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STATUTORY INSTRUMENTS

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**2001 No. 3649**

The Financial Services and Markets Act 2000  
(Consequential Amendments and Repeals) Order 2001

PART 5

AMENDMENTS TO THE CONSUMER CREDIT ACT 1974 (c. 39)

**Exempt agreements**

**165.**—(1) Section 16 (exempt agreements) of the Consumer Credit Act 1974 is amended as follows.

(2) In subsection (1)—

(a) for paragraph (a) substitute—

“(a) an insurer;” and

(b) for paragraph (h) substitute—

“(h) a deposit-taker.”

(3) For subsection (3), substitute—

“(3) Before he makes, varies or revokes an order under subsection (1), the Secretary of State must undertake the necessary consultation.

(3A) The necessary consultation means consultation with the bodies mentioned in the following table in relation to the provision under which the order is to be made, varied or revoked:

TABLE

<i>Provision of subsection (1)</i>	<i>Consultee</i>
Paragraph (a) or (b)	The Financial Services Authority
Paragraph (d)	The Charity Commissioners
Paragraph (e), (f) or (ff)	Any Minister of the Crown with responsibilities in relation to the body in question
Paragraph (g) or (h)	The Treasury and the Financial Services Authority”.

(4) For subsection (8) substitute—

“(8) In the application of this section to Scotland, subsection (3A) shall have effect as if the reference to the Charity Commissioners were a reference to the Lord Advocate.”

(5) In subsection (9)—

(a) for “subsection (3)” substitute “subsection (3A)”;

- (b) the words “any reference to the Chief Registrar of Friendly Societies were a reference to the Registrar of Friendly Societies for Northern Ireland,” are repealed.
- (6) After that subsection insert—
- “(10) In this section—
- (a) “deposit-taker” means—
- (i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits,
  - (ii) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits,
  - (iii) any wholly owned subsidiary (within the meaning of the Companies Act 1985) of a person mentioned in sub-paragraph (i), or
  - (iv) any undertaking which, in relation to a person mentioned in sub-paragraph (ii), is a subsidiary undertaking within the meaning of any rule of law in force in the EEA State in question for purposes connected with the implementation of the European Council Seventh Company Law Directive of 13 June 1983 on consolidated accounts (No. [83/349/EEC](#)), and which has no members other than that person;
- (b) “insurer” means—
- (i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
  - (ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance,
- but does not include a friendly society or an organisation of workers or of employers.
- (11) Subsection (10) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
  - (b) any relevant order under that section; and
  - (c) Schedule 2 to that Act.”.