
STATUTORY INSTRUMENTS

2017 No. 500

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) (No. 2) Order 2017**

Amendment of article 53 of the Order

2.—(1) Article 53 of the Order⁽¹⁾ (advising on investments) is amended as follows.

(2) In paragraph (1)(b)(i), after “for”, insert “, exchanging, redeeming, holding”.

(3) In paragraph (1)(b)(ii)—

- (a) after “exercising” insert “or not exercising”; and
- (b) for “or underwrite” substitute “, exchange or redeem”.

(4) After paragraph (1) insert—

“(1A) Paragraph (1) does not apply to a person who is appropriately authorised except to the extent that they are providing a personal recommendation.

(1B) A person is appropriately authorised when they are authorised for the purposes of the Act to carry on an activity of a kind specified by a provision of this Order which is not the activity specified by paragraph (1) and is not the activity of agreeing to carry on the activity specified by paragraph (1).

(1C) Subject to paragraph (1D), a personal recommendation is a recommendation—

- (a) made to a person in their capacity as an investor or potential investor, or in their capacity as agent for an investor or a potential investor;
- (b) which constitutes a recommendation to them to do any of the following (whether as principal or agent)—
 - (i) buy, sell, subscribe for, exchange, redeem, hold or underwrite a particular investment which is a security or a relevant investment; or
 - (ii) exercise or not exercise any right conferred by such an investment to buy, sell, subscribe for, exchange or redeem such an investment; and
- (c) that is—
 - (i) presented as suitable for the person to whom it is made; or
 - (ii) based on a consideration of the circumstances of that person.

(1D) A recommendation is not a personal recommendation if it is issued exclusively to the public.”.

(1) Article 53 was amended by [S.I. 2003/1476](#) and [2016/392](#).