

2024 No. 169

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2024

Made - - - - *19th February 2024*

Coming into force - - *11th March 2024*

The Treasury make the following Order in exercise of the powers conferred by sections 22(1) and (5) and 428(3)(b) of the Financial Services and Markets Act 2000(a).

The Treasury are of the opinion that one of the effects of the proposed Order would be that an activity which is not a regulated activity would become a regulated activity.

In accordance with paragraph 26 of Schedule 2 to the Financial Services and Markets Act 2000(b), a draft of this Order has been laid before Parliament and approved by a resolution of each House.

Citation, commencement and extent

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2024.

(2) This Order comes into force on 11th March 2024.

(3) This Order extends to England and Wales, Scotland and Northern Ireland.

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(c) is amended as follows.

(2) After article 82 insert—

“Pensions in respect of which information is requested or provided using a pensions dashboard service

82ZA.—(1) Any pension in respect of which information is requested or provided using a pensions dashboard service as defined in article 89BA(3) (operating a pensions dashboard service).

(a) 2000 c. 8. Paragraph 25 of Schedule 2 was amended by section 8 of the Financial Services Act 2012 (c. 21) and section 27 of the Financial Guidance and Claims Act 2018 (c. 10).
(b) Paragraph 26 of Schedule 2 was substituted by section 8 of the Financial Services Act 2012.
(c) S.I. 2001/544. Paragraph (2A) of article 89 was inserted by S.I. 2015/731. Article 89B was inserted by S.I. 2013/1881.

(2) Paragraph (1) specifies a kind of investment in relation to the kind of activity specified in article 89BA, and not in relation to any other specified kind of activity.”

(3) In article 89 (rights to or interests in investments), in paragraph (2A), after “benefits)” insert “or article 89BA (operating a pensions dashboard service)”.

(4) After article 89B (providing credit references) insert—

“Operating a pensions dashboard service

89BA.—(1) Operating a pensions dashboard service which connects to the Money and Pensions Service(a) dashboards digital architecture is a specified kind of activity.

(2) This article does not apply to the Money and Pensions Service.

(3) In this Order—

“connect to the Money and Pensions Service dashboards digital architecture” means connect to the information technology systems delivered by or on behalf of the Money and Pensions Service that enable the interconnected system comprised of the following elements to work—

- (a) the Money and Pensions Service dashboards digital architecture,
- (b) the pensions dashboard services that connect to the Money and Pensions Service dashboards digital architecture,
- (c) the interfaces of pension schemes that connect to the Money and Pensions Service dashboards digital architecture,
- (d) the interfaces of pension schemes that connect to pensions dashboard services, and
- (e) any other party or service that needs to be connected in order for the system to work;

“pensions dashboard service” has the same meaning as in section 238A(1) of the Pensions Act 2004(b).”

*Joy Morrissey
Scott Mann*

19th February 2024

Two of the Lords Commissioners of His Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies an additional activity which is to be treated as a “regulated activity” for the purposes of the Financial Services and Markets Act 2000 (c. 8) (“the Act”) and specifies an additional investment for that purpose. The effect of this is that a person who carries on such an activity in the United Kingdom must either be authorised under the Act to carry out the activity or be exempt (see section 19 of the Act (the general prohibition)). Carrying on a regulated activity in breach of this requirement is a criminal offence (see section 23 of the Act (contravention of the general prohibition)) and may result in certain agreements being unenforceable (see sections 26 and 27 of the Act (agreements made by or through unauthorised persons)).

The new regulated activity is operating a pensions dashboard service which connects to the Money and Pensions Service dashboards digital architecture, as specified in article 2 of this Order. For the purposes of this new regulated activity, any pension in respect of which information is requested

(a) An executive non-departmental public body, sponsored by the Department for Work and Pensions, which provides money and pensions guidance and debt advice. <https://maps.org.uk/en>.

(b) 2004 c. 35. Section 238A was inserted by section 118 of the Pension Schemes Act 2021 (c. 1).

by an individual or provided to an individual using a pensions dashboard service is a specified investment.

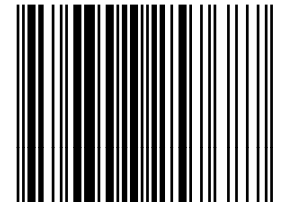
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