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STATUTORY INSTRUMENTS

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**2013 No. 1881**

**The Financial Services and Markets Act 2000  
(Regulated Activities) (Amendment) (No.2) Order 2013**

**PART 4**

Amendments of secondary legislation made under the Act

**The Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001**

**15.**—(1) The Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001 <sup>M1</sup> are amended as follows.

(2) In regulation 2(1) (descriptions of business for which appointed representatives are exempt) <sup>M2</sup>—

- (a) after sub-paragraph (abb) insert—
  - “(abc) an activity of the kind specified by article 36A of that Order (credit broking);”;
- (b) after sub-paragraph (ac) insert—
  - “(ad) an activity of the kind specified by article 39D of that Order (debt adjusting);
  - (ae) an activity of the kind specified by article 39E of that Order (debt-counselling);
  - (af) an activity of the kind specified by article 39F of that Order (debt-collecting);
  - (ag) an activity of the kind specified by article 39G of that Order (debt administration);”;
- (c) at the end of sub-paragraph (cc), omit “or” and insert—
  - “(cd) an activity of the kind specified by article 60B of that Order (regulated credit agreements) when carried on in relation to a credit agreement (within the meaning of that Order) under which the credit is provided free of interest and without any other charges;
  - (ce) an activity of the kind specified by article 60N of that Order (regulated consumer hire agreements);”;
- (d) in paragraph (d)—
  - (i) after “(abb),” insert “ (abc), ”;
  - (ii) after “(ac),” insert “ (ad), (ae), (af), (ag), ”;
  - (iii) for “or (cc)” substitute “ , (cc), (cd) or (ce) ”;
- (e) at the end of sub-paragraph (d) insert—
  - “or
  - (e) an activity of the kind specified by article 89A of that Order (providing credit information services);”.

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**Changes to legislation:** The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 15 is up to date with all changes known to be in force on or before 19 December 2023. 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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(3) In regulation 3 (requirements applying to contracts between authorised persons and appointed representatives) <sup>M3</sup>, after paragraph (3B) insert—

“(3C) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative effects introductions (in circumstances constituting the carrying on of an activity of the kind specified by article 36A of that Order) of individuals or relevant recipients of credit (within the meaning of that Order) to other counterparties.

(3D) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative takes steps (in circumstances constituting the carrying on of an activity of the kind specified by article 39D of that Order) on behalf of other counterparties.

(3E) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative gives advice to a borrower (in circumstances constituting the carrying on of an activity of the kind specified by article 39E or 89A of that Order) about the liquidation of a debt due under a credit agreement or consumer hire agreement (in each case, within the meaning of that Order) on behalf of other counterparties.

(3F) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative takes steps (in circumstances constituting the carrying on of an activity of the kind specified by article 39F of that Order) to procure the payment of debts on behalf of other counterparties.

(3G) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative performs duties (in circumstances constituting the carrying on of an activity of the kind specified by article 39G of that Order) under, or exercises or enforces rights under, an agreement on behalf of other counterparties.

(3H) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative enters into regulated credit agreements or exercises or has the right to exercise the lender's rights and duties under such agreements (in circumstances constituting the carrying on of an activity of the kind specified by article 60B of that Order) on behalf of other counterparties

(3I) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative enters into regulated consumer hire agreements or exercises or has the right to exercise the owner's rights and duties under such agreements (in circumstances constituting the carrying on of an activity of the kind specified by article 60N of that Order) on behalf of other counterparties.”.

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#### Marginal Citations

**M1** S.I. 2001/1217.

**M2** Amended by S.I. 2001/2508, 2003/1475, 2003/1476, 2004/453, 2004/2737, 2006/2383 and 2006/3414.

**M3** Amended by S.I. 2001/2508, 2003/1475, 2003/1476, 2004/453, 2004/2737, 2006/2383 and 2006/3414.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)