
STATUTORY INSTRUMENTS

2019 No. 1067

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) Order 2019**

Amendment of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

2.—(1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001⁽¹⁾ is amended as follows.

(2) After article 36F (activities carried on by members of the legal profession etc)⁽²⁾ insert—

“Activities carried on by registered social landlords

36FA.—(1) There are excluded from article 36A (credit broking) activities carried on by a registered social landlord, for which the registered social landlord does not receive a fee.

(2) The exclusion in paragraph (1) only applies to activities relating to the introduction of an individual who wishes to enter into a credit agreement, to—

- (a) a credit union;
- (b) a community benefit society;
- (c) a community interest company limited by guarantee;
- (d) a registered charity, or a subsidiary of a registered charity;
- (e) a subsidiary of a registered social landlord.

(3) For the purposes of this article, “fee” includes pecuniary consideration or any other form of financial consideration.

(4) In this article—

“community benefit society” means a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014⁽³⁾ or a registered society within the meaning of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969⁽⁴⁾;

“community interest company limited by guarantee” means a community interest company limited by guarantee within the meaning of section 26 of the Companies (Audit, Investigations and Community Enterprise) Act 2004⁽⁵⁾;

“credit union” means a credit union within the meaning of—

- (a) the Credit Unions Act 1979⁽⁶⁾;

(1) S.I. 2001/544, amended by S.I. 2013/1881.

(2) 2015/853.

(3) 2014 c. 14.

(4) 1969 c. 24; section 1 was amended by the Credit Unions and Co-operative and Community Benefit Societies Act (Northern Ireland) 2016 (c. 16), section 8.

(5) 2004 c. 27.

(6) 1979 c. 34.

- (b) the Credit Unions (Northern Ireland) Order 1985(7);
- “registered charity” means
- (a) in England and Wales, a charity registered under section 30(1) of the Charities Act 2011(8);
 - (b) in Scotland, a charity registered within the meaning of section 13(1) of the Charities and Trustee Investment (Scotland) Act 2005(9)
 - (c) in Northern Ireland, a charity registered under section 16(2) of the Charities Act (Northern Ireland) 2008(10);
- “registered social landlord” means—
- (a) in England, a private registered provider within the meaning of section 80(3) of the Housing and Regeneration Act 2008(11);
 - (b) in Wales, a registered social landlord within the meaning of Part 1 of the Housing Act 1996(12);
 - (c) in Scotland, a registered social landlord within the meaning of the Housing (Scotland) Act 2010(13);
 - (d) in Northern Ireland, a housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992(14);
- “subsidiary” means a subsidiary as defined by section 1159 of the Companies Act 2006(15).”

(7) S.I. 1985/1205 (N.I. 12).
(8) 2011 c. 25.
(9) 2005 asp 10 (Scottish Act)
(10) 2008 c. 12 (N.I.)
(11) 2008 c. 17, section 80(3) was inserted by 2010/844.
(12) 1996 c. 52.
(13) 2010 asp 17.
(14) S.I. 1992/1725 (N.I. 15).
(15) 2006 c. 46.