
STATUTORY INSTRUMENTS

2009 No. 1389

FINANCIAL SERVICES AND MARKETS

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) (No. 2) Order 2009**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>10th June 2009</i>
<i>Laid before Parliament</i>		<i>10th June 2009</i>
<i>Coming into force</i>	- -	<i>13th July 2009</i>

In the opinion of the Treasury, one of the effects of the following Order is that an activity which is not a regulated activity (within the meaning of the Financial Services and Markets Act 2000(1)) will become a regulated activity;

The Treasury, in exercise of the powers conferred by section 22(1) and (5) of, and paragraph 25(1) (f) of Schedule 2 to, that Act, make the following Order:

Citation and commencement

1. This Order may be cited as the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No. 2) Order 2009 and comes into force on 13th July 2009.

Amendments to the Regulated Activities Order

2. The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(2) is amended as follows.

Specified activities: general

3. In paragraph (2) of article 4 (specified activities: general), for “51 and 52” substitute “51, 52 and 63N”.

Activities of reclaim funds

4. After article 63M (other exclusions)(3) insert—

(1) 2000 c.8; Schedule 2 was amended by the Dormant Bank and Building Society Accounts Act 2008 (c.31), section 15 and Schedule 2.
(2) S.I. 2001/544; amended by S.I. 2003/1475 and S.I. 2006/2383; there are other amending instruments but none is relevant.
(3) Article 63M is inserted by S.I. 2009/1342 as from 1st July 2009.

“CHAPTER 15D
ACTIVITIES OF RECLAIM FUNDS

The activities

63N Dormant account funds

- (1) The following are specified kinds of activity—
- (a) the meeting of repayment claims by a reclaim fund;
 - (b) the management of dormant account funds (including the investment of such funds) by a reclaim fund.

- (2) In this article—

“account”, “balance”, “dormant” and “reclaim fund” have the same meaning as in Part 1 of the Dormant Bank and Building Society Accounts Act 2008 (transfer of balances in dormant accounts) (see section 6 of that Act);

“dormant account funds” and “repayment claims” have the same meaning as in section 5 of that Act;

“management of dormant account funds” means the acceptance of a transfer from a bank or building society of the balance of a dormant account, or a proportion of such a balance, and the management of those funds in such a way as to enable the reclaim fund to meet whatever repayment claims it is prudent to anticipate.”.

Agreeing to carry on specified kinds of activity

5. In article 64 (agreeing to carry on specified kinds of activity), for “51 or 52” substitute “51, 52 or 63N”.

10th June 2009

Frank Roy
Tony Cunningham
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544) so as to specify as regulated activities for the purposes of the Financial Services and Markets Act 2000 (c. 8) (“FSMA”) the activities of reclaim funds in meeting repayment claims and managing dormant account money.

The matters with respect to which regulated activities may be specified include the activities of a reclaim fund (paragraph 9A of Schedule 2 to FSMA, inserted by the Dormant Bank and Building Society Accounts Act 2008 (c.31)).

An impact assessment of the effect that this instrument will have on the costs of business is available from the Payments, Credits and Inclusion Team, HM Treasury, 1 Horse Guards Road, London, SW1A 2HQ and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website (www.opsi.gov.uk).