed Representatives) (Amendment)
Regulations 2004**

Made - - - - - 25th February 2004

Laid before Parliament 25th February 2004

Coming into force in accordance with regulation 1(2)

The Treasury, in exercise of the powers conferred on them by sections 39(1), 417(1)(a) and 428(3) of the Financial Services and Markets Act 2000(b), hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Financial Services and Markets Act 2000 (Appointed Representatives) (Amendment) Regulations 2004.

(2) These Regulations come into force—

(a) for the purposes of regulation 2(3), on 31st October 2004;

(b) for all other purposes, two months after the date on which they are made.

(3) In these Regulations “the principal Regulations” means the Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001(c).

Amendment of regulation 1(2) of the principal Regulations

2.—(1) Regulation 1(2) of the principal Regulations is amended as follows.

(2) In the definitions of “buy”, “sell” etc., for “contract of general insurance”(d) substitute “qualifying contract of insurance”.

(3) Immediately before the definition of “other counterparties”, insert—

““contract of long-term care insurance” means a contract of insurance in respect of which the following conditions are met—

(a) the purpose (or one of the purposes) of the policy is to protect the policyholder against the risk of becoming unable to live independently without assistance in consequence of a deterioration of mental or physical health, injury, sickness or other infirmity;

(b) benefits under the contract are payable in respect of—

(i) services,

(ii) accommodation, or

(iii) goods,

(a) See definition of “prescribed”.

(b) 2000 c. 8.

(c) S.I. 2001/1217, amended by S.I. 2001/2508 and S.I. 2003/1475 & 1476.

(d) The words “contract of general insurance” were inserted by S.I. 2003/1476, art. 14(2).

- which are (or which is) necessary or desirable due to a deterioration of mental or physical health, injury, sickness or other infirmity;
- (c) the contract is expressed to be in effect until the death of the policyholder (except that the contract may give the policyholder the option to surrender the policy); and
 - (d) the benefits under the contract are capable of being paid throughout the life of the policyholder;”.

Amendment of regulation 2(1) of the principal Regulations

- 3.—(1) Regulation 2(1)(aa)(a) of the principal Regulations is amended as follows.
- (2) For “a contract of general insurance” substitute—
“a contract of insurance which is not a qualifying contract of insurance or a contract of long-term care insurance”.
- (3) Regulation 2(1)(ac)(b) of the principal Regulations is amended as follows.
- (4) Omit the words, “, where the activity relates to a contract of general insurance”.

Nick Ainger
Joan Ryan

25th February 2004

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) Regulation 2(1)(aa) was inserted by S.I. 2003/1476, art. 14(3)(a).
(b) Regulation 2(1)(ac) was inserted by S.I. 2003/1476, art. 14(3)(c).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001 (S.I. 2001/1217) (“the principal Regulations”). The principal Regulations prescribe the descriptions of business which appointed representatives of authorised persons may carry on without themselves requiring authorisation under the Financial Services and Markets Act 2000. The principal Regulations prescribe, amongst other things, any business which comprises the regulated activity of dealing in investments as agent (“dealing as agent”) or the regulated activity of assisting in the administration and performance of a contract of insurance (“assisting”) where, in either case, the transaction relates to a contract of general insurance. These Regulations amend the principal Regulations so that, in the case of dealing as agent, the reference to a contract of general insurance is replaced by a reference to a contract of insurance which is not a qualifying contract of insurance or a contract of long-term care insurance. In the case of assisting, the principal Regulations are amended to remove the limitation that the activity must relate to a contract of general insurance.

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