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STATUTORY INSTRUMENTS

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**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 (Financial Promotion) Order 2005**

**35.**—(1) The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005(1) is amended as follows.

(2) In the title of article 28B (real time communications: introductions in connection with qualifying credit) delete “in connection with qualifying credit”.

(3) In article 28B(1)(a) for “paragraphs 10, 10A or 10B” substitute “paragraph 10, 10A, 10B, 10C, 10D, 10E, 10F, 10G or 10H”.

(4) In article 73(2) (advice centres)—

(a) delete “or” at the end of sub-paragraph (b);

(b) after sub-paragraph (c) insert—

“;

(d) a regulated home reversion plan; or

(e) a regulated home purchase plan”.

(5) In Schedule 1 Part 1 (controlled activities)—

(a) after paragraph 10B (advising on qualifying credit etc.) insert—

**“Providing a regulated home reversion plan**

**10C.** Entering into a regulated home reversion plan as plan provider is a controlled activity.

**Arranging a regulated home reversion plan**

**10D.** Making arrangements—

(a) for another person to enter as reversion seller or plan provider into a regulated home reversion plan; or

(b) for a reversion seller or a plan provider under a regulated home reversion plan, entered into on or after 6th April 2007 by him, to vary the terms of that plan in such a way as to vary his obligations under that plan,

is a controlled activity.

**Advising on a regulated home reversion plan**

- 10E.** Advising a person is a controlled activity if the advice is—
- (a) given to the person in his capacity as reversion seller, potential reversion seller, plan provider or potential plan provider; and
  - (b) advice on the merits of his doing either of the following—
    - (i) entering into a regulated home reversion plan, or
    - (ii) varying the terms of a regulated home reversion plan, entered into on or after 6th April 2007 by him, in such a way as to vary his obligations under that plan.

**Providing a regulated home purchase plan**

**10F.** Entering into a regulated home purchase plan as home purchase provider is a controlled activity.

**Arranging a regulated home purchase plan**

- 10G.** Making arrangements—
- (a) for another person to enter as home purchaser into a regulated home purchase plan; or
  - (b) for a home purchaser under a regulated home purchase plan, entered into on or after 6th April 2007 by him, to vary the terms of that plan in such a way as to vary his obligations under that plan,

is a controlled activity.

**Advising on a regulated home purchase plan**

- 10H.** Advising a person is a controlled activity if the advice is—
- (a) given to the person in his capacity as home purchaser or potential home purchaser; and
  - (b) advice on the merits of his doing either of the following—
    - (i) entering into a regulated home purchase plan, or
    - (ii) varying the terms of a regulated home purchase plan, entered into on or after 6th April 2007 by him, in such a way as to vary his obligations under that plan.”.

- (6) In Schedule 1 Part 2 (controlled investments)—
  - (a) after paragraph 26 (agreements for qualifying credit) insert—

**“Regulated home reversion plans**

**26A.** Rights under a regulated home reversion plan.

**Regulated home purchase plans**

**26B.** Rights under a regulated home purchase plan.”

- (b) in paragraph 27(1) (rights to or interests in investments) for “paragraph 26” substitute “paragraph 26, 26A or 26B”;
- (c) in paragraph 28 (interpretation)—
  - (i) after the definition of “contractually based investment” insert—

““home purchase provider” and “home purchaser” have the meanings given in article 63F(3) of the Regulated Activities Order;”;
  - (ii) after the definition of “occupational 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;”;
  - (iii) after the definition of “qualifying funeral plan contract” insert—

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

“regulated home reversion plan” and “reversion seller” have the meanings given in article 63B(3) of the Regulated Activities Order;”.