
STATUTORY INSTRUMENTS

2018 No. 1253

**The Financial Services and Markets Act 2000
(Claims Management Activity) Order 2018**

PART 6

Consequential amendments, revocations and saving and supplemental provisions

CHAPTER 1

Amendment of primary legislation

Financial Services and Markets Act 2000

91.—(1) The 2000 Act is amended as follows.

(2) In section 1G (meaning of “consumer”), in subsection 1—

- (a) in the words before paragraph (a) omit “who”;
- (b) in each of the paragraphs (a) to (e), at the beginning insert “who”;
- (c) at the end of paragraph (d) omit “or”;
- (d) at the end of paragraph (e) insert—

“; or

- (f) in respect of whom a person carries on an activity which is specified in article 89G of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (seeking out etc claims) whether that activity, as carried on by that person, is a regulated activity, or is, by reason of an exclusion provided for under the 2001 Order or the 2000 Act, not a regulated activity.”.

(3) In section 1I (meaning of “the UK financial system”) in paragraph (b) after “activities” insert “(including regulated claims management activities)”.

(4) In section 63E (certification of employees by relevant authorised person) in subsection (8) for the definition of “customer” substitute—

““customer”—

- (a) in relation to an authorised person, means a person who is using, or who is or may be contemplating using, any of the services provided by the authorised person; and
- (b) in relation to an authorised person carrying on a regulated claims management activity, also means (so far as not included in paragraph (a)) a person who has or may have a claim within the meaning of section 419A in respect of which the authorised person is carrying on a regulated claims management activity.”.

(5) In section 327 (exemption from the general prohibition) after subsection (8) insert—

“(9) The exemption in this section does not apply to the carrying on of a regulated claims management activity in Great Britain.”.

(6) In section 404E (meaning of “consumers”)—

- (a) in subsection (1)—
 - (i) in the words before paragraph (a) omit “who”;
 - (ii) in paragraphs (a) and (b), at the beginning insert “who”;
 - (iii) at the end of paragraph (a) omit “or”;
 - (iv) at the end of paragraph (b) insert—
 - “; or
 - (c) in respect of whom a person carries on an activity which is specified in article 89G of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (seeking out etc claims) whether that activity, as carried on by that person, is a regulated activity or is, by reason of an exclusion provided for under the 2001 Order or the 2000 Act, not a regulated activity.”;
- (b) in subsection (2) in paragraph (c) the words from “to engage” to the end become sub-paragraph (i) and at the end of that sub-paragraph insert—
 - “; or
 - (ii) to engage in claims management activity;”; and
- (c) in subsection (6) after the definition of “credit institution” insert—
 - ““engage in claims management activity” has the meaning given by section 21;”.
- (7) In section 425A (consumers: regulated activities etc carried on by authorised persons), in subsection (2)—
 - (a) in the words before paragraph (a) omit “who”;
 - (b) in paragraphs (a) and (b), at the beginning insert “who”;
 - (c) at the end of paragraph (b) omit “or”;
 - (d) at the end of paragraph (c) insert—
 - “; or
 - (d) in respect of whom a person carries on an activity which is specified in article 89G of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (seeking out etc claims) whether that activity, as carried on by that person, is a regulated activity or is, by reason of an exclusion provided for under the 2001 Order or the 2000 Act, not a regulated activity.”.