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STATUTORY INSTRUMENTS

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**2018 No. 1253**

**The Financial Services and Markets Act 2000  
(Claims Management Activity) Order 2018**

**PART 4**

**Rules and guidance**

**Designation by the FCA of the Regulator's Rules**

**85.**—(1) In this article, “the Regulator” has the meaning given in paragraph 2 of Schedule 4 to the Financial Guidance and Claims Act 2018(1) (“the 2018 Act”).

(2) To designate or modify relevant rules for the purposes of paragraphs 8 and 9 of Schedule 5 to the 2018 Act (designation of Regulator’s rules), the FCA must make an instrument in writing which specifies, or more than one instrument in writing which between them specify—

- (a) the relevant rules;
- (b) any modifications being made to the rules;
- (c) the provision under Part 2 of the Compensation Act 2006 under which the relevant rules were made;
- (d) the comparable provision in the 2000 Act by virtue of which the designated rule is to be treated as having been made; and
- (e) the date on which the designation is to come into effect.

(3) An instrument which satisfies the requirements of paragraph (2) is a designating instrument.

(4) The FCA must publish each designating instrument in the way appearing to the designating body to be best calculated to bring it to the attention of the public.

(5) A person is not to be taken to have contravened a designating instrument if the person shows that, at the time of the alleged contravention, the designating instrument concerned had not been published.

(6) A designating instrument is to be treated as a rule-making instrument for the purposes of section 138H (verification of rules) of the 2000 Act.

(7) A designating instrument may contain provision other than that required by paragraph (2).

(8) The making of a designating instrument is a legislative function for the purposes of paragraph 8(2) of Schedule 1ZA to the 2000 Act (arrangements for discharging functions).