Draft Order laid before Parliament under section 429 of the Financial Services and Markets Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) (Amendment) Order 2011

Made - - - - ***

Coming into force in accordance with article 1

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 429(1) of the Financial Services and Markets Act 2000(**1**).

The Treasury, in exercise of the powers conferred by sections 419 and 428(3) of that Act, make the following Order:

1. This Order may be cited as the Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) (Amendment) Order 2011 and comes into force on the day after the day on which it is made.

2. In the Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001(**2**) after article 4 insert—

"**Entering into a sale and rent back agreement**

5. A person ("A") who carries on an activity of the kind specified by article 63J(1) of the Regulated Activities Order (entering into a regulated sale and rent back agreement)(**3**) is to be regarded as carrying on that activity by way of business except where A is a related person in relation to the agreement seller within the meaning of article 63J(4)(c) of the Regulated Activities Order.

6.—(1) Article 5 ceases to have effect on 1st January 2015.

(2) Before the end of 2012, the Treasury must—

(a) carry out a review of article 5;

(**1**) 2000 c.8. Section 429(1) has been amended but the amendments are not relevant to this Order.
(**2**) S.I. 2001/1177, to which there are amendments not relevant to this Order.
(**3**) S.I. 2001/544. Article 63J was inserted by S.I. 2009/1342 and amended by S.I. 2010/2960.