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

2006 No.

FINANCIAL SERVICES AND MARKETS

The Financial Services and Markets Act 2000 (Exemption) (Amendment) Order 2006

Made - - - - .....

Coming into force - - *1st November 2007*

This Order contains provision removing an exemption provided by an earlier order(**1**) made under section 38 of the Financial Services and Markets Act 2000(**2**);

A draft of this Order has been approved by a resolution of each House of Parliament pursuant to section 429(3) and (5) of that Act;

The Treasury make the following Order in exercise of the powers conferred on them by sections 38 and 428(3) of that Act:

Citation and commencement

1. This Order may be cited as the Financial Services and Markets Act 2000 (Exemption) (Amendment) Order 2006 and comes into force on 1st November 2007.

Amendment of the Exemption Order

2. The Financial Services and Markets Act 2000 (Exemption) Order 2001 is amended as follows.

3. In article 2 (interpretation), in the appropriate places, insert—

""credit institution" has the meaning given by the Regulated Activities Order;

"investment firm" has the meaning given by the Regulated Activities Order;".

4. In article 5 (persons exempt in respect of particular regulated activities), after paragraph (1)(c), insert—

"(ca) article 25D (operating a multilateral trading facility);".

(**1**) S.I. 2001/1201; relevant amending instruments are S.I. 2001/3623 and 2005/592.
(**2**) 2000 c.8.

5. In Part 3 of the Schedule (persons exempt in respect of any regulated activity mentioned in article 5(1)), paragraph 36 is revoked.

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

(a) in paragraph 40 (enterprise schemes), after sub-paragraph (2) insert—

"(3) This paragraph does not apply where an investment firm or credit institution—

(a) provides or performs investment services and activities on a professional basis, and

(b) in doing so, but for the operation of this paragraph, it would be treated as carrying on an activity of a kind specified by Part 2 of the Regulated Activities Order.";

(b) in paragraph 42 (gas industry)—

(i) in sub-paragraph (1), for "or 25" substitute ", 25 or 25D", and for "or arranging deals in investments" substitute ", arranging deals in investments or operating a multilateral trading facility";

(ii) in sub-paragraph (2), for "or 25" substitute ", 25 or 25D", and for "or arranging deals in investments" substitute ", arranging deals in investments or operating a multilateral trading facility";

(c) in paragraph 49 (electricity industry)—

(i) in sub-paragraph (1), after "25" insert ", 25D", and after "arranging deals in investments" insert ", operating a multilateral trading facility";

(ii) in sub-paragraph (2), for "or 25" substitute ", 25 or 25D";

(iii) in sub-paragraph (3), after "25" insert ", 25D";

(iv) in sub-paragraph (4), after "25" insert "or 25D";

(v) in sub-paragraph (5), after "25" insert "or 25D".

Name
Name
Two of the Lords Commissioners of Her Majesty's Treasury

Date