
DRAFT STATUTORY INSTRUMENTS

2013 No.

**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 (Carrying on Regulated Activities By Way of Business) Order 2001

13. In the Financial Services and Markets Act 2000 (Carrying on Regulated Activities By Way of Business) Order 2001⁽¹⁾, after article 3D (arranging and advising on regulated sale and rent back agreements), insert—

“Debt adjusting, debt-counselling etc. by not-for-profit bodies

3E.—(1) A not-for-profit body which carries on an activity of the kind specified by article 39D (debt adjusting), 39E (debt-counselling) or 89A (providing credit information services) of the Regulated Activities Order or article 64 of that Order (agreeing to carry on specified kinds of activity) so far as relevant to any of those activities is to be regarded as carrying on that activity by way of business if the activities being carried on by that body consist of, or relate to, that activity.

(2) Paragraph (1) does not apply if the body carries on that activity only on an occasional basis.

(3) It is immaterial for the purposes of paragraph (1) if the activities being carried on by the body also consist of, or relates to, other activities.

(4) In this article, a “not-for-profit body” means a body which, by virtue of its constitution or any enactment—

- (a) is required (after payment of outgoings) to apply the whole of its income and any capital it expends for charitable or public purposes, and
- (b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes).”.

⁽¹⁾ [S.I. 2001/1177](#). Article 3D was inserted by [S.I. 2009/1342](#). There are amending instruments but none is relevant to this Order.