STATUTORY INSTRUMENTS

2015 No. 853

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Miscellaneous Provisions) Order 2015

Made - - - -	*23rd March 2015*
Coming into force - -	*24th March 2015*

In accordance with section 429(1) and (4)(d)(**1**) of, and paragraph 26(2) of Schedule 2(**2**) to, the Financial Services and Markets Act 2000 a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

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

The Treasury, in exercise of the powers conferred by sections 21(5) and (9), 22(1), (1A) and (5) and 55C of the Financial Services and Markets Act 2000(**3**), make the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 (Miscellaneous Provisions) Order 2015.

(2) It comes into force on the day after the day on which it is made.

Amendments of the Financial Services and Markets Act 2000

2.—(1) Paragraph 2G of Schedule 6 to the Financial Services and Markets Act 2000 (threshold conditions)(**4**) is amended as follows.

(2) After sub-paragraph (3) insert—

"(3A) For the purposes of sub-paragraph (3), "domestic premises supplier" means a supplier who—

(a) sells, offers to sell or agrees to sell goods, or

(b) offers to supply services or contracts to supply services,

(**1**) Section 429 was amended by section 49(1) and (2) of the Financial Services Act 2012. There are other amendments to section 429, but none are relevant.
(**2**) Paragraph 26 was substituted by section 8, Financial Services Act 2012.
(**3**) 2000 c. 8. Section 55C was inserted by section 11(2) of the Financial Services Act 2012 (c. 21).
(**4**) Paragraph 2G was inserted in Schedule 6 by S.I. 2013/1881 and amended by S.I. 2014/366.

to customers who are individuals while the supplier, or the supplier's representative, is physically present at the dwelling of the individual (but see sub-paragraph (3B)).

(3B) A supplier who acts as described in sub-paragraph (3A) on an occasional basis only will not be a domestic premises supplier unless the supplier indicates to the public at large, or any section of the public, the supplier's willingness to attend (in person or through a representative) the dwelling of potential customers in order to carry on any of the activities mentioned in sub-paragraph (3A)(a) or (b).".

(3) For sub-paragraph (5) substitute—

"(5) The case specified in this sub-paragraph is where the activity relates to a consumer hire agreement or a hire-purchase agreement.".

(4) In sub-paragraph (6)—

(a) insert the following definition in the appropriate place—

""consumer hire agreement" has the meaning given by article 60N(3) of the Regulated Activities Order(**5**);", and

(b) omit the definition of "domestic premises supplier".

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

3.—(1) The Financial Services and Markets Act 2000 (Regulated Activities Order) 2001(**6**) is amended as follows.

(2) For article 36F (activities carried on by members of the legal profession etc)(**7**) substitute—

"**Activities carried on by members of the legal profession etc**

36F.—(1) There are excluded from article 36A (credit broking) activities carried on by—

(a) a barrister or advocate acting in that capacity;

(b) a solicitor (within the meaning of the Solicitors Act 1974(**8**)) in the course of providing advocacy services or litigation services;

(c) a solicitor (within the meaning of the Solicitors (Scotland) Act 1980(**9**)) in the course of providing advocacy services or litigation services;

(d) a solicitor (within the meaning of the Solicitors (Northern Ireland) Order 1976(**10**)) in the course of providing advocacy services or litigation services;

(e) a relevant person (other than a person falling within sub-paragraph (a) to (d)) in the course of providing advocacy services or litigation services.

(2) In paragraph (1)—

"advocacy services" means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right of audience in relation to any proceedings, or contemplated proceedings, to provide for the purpose of those proceedings or contemplated proceedings;

"litigation services" means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right to conduct litigation in relation

(**5**) Article 60N was inserted (with articles 60O to 60R) by S.I. 2013/1881.
(**6**) S.I. 2001/544.
(**7**) Articles 36A to 36G were inserted by S.I. 2013/1881.
(**8**) 1974 c. 47.
(**9**) 1980 c. 46.
(**10**) S.I. 1976/582 (N.I. 12).

to any proceedings, or contemplated proceedings, to provide for the purpose of those proceedings or contemplated proceedings;

"relevant person" means a person who, for the purposes of the Legal Services Act 2007(**11**), is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).".

(3) For article 39K (activities carried on by members of the legal profession etc)(**12**) substitute—

"**Activities carried on by members of the legal profession etc**

39K.—(1) There are excluded from articles 39D, 39E, 39F and 39G activities carried on by—

(a) a barrister or advocate acting in that capacity;

(b) a solicitor (within the meaning of the Solicitors Act 1974) in the course of providing advocacy services or litigation services;

(c) a solicitor (within the meaning of the Solicitors (Scotland) Act 1980) in the course of providing advocacy services or litigation services;

(d) a solicitor (within the meaning of the Solicitors (Northern Ireland) Order 1976) in the course of providing advocacy services or litigation services;

(e) a relevant person (other than a person falling within sub-paragraph (a) to (d)) in the course of providing advocacy services or litigation services.

(2) In paragraph (1)—

"advocacy services" means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right of audience in relation to any proceedings, or contemplated proceedings, to provide for the purpose of those proceedings or contemplated proceedings;

"litigation services" means any services which it would be reasonable to expect a person who is exercising, or contemplating exercising, a right to conduct litigation in relation to any proceedings, or contemplated proceedings, to provide for the purpose of those proceedings or contemplated proceedings;

"relevant person" means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).".

(4) In article 60B(3) (regulated credit agreements)(**13**)for the definition of "exempt agreement" substitute—

""exempt agreement" means a credit agreement which is an exempt agreement under articles 60C to 60H, but where only part of a credit agreement falls within a provision of articles 60C to 60H, only that part is an exempt agreement under those articles;".

(5) In article 60F (exempt agreements: exemptions relating to number of repayments to be made) for paragraph (8) substitute—

"(8) In this article, "payment" means any payment which comprises or includes—

(a) the repayment of capital, or

(b) the payment of interest or any other charge which forms part of the total charge for credit.".

(**11**) 2007 c. 29.
(**12**) Articles 39D to 39M were inserted by S.I. 2013/1881.
(**13**) Articles 60B to 60M were inserted by S.I. 2013/1881.