



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### [<sup>F1</sup>PART 20A

#### PENSIONS GUIDANCE

##### *[<sup>F1</sup>False claims when giving pensions guidance*

#### Textual Amendments

- F1** Pt. 20A inserted (3.3.2015) by [Pension Schemes Act 2015 \(c. 8\)](#), s. 89(1)(a), [Sch. 3 para. 2](#) (with s. 87, [Sch. 3 para. 18\(1\)](#))

#### **333G Offence of falsely claiming to be giving pensions guidance under [<sup>F2</sup>arrangements made with Secretary of State]**

- (1) It is an offence for a person who is not giving pensions guidance under arrangements made with the [<sup>F3</sup>Secretary of State]—
  - (a) to describe himself (in whatever terms) as a person who is doing so, or
  - (b) to behave, or otherwise hold himself out, in a manner which indicates (or which is reasonably likely to be understood as indicating) that he is doing so.
- (2) For the purposes of subsection (1), pensions guidance given by a designated guidance provider is given under arrangements made with the [<sup>F4</sup>Secretary of State].
- (3) In proceedings for an offence under this section it is a defence for the accused to show that the accused took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- (4) A person guilty of an offence under this section is liable on summary conviction—
  - (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine, or both;
  - (b) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding level 5 on the standard scale, or both;

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*Status: Point in time view as at 01/04/2016.*

*Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: False claims when giving pensions guidance is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (c) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale, or both.
- (5) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (4)(a) to 51 weeks is to be read as a reference to 6 months.
- (6) In relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in subsection (4)(a) to a fine is to be read as a reference to a fine not exceeding level 5 on the standard scale.]

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#### Textual Amendments

- F2** Words in s. 333G heading substituted (1.4.2016) by [The Transfer of Functions \(Pensions Guidance\) Order 2015 \(S.I. 2015/2013\)](#), art. 1(2), **Sch. para. 1(7)(b)** (with art. 4)
- F3** Words in s. 333G(1) substituted (1.4.2016) by [The Transfer of Functions \(Pensions Guidance\) Order 2015 \(S.I. 2015/2013\)](#), art. 1(2), **Sch. para. 1(7)(a)** (with art. 4)
- F4** Words in s. 333G(2) substituted (1.4.2016) by [The Transfer of Functions \(Pensions Guidance\) Order 2015 \(S.I. 2015/2013\)](#), art. 1(2), **Sch. para. 1(7)(a)** (with art. 4)

**Status:**

Point in time view as at 01/04/2016.

**Changes to legislation:**

Financial Services and Markets Act 2000, Cross Heading: False claims when giving pensions guidance is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.