
STATUTORY INSTRUMENTS

2018 No. 546

**The Insurance Distribution (Regulated Activities
and Miscellaneous Amendments) Order 2018**

PART 4

Amendments to instruments made under the Act

Amendment to the Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001

19. In the Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001(1), in article 3 (investment business), in paragraphs (4) and (5)(2) for “mediation” substitute “distribution”.

Amendment to the Financial Services and Markets Act 2000 (Compensation Scheme: Electing Participants) Regulations 2001

20. In the Financial Services and Markets Act 2000 (Compensation Scheme: Electing Participants) Regulations 2001(3), in regulation 1(2) (interpretation), for the definition of “insurance intermediary”(4), substitute—

““insurance intermediary” means an insurance intermediary (as defined in Article 2.1(3) of the insurance distribution directive), an ancillary insurance intermediary (as defined in Article 2.1(4) of the insurance distribution directive) or a reinsurance intermediary (as defined in Article 2.1(5) of the insurance distribution directive);”.

Amendment to the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001

21. In the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001(5), in regulation 2 (interpretation), in the definition of “single market restrictions”(6), for “article 9 of the insurance mediation directive”, substitute “article 13 of the insurance distribution directive”.

(1) S.I. 2001/1177.

(2) Paragraphs (4) and (5) were inserted by S.I. 2003/1476.

(3) S.I. 2001/1783.

(4) The definition of “insurance intermediary” was inserted by S.I. 2003/1476.

(5) S.I. 2001/2188

(6) The definition of “single market restrictions” was inserted by S.I. 2012/916 and amended by S.I. 2013/504, S.I. 2013/1773, S.I. 2013/3115, S.I. 2014/3348, S.I. 2015/575, S.I. 2015/910, S.I. 2016/225, S.I. 2016/680 and S.I. 2016/715.

Amendment to the Financial Services and Markets Act 2000 (EEA Passport Rights) Regulations 2001

22.—(1) The Financial Services and Markets Act 2000 (EEA Passport Rights) Regulations 2001(7) are amended as follows.

(2) In regulation 2 (establishment of a branch: contents of consent notice), after paragraph (8)(8), insert—

“(9) In the case of an insurance intermediary, the prescribed information is—

- (a) a statement that the firm is an insurance intermediary;
- (b) the requisite details of the branch, including the name, address, and where applicable, the registration number of the firm;
- (c) the category of intermediary and if applicable, the name of any insurance or reinsurance undertaking represented; and
- (d) if applicable, the relevant classes of insurance.”.

(3) In regulation 3 (provision of services: contents of regulator’s notice), for paragraph (4)(9) substitute—

“(4) In the case of an insurance intermediary, the prescribed information is—

- (a) a statement that the firm is an insurance intermediary;
- (b) the firm’s name, address and where applicable, its registration number;
- (c) the category of intermediary and if applicable, the name of any insurance or reinsurance undertaking represented;
- (d) the Member State or Member States in which the intermediary intends to operate; and
- (e) particulars of the services to be carried on including, if applicable, the relevant classes of insurance.”.

(4) After regulation 7B (EEA mortgage intermediary: changes to branch details or services)(10), insert—

“Insurance intermediary: changes to branch details or services

7C.—(1) An EEA firm which is exercising an EEA right in the United Kingdom deriving from the insurance distribution directive must not make a material change to any of the matters referred to in regulation 2(9) or regulation 3(4) as the case may be unless the relevant requirements have been complied with.

(2) Where the relevant requirements have been complied with, the insurance intermediary’s permission is to be treated as varied accordingly.

(3) For the purposes of this regulation, the “relevant requirements” are those in paragraph (4).

(4) The requirements of this paragraph are that—

- (a) the firm has given a notice to its home state regulator stating the details of the proposed change; and
- (b) the period of one month beginning with the day on which the firm gave notice has elapsed.”.

(7) [S.I. 2001/2511](#).

(8) Paragraph (8) was inserted by [S.I. 2015/910](#).

(9) Paragraph (4) was inserted by [S.I. 2013/1473](#).

(10) Regulation 7B was inserted by [S.I. 2015/910](#).

(5) After regulation 17B (UK firm exercising an EEA right under the mortgages directive: changes to branch details or services)(11), insert—

“UK firm exercising an EEA right under the insurance distribution directive: changes to branch details or services

17C.—(1) A UK firm which has exercised an EEA right deriving from the insurance distribution directive to establish a branch or provide services must not make any material change to the relevant details (as defined in regulation 17D) unless the requirements of paragraph (2) have been complied with.

(2) The requirements are that—

- (a) the UK firm has given a notice to the appropriate UK regulator stating the details of the proposed change, and
- (b) the period of one month beginning with the day on which the UK firm gave the notice has elapsed.

(3) The appropriate UK regulator must, as soon as reasonably practicable, and in any event within a period of one month beginning with the day on which the notice under paragraph (2)

(a) was received, inform the host state regulator of the proposed change.

Relevant details for the purpose of regulation 17C

17D. The relevant details for the purposes of regulation 17C are—

- (a) the name, address and, where applicable the registration number of the intermediary;
- (b) the category of intermediary and, if applicable, the name of any insurance or reinsurance undertaking represented;
- (c) the relevant classes of insurance, if applicable; and
- (d) where the intermediary has established a branch or permanent presence—
 - (i) the address in the host Member State from which documents may be obtained; and
 - (ii) the name of any person responsible for the management of the branch or permanent presence.”.

(6) In regulation 18 (offences relating to failure to notify changes)(12), in paragraph (1), for “or 16(1)” substitute “16(1) or 17C(1)”.

Amendment to the Financial Services and Markets Act 2000 (Gibraltar) Order 2001

23. In the Financial Services and Markets Act 2000 (Gibraltar) Order 2001(13), in article 2(3A)(14), for “mediation” substitute “distribution”.

Amendment to the Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013

24.—(1) The Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013(15) is amended as follows.

(11) Regulation 17B was inserted by S.I. 2015/910.

(12) Regulation 18(1) was amended by S.I. 2006/3385.

(13) S.I. 2001/3084.

(14) Article 2(3A) was inserted by S.I. 2005/1.

(15) S.I. 2013/419, amended by S.I. 2013/1773, S.I. 2014/2879 and 3348, S.I. 2015/1882, S.I. 2016/680, 715 and 936, S.I. 2017/1127 and S.I. 2018/135.

- (2) In article 2(2) (qualifying EU provisions: general), after sub-paragraph (k) insert—
 - “(l) any directly applicable regulation made under the insurance distribution directive.”.
- (3) In article 3 (qualifying EU provisions: disciplinary measures)—
 - (a) after paragraph (2)(n) insert—
 - “(o) any directly applicable regulation made under the insurance distribution directive.”;
 - (b) after paragraph (3)(l) insert—
 - “(m) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the insurance distribution directive, the FCA.”.
- (4) In article 5 (qualifying EU provisions: injunctions and restitution)—
 - (a) after paragraph (2)(n) insert—
 - “(o) any directly applicable regulation made under the insurance distribution directive.”;
 - (b) after paragraph (5)(m) insert—
 - “(n) in relation to a contravention of a requirement imposed by any directly applicable regulation made under the insurance distribution directive, the FCA.”.
- (5) In article 6(2) (qualifying EU provisions: fees), after sub-paragraph (p) insert—
 - “(q) any directly applicable regulation made under the insurance distribution directive.”.