
STATUTORY INSTRUMENTS

2001 No. 1335

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act
2000 (Financial Promotion) Order 2001

Made - - - - 2nd April 2001

Coming into force in accordance with article 1

ARRANGEMENT OF ORDER

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. Citation and commencement
2. Interpretation: general
3. Interpretation: unlisted companies

PART II

CONTROLLED ACTIVITIES AND CONTROLLED INVESTMENTS

4. Definition of controlled activities and controlled investments

PART III

EXEMPTIONS: INTERPRETATION AND APPLICATION

5. Interpretation: financial promotion restriction
6. Interpretation: communications
7. Interpretation: real time communications
8. Interpretation: solicited and unsolicited real time communications
9. Degree of prominence to be given to required indications
10. Application to qualifying contracts of insurance
11. Combination of different exemptions

PART IV

EXEMPT COMMUNICATIONS: ALL CONTROLLED ACTIVITIES

12. Communications to overseas recipients
13. Communications from customers and potential customers
14. Follow up non-real time communications and solicited real time communications

15. Introductions
16. Exempt persons
17. Generic promotions
18. Mere conduits
19. Investment professionals
20. Communications by journalists

PART V

EXEMPT COMMUNICATIONS: DEPOSITS AND INSURANCE

21. Interpretation: relevant insurance activity
22. Deposits: non-real time communications
23. Deposits: real time communications
24. Relevant insurance activity: non-real time communications
25. Relevant insurance activity: non-real time communications: reinsurance and large risks
26. Relevant insurance activity: real time communications

PART VI

EXEMPT COMMUNICATIONS: CERTAIN CONTROLLED ACTIVITIES

27. Application of exemptions in this Part
28. One off non-real time communications and solicited real time communications
29. Communications required or authorised by enactments
30. Overseas communicators: solicited real time communications
31. Overseas communicators: non-real time communications to previously overseas customers
32. Overseas communicators: unsolicited real time communications to previously overseas customers
33. Overseas communicators: unsolicited real time communications to knowledgeable customers
34. Governments, central banks etc.
35. Industrial and provident societies
36. Nationals of EEA States other than United Kingdom
37. Financial markets
38. Persons in the business of placing promotional material
39. Joint enterprises
40. Participants in certain recognised collective investment schemes
41. Bearer instruments: promotions required or permitted by market rules
42. Bearer instruments: promotions to existing holders
43. Members and creditors of certain bodies corporate
44. Members and creditors of open-ended investment companies
45. Group companies
46. Qualifying credit to bodies corporate
47. Persons in the business of disseminating information
48. Certified high net worth individuals
49. High net worth companies, unincorporated associations etc.
50. Sophisticated investors
51. Associations of high net worth or sophisticated investors
52. Common interest group of a company
53. Settlers, trustees and personal representatives
54. Beneficiaries of trust, will or intestacy

55. Communications by members of professions
56. Remedy following report by Parliamentary Commissioner for Administration
57. Persons placing promotional material in particular publications
58. Acquisition of interest in premises run by management companies
59. Annual accounts and directors' report
60. Participation in employee share schemes
61. Sale of goods and supply of services
62. Sale of body corporate
63. Takeovers of relevant unlisted companies: interpretation
64. Takeovers of relevant unlisted companies
65. Takeovers of relevant unlisted companies: warrants etc.
66. Takeovers of relevant unlisted companies: application forms
67. Promotions required or permitted by market rules
68. Promotions in connection with admission to certain EEA markets
69. Promotions of securities already admitted to certain markets
70. Promotions in connection with listing applications
71. Promotions included in listing particulars etc.
72. Promotions included in prospectus for public offer of unlisted securities
73. Material relating to prospectus for public offer of unlisted securities

PART VII

TRANSITIONAL PROVISION

74. Approval of communication prior to Order coming into force
Signature

SCHEDULES

SCHEDULE 1 — CONTROLLED ACTIVITIES AND CONTROLLED INVESTMENTS

- Part I — Controlled activities
- Part II — Controlled investments

SCHEDULE 2 — COUNTRIES AND TERRITORIES

SCHEDULE 3 — MARKETS AND EXCHANGES

- Part I — Criteria for relevant EEA markets
- Part II — Certain investment exchanges operating relevant EEA markets
- Part III — Certain non-EEA investment exchanges operating relevant EEA markets
- Part IV — Other relevant markets

SCHEDULE 4 — TAKEOVERS OF RELEVANT UNLISTED COMPANIES

- Part I — Requirements relating to the offer
- Part II — Accompanying material
- Part III — Additional material available for inspection

Explanatory Note