



# Financial Services and Markets Act 2000

## CHAPTER 8

### FINANCIAL SERVICES AND MARKETS ACT 2000

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*Status: This is the original version (as it was originally enacted).*

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24 (1) Sub-paragraph (2) applies if a UK firm—

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5 (1) Sub-paragraph (2) applies to a Treaty firm which—

*Offences*

6 (1) A person who contravenes paragraph 5(2) is guilty of...

SCHEDULE 5 — Persons Concerned in Collective Investment Schemes

*Authorisation*

1 (1) A person who for the time being is an...

*Permission*

2 (1) A person authorised as a result of paragraph 1(1)...

SCHEDULE 6 — Threshold Conditions

Part I — PART IV PERMISSION

*Legal status*

1 (1) If the regulated activity concerned is the effecting or...

*Location of offices*

2 (1) If the person concerned is a body corporate constituted...

*Close links*

- 3 (1) If the person concerned (“A”) has close links with...

*Adequate resources*

- 4 (1) The resources of the person concerned must, in the...

*Suitability*

- 5 The person concerned must satisfy the Authority that he is...  
Part II — AUTHORISATION

*Authorisation under Schedule 3*

- 6 In relation to an EEA firm qualifying for authorisation under...

*Authorisation under Schedule 4*

- 7 In relation to a person who qualifies for authorisation under...  
Part III — ADDITIONAL CONDITIONS  
8 (1) If this paragraph applies to the person concerned, he...  
9 The Treasury may by order— (a) vary or remove any...

SCHEDULE 7 —  
The Authority as  
Competent Authority  
for Part VI

*General*

- 1 This Act applies in relation to the Authority when it...

*The Authority’s general functions*

- 2 In section 2— (a) subsection (4)(a) does not apply to...

*Duty to consult*

- 3 Section 8 does not apply.

*Rules*

- 4 (1) Sections 149, 153, 154 and 156 do not apply....

*Statements of policy*

- 5 (1) Paragraph 5 of Schedule 1 has effect as if...

*Penalties*

- 6 Paragraph 16 of Schedule 1 does not apply in relation...

*Fees*

- 7 Paragraph 17 of Schedule 1 does not apply in relation...

*Exemption from liability in damages*

8 Schedule 1 has effect as if— (a) sub-paragraph (1) of...

SCHEDULE 8 —  
Transfer of functions  
under Part VI

*The power to transfer*

1 (1) The Treasury may by order provide for any function...

*Supplemental*

2 (1) An order under this Schedule does not affect anything...

3 If the Treasury have made an order under paragraph 1...

SCHEDULE 9 — Non-listing Prospectuses

*General application of Part VI*

1 The provisions of Part VI apply in relation to a...

*References to listing particulars*

2 (1) Any reference to listing particulars is to be read...

*General duty of disclosure*

3 (1) In section 80(1), for “section 79” substitute “section 87”....

*Supplementary prospectuses*

4 In section 81(1), for “section 79 and before the commencement...

*Exemption from liability for compensation*

5 (1) In paragraphs 1(3) and 2(3) of Schedule 10, for...

*Advertisements*

6 In section 98(1), for “If listing particulars are, or are...

*Fees*

7 Listing rules made under section 99 may require the payment...

SCHEDULE 10 — Compensation: Exemptions

*Statements believed to be true*

1 (1) In this paragraph “statement” means— (a) any untrue or...

*Statements by experts*

2 (1) In this paragraph “statement” means a statement included in...

*Corrections of statements*

- 3 (1) In this paragraph “statement” has the same meaning as...

*Corrections of statements by experts*

- 4 (1) In this paragraph “statement” has the same meaning as...

*Official statements*

- 5 A person does not incur any liability under section 90(1)...

*False or misleading information known about*

- 6 A person does not incur any liability under section 90(1)...

*Belief that supplementary listing particulars not called for*

- 7 A person does not incur any liability under section 90(4)...

*Meaning of “expert”*

- 8 “Expert” includes any engineer, valuer, accountant or other person whose...

## SCHEDULE 11 — Offers of Securities

*The general rule*

- 1 (1) A person offers securities to the public in the...

*Exempt offers*

- 2 (1) For the purposes of this Schedule, an offer of...

*Offers for business purposes*

- 3 The securities are offered to persons— (a) whose ordinary activities...

*Offers to limited numbers*

- 4 (1) The securities are offered to no more than fifty...

*Clubs and associations*

- 5 The securities are offered to the members of a club...

*Restricted circles*

- 6 (1) The securities are offered to a restricted circle of...

*Underwriting agreements*

- 7 The securities are offered in connection with a genuine invitation...

*Offers to public authorities*

- 8 (1) The securities are offered to a public authority.

*Maximum consideration*

- 9 (1) The total consideration payable for the securities cannot exceed...

*Minimum consideration*

- 10 (1) The minimum consideration which may be paid by any...

*Securities denominated in euros*

- 11 (1) The securities are denominated in amounts of at least...

*Takeovers*

- 12 (1) The securities are offered in connection with a takeover...

*Mergers*

- 13 The securities are offered in connection with a merger (within...

*Free shares*

- 14 (1) The securities are shares and are offered free of...

*Exchange of shares*

- 15 The securities— (a) are shares, or investments of a specified...

*Qualifying persons*

- 16 (1) The securities are issued by a body corporate and...

*Convertible securities*

- 17 (1) The securities result from the conversion of convertible securities...

*Charities*

- 18 The securities are issued by— (a) a charity within the...

*Building societies etc.*

- 19 The securities offered are shares which are issued by, or...

*Euro-securities*

- 20 (1) The securities offered are Euro-securities and no advertisement relating...

*Same class securities*

- 21 The securities are of the same class, and were issued...

*Short date securities*

- 22 The securities are investments of a specified kind with a...

*Government and public securities*

- 23 (1) The securities are investments of a specified kind creating...

*Non-transferable securities*

24 The securities are not transferable.

*General definitions*

25 For the purposes of this Schedule— “shares” has such meaning...

## SCHEDULE 12 — Transfer schemes: certificates

## Part I — INSURANCE BUSINESS TRANSFER SCHEMES

1 (1) For the purposes of section 111(2) the appropriate certificates,...

*Certificates as to margin of solvency*

2 (1) A certificate under this paragraph is to be given—...

*Certificates as to consent*

3 A certificate under this paragraph is one given by the...

*Certificates as to long-term business*

4 A certificate under this paragraph is one given by the...

*Certificates as to general business*

5 A certificate under this paragraph is one given by the...

*Interpretation of Part I*

6 (1) “State of the commitment”, in relation to a commitment...

## Part II — BANKING BUSINESS TRANSFER SCHEMES

7 (1) For the purposes of section 111(2) the appropriate certificates,...

*Certificates as to financial resources*

8 (1) A certificate under this paragraph is one given by...

*Certificates as to consent of home state regulator*

9 A certificate under this paragraph is one given by the...

## Part III — INSURANCE BUSINESS TRANSFERS EFFECTED OUTSIDE THE UNITED KINGDOM

10 (1) This paragraph applies to a proposal to execute under...

## SCHEDULE 13 — The Financial Services and Markets Tribunal

## Part I — GENERAL

*Interpretation*

1 In this Schedule— “panel of chairmen” means the panel established...

## Part II — THE TRIBUNAL

*President*

2 (1) The Lord Chancellor must appoint one of the members...

*Panels*

3 (1) The Lord Chancellor must appoint a panel of persons...

*Terms of office etc*

4 (1) Subject to the provisions of this Schedule, each member...

*Remuneration and expenses*

5 The Lord Chancellor may pay to any person, in respect...

*Staff*

6 (1) The Lord Chancellor may appoint such staff for the...

Part III — CONSTITUTION OF TRIBUNAL

7 (1) On a reference to the Tribunal, the persons to...

Part IV — TRIBUNAL PROCEDURE

8 For the purpose of dealing with references, or any matter...

9 Rules made by the Lord Chancellor under section 132 may,...

*Practice directions*

10 The President of the Tribunal may give directions as to...

*Evidence*

11 (1) The Tribunal may by summons require any person to...

*Decisions of Tribunal*

12 (1) A decision of the Tribunal may be taken by...

*Costs*

13 (1) If the Tribunal considers that a party to any...

SCHEDULE 14 — Role of the Competition Commission

*Provision of information by Treasury*

1 (1) The Treasury's powers under this paragraph are to be...

*Consideration of matters arising on a report*

2 In considering any matter arising from a report made by...

*Applied provisions*

3 (1) The provisions mentioned in sub-paragraph (2) are to apply...

*Publication of reports*

4 (1) If the Commission makes a report under section 162,...

SCHEDULE 15 — Information and Investigations: Connected Persons

Part I — RULES FOR SPECIFIC BODIES

*Corporate bodies*

- 1 If the authorised person (“BC”) is a body corporate, a...

*Partnerships*

- 2 If the authorised person (“PP”) is a partnership, a person...

*Unincorporated associations*

- 3 If the authorised person (“UA”) is an unincorporated association of...

*Friendly societies*

- 4 (1) If the authorised person (“FS”) is a friendly society,...

*Building societies*

- 5 (1) If the authorised person (“BS”) is a building society,...

*Individuals*

- 6 If the authorised person (“IP”) is an individual, a person...

*Application to sections 171 and 172*

- 7 For the purposes of sections 171 and 172, if the...

## Part II — ADDITIONAL RULES

- 8 A person who is, or at the relevant time was,...

SCHEDULE 16 — Prohibitions and Restrictions imposed by Director General of Fair Trading

*Preliminary*

- 1 In this Schedule— “appeal period” has the same meaning as...

*Notice of prohibition or restriction*

- 2 (1) This paragraph applies if the Director proposes, in relation...

*Application to revoke prohibition or restriction*

- 3 (1) This paragraph applies if the Director proposes to refuse...

*Representations to Director*

- 4 (1) If this paragraph applies to an invitation to submit...

*Appeals*

- 5 Section 41 of the Consumer Credit Act 1974 (appeals to...

SCHEDULE 17 — The Ombudsman Scheme

## Part I — GENERAL

*Interpretation*

- 1 In this Schedule— “ombudsman” means a person who is a...



## Part II — THE SCHEME OPERATOR

### *Establishment by the Authority*

- 2 (1) The Authority must establish a body corporate to exercise...

### *Constitution*

- 3 (1) The constitution of the scheme operator must provide for...

### *The panel of ombudsmen*

- 4 (1) The scheme operator must appoint and maintain a panel...

### *The Chief Ombudsman*

- 5 (1) The scheme operator must appoint one member of the...

### *Status*

- 6 (1) The scheme operator is not to be regarded as...

### *Annual reports*

- 7 (1) At least once a year— (a) the scheme operator...

### *Guidance*

- 8 The scheme operator may publish guidance consisting of such information...

### *Budget*

- 9 (1) The scheme operator must, before the start of each...

### *Exemption from liability in damages*

- 10 (1) No person is to be liable in damages for...

### *Privilege*

- 11 For the purposes of the law relating to defamation, proceedings...

## Part III — THE COMPULSORY JURISDICTION

### *Introduction*

- 12 This Part of this Schedule applies only in relation to...

### *Authority's procedural rules*

- 13 (1) The Authority must make rules providing that a complaint...

### *The scheme operator's rules*

- 14 (1) The scheme operator must make rules, to be known...

### *Fees*

- 15 (1) Scheme rules may require a respondent to pay to...

*Enforcement of money awards*

- 16 A money award, including interest, which has been registered in...  
Part IV — THE VOLUNTARY JURISDICTION

*Introduction*

- 17 This Part of this Schedule applies only in relation to...

*Terms of reference to the scheme*

- 18 (1) Complaints are to be dealt with and determined under...

*Delegation by and to other schemes*

- 19 (1) The scheme operator may make arrangements with a relevant...

*Voluntary jurisdiction rules: procedure*

- 20 (1) If the scheme operator makes voluntary jurisdiction rules, it...

*Verification of the rules*

- 21 (1) The production of a printed copy of voluntary jurisdiction...

*Consultation*

- 22 (1) If the scheme operator proposes to make voluntary jurisdiction...

## SCHEDULE 18 — Mutuals

## Part I — FRIENDLY SOCIETIES

*The Friendly Societies Act 1974 (c. 46)*

- 1 Omit sections 4 (provision for separate registration areas) and 10...  
2 In section 7 (societies which may be registered), in subsection...  
3 In section 11 (additional registration requirements for societies with  
branches),...  
4 In section 99(4) (punishment of fraud etc and recovery of...

*The Friendly Societies Act 1992 (c. 40)*

- 5 Omit sections 31 to 36A (authorisation of friendly societies business)...  
6 In section 37 (restrictions on combinations of business), omit  
subsections...  
7 Omit sections 38 to 43 (restrictions on business of certain...  
8 Omit sections 44 to 50 (regulation of friendly societies business)...

## Part II — FRIENDLY SOCIETIES: SUBSIDIARIES AND CONTROLLED BODIES

*Interpretation*

- 9 In this Part of this Schedule— “the 1992 Act” means...

*Qualifying bodies*

- 10 (1) Subsections (2) to (5) of section 13 (incorporated friendly...

*Bodies controlled by societies*

- 11 In section 13(9) (defined terms), after paragraph (a) insert—

*Joint control by societies*

- 12 In section 13(9), after paragraph (c) insert—

*Acquisition of joint control*

- 13 In section 13(9), in the words following paragraph (d), after...

*Amendment of Schedule 8 to the 1992 Act*

- 14 (1) Schedule 8 to the 1992 Act (provisions supplementing section...

*Consequential amendments*

- 15 (1) Section 52 of the 1992 Act is amended as...

SCHEDULE 19 — Competition Information

Part I — PERSONS AND FUNCTIONS FOR THE PURPOSES OF SECTION 351

- 1 The Table set out after this paragraph has effect for...

Part II — THE ENACTMENTS

- 1 The Fair Trading Act 1973
- 2 The Consumer Credit Act 1974
- 3 The Estate Agents Act 1979
- 4 The Competition Act 1980
- 5 The Telecommunications Act 1984
- 6 The Airports Act 1986
- 7 The Gas Act 1986
- 8 The Control of Misleading Advertisements Regulations 1988
- 9 The Electricity Act 1989
- 10 The Broadcasting Act 1990
- 11 The Water Industry Act 1991
- 12 The Electricity (Northern Ireland) Order 1992
- 13 The Railways Act 1993
- 14 Part IV of the Airports (Northern Ireland) Order 1994
- 15 The Gas (Northern Ireland) Order 1996
- 16 The EC Competition (Articles 88 and 89) Enforcement Regulations 1996...
- 17 The Unfair Terms in Consumer Contracts Regulations 1999
- 18 This Act.
- 19 An enactment specified for the purposes of this paragraph in...

SCHEDULE 20 — Minor and Consequential Amendments

*The House of Commons Disqualification Act 1975 (c. 24)*

- 1 In Part III of Schedule 1 to the House of...

*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 2 In Part III of Schedule 1 to the Northern Ireland...

*The Civil Jurisdiction and Judgments Act 1982 (c. 27)*

- 3 In paragraph 10 of Schedule 5 to the Civil Jurisdiction...

*The Income and Corporation Taxes Act 1988 (c. 1)*

- 4 (1) The Income and Corporation Taxes Act 1988 is amended...

*The Finance Act 1991 (c. 31)*

- 5 (1) The Finance Act 1991 is amended as follows.

*The Tribunals and Inquiries Act 1992 (c. 53)*

- 6 (1) The Tribunals and Inquiries Act 1992 is amended as...

*The Judicial Pensions and Retirement Act 1993 (c. 8)*

- 7 (1) The Judicial Pensions and Retirement Act 1993 is amended...

## SCHEDULE 21 — Transitional Provisions and Savings

*Self-regulating organisations*

- 1 (1) No new application under section 9 of the 1986...

*Self-regulating organisations for friendly societies*

- 2 (1) No new application under paragraph 2 of Schedule 11...

## SCHEDULE 22 — Repeals