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STATUTORY INSTRUMENTS

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**2018 No. 1253**

**The Financial Services and Markets Act 2000  
(Claims Management Activity) Order 2018**

**PART 5**

Miscellaneous

**Definition of “consumer”**

**89.**—(1) For the purposes of the provisions listed in paragraph (2), “consumer” includes a person—

- (a) who before 1st April 2019 received services from persons authorised, or by any person providing services for which an authorisation was required, under section 5 of the 2006 Act;
- (b) who has rights or interests which are derived from, or are otherwise attributable to, the use of any such services by other persons;
- (c) who has rights or interests which may be adversely affected by the use of any such services by a person acting on their behalf or in a fiduciary capacity in relation to them; or
- (d) in respect of whom a person carries on an activity specified in article 89G of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001<sup>(1)</sup>, whether that activity is a regulated activity or is, by reason of an exclusion provided for under the 2001 Order or under the 2000 Act, not a regulated activity.

(2) The provisions are—

- (a) section 1G of the 2000 Act<sup>(2)</sup> (meaning of “consumer”);
- (b) section 404E of the 2000 Act<sup>(3)</sup> (meaning of “consumers”); and
- (c) section 425A of the 2000 Act<sup>(4)</sup> (consumers: regulated activities etc carried on by authorised persons).

(3) For the purposes of this article—

- (a) where a person provided a service mentioned in paragraph (1) as a trustee, the persons who are, have been or may be beneficiaries of the trust are to be treated as persons who use, have used, or may use the service; and
- (b) a person who deals, or dealt, with another person (“A”) in the course of A providing a service mentioned in paragraph (1) is to be treated as using, or having used, the service.

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<sup>(1)</sup> [S.I. 2001/544](#).

<sup>(2)</sup> Section 1G was inserted by the Financial Services Act 2012, section 6.

<sup>(3)</sup> Section 404E was substituted by the by the Financial Services Act 2010 (c. 28).

<sup>(4)</sup> Section 425A was inserted by the Financial Services Act 2010, section 24(1).