

STATUTORY INSTRUMENTS

2005 No. 1529

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

PART VI

Exempt Communications: Certain Controlled Activities

Sale of goods and supply of services

61.—(1) In this article—

“supplier” means a person whose main business is to sell goods or supply services and not to carry on controlled activities [^{F1}or controlled claims management activities] falling within any of paragraphs 3 to 7 [^{F2}, 10BA [^{F3} and 10BB]] [^{F3}, 10BB and 11A] of Schedule 1 and, where the supplier is a member of a group, also means any other member of that group;

“customer” means a person, other than an individual, to whom a supplier sells goods or supplies services, or agrees to do so, and, where the customer is a member of a group, also means any other member of that group;

“a related sale or supply” means a sale of goods or supply of services to the customer otherwise than by the supplier, but for or in connection with the same purpose as the sale or supply mentioned above.

(2) The financial promotion restriction does not apply to any non-real time communication or any solicited real time communication made by a supplier to a customer of his for the purposes of, or in connection with, the sale of goods or supply of services or a related sale or supply.

(3) But the exemption in paragraph (2) does not apply if the communication relates to—

- (a) a qualifying contract of insurance or units in a collective investment scheme; ^{F4}...
- (b) investments falling within paragraph 27 of Schedule 1 so far as relating to investments within paragraph (a).

^{F5}(c) a relevant credit agreement (within the meaning of paragraph 28 of Schedule 1); ^{F6}...

(d) a consumer hire agreement (within the meaning of paragraph 28 of Schedule 1). [^{F7}; or

(e) a qualifying cryptoasset.]

^{F8}(4) The exemption in paragraph (2) also does not apply if the communication is made by a person carrying on, or in relation to, an activity of a kind specified in paragraph 4B of Schedule 1 (credit broking).]

Textual Amendments

- F1** Words in art. 61(1) inserted (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **34(a)**

- F2** Words in art. 61(1) inserted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **10(7)(a)**
- F3** Words in art. 61(1) substituted (E.W.S.) (29.11.2018 for specified purposes, 1.4.2019 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Claims Management Activity\) Order 2018 \(S.I. 2018/1253\)](#), arts. 1(2)(3), **34(b)**
- F4** Word in art. 61(3)(a) omitted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **10(7)(b)(i)**
- F5** Art. 61(3)(c)(d) inserted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **10(7)(b)(ii)**
- F6** Word in art. 61(3) omitted (8.6.2023 for specified purposes, 7.10.2023 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) Order 2023 \(S.I. 2023/612\)](#), arts. 1(2), **6(a)** (with art. 11)
- F7** [Art. 61\(3\)\(e\)](#) and word inserted (8.6.2023 for specified purposes, 7.10.2023 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Financial Promotion\) \(Amendment\) Order 2023 \(S.I. 2023/612\)](#), arts. 1(2), **6(b)** (with art. 11)
- F8** Art. 61(4) inserted (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **10(7)(c)**

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 61.