

STATUTORY INSTRUMENTS

2005 No. 1529

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

PART VI

Exempt Communications: Certain Controlled Activities

Financial markets

- 37.**—(1) The financial promotion restriction does not apply to any communication—
- (a) which is a non-real time communication or a solicited real time communication;
 - (b) which is communicated by a relevant market; and
 - (c) to which paragraph (2) or (3) applies.
- (2) This paragraph applies to a communication if—
- (a) it relates only to facilities provided by the market; and
 - (b) it does not identify (directly or indirectly)—
 - (i) any particular investment issued, or to be issued, by or available from an identified person as one that may be traded or dealt in on the market; or
 - (ii) any particular person as a person through whom transactions on the market may be effected.
- (3) This paragraph applies to a communication if—
- (a) it relates only to a particular investment falling within paragraph 21, 22^[F1], 23 or 23A] of Schedule 1; and
 - (b) it identifies the investment as one that may be traded or dealt in on the market.
- (4) “Relevant market” means a market which—
- [^{F2}(za) is a relevant UK market;]
- (a) meets the criteria specified in Part I of Schedule 3; or
 - (b) is specified in, or is established under the rules of an exchange specified in, Part ^{F3}... III or IV of that Schedule.

Textual Amendments

- F1** Words in art. 37(3)(a) substituted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2017 \(S.I. 2017/488\)](#), art. 1(2), [Sch. para. 9\(5\)\(a\)](#)
- F2** [Art. 37\(4\)\(za\)](#) inserted (18.10.2021) by [The Markets in Financial Instruments, Benchmarks and Financial Promotions \(Amendment\) \(EU Exit\) Regulations 2021 \(S.I. 2021/1074\)](#), regs. 1(2), **2(3)**

Changes to legislation: *There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 37. (See end of Document for details)*

F3 Word in art. 37(4)(b) omitted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2017 \(S.I. 2017/488\)](#), art. 1(2), **Sch. para. 9(5)(b)**

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There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 37.