
STATUTORY INSTRUMENTS

1996 No. 2958

**The Financial Services Act 1986
(Extension of Scope of Act) Order 1996**

Custody of investments

8.—(1) After sub-paragraph (2) of paragraph 24 of Schedule 1 to the Act⁽¹⁾ (advice given or arrangements made in course of profession or non-investment business) there shall be inserted the following—

“(2A) Paragraph 13A above does not apply to the provision of a service or to arrangements made for the provision of a service where—

- (a) the service is provided or the arrangements are made in the course of the carrying on of any profession or of a business not otherwise constituting investment business; and
- (b) the provision of the service or the making of the arrangements is a necessary part of other services provided in the course of carrying on that profession or business.”.

(2) For sub-paragraph (3) of paragraph 24 of Schedule 1 to the Act there shall be substituted the following—

“(3) Advice shall not be regarded as falling within sub-paragraph (1)(b) above, the making of arrangements shall not be regarded as falling within sub-paragraph (2)(b) above and the provision of a service or the arranging for the provision of a service shall not be regarded as falling within sub-paragraph (2A)(b) above if the giving of the advice, the making of the arrangements or the provision, or the arranging for the provision, of the service is remunerated separately from the other advice or services.”.

(1) Sub-paragraphs (2) and (3) of paragraph 24 of Schedule 1 were substituted by the Financial Services Act 1986 (Restriction of Scope of Act and Meaning of Collective Investment Scheme) Order 1988 ([S.I. 1988/803](#)).