

## SCHEDULE 1

### PART II

#### *Controlled Investments*

#### Options

- 21.—<sup>[F1(1)]</sup> Options to acquire or dispose of—
- (a) a security or contractually based investment (other than one of a kind specified in this paragraph);
  - (b) currency of the United Kingdom or of any other country or territory;
  - (c) palladium, platinum, gold or silver; <sup>F2</sup>...
  - (d) an option to acquire or dispose of an investment falling within this paragraph by virtue of sub-paragraph (a), (b) or (c)<sup>[F3]</sup>;
  - (e) subject to sub-paragraph (4), an option to acquire or dispose of an option to which <sup>[F4]</sup>paragraph 5, 6, 7 or 10 of Part 1 of Schedule 2 (read with Articles 5, 6, 7, and 8 of the Commission Regulation) applies]]
- <sup>[F5(2)]</sup> Subject to sub-paragraph (4), options—
- (a) to which sub-paragraph (1) does not apply;
  - (b) which relate to commodities;
  - (c) which may be settled physically; and
  - (d) either—
    - (i) to which paragraph 5 or 6 of <sup>[F6]</sup>Part 1 of Schedule 2]<sup>[F7]</sup>(read with Articles 5 and 6 of the Commission Regulation)] applies, or
    - (ii) which in accordance with Article <sup>[F8]</sup>7 of the Commission Regulation are to be considered as having the characteristics of other derivative financial instruments and not being for commercial purposes, and to which paragraph 7 of <sup>[F9]</sup>Part 1 of that Schedule] applies.
- (3) Subject to sub-paragraph (4), options—
- (a) to which sub-paragraph (1) does not apply;
  - (b) which may be settled physically; and
  - (c) to which paragraph 10 of <sup>[F10]</sup>Part 1 of Schedule 2] (read with <sup>[F11]</sup>Articles 7 and 8 of] the Commission Regulation) applies.
- (4) Sub-paragraphs (1)(e), (2) and (3) only apply to options in relation to which—
- <sup>[F12]</sup>(a) an investment firm or qualifying credit institution is providing or performing investment services and activities on a professional basis;
- (b) a management company which has a Part 4A permission to do so is providing the investment service specified in paragraph 4 or 5 of Part 3 of Schedule 2 or the ancillary service specified in paragraph 1 of Part 3A of that Schedule;
  - (c) a market operator is providing the investment service specified in paragraph 8 or 9 of Part 3 of that Schedule;

**Changes to legislation:** There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Paragraph 21. (See end of Document for details)

- (d) a full-scope UK AIFM which has a Part 4A permission to do so is providing the investment service specified in paragraph 1, 4 or 5 of Part 3 of that Schedule or the ancillary service specified in paragraph 1 of Part 3A of that Schedule.]

F13(5) .....]

<b>Textual Amendments</b>	
<b>F1</b>	Sch. 1 para. 21 renumbered as Sch. 1 para. 21(1) (1.4.2007 for specified purposes, 1.11.2007 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384)</a> , arts. 1(2), <b>40(3)(a)</b>
<b>F2</b>	Word in Sch. 1 para. 21(1)(c) omitted (1.4.2007 for specified purposes, 1.11.2007 in so far as not already in force) by virtue of <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384)</a> , arts. 1(2), <b>40(3)(b)(i)</b>
<b>F3</b>	Sch. 1 para. 21(1)(e) and semi-colon inserted (1.4.2007 for specified purposes, 1.11.2007 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384)</a> , arts. 1(2), <b>40(3)(b)(ii)</b>
<b>F4</b>	Words in Sch. 1 para. 21(1)(e) substituted (31.12.2020) by <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(a)</b> (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F5</b>	Sch. 1 para. 21(2)-(5) inserted (1.4.2007 for specified purposes, 1.11.2007 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384)</a> , arts. 1(2), <b>40(3)(c)</b>
<b>F6</b>	Words in Sch. 1 para. 21(2)(d)(i) substituted (31.12.2020) by <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(b)</b> (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F7</b>	Words in Sch. 1 para. 21(2)(d)(i) inserted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488)</a> , art. 1(2), <b>Sch. para. 9(10)(g)(ii)(aa)</b>
<b>F8</b>	Word in Sch. 1 para. 21(2)(d)(ii) substituted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488)</a> , art. 1(2), <b>Sch. para. 9(10)(g)(ii)(bb)</b>
<b>F9</b>	Words in Sch. 1 para. 21(2)(d)(ii) substituted (31.12.2020) by <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(c)</b> (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F10</b>	Words in Sch. 1 para. 21(3)(c) substituted (31.12.2020) by <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(d)</b> (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F11</b>	Words in Sch. 1 para. 21(3)(c) inserted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by <a href="#">The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488)</a> , art. 1(2), <b>Sch. para. 9(10)(g)(iii)</b>
<b>F12</b>	Sch. 1 para. 21(4)(a)-(d) substituted (31.12.2020) by <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(e)</b> (with reg. 162(2)) (as amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F13</b>	Sch. 1 para. 21(5) omitted (31.12.2020) by virtue of <a href="#">The Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/632)</a> , regs. 1(3), <b>176(4)(f)</b> (with reg. 162(2)) (as

Document Generated: 2024-04-20

**Changes to legislation:** *There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Paragraph 21. (See end of Document for details)*

amended by S.I. 2020/1301, regs. 1, 3, Sch. para. 33(u) and with savings in S.I. 2019/680, reg. 11 (as amended by S.I. 2019/1212, regs. 1(3), 22(3)); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Paragraph 21.