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## STATUTORY INSTRUMENTS

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### 2021 No. 90

## The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2021

### PART 1

#### Introductory provisions

#### Citation, commencement and interpretation

1.—(1) This Order may be cited as the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2021.

(2) This Order comes into force on the day (“the initial commencement day”) after the day on which it is made, for the following purposes only—

- (a) enabling the FCA—
  - (i) to make or approve rules;
  - (ii) to give guidance; and
  - (iii) to give directions.
- (b) enabling applications for—
  - (i) a Part 4A(1) permission under section 55A(2) of the Act;
  - (ii) a variation of a Part 4A permission under section 55H(3) of the Act; and
  - (iii) approval under Part 5 of the Act;to be made and determined in relation to any activity which becomes a regulated activity by virtue of this Order;
- (c) enabling the FCA to exercise any of its powers under Part 4A or Part 5 of the Act in relation to any activity which becomes a regulated activity by virtue of this Order; and
- (d) enabling the scheme operator—
  - (i) to make rules; and
  - (ii) to give guidance.

(3) [F<sup>1</sup>Subject to article 1A, this Order] comes into force for all other purposes on the first day following the expiry of a period of eighteen calendar months beginning on the day after the initial commencement day.

(4) In this Order—

“the Act” means the Financial Services and Markets Act 2000;

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(1) Part 4A was inserted by section 11 of the Financial Services Act 2012.

(2) Section 55A was inserted by section 11 of the Financial Services Act 2012 and amended by [S.I. 2018/135](#).

(3) Sections 40 to 55 of the Act were substituted for a new Part 4A consisting of sections 55A to 55Z4 by section 11 of the Financial Services Act 2012.

“the Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(4); and

“scheme operator” has the meaning given in section 225(2) of the Act.

**F1** Words in [art. 1\(3\)](#) substituted (16.5.2022 for specified purposes, 29.7.2022 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2022 \(S.I. 2022/466\)](#), arts. 1(3), [5\(2\)](#)

**Commencement Information**

**I1** Art. 1 in force at 28.1.2021 for specified purposes, see [art. 1\(2\)](#)

**I2** [Art. 1](#) in force at 29.7.2022 in so far as not already in force, see [art. 1\(3\)](#)

**[<sup>F2</sup>Transitional period**

**1A.**—(1) Article 1(3) applies subject to this article.

(2) Where—

(a) the FCA received a provider’s application before 1st March 2022; and

(b) one of the following applies—

(i) that application has not been determined by the FCA in accordance with section 55V(5) of the Act before 29th July 2022;

(ii) that provider withdrew that application before 29th July 2022;

(iii) the FCA refused that application before 29th July 2022 by giving the provider a decision notice in accordance with section 55X(4)(f)(6) of the Act;

article 2(4)(a) applies only in relation to activities carried on by that provider on or after 31st October 2022.

(3) In this article—

“application” means an application to the FCA under section 55A(7) of the Act for permission to carry on either of the regulated activities specified in article 59 of the Regulated Activities Order;

“funeral plan contract” has the same meaning as in article 59(2) of the Regulated Activities Order;

“provider” means a person responsible for carrying out a funeral plan contract as provider.]

**F2** [Art. 1A](#) inserted (16.5.2022 for specified purposes, 29.7.2022 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2022 \(S.I. 2022/466\)](#), arts. 1(3), [5\(3\)](#)

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(4) [S.I. 2001/544](#).

(5) Paragraph 18 of the Schedule was substituted by [S.I. 2001/3650](#).

(6) [S.I. 2001/1062](#).

(7) [S.I. 2001/1217](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2021, Introductory provisions.