

SCHEDULE

Regulation 2

Meaning of referral fees authorised person

1. A “referral fees authorised person” means an authorised person falling within paragraph 2 or 4.
2. An authorised person falls within this paragraph if the authorised person has permission—
 - (a) given under Part 4A of the 2000 Act, or
 - (b) resulting from any other provision of that Act,to carry on regulated activities that consist of or include one or more of the regulated activities referred to in paragraph 3.
3. The regulated activities referred to in this paragraph are—
 - (a) the activity specified by article 10(1) of the Regulated Activities Order⁽¹⁾ (effecting a contract of insurance as principal);
 - (b) the activity specified by article 10(2) of the Regulated Activities Order (carrying out a contract of insurance as principal);
 - (c) the activity specified by article 39A of the Regulated Activities Order⁽²⁾ (assisting in the administration and performance of a contract of insurance);
 - (d) in relation to the investment specified by article 75 of the Regulated Activities Order (contracts of insurance)—
 - (i) the activity specified by article 21 of the Regulated Activities Order⁽³⁾ (dealing in investments as agent);
 - (ii) the activity specified by article 25(1) of the Regulated Activities Order⁽⁴⁾ (arranging deals in investments);
 - (iii) the activity specified by article 25(2) of the Regulated Activities Order (arranging deals in investments);
 - (iv) the activity specified by article 53 of the Regulated Activities Order⁽⁵⁾ (advising on investments);
 - (e) the activity specified by article 57 of the Regulated Activities Order (managing the underwriting capacity of a Lloyd’s syndicate);
 - (f) the activity specified by article 58 of the Regulated Activities Order (arranging deals in contracts of insurance written at Lloyd’s);
 - (g) the activity specified by article 64 of the Regulated Activities Order⁽⁶⁾ (agreeing to carry on specified kinds of activity), so far as it relates to any kind of activity referred to in subparagraphs (c) to (f).
4. An authorised person (“A”) falls within this paragraph if A is a member of a group which includes an authorised person falling within paragraph 2.
5. In this Schedule—

“group” has the meaning given in section 421 of the 2000 Act;⁽⁷⁾

“regulated activity” has the meaning given in section 22 of the 2000 Act;⁽⁸⁾

(1) S.I. 2001/544.

(2) Article 39A was inserted by S.I. 2003/1476.

(3) As amended by S.I. 2003/1476.

(4) As amended by S.I. 2003/1476, S.I. 2006/3384.

(5) As amended by S.I. 2003/1476.

(6) As amended by S.I. 2002/682, S.I. 2006/3384, S.I. 2009/1389.

(7) As amended by S.I. 2008/948.

(8) As amended by section 7(1) of the Financial Services Act 2012.

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

“Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.⁽⁹⁾

⁽⁹⁾ S.I. 2001/544.