
STATUTORY INSTRUMENTS

2015 No. 489

**The Financial Services and Markets Act
2000 (Regulated Activities) (Amendment)
(Pensions Guidance Exclusions) Order 2015**

Amendments to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

2.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(1) is amended as follows.

(2) In article 3 (interpretation) insert in paragraph 1 in the appropriate place—

““designated guidance provider” has the meaning given by section 333E(1) of the Act(2).”

(3) After article 35A (trade repositories) insert—

“Providing pensions guidance under Part 20A of the Act

35B.—(1) A person does not carry on an activity of the kind specified in article 25(1) or (2) by reason of providing pensions guidance under arrangements made with the Treasury pursuant to section 333B of the Act(3).

(2) For the purposes of paragraph (1), pensions guidance given by a designated guidance provider is given under arrangements made with the Treasury.”.

(4) After article 39K (activities carried on by members of the legal profession etc) insert—

“Activities carried on by reason of providing pensions guidance under Part 20A of the Act

39KA.—(1) There are excluded from article 39E activities carried on by reason of providing pensions guidance under arrangements made with the Treasury pursuant to section 333B of the Act.

(2) For the purposes of paragraph (1), pensions guidance given by a designated guidance provider is given under arrangements made with the Treasury.”.

(5) After article 52B (providing basic advice on stakeholder products) insert—

(1) S.I. 2001/544 amended by S.I. 2003/1475, 2003/1476, 2004/2737, 2005/593, 2006/2383, 2006/3384, 2009/1342, 2013/472, 2013/504, and 2013/1881. There are other amending instruments, but they are not relevant.

(2) Section 333E of the Financial Services and Markets Act 2000 (c. 8) was inserted by Schedule 3 to the Pension Schemes Act 2015 (c. 8).

(3) Section 333B of the Financial Services and Markets Act 2000 (c. 8) was inserted by Schedule 3 to the Pension Schemes Act 2015 (c. 8).

“Exclusion

Providing pensions guidance under Part 20A of the Act

52C.—(1) A person does not carry on an activity of the kind specified in article 52B by reason of providing pensions guidance under arrangements made with the Treasury pursuant to section 333B of the Act.

(2) For the purposes of paragraph (1), pensions guidance given by a designated guidance provider is given under arrangements made with the Treasury.”.

(6) After article 54A (advice given in the course of administration by authorised person) insert—

“Advice given by reason of providing pensions guidance under Part 20A of the Act

54B.—(1) A person does not carry on an activity of the kind specified in article 53, 53A, 53B, 53C or 53D by reason of providing pensions guidance under arrangements made with the Treasury pursuant to section 333B of the Act.

(2) For the purposes of paragraph (1), pensions guidance given by a designated guidance provider is given under arrangements made with the Treasury.”.