

SCHEDULE 1

PART I

Controlled Activities

[^{F1}Operating an electronic system in relation to lending

4C.—(1) Where the condition in paragraph (2) is satisfied, operating an electronic system which enables the operator (“A”) to facilitate persons (“B” and “C”) becoming the lender and borrower under a paragraph 4C agreement is a controlled activity.

(2) The condition is that the system operated by A is capable of determining which agreements should be made available to each of B and C (whether in accordance with general instructions provided to A by B or C or otherwise).

(3) The following are controlled activities if carried on by A in the course of, or in connection with, the carrying on by A of the activity specified by paragraph (1)—

- (a) presenting or offering paragraph 4C agreements to B and C with a view to B becoming the lender under the paragraph 4C agreement and C becoming the borrower under the paragraph 4C agreement,
- (b) furnishing information relevant to the financial standing of a person (“Y”) with a view to assisting in the determination as to whether another person should—
 - (i) enter into, as the lender, a paragraph 4C agreement with Y, or
 - (ii) assume the rights of the lender under a paragraph 4C agreement under which Y is the borrower,
- (c) taking steps to procure the payment of a debt due under a paragraph 4C agreement,
- (d) performing duties, or exercising or enforcing rights under a paragraph 4C agreement on behalf of the lender,
- (e) ascertaining whether a credit information agency (within the meaning given by article 89A(6)) holds information relevant to the financial standing of an individual or relevant person,
- (f) ascertaining the contents of such information,
- (g) securing the correction of, the omission of anything from, or the making of any other kind of modification of, such information, or
- (h) securing that a credit information agency which holds such information—
 - (i) stops holding the information, or
 - (ii) does not provide it to any other person.

(4) A “paragraph 4C agreement” is an agreement between one person (“the borrower”) and another person (“the lender”) by which the lender provides the borrower with credit and in relation to which either the condition in paragraph (5) or (6) is satisfied.

(5) The condition in this paragraph is that the lender is an individual or relevant person.

(6) The condition in this paragraph is that the borrower is an individual or relevant person and—

- (a) the lender provides the borrower with credit less than or equal to £25,000, or

Status: Point in time view as at 26/07/2013. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Paragraph 4C. (See end of Document for details)

- (b) the agreement is not entered into by the borrower wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by the borrower.
- (7) Paragraphs (5) and (6) of article 60C of the Regulated Activities Order (exempt agreements: exemptions relating to nature of agreement) apply for the purposes of paragraph (6)(b).
- (8) It is immaterial for the purposes of this paragraph whether the lender is carrying on a regulated activity.
- (9) In this paragraph, “relevant person” means—
 - (a) a partnership consisting of two or three persons not all of whom are bodies corporate, or
 - (b) an unincorporated body of persons which does not consist entirely of bodies corporate and is not a partnership.]

.....
Textual Amendments

F1 Sch. 1 paras. 4B, 4C inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **17(6)(a)**

Status:

Point in time view as at 26/07/2013. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005, Paragraph 4C.