
STATUTORY INSTRUMENTS

2013 No. 1881

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) (No.2) Order 2013**

PART 4

Amendments of secondary legislation made under the Act

The Financial Services and Markets Act 2000 (Exemption) Order 2001

14.—(1) The Financial Services and Markets Act 2000 (Exemption) Order 2001 ^{M1} is amended as follows.

(2) In paragraph 40(1) of the Schedule (enterprise schemes) ^{M2}, for “article 25 of the Regulated Activities Order (arranging deals in investments)” substitute “ articles 25, 36A, 39D, 39E and 89A of the Regulated Activities Order (arranging deals in investments, credit broking, debt adjusting, debt-counselling and providing credit information services) ”.

(3) In paragraph 47 of the Schedule (local authorities) ^{M3}—

(a) at the end of paragraph (d), omit “or”;

(b) at the end of paragraph (e), insert—

“(f) article 36A or 60B of that Order (credit broking or entering into a regulated credit agreement) in so far as the credit agreement (within the meaning of that Order) is secured on land; or

(g) article 39D, 39E, 39F, 39G, 60N or 89A of that Order (activities in relation to debt, regulated consumer hire agreements and providing credit information services).”.

(4) After paragraph 51 of the Schedule (policyholder advocates) ^{M4} insert—

“Insolvency practitioners etc.

52.—(1) A person acting as—

(a) an insolvency practitioner,

(b) an official receiver within the meaning of section 399 of the Insolvency Act 1986 ^{M5} or article 2 of the Insolvency (Northern Ireland) Order 1989 ^{M6}, or

(c) a judicial factor,

is exempt from the general prohibition in respect of any regulated activity of the kind specified by any of articles 39D to 39G (activities in relation to debt) or 89A (providing credit information services) of the Regulated Activities Order.

(2) A person acting in reasonable contemplation of appointment as an insolvency practitioner is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 39D (debt adjusting), 39E (debt-counselling) or 89A (providing credit information services) of that Order.

Changes to legislation: The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 14 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) In this paragraph, “acting as an insolvency practitioner” is to be read with section 388 of the Insolvency Act 1986^{M7} or article 3 of the Insolvency (Northern Ireland) Order 1989.

Cycle to work

53.—(1) An employer who provides or makes available to their employees a cycle or cyclist's safety equipment up to the value of £1,000 under a relevant employee benefit scheme is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 60N of the Regulated Activities Order (regulated consumer hire agreements).

(2) For the purposes of this paragraph—

“cycle” has the meaning given by section 192(1) of the Road Traffic Act 1988^{M8} (general interpretation);

“relevant employee benefit scheme” means a scheme operated by an employer which is designed to allow employees to take advantage of section 244 of the Income Tax (Earnings and Pensions) Act 2003^{M9} (no liability to income tax in relation to cycles and cyclist's safety equipment) and under which cycles or cyclist's safety equipment are made available in the manner described in any guidance issued by the Secretary of State.

Tracing agents

54.—(1) A person who takes steps to ascertain the identity or location (or the means of ascertaining the identity or location) of a borrower or hirer is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 39F of the Regulated Activities Order (debt-collecting) so long as the person is not the lender under the agreement concerned or the owner under the consumer hire agreement concerned and takes no other steps to procure the payment of debts due under the agreement.

(2) In this article, “borrower”, “hirer” “lender” and “owner” have the meanings given by the Regulated Activities Order.”.

Marginal Citations

M1 S.I. 2001/1201.

M2 Amended by S.I. 2007/125 and S.I. 2007/1821.

M3 Substituted by S.I. 2003/1675 and amended by S.I. 2006/2383 and 2009/1342.

M4 Inserted by S.I. 2007/1821.

M5 1988 c.45. Amended by the Enterprise Act 2002, Schedule 23, paragraphs 1 and 14, and the Tribunals, Courts and Enforcement Act 2007 (c.15), **Schedule 20**, paragraphs 1 and 7.

M6 S.I. 1989/2405 (N.I.19). Amended by S.R. 1995/225, S.R. 2002/334, S.I. 2002/3152 (N.I.6), S.R. 2003/660, S.R. 2004/307.

M7 Amended by the Bankruptcy (Scotland) Act 1993 (c.6), **section 11**, the Insolvency Act 2000 (c.39), **section 4**, and S.I./1994/2421, 2002/1240, 2002/2708 and. 2009/1941.

M8 1988 c.52. There are amending instruments but none is relevant to this Order.

M9 2003 c1. Amended by the Finance Act 2005 (c.7), **section 16**.

Changes to legislation:

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013, Section 14 is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order revoked by [2023 c. 29 Sch. 1 Pt. 2](#)