STATUTORY INSTRUMENTS

2015 No. 352

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Miscellaneous Provisions) (No. 2) Order 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*25th February 2015*
Coming into force - -	*18th March 2015*

The Treasury make the following Order in exercise of the powers conferred by sections 21(5) and (6), 22(1) and (5) and 38 of, and paragraph 25(1)(a) of Schedule 2 to, the Financial Services and Markets Act 2000(**1**).

Citation and commencement

1. This Order may be cited as the Financial Services and Markets Act 2000 (Miscellaneous Provisions) (No. 2) Order 2015, and comes into force on 18th March 2015.

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

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

(a) in article 60F (exempt agreements: exemptions relating to number of repayments to be made), in paragraph (2)(b) for "four" substitute "twelve"; and

(b) in article 60G (exempt agreements: exemptions relating to the total charge for credit), in paragraph (5)(b)(i) for sub-paragraph (bb) substitute—

"(bb) offered by a lender to a borrower as an incident of the borrower's employment with the lender or with an undertaking in the same group as the lender;".

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

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

(**1**) 2000 c. 8.
(**2**) S.I. 2001/544, as amended by S.I. 2013/1881, 2014/366 and 2014/1850. There are other amendments, but they are not relevant.
(**3**) S.I. 2001/1201, as amended by S.I. 2013/1881. There are other amendments, but they are not relevant.

(2) In Part 4 of the Schedule (persons exempt in respect of particular regulated activities)—

(a) in paragraph 54(2) (tracing agents) for "article" substitute "paragraph"; and

(b) after paragraph 54 insert—

"Persons who carry on activities for the service of certain documents

54A.—(1) A person who serves, or takes steps to serve, a relevant document on 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 that person—

(a) is not the lender or owner under the relevant agreement; and

(b) takes no other steps to procure the payment of the debt or any other debt due from the borrower or hirer under the relevant agreement.

(2) A person who serves, or takes steps to serve, a relevant document on a borrower or hirer is exempt from the general prohibition in respect of any regulated activity of the kind specified by article 39G of the Regulated Activities Order (debt administration) so long as that person is not the lender or owner under the relevant agreement and does not take—

(a) any other steps to exercise or enforce rights under that agreement; or

(b) any steps in the performance of any duties under that agreement.

(3) In sub-paragraph (1) "relevant document" means any document which is for service for the purposes of any legal proceedings brought, or to be brought, for the payment of a debt due under the relevant agreement.

(4) In sub-paragraph (2) "relevant document" means any document which is for service for the purposes of any legal proceedings brought, or to be brought, for the exercise or enforcement of rights under the relevant agreement.

(5) In this paragraph—

"borrower", "hirer", "lender" and "owner" have the meaning given in article 3 of the Regulated Activities Order;

"legal proceedings" includes arbitration and insolvency proceedings; and

"relevant agreement", in relation to a person who is a borrower or hirer, means—

(a) the credit agreement (within the meaning given by article 60B of the Regulated Activities Order) or article 36H agreement (within the meaning given by article 36H of that Order) under which that person is the borrower; or

(b) the consumer hire agreement (within the meaning given by article 60N of the Regulated Activities Order) under which that person is the hirer.".

The Financial Services and Markets Act 2000 (Financial Promotion) Order 2005

4. In the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005(**4**), in article 59 (annual accounts and directors' report), in paragraph (1)(b)—

(a) before paragraph (i) insert—

"(ai) sections 414A and 414D of the 2006 Act(**5**);"; and

(**4**) S.I. 2005/1529, as amended by S.I. 2011/1265. There are other amendments, but they are not relevant.
(**5**) Sections 414A and 414D were inserted in the Companies Act 2006 (c. 46) by S.I. 2013/1970.