



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART IV

PERMISSION TO CARRY ON REGULATED ACTIVITIES

Connected persons

49 Persons connected with an applicant.

(1) In considering—

- (a) an application for a Part IV permission, or
- (b) whether to vary or cancel a Part IV permission,

the Authority may have regard to any person appearing to it to be, or likely to be, in a relationship with the applicant or person given permission which is relevant.

(2) Before—

- (a) giving permission in response to an application made by a person who is connected with an EEA firm [^{F1}(other than an EEA firm falling within paragraph 5(e) of Schedule 3 (insurance and reinsurance intermediaries))], or
- [^{F2}(b) varying any permission given by the Authority to such a person, where the effect of the variation is to grant permission for the purposes of a single market directive other than the one for the purposes of which the existing permission was granted,]

the Authority must consult the firm's home state regulator.

[^{F3}(2A) But subsection (2) does not apply to the extent that the permission relates to—

- (a) an insurance mediation activity (within the meaning given by paragraph 2(5) of Schedule 6); or
- (b) a regulated activity involving a regulated mortgage contract [^{F4}, a regulated home reversion plan [^{F5}, a regulated home purchase plan or a regulated sale and rent back agreement]].]

(3) A person ("A") is connected with an EEA firm if—

Status: Point in time view as at 01/04/2010. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 49 is up to date with all changes known to be in force on or before 05 June 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)

- (a) A is a subsidiary undertaking of the firm; or
- (b) A is a subsidiary undertaking of a parent undertaking of the firm.

[^{F6}(4) In subsection (2A)(b) “regulated mortgage contract”, “regulated home reversion plan”, “regulated home purchase plan” and “regulated sale and rent back agreement” shall be construed in accordance with—

- (a) section 22;
- (b) any relevant order under that section; and
- (c) Schedule 2.]

Textual Amendments

- F1** Words in s. 49(2)(a) inserted (31.10.2004 for certain purposes, otherwise 14.1.2005) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 2\) Order 2003 \(S.I. 2003/1476\)](#), **art. 20(2)**
- F2** S. 49(2)(b) substituted (12.7.2007) by [The Regulatory Reform \(Financial Services and Markets Act 2000\) Order 2007 \(S.I. 2007/1973\)](#), **art. 4**
- F3** S. 49(2A) inserted by S.I. 2001/1544, art. 97 (as inserted (15.7.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2004 \(S.I. 2004/1610\)](#), **art. 3**)
- F4** Words in s. 49(2A)(b) inserted (6.11.2006 for certain purposes, otherwise 6.4.2007) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2006 \(S.I. 2006/2383\)](#), arts. 1(2), **28** (with arts. 36-39)
- F5** Words in s. 49(2A)(b) substituted (1.7.2009 for certain purposes, otherwise 30.6.2010) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2009 \(S.I. 2009/1342\)](#), arts. 1(2), **25(a)**
- F6** S. 49(4) inserted (1.7.2009 for certain purposes, otherwise 30.6.2010) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2009 \(S.I. 2009/1342\)](#), arts. 1(2), **25(b)**

Modifications etc. (not altering text)

- C1** Ss. 46, 47, 48, 49, 50, 51(2) modified (temp.) (8.4.2002) by [The Financial Services and Markets Act 2000 \(Permission and Applications\) \(Credit Unions etc.\) Order 2002 \(S.I. 2002/704\)](#), **art. 7**
- C2** S. 49(1) applied (with modifications) (31.12.2011) by [The Financial Services and Markets Act 2000 \(Permissions, Transitional Provisions and Consequential Amendments\) \(Northern Ireland Credit Unions\) Order 2011 \(S.I. 2011/2832\)](#), **art. 8**
- C3** S. 49(2) excluded (10.8.2004) by [The Financial Conglomerates and Other Financial Groups Regulations 2004 \(S.I. 2004/1862\)](#), **reg. 3(2)**

Status:

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