



# Bank of England and Financial Services Act 2016

## 2016 CHAPTER 14

### PART 2

#### FINANCIAL SERVICES

##### *Enforceability of agreements*

#### **27 Enforceability of agreements relating to credit**

- (1) Section 26A of the Financial Services and Markets Act 2000 (agreements relating to credit) is amended as follows.
- (2) In subsection (4)—
  - (a) the words from “has” to the end become paragraph (a);
  - (b) after that paragraph insert—
    - “(b) is an appointed representative in relation to that activity,
    - (c) is an exempt person in relation to that activity, or
    - (d) is a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity.”
- (3) In subsection (5)—
  - (a) the words from “the agreement” (in the third place they occur) to the end become paragraph (a) (and the existing paragraphs (a) and (b) become subparagraphs (i) and (ii) of that paragraph);
  - (b) after that paragraph insert—
    - “(b) that person is an appointed representative in relation to that activity,
    - (c) that person is an exempt person in relation to that activity, or
    - (d) that person is a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity.”

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**Changes to legislation:** Bank of England and Financial Services Act 2016, Cross Heading: Enforceability of agreements is up to date with all changes known to be in force on or before 16 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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**Commencement Information**

**I1** S. 27 in force at 6.7.2016 by [S.I. 2016/627](#), [reg. 2\(1\)\(u\)](#)

**28 Enforceability of agreements made through unauthorised persons**

(1) Section 27 of the Financial Services and Markets Act 2000 (agreements made through unauthorised persons) is amended as follows.

(2) After subsection (1) insert—

“(1ZA) But this section does not apply to a regulated credit agreement or a regulated consumer hire agreement unless the provider knows before the agreement is made that the third party had some involvement in the making of the agreement or matters preparatory to its making.”

(3) In subsection (1A) for “The agreement” substitute “An agreement to which this section applies”.

(4) After subsection (4) insert—

“(5) For the purposes of subsection (1ZA)—

“regulated consumer hire agreement” has the meaning given by article 60N of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544);

“regulated credit agreement” has the meaning given by article 60B of that Order.”

**Commencement Information**

**I2** S. 28 in force at 6.7.2016 by [S.I. 2016/627](#), [reg. 2\(1\)\(v\)](#)

**Changes to legislation:**

Bank of England and Financial Services Act 2016, Cross Heading: Enforceability of agreements is up to date with all changes known to be in force on or before 16 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2019/1136 by [S.I. 2020/929 reg. 2](#)