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STATUTORY INSTRUMENTS

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**2005 No. 1529**

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

**PART III**

*Exemptions: Interpretation and Application*

**Interpretation: real time communications**

7.—(1) In this Order, references to a real time communication are references to any communication made in the course of a personal visit, telephone conversation or other interactive dialogue.

(2) A non-real time communication is a communication not falling within paragraph (1).

(3) For the purposes of this Order, non-real time communications include communications made by letter or e-mail or contained in a publication.

(4) For the purposes of this Order, the factors in paragraph (5) are to be treated as indications that a communication is a non-real time communication.

(5) The factors are that—

- (a) the communication is made to or directed at more than one recipient in identical terms (save for details of the recipient's identity);
- (b) the communication is made or directed by way of a system which in the normal course constitutes or creates a record of the communication which is available to the recipient to refer to at a later time;
- (c) the communication is made or directed by way of a system which in the normal course does not enable or require the recipient to respond immediately to it.

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Section 7.