
STATUTORY INSTRUMENTS

2006 No. 2383

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) (No.2) Order 2006**

PART 4

AMENDMENTS OF OTHER SECONDARY LEGISLATION

Amendments of the Financial Services and Markets Act 2000 (Professions) (Non-Exempt Activities) Order 2001

32.—(1) The Financial Services and Markets Act 2000 (Professions) (Non-Exempt Activities) Order 2001(1) is amended as follows.

(2) In article 2(1) (interpretation)—

(a) after the definition of “contractually based investment” insert—

““home purchase provider” has the meaning given by article 63F(3) of the Regulated Activities Order;

“home purchaser” has the meaning given by article 63F(3) of the Regulated Activities Order;”;

(b) after the definitions of “occupational pension scheme” and “personal pension scheme” insert—

““plan provider” has the meaning given by paragraph (3) of article 63B of the Regulated Activities Order, read with paragraphs (7) and (8) of that article;”;

(c) after the definition of “the Regulated Activities Order” insert—

““regulated home purchase plan” has the meaning given by article 63F(3) of the Regulated Activities Order;

“regulated home reversion plan” has the meaning given by article 63B(3) of the Regulated Activities Order;

“regulated mortgage contract” has the meaning given by article 61 of the Regulated Activities Order;”

(d) after the definition of “relevant investment” insert—

““reversion seller” has the meaning given by article 63B(3) of the Regulated Activities Order;”.

(3) After article 6B (activities to which exemption from the general prohibition does not apply: regulated mortgage contracts) insert—

“**6C.**—(1) An activity of the kind specified by article 53B of the Regulated Activities Order (advising on regulated home reversion plans) where the advice in question falls within paragraph (2).

- (2) Subject to paragraph (3), advice falls within this paragraph in so far as—
- (a) it consists of a recommendation, given to an individual to enter as reversion seller or plan provider into a regulated home reversion plan with a particular person; and
 - (b) in entering into a regulated home reversion plan that person would be carrying on an activity of the kind specified by article 63B(1) of the Regulated Activities Order (regulated home reversion plans).

(3) Advice does not fall within paragraph (2) if it endorses a corresponding recommendation given to the individual by an authorised person with permission to carry on an activity of the kind specified by article 53B of the Regulated Activities Order or a person who is an exempt person in relation to an activity of that kind.

6D.—(1) An activity of the kind specified by article 63B(1) or (2) of the Regulated Activities Order (regulated home reversion plans).

(2) Paragraph (1) does not apply to an activity carried on by a person in his capacity as a trustee or personal representative where the reversion seller under the regulated home reversion plan in question is a beneficiary under the trust, will or intestacy.

6E.—(1) An activity of the kind specified by article 53C of the Regulated Activities Order (advising on regulated home purchase plans) where the advice in question falls within paragraph (2).

- (2) Subject to paragraph (3), advice falls within this paragraph in so far as—
- (a) it consists of a recommendation, given to an individual to enter as home purchaser into a regulated home purchase plan with a particular person; and
 - (b) in entering into a regulated home purchase plan that person would be carrying on an activity of the kind specified by article 63F(1) of the Regulated Activities Order (regulated home purchase plans).

(3) Advice does not fall within paragraph (2) if it endorses a corresponding recommendation given to the individual by an authorised person with permission to carry on an activity of the kind specified by article 53C of the Regulated Activities Order or a person who is an exempt person in relation to an activity of that kind.

6F.—(1) An activity of the kind specified by article 63F(1) or (2) of the Regulated Activities Order (regulated home purchase plans).

(2) Paragraph (1) does not apply to an activity carried on by a person in his capacity as a trustee or personal representative where the home purchaser under the regulated home purchase plan in question is a beneficiary under the trust, will or intestacy.”.