
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).”.

The Financial Services and Markets Act 2000 (Exemption) Order 2001

14.—(1) The Financial Services and Markets Act 2000 (Exemption) Order 2001(2) is amended as follows.

(2) In paragraph 40(1) of the Schedule (enterprise schemes)(3), for “article 25 of the Regulated Activities Order (arranging deals in investments)” substitute “articles 25, 36A, 39D, 39E and 89A of

(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.

(2) [S.I. 2001/1201](#).

(3) Amended by [S.I. 2007/125](#) and [S.I. 2007/1821](#).

the Regulated Activities Order (arranging deals in investments, credit broking, debt adjusting, debt-counselling and providing credit information services)”.

(3) In paragraph 47 of the Schedule (local authorities)(4)—

(a) at the end of paragraph (d), omit “or”;

(b) at the end of paragraph (e), insert—

“(f) article 36A or 60B of that Order (credit broking or entering into a regulated credit agreement) in so far as the credit agreement (within the meaning of that Order) is secured on land; or

(g) article 39D, 39E, 39F, 39G, 60N or 89A of that Order (activities in relation to debt, regulated consumer hire agreements and providing credit information services).”.

(4) After paragraph 51 of the Schedule (policyholder advocates)(5) insert—

“Insolvency practitioners etc.

52.—(1) A person acting as—

(a) an insolvency practitioner,

(b) an official receiver within the meaning of section 399 of the Insolvency Act 1986(6) or article 2 of the Insolvency (Northern Ireland) Order 1989(7), or

(c) a judicial factor,

is exempt from the general prohibition in respect of any regulated activity of the kind specified by any of articles 39D to 39G (activities in relation to debt) or 89A (providing credit information services) of the Regulated Activities Order.

(2) A person acting in reasonable contemplation of appointment as an insolvency practitioner is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 39D (debt adjusting), 39E (debt-counselling) or 89A (providing credit information services) of that Order.

(3) In this paragraph, “acting as an insolvency practitioner” is to be read with section 388 of the Insolvency Act 1986(8) or article 3 of the Insolvency (Northern Ireland) Order 1989.

Cycle to work

53.—(1) An employer who provides or makes available to their employees a cycle or cyclist’s safety equipment up to the value of £1,000 under a relevant employee benefit scheme is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 60N of the Regulated Activities Order (regulated consumer hire agreements).

(2) For the purposes of this paragraph—

“cycle” has the meaning given by section 192(1) of the Road Traffic Act 1988(9) (general interpretation);

“relevant employee benefit scheme” means a scheme operated by an employer which is designed to allow employees to take advantage of section 244 of the Income Tax

(4) Substituted by S.I. 2003/1675 and amended by S.I. 2006/2383 and S.I. 2009/1342.

(5) Inserted by S.I. 2007/1821.

(6) 1988 c.45. Amended by Schedule 23 to the Enterprise Act 2002 and Schedule 20 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

(7) S.I. 1989/2405 (N.I.19). Amended by SR 1995/225, SR 2002/334, S.I. 2002/3152 (N.I.6), SR 2003/660, SR 2004/307.

(8) Amended by section 11 of the Bankruptcy (Scotland) Act 1993 (c.6), S.I./1994/2421, section 4 of the Insolvency Act 2000 (c.39), S.I. 2002/1240, S.I. 2002/2708 and S.I. 2009/1941.

(9) 1988 c.52. There are amending instruments but none is relevant to this Order.

(Earnings and Pensions) Act 2003⁽¹⁰⁾ (no liability to income tax in relation to cycles and cyclist's safety equipment) and under which cycles or cyclist's safety equipment are made available in the manner described in any guidance issued by the Secretary of State.

Tracing agents

54.—(1) A person who takes steps to ascertain the identity or location (or the means of ascertaining the identity or location) of a borrower or hirer is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 39F of the Regulated Activities Order (debt-collecting) so long as the person is not the lender under the agreement concerned or the owner under the consumer hire agreement concerned and takes no other steps to procure the payment of debts due under the agreement.

(2) In this article, “borrower”, “hirer” “lender” and “owner” have the meanings given by the Regulated Activities Order.”.

The Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001

15.—(1) The Financial Services and Markets Act 2000 (Appointed Representatives) Regulations 2001⁽¹¹⁾ are amended as follows.

(2) In regulation 2(1) (descriptions of business for which appointed representatives are exempt)⁽¹²⁾—

(a) after sub-paragraph (abb) insert—

“(abc) an activity of the kind specified by article 36A of that Order (credit broking);”;

(b) after sub-paragraph (ac) insert—

“(ad) an activity of the kind specified by article 39D of that Order (debt adjusting);

(ae) an activity of the kind specified by article 39E of that Order (debt-counselling);

(af) an activity of the kind specified by article 39F of that Order (debt-collecting);

(ag) an activity of the kind specified by article 39G of that Order (debt administration);”;

(c) at the end of sub-paragraph (cc), omit “or” and insert—

“(cd) an activity of the kind specified by article 60B of that Order (regulated credit agreements) when carried on in relation to a credit agreement (within the meaning of that Order) under which the credit is provided free of interest and without any other charges;

(ce) an activity of the kind specified by article 60N of that Order (regulated consumer hire agreements);”;

(d) in paragraph (d)—

(i) after “(abb),” insert “(abc),”;

(ii) after “(ac),” insert “(ad), (ae), (af), (ag),”;

(iii) for “or (cc)” substitute “, (cc), (cd) or (ce)”;

(e) at the end of sub-paragraph (d) insert—

“or

(e) an activity of the kind specified by article 89A of that Order (providing credit information services);”.

⁽¹⁰⁾ 2003 c.1. Amended by section 16 of the Finance Act 2005 (c.7).

⁽¹¹⁾ S.I. 2001/1217.

⁽¹²⁾ Amended by S.I. 2001/2508, S.I. 2003/1475, S.I. 2003/1476, S.I. 2004/453, S.I. 2004/2737, S.I. 2006/2383 and S.I. 2006/3414.

(3) In regulation 3 (requirements applying to contracts between authorised persons and appointed representatives)(**13**), after paragraph (3B) insert—

“(3C) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative effects introductions (in circumstances constituting the carrying on of an activity of the kind specified by article 36A of that Order) of individuals or relevant recipients of credit (within the meaning of that Order) to other counterparties.

(3D) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative takes steps (in circumstances constituting the carrying on of an activity of the kind specified by article 39D of that Order) on behalf of other counterparties.

(3E) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative gives advice to a borrower (in circumstances constituting the carrying on of an activity of the kind specified by article 39E or 89A of that Order) about the liquidation of a debt due under a credit agreement or consumer hire agreement (in each case, within the meaning of that Order) on behalf of other counterparties.

(3F) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative takes steps (in circumstances constituting the carrying on of an activity of the kind specified by article 39F of that Order) to procure the payment of debts on behalf of other counterparties.

(3G) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative performs duties (in circumstances constituting the carrying on of an activity of the kind specified by article 39G of that Order) under, or exercises or enforces rights under, an agreement on behalf of other counterparties.

(3H) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative enters into regulated credit agreements or exercises or has the right to exercise the lender’s rights and duties under such agreements (in circumstances constituting the carrying on of an activity of the kind specified by article 60B of that Order) on behalf of other counterparties

(3I) A representative is also to be treated as representing other counterparties for the purposes of paragraph (1) where the representative enters into regulated consumer hire agreements or exercises or has the right to exercise the owner’s rights and duties under such agreements (in circumstances constituting the carrying on of an activity of the kind specified by article 60N of that Order) on behalf of other counterparties.”

The Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001

16. In regulation 3(1) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (private person)(**14**)—

(a) at the end of sub-paragraph (a), omit “and”;

(b) at the end of sub-paragraph (b) insert—

“(c) a relevant recipient of credit (within the meaning of the Regulated Activities Order) who is not an individual and who has suffered the loss in question in connection with an activity of the kind specified by article 36A, 39D, 39E, 39F, 39G, 60B, 60N, 89A or 89B of that Order or article 64 of that Order so far as relevant to any of those activities, and

(13) Amended by S.I. 2001/2508, S.I. 2003/1475, S.I. 2003/1476, S.I. 2004/453, S.I. 2004/2737, S.I. 2006/2383 and S.I. 2006/3414.

(14) S.I. 2001/2256. Amended by S.I. 2002/1775.

- (d) a person who is, by virtue of article 36J of that Order, to be regarded as a person who uses, may use, has or may have used or has or may have contemplated using, services provided by authorised persons in carrying on a regulated activity of the kind specified by article 36H of that Order or article 64 of that Order so far as relevant to that activity.”.

The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

17.—(1) The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005⁽¹⁵⁾ is amended as follows.

(2) In article 28B (real time communications: introductions)⁽¹⁶⁾, in paragraph (1)(a)—

- (a) after “paragraph” insert “4B, 4C, 5A, 5B,”;
- (b) after “10B,”, insert “10BA, 10BB,”.

(3) In article 30(2) (overseas communications: solicited real time communications), in the definition of “relevant investment activities”, after “10 to 10B” insert “, 10BA or 10BB”.

(4) In article 46 (qualifying credit to bodies corporate), for “or 10B” substitute “10B, 10BA or 10BB”.

(5) After article 46, insert—

“Promotions of credit etc. for business purposes

46A.—(1) The financial promotion restriction does not apply to a communication which relates to a controlled activity falling within paragraph 4C of Schedule 1 and which—

- (a) indicates clearly (by express words or otherwise) that a person is willing to facilitate another person (“B”) becoming the borrower under a paragraph 4C agreement for the purposes of B’s business, and
- (b) does not indicate (by express words or otherwise) that the person is willing to facilitate B becoming the borrower under such an agreement for any other purpose.

(2) The financial promotion restriction does not apply to a communication which relates to a controlled activity falling within paragraph 10BA of Schedule 1 and which—

- (a) indicates clearly (by express words or otherwise) that a person is willing to enter into a relevant credit agreement as lender for the purposes of another person’s business, and
- (b) does not indicate (by express words or otherwise) that the person is willing to enter into a relevant credit agreement as lender for any other purpose.

(3) The financial promotion restriction does not apply to a communication which relates to a controlled activity falling within paragraph 10BB of Schedule 1 and which—

- (a) indicates clearly (by express words or otherwise) that a person is willing to enter into a regulated consumer hire agreement as owner for the purposes of another person’s business, and
- (b) does not indicate (by express words or otherwise) that the person is willing to enter into a regulated consumer hire agreement as owner for any other purpose.

(4) In this article—

- (a) references to a “business” do not include a business carried on by—

⁽¹⁵⁾ S.I. 2005/1529.

⁽¹⁶⁾ Amended by S.I. 2006/2383 and S.I. 2009/1342.

- (i) the person communicating the promotion, or
 - (ii) a person carrying on an activity of the kind specified by article 36A of the Regulated Activities Order (credit broking) in relation to the relevant credit agreement, paragraph 4C agreement or regulated consumer hire agreement to which the promotion relates;
 - (b) “paragraph 4C agreement” has the meaning given in paragraph 4C of Schedule 1;
 - (c) “relevant credit agreement” has the meaning given in paragraph 28 of Schedule 1.”.
- (6) In Schedule 1 (controlled activities and controlled investments)—
- (a) after paragraph 4A (operating a multilateral trading facility)(17), insert—

“Credit broking

4B.—(1) Each of the following is a controlled activity—

- (a) effecting an introduction of an individual or relevant recipient of credit to a person who enters into as lender relevant credit agreements by way of business;
- (b) effecting an introduction of an individual or relevant recipient of credit to a person who enters into as lender regulated consumer hire agreements by way of business;
- (c) effecting an introduction of an individual or relevant recipient of credit to a person who carries on an activity of the kind specified in paragraph (a) or (b) by way of business;
- (d) presenting or offering an agreement which would (if entered into) be a relevant credit agreement to an individual or relevant recipient of credit;
- (e) assisting an individual or relevant recipient of credit by undertaking preparatory work in respect of a relevant credit agreement;
- (f) entering into a relevant credit agreement on behalf of a lender.

(2) For the purposes of paragraph (1) it is immaterial whether the relevant credit agreement or regulated consumer hire agreement is subject to the law of a country outside the United Kingdom.

Operating an electronic system in relation to lending

4C.—(1) Where the condition in paragraph (2) is satisfied, operating an electronic system which enables the operator (“A”) to facilitate persons (“B” and “C”) becoming the lender and borrower under a paragraph 4C agreement is a controlled activity.

(2) The condition is that the system operated by A is capable of determining which agreements should be made available to each of B and C (whether in accordance with general instructions provided to A by B or C or otherwise).

(3) The following are controlled activities if carried on by A in the course of, or in connection with, the carrying on by A of the activity specified by paragraph (1)—

- (a) presenting or offering paragraph 4C agreements to B and C with a view to B becoming the lender under the paragraph 4C agreement and C becoming the borrower under the paragraph 4C agreement,
- (b) furnishing information relevant to the financial standing of a person (“Y”) with a view to assisting in the determination as to whether another person should—

(17) Inserted by [S.I. 2006/3384](#).

- (i) enter into, as the lender, a paragraph 4C agreement with Y, or
 - (ii) assume the rights of the lender under a paragraph 4C agreement under which Y is the borrower,
 - (c) taking steps to procure the payment of a debt due under a paragraph 4C agreement,
 - (d) performing duties, or exercising or enforcing rights under a paragraph 4C agreement on behalf of the lender,
 - (e) ascertaining whether a credit information agency (within the meaning given by article 89A(6)) holds information relevant to the financial standing of an individual or relevant person,
 - (f) ascertaining the contents of such information,
 - (g) securing the correction of, the omission of anything from, or the making of any other kind of modification of, such information, or
 - (h) securing that a credit information agency which holds such information—
 - (i) stops holding the information, or
 - (ii) does not provide it to any other person.
- (4) A “paragraph 4C agreement” is an agreement between one person (“the borrower”) and another person (“the lender”) by which the lender provides the borrower with credit and in relation to which either the condition in paragraph (5) or (6) is satisfied.
- (5) The condition in this paragraph is that the lender is an individual or relevant person.
- (6) The condition in this paragraph is that the borrower is an individual or relevant person and—
- (a) the lender provides the borrower with credit less than or equal to £25,000, or
 - (b) the agreement is not entered into by the borrower wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by the borrower.
- (7) Paragraphs (5) and (6) of article 60C of the Regulated Activities Order (exempt agreements: exemptions relating to nature of agreement) apply for the purposes of paragraph (6)(b).
- (8) It is immaterial for the purposes of this paragraph whether the lender is carrying on a regulated activity.
- (9) In this paragraph, “relevant person” means—
- (a) a partnership consisting of two or three persons not all of whom are bodies corporate, or
 - (b) an unincorporated body of persons which does not consist entirely of bodies corporate and is not a partnership.”;
- (b) after paragraph 5 (managing investments), insert—

“Debt adjusting

- 5A.—**(1) The following activities are, when carried on in relation to debts due under a relevant credit agreement, controlled activities—
- (a) negotiating with the lender, on behalf of the borrower, terms for the discharge of a debt;

- (b) taking over, in return for payments by the borrower, that person's obligation to discharge a debt;
 - (c) any similar activity concerned with the liquidation of a debt.
- (2) The following activities are, when carried on in relation to debts due under a consumer hire agreement, controlled activities—
- (a) negotiating with the owner, on behalf of the hirer, terms for the discharge of a debt;
 - (b) taking over, in return for payments by the hirer, that person's obligation to discharge a debt;
 - (c) any similar activity concerned with the liquidation of a debt.

Debt-counselling

5B.—(1) Advising a borrower about the liquidation of a debt due under a relevant credit agreement is a controlled activity.

(2) Advising a hirer about the liquidation of a debt due under a consumer hire agreement is a controlled activity.”;

- (c) after paragraph 10B (advising on qualifying credit etc.)(**18**), insert—

“Providing relevant consumer credit

10BA. Entering into a relevant credit agreement as lender, or exercising or having the rights to exercise the rights of the lender under such an agreement, is a controlled activity.

Providing consumer hire

10BB. Entering into a regulated consumer hire agreement as owner or exercising or having the right to exercise the rights of the owner under such an agreement is a controlled activity.”;

- (d) after paragraph 26C(**19**), insert—

“Relevant credit agreements

26D. Rights under a relevant credit agreement

Consumer hire agreements

26E. Rights under a consumer hire agreement”;

- (e) in paragraph 28 (interpretation)(**20**), insert in the appropriate place the following definitions—

“borrower” has the meaning given by article 60L of the Regulated Activities Order;

“consumer hire agreement” has the meaning given by article 60N of the Regulated Activities Order;

“hirer” has the meaning given by article 60N of the Regulated Activities Order;

“lender” has the meaning given by article 60L of the Regulated Activities Order;

(18) Inserted by [S.I. 2006/2383](#).

(19) Inserted by [S.I. 2009/1342](#).

(20) There are amending instruments but none is relevant to this Order.

“regulated consumer hire agreement” has the meaning given by article 60N of the Regulated Activities Order;

“relevant credit agreement” means a credit agreement (within the meaning given by article 60B of the Regulated Activities Order) other than a regulated mortgage contract (within the meaning of that Order);

“regulated credit agreement” has the meaning given by article 60B of the Regulated Activities Order;

“relevant recipient of credit” has the meaning given by article 60L of the Regulated Activities Order.

The Financial Services and Markets Act 2000 (Ombudsman Scheme) (Consumer Credit Jurisdiction) Order 2007

18. The Financial Services and Markets Act 2000 (Ombudsman Scheme) (Consumer Credit Jurisdiction) Order 2007(21) is revoked.

The Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009

19. In the Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009(22), after article 6 (specific exemptions in respect of friendly societies), insert—

“Specific exemptions in respect of consumer credit

6A.—(1) This article provides exemptions from the obligations in sections 178 and 191D of the Act(23) in relation to a person (“A”) who decides to acquire, increase, reduce or cease to have control over a UK authorised person (“B”) who—

- (a) carries on regulated activities which are relevant credit activities, and
- (b) does not carry on any other regulated activities.

(2) Where A decides to acquire or increase control over B, A is exempt from the obligation imposed by section 178 unless giving effect to the decision would result in A beginning to be in the position of holding—

- (a) 33% or more of the shares in B or in a parent undertaking of B (“P”),
- (b) 33% or more of the voting power in B or P, or
- (c) shares or voting power in B or P as a result of which A is able to exercise significant influence over the management of B.

(3) Where A decides to reduce or cease to have control over B, A is exempt from the obligation imposed by section 191D unless giving effect to the decision would result in A ceasing to be in the position of holding—

- (a) 33% or more of the shares in B or in a parent undertaking of B (“P”),
- (b) 33% or more of the voting power in B or P, or
- (c) shares or voting power in B or P as a result of which A is able to exercise significant influence over the management of B.

(4) For the purposes of this article, each of the following is a “relevant credit activity”—

- (a) an activity of the kind specified by article 36A of the Regulated Activities Order (credit broking) when carried on in the case specified in paragraph (6), (7) or (8),

(21) [S.I. 2007/383](#).

(22) [S.I. 2009/774](#).

(23) Sections 178 to 191G were substituted by [S.I. 2009/534](#) and amended by section 26 of the Financial Services Act 2012.

- (b) an activity of the kind specified by article 39D of that Order (debt adjusting) when carried on—
 - (i) in the case specified in paragraph (6), by a person who also carries on an activity of the kind specified by sub-paragraph (a),
 - (ii) by a person who also carries on an activity of the kind specified by sub-paragraph (d) or (e), or
 - (iii) by a not-for-profit body,
 - (c) an activity of the kind specified by article 39E of that Order (debt-counselling) when carried on—
 - (i) in the case specified in paragraph (6), by a person who also carries on an activity of the kind specified by sub-paragraph (a),
 - (ii) by a person who also carries on an activity of the kind specified by sub-paragraph (d) or (e), or
 - (iii) by a not-for-profit body,
 - (d) an activity of the kind specified by article 60B of that Order (regulated credit agreements) if—
 - (i) it is carried on by a supplier,
 - (ii) no charge (by way of interest or otherwise) is payable by the borrower in connection with the provision of credit under the regulated credit agreement, and
 - (iii) the regulated credit agreement is not a hire-purchase agreement or a conditional sale agreement,
 - (e) an activity of the kind specified by article 60N of that Order (regulated consumer hire agreements),
 - (f) an activity of the kind specified by article 89A of that Order (providing credit information services) where carried on by a person who also carries on an activity of the kind specified by any of sub-paragraphs (a) to (e), or
 - (g) an activity of the kind specified by article 64 of that Order (agreeing to carry on specified activities) so far as relevant to any activity of the kind specified by sub-paragraphs (a) to (f).
- (5) But an activity is not a relevant credit activity for the purposes of—
- (a) sub-paragraphs (a) to (e) of paragraph (4), and
 - (b) sub-paragraph (g) of that paragraph so far as it relates to activities of the kind specified by any of those sub-paragraphs,
- if it relates to an agreement under which the obligation of the borrower to repay is secured, or is to be secured, by a legal mortgage on land.
- (6) The case specified in this paragraph is where a supplier (other than a domestic premises supplier) carries on the activity for the purposes of, or in connection with, the sale of goods or supply of services by the supplier to a customer (who need not be the borrower under the credit agreement or the hirer under the consumer hire agreement).
- (7) The case specified in this paragraph is where the activity relates to a green deal plan.
- (8) The case specified in this paragraph is where activity relates to a consumer hire agreement where the good being hired is a vehicle.
- (9) For the purposes of this regulation—
- “borrower” includes—

- (a) any person providing a guarantee or indemnity under an agreement, and
- (b) a person to whom the rights and duties of the borrower under an agreement or a person falling within sub-paragraph (a) have passed by assignment or operation of law;

“conditional sale agreement” has the meaning given by article 60L of the Regulated Activities Order;

“customer” means a person to whom a supplier sells goods or supplies services or agrees to do so;

“domestic premises supplier” means a supplier who sells goods or supplies services to customers who are individuals while physically present in the dwelling of the customer or in consequence of an agreement concluded whilst the supplier was physically present in the dwelling of the customer (though a supplier who does so on an occasional basis is not to be treated as a “domestic premises supplier”);

“green deal plan” has the meaning given by section 1 of the Energy Act 2011(24);

“hire-purchase agreement” has the meaning given by the Regulated Activities Order;

“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);

“Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;

“regulated credit agreement” has the meaning given by the Regulated Activities Order;

“supplier” means a person whose main business is to sell goods or supply services and not to carry on a regulated activity, other than an activity of the kind specified by article 60N of the Regulated Activities Order (regulated consumer hire agreements).”.