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## STATUTORY INSTRUMENTS

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# 2005 No. 1529

## The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

### PART I

#### *Citation, Commencement and Interpretation*

#### **Interpretation: general**

2.—(1) In this Order, except where the context otherwise requires—

“the 1985 Act” means the Companies Act 1985 <sup>M1</sup>;

“the 1986 Order” means the Companies (Northern Ireland) Order 1986 <sup>M2</sup>;

“the Act” means the Financial Services and Markets Act 2000;

“close relative” in relation to a person means—

- (a) his spouse;
- (b) his children and step-children, his parents and step-parents, his brothers and sisters and his step-brothers and step-sisters; and
- (c) the spouse of any person within sub-paragraph (b);

“controlled activity” has the meaning given by article 4 and Schedule 1;

“controlled investment” has the meaning given by article 4 and Schedule 1;

“deposit” means a sum of money which is a deposit for the purposes of article 5 of the Regulated Activities Order;

“equity share capital” has the meaning given in the 1985 Act or in the 1986 Order;

“financial promotion restriction” has the meaning given by article 5;

“government” means the government of the United Kingdom, the Scottish Administration, the Executive Committee of the Northern Ireland Assembly, the National Assembly for Wales and any government of any country or territory outside the United Kingdom;

“instrument” includes any record whether or not in the form of a document;

“international organisation” means any body the members of which comprise—

- (a) states including the United Kingdom or another EEA State; or
- (b) bodies whose members comprise states including the United Kingdom or another EEA State;

“overseas communicator” has the meaning given by article 30;

“previously overseas customer” has the meaning given by article 31;

“publication” means—

- (a) a newspaper, journal, magazine or other periodical publication;

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*Status: Point in time view as at 01/07/2005. This version of this provision has been superseded.*  
*Changes to legislation: There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 2. (See end of Document for details)*

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- (b) a web site or similar system for the electronic display of information;
- (c) any programme forming part of a service consisting of the broadcast or transmission of television or radio programmes;
- (d) any teletext service, that—is to say a service consisting of television transmissions consisting of a succession of visual displays (with or without accompanying sound) capable of being selected and held for separate viewing or other use;

“qualifying contract of insurance” has the meaning given in the Regulated Activities Order;

“qualifying credit” has the meaning given by paragraph 10 of Schedule 1;

“the Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 <sup>M3</sup>;

“relevant insurance activity” has the meaning given by article 21;

“relevant investment activities” has the meaning given by article 30;

“solicited real time communication” has the meaning given by article 8;

“units”, in a collective investment scheme, has the meaning given by Part XVII of the Act;

“unsolicited real time communication” has the meaning given by article 8.

(2) References to a person engaging in investment activity are to be construed in accordance with subsection (8) of section 21 of the Act; and for these purposes, “controlled activity” and “controlled investment” in that subsection have the meaning given in this Order.

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**Marginal Citations**

**M1** 1985 c. 6.

**M2** S.I. 1986/1032 (N.I. 6).

**M3** S.I. 2001/1201 to which there are amendments not relevant to this Order.

**Status:**

Point in time view as at 01/07/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 2.