
STATUTORY INSTRUMENTS

2021 No. 90

**The Financial Services and Markets Act 2000
(Regulated Activities) (Amendment) Order 2021**

PART 2

Amendments to secondary legislation made under the Act

The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

2.—(1) The Regulated Activities Order is amended as follows.

(2) In article 3 (interpretation)(1), in the definition of “contract of insurance”, omit “(or a contract which would be a funeral plan contract but for the exclusion in article 60)”.

(3) In article 21(1) (dealing in investments as agent)(2), omit “(other than investments of the kind specified by article 87, or article 89 so far as relevant to that article)”.

(4) In article 59 (funeral plan contracts)—

(a) after paragraph (1), insert—

“(1A) Carrying out a funeral plan contract as provider is a specified kind of activity.”;

(b) in paragraph (2), omit “(other than one excluded by article 60)”; and

(c) after paragraph (2), insert—

“(2A) For the purposes of paragraph (1A), “provider” includes a person who has assumed the undertaking referred to in paragraph (2)(b) as a result of the novation, assignment or transfer by operation of law of an existing funeral plan contract.”.

(5) Omit article 60 (plans covered by insurance or trust arrangements).

(6) Before paragraph 60A(3), insert—

“Local authorities

60ZA. Article 59 is subject to the exclusion in article 72G (local authorities).”.

(7) In article 72G (local authorities)(4), after paragraph (3B)(5), insert—

“(3C) There is excluded from article 59(1) and (1A) any activity which is carried on by a local authority.”.

(8) For article 89(3) (rights to or interests in investments)(6), substitute—

“Paragraph (1) does not include any right or interest acquired as a result of entering into a funeral plan contract.”

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- (1) Article 3 was amended by [S.I. 2003/1476](#). There are other amendments to article 3 which are not relevant to this Order.
(2) Article 21 was renumbered and amended by [S.I. 2003/1476](#), and further amended by [S.I. 2006/3384](#) and [S.I. 2017/488](#).
(3) Article 60A was inserted by [S.I. 2002/1776](#).
(4) Article 72G was inserted by [S.I. 2014/366](#). There are amendments to article 72G which are not relevant to this Order.
(5) Paragraph (3B) was substituted by [S.I. 2016/392](#).
(6) There are amendments to article 89 which are not relevant to this Order.

Status: *This is the original version (as it was originally made).*
