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STATUTORY INSTRUMENTS

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**2018 No. 1253**

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

**PART 1**

**Introductory provisions**

**Citation, commencement, interpretation and extent**

**1.—(1)** This Order may be cited as the Financial Services and Markets Act 2000 (Claims Management Activity) Order 2018.

(2) This Order comes into force on the day after the day on which it is made for the purpose only of—

(a) enabling the Financial Conduct Authority—

- (i) to make rules;
- (ii) to give guidance;
- (iii) to impose requirements or make directions;
- (iv) to approve rules;
- (v) to make a designating instrument pursuant to article 85;
- (vi) to claim legal professional privilege or, in Scotland, confidentiality of communications pursuant to article 87; and

(b) enabling the Financial Ombudsman Service—

- (i) to make rules;
- (ii) to make standard terms; and
- (iii) to claim legal professional privilege or, in Scotland, confidentiality of communications pursuant to article 87.

(3) This Order comes into force on 1st April 2019 for all other purposes.

(4) In this Order “the 2000 Act” means the Financial Services and Markets Act 2000.

(5) Subject to paragraph (6), this Order extends to England and Wales and Scotland.

(6) Articles 90, 93, 95, 96, 101, 102 and 103 extend to England and Wales only.

**Carrying on a regulated claims management activity in Great Britain**

**2.—(1)** A person is to be treated as carrying on a regulated claims management activity in Great Britain when the activity is carried on—

(a) by a person who is—

- (i) an individual who is ordinarily resident in Great Britain; or

- (ii) a person, other than an individual, who is constituted under the law of England and Wales or Scotland; or
- (b) in respect of a claimant or pursuer, or potential claimant or potential pursuer who is—
  - (i) an individual who is ordinarily resident in Great Britain; or
  - (ii) a person, other than an individual, who is constituted under the law of England and Wales or Scotland.
- (2) For the purposes of this article—
  - (a) a person is “ordinarily resident” in Great Britain if that person satisfies the requirements of the Statutory Residence Test as set out in Schedule 45 to the Finance Act 2013<sup>(1)</sup> either—
    - (i) at the time of the facts giving rise to the claim or potential claim; or
    - (ii) at the time when the regulated claims management activity is carried out in respect of that claimant or pursuer or potential claimant or potential pursuer;
  - (b) the references to the “the UK” in the Statutory Residence Test in Schedule 45 are to be read as if they were expressed as references to “Great Britain”.

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<sup>(1)</sup> 2013 c. 29.