
STATUTORY INSTRUMENTS

2023 No. 612

The Financial Services and Markets Act 2000
(Financial Promotion) (Amendment) Order 2023

PART 2

Amendment of the Financial Promotion Order

New article 73ZA

7. In Part 6, after article 73 (advice centres), insert—

“Certain promotions of qualifying cryptoassets

73ZA.—(1) The financial promotion restriction does not apply to any communication which relates only to one or more qualifying cryptoassets and which is communicated—

- (a) by a registered person; or
- (b) on behalf of a registered person provided that—
 - (i) the communication is a non-real time communication; and
 - (ii) the registered person prepared the content of the communication.

(2) Subsection (1) does not apply where a registered person makes or directs the communication, or causes it to be made or directed, in breach of—

- (a) a requirement imposed by the FCA under section 55L (imposition of requirements by FCA) of the Act; or
- (b) a direction given under section 137S (financial promotion rules: directions given by FCA) of the Act, as those provisions have been applied and modified by the Schedule to the Financial Services and Markets Act 2000 (Financial Promotion) (Amendment) Order 2023.

(3) In this article, a “registered person” means a person who is—

- (a) a cryptoasset exchange provider or a custodian wallet provider as defined in regulation 14A (cryptoasset exchange providers and custodian wallet providers) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;
- (b) included on the register maintained by the FCA pursuant to regulation 54(1A) (duty to maintain registers of certain relevant persons) of those Regulations; and
- (c) not an authorised person.”.