
STATUTORY INSTRUMENTS

2003 No. 1476

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) (No. 2) Order 2003**

PART 2

AMENDMENTS TO THE PRINCIPAL ORDER

Activities—arranging deals in investments

5.—(1) In article 25(1) (arranging deals in investments), for “contractually based investment”, substitute “relevant investment”.

(2) In article 28 (arranging transactions to which the arranger is a party), after paragraph (2), insert—

“(3) But the exclusions in paragraphs (1) and (2) do not apply to arrangements made for or with a view to a transaction which relates to a contract of insurance, unless the person making the arrangements either—

(a) is the only policyholder; or

(b) as a result of the transaction, would become the only policyholder.”.

(3) In article 29 (arranging deals with or through authorised persons)(1), for paragraph (2), substitute—

“(2) But the exclusion in paragraph (1) does not apply if—

(a) the transaction relates, or would relate, to a contract of insurance; or

(b) A receives from any person other than the client any pecuniary reward or other advantage, for which he does not account to the client, arising out of his making the arrangements.”.

(4) In article 30 (arranging transactions in connection with lending on the security of insurance policies)(2), in paragraph (2)—

(a) in the definition of “relevant authorised person”, for “qualifying contracts of insurance”, substitute “contracts of insurance”; and

(b) in the definition of “relevant transaction”, for “qualifying contract of insurance”, substitute “contract of insurance”.

(5) In article 33 (introducing)(3)—

(a) in paragraph (b)(iii), after “37”, insert “, 39A”;

(b) at the end of paragraph (b)(iii), omit “and”; and

(c) at the end of paragraph (c), insert—

(1) Amended by [S.I. 2003/1475](#).

(2) Amended by [S.I. 2001/3544](#).

(3) Amended by [S.I. 2003/1475](#).

“; and

(d) the arrangements are made with a view to a person entering into a transaction which does not relate to a contract of insurance.”.

(6) In article 35 (international securities self-regulating organisations), in paragraph (4)(a), for “contractually based investments”, substitute “relevant investments”.

(7) In article 36(1) (other exclusions from the activity of arranging deals)(4), for “and 72A (information society services)”, substitute “, 72A (information society services), 72B (activities carried on by a provider of relevant goods or services), 72C (provision of information about contracts of insurance on an incidental basis) and 72D (large risks contracts where risk situated outside the EEA)”.