

Road Map for Regulated Activities Order (including Exclusions) and Exemptions Regulations				
Activity, Exclusion or Exemption	Existing Legislation	New Legislation	Change and Rationale for the Change	Impact/Need for Comments
<i>Banks and Building Societies</i>				
Definition of Banking Business	Banking Act 1998 (S.1)	Regulated Activities Order (Paragraph 1 of Schedule 1)	Removal of the definition “payment and collection of cheques”. Also Building Society activities are included in this paragraph. Acting as an approved manager to managed banks is now a specific banking business activity.	Material Comments are welcomed.
Definition – Acting as a Building Society	Building Societies Act 1986, as amended (S.1) which amended S.7 of the Industrial and Building Societies Act 1892.	Regulated Activities Order (Paragraph 1 of Schedule 1)	No change - S.7 of the Industrial and Building Societies Act 1892 will still exist – this will replicate the definition.	None
Exclusion for Governments, the IOM Post Office Authority or UK National Savings Bank	Banking Act (Exemptions) Regulations 1999	Regulated Activities Order (Paragraph 2 of Schedule 1)	Change from Exemption to Exclusion.	None
Exclusion for sums received in consideration for the issue of debt securities	Not in existing legislation	Regulated Activities Order (Paragraph 3 of Schedule 1)	Excluded in the UK Regulated Activities Order and considered appropriate to include in IOM Order.	The impact is believed to be minimal. Comments welcome

Exclusion for sums received in exchange for e-money	Not in existing legislation	Regulated Activities Order (Paragraph 4 of Schedule 1)	Excluded in the UK Regulated Activities Order and will be required once e-money is regulated.	Will only affect e-money providers.
Exemption for Building Societies	Banking Act (Exemptions) Regulations 1999	No longer required	Now licensable under the definition of Banking Business.	Limited
Exemption for Group Business	Banking Act (Exemptions) Regulations 1999	Regulated Activities Order (Paragraph 5 of Schedule 1)	Exemption changed to exclusion in line with group activities in other regulated sectors. There are no reporting requirements under the exclusion. Would industry prefer this activity to be regulated?	Limited – Comments welcome.
Exemption for Officers	New Exemption	Financial Services (Exemptions) Regulations (Paragraph 7)	This exemption replicates one which currently exists for CSPs and clarifies the position where the work of a licenceholder is carried out by the staff of another group company (the service company).	None
Exemption in relation to Temporary Business Continuity Operations	Banking (Exemption) (Temporary Business Continuity Operations) Regulations 2002	Financial Services (Exemptions) Regulations (Paragraph 7)	No change other than change of location plus extension to building society and e-money activities.	None
<i>Investment Business</i>				
Dealing in Investments as a Principal	Investment Business Order 2004 – Schedule 1 Part 1 Paragraph 1	Regulated Activities Order (Paragraph 6(1) of Schedule 1)	Dealing activity split between dealing as a principal and dealing as an agent to differentiate between areas of risk.	Limited

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Dealing in Investments as Agent	Investment Business Order 2004 – Schedule I Part I Paragraph 1	Regulated Activities Order (Paragraph 6(2) of Schedule I)	Dealing activity split between dealing as a principal and dealing as an agent to differentiate between areas of risk.	Limited
Arranging Deals	Investment Business Order 2004 – Schedule I Part I Paragraph 2	Regulated Activities Order (Paragraph 6(3) of Schedule I)	The sub-paragraph which disapplied the activity of arranging deals in investments to transactions where the arranger is a party has been moved from the activity paragraph to a specific exclusion in Paragraph 16 of Schedule I.	None
Managing Investments	Investment Business Order 2004 – Schedule I Part I Paragraph 3	Regulated Activities Order (Paragraph 6(4) of Schedule I)	Minor change to separate out safe custody into Regulated Activities Order (Paragraph 6(5) of Schedule I) and to include the administering of assets and the arranging for others to carry on the activity within the definition in order to differentiate between areas of risk.	Limited
Safeguarding and Administering Specified Investment Products	Part of Investment Business Order 2004 – Schedule I Part I Paragraph 3	Regulated Activities Order (Paragraph 6(5) of Schedule I)	Minor change to separate safe custody into Regulated Activities Order (Paragraph 6(5) of Schedule I) and to include the administering of assets and the arranging for others to carry on the activity within the	Limited

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			definition in order to differentiate between areas of risk.	
Giving Investment Advice	Investment Business Order 2004 – Schedule I Part I Paragraph 4	Regulated Activities Order (Paragraph 6(6) of Schedule I)	This has been changed to clarify the definition of giving investment advice and to include the promotion of specified investment products. It clarifies that, for investment business purposes (i.e. not collective investment schemes), communications emanating from outside the Island are not caught under this paragraph. Although not yet amended while awaiting comments, it would be proposed to amend the exclusion for unsolicited or legitimately solicited transactions to unsolicited only.	Material Comments required.
Administration Services	Financial Resources and Compliance Reporting Regulatory Code 16 (c) – contained within the definition of Category 3 group (b) licenceholder	Regulated Activities Order (Paragraph 6(7) of Schedule I)	As the focus of licensing moves from category to activity the activity of administering a managed operation needs to be identified as a regulated activity.	None
Exclusion for Acceptance of Instruments creating or acknowledging Indebtedness	New Exclusion	Regulated Activities Order (Paragraph 7 of Schedule I)	Proposed new exclusion from dealing in investment products as a principal where accepting instruments in respect of loans, credit, guarantee or other financial obligations. This exclusion is proposed to	Limited

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			ensure consistency with the UK framework.	
Exclusion for Issue by a company of its own Shares or Debentures	Investment Business Order 2004 – Schedule I Part II Paragraph 6	Regulated Activities Order (Paragraph 8 of Schedule 1)	With some exceptions, each area of licensable activity has its own section of exclusions for clarity (although this does result in some duplication). Updated/simplified wording only.	None
Exclusion for Statutory Corporation	Investment Business Order 2004 – Schedule I Part II Paragraph 7	Financial Services (Exemptions) Regulations (Paragraph 4(10))	This exclusion has been changed to an exemption to reflect the fact that some bodies are becoming involved in investments other than “plain vanilla”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited/ None
Exclusion for Local Authorities	Investment Business Order 2004 – Schedule I Part II Paragraph 8	Financial Services (Exemptions) Regulations (Paragraph 4(11))	This exclusion has been changed to an exemption to reflect the fact that some bodies are becoming involved in investments other than “plain vanilla”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited/ None
Exclusion for Groups and Joint Enterprises	Investment Business Order 2004 – Schedule I Part II Paragraph 9	Regulated Activities Order (Paragraph 9 of Schedule 1)	No real change.	None
Exclusion for Advice given in the course of a	Investment Business Order 2004 – Schedule I	Regulated Activities Order (Paragraph	No real change although the title has changed to “Professional Services” and the	None

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Profession or Non-Investment Business	Part II Paragraph 10	18 of Schedule 1)	wording has adopted that used by the Corporate Services Providers Act 2000, slightly amended.	
Exclusion for Unsolicited or Legitimately Solicited Transactions etc with or for Overseas Persons	Investment Business Order 2004 – Schedule I Part II Paragraph 11	Regulated Activities Order (Paragraph 10 of Schedule 1)	Currently no real change although if the amended version of “Advising on or Promoting Specified Investment Products” this will be reduced to unsolicited and solicited by IPA authorised firms or friendly societies.	Material Comments required.
Exclusion for Employee Share Scheme	Investment Business Order 2004 – Schedule I Part II Paragraph 12	Regulated Activities Order (Paragraph 12 of Schedule 1)	No real change.	None
Exclusion for Sale of Company	Investment Business Order 2004 – Schedule I Part II Paragraph 13	Regulated Activities Order (Paragraph 11 of Schedule 1)	No real change although the title of the exclusion has been changed to Venture Capital to clarify the reason for the exclusion and separate this from the Corporate Services Exclusion. However, is this exclusion still relevant for industry?	None Comments welcome
Exclusion for Corporate Services	Investment Business Order 2004 – Schedule I Part II Paragraph 14	Regulated Activities Order (Paragraph 13 of Schedule 1)	No real change.	None
Exclusion for Introduction	Investment Business Order 2004 – Schedule I Part II Paragraph 15	Regulated Activities Order (Paragraph 17 of Schedule 1)	No real change on Paragraph 17. Paragraph 19, the Introduction to Qualifying Custodians is a proposed new exclusion as per the UK.	None

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Exclusion for Introduction to Qualifying Custodians	New Exclusion	Regulated Activities Order (Paragraph 19 of Schedule 1)	The Introduction to Qualifying Custodians is a proposed new exclusion as per the UK which clarifies the current position.	Limited Comments welcome
Exclusion for Trustees, Nominees and Personal Representatives	Investment Business Order 2004 – Schedule I Part II Paragraph 16	Regulated Activities Order (Paragraph 14 of Schedule 1)	No real change.	None
Exclusion for Enabling Parties to Communicate	Investment Business Order 2004 – Schedule I Part II Paragraph 17	Regulated Activities Order (Paragraph 15 of Schedule 1)	No real change. However, this may be duplicated by paragraph 4(2) of the Financial Services (Exemptions) Regulations. If so, it may be appropriate to merge both of these into an exemption.	Limited Comments welcome
Exclusion for Transactions to which the Arranger is a Party	Investment Business Order 2004 – Schedule I Part I Paragraph 2	Regulated Activities Order (Paragraph 16 of Schedule 1)	The sub-paragraph which disapplied the activity of arranging deals in investments to transactions where the arranger is a party has been moved from the activity paragraph to a specific exclusion in Paragraph 16 of Schedule I.	None
Exclusion for Activities not constituting Administration	New Exclusion	Regulated Activities Order (Paragraph 20 of Schedule 1)	Additional clarification.	Limited Comments welcome
Exclusion for Advice given in Broadcast	Investment Business Order 2004 – Schedule I Part II Paragraph 18	Regulated Activities Order (Paragraph 21 of Schedule 1)	This exclusion has been combined with the one for Newspapers (see below) and, in view of the changing world, has been made more generic rather than specifically	None

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			mentioning Manx Radio or the BBC. However, there is no real change to the meaning of the exclusion.	
Exclusion for Newspapers	Investment Business Order 2004 – Schedule I Part II Paragraph 19	Regulated Activities Order (Paragraph 21 of Schedule I)	This exclusion has been combined with the one for Advice in Broadcast (see above) and, in view of the changing world, has been made more generic rather than specifically mentioning Manx Radio or the BBC. However, there is no real change to the meaning of the exclusion.	None
Exclusion for Insurance and Retirement Benefit Schemes	Investment Business Order 2004 – Schedule I Part II Paragraph 21	Regulated Activities Order (Paragraph 38 of Schedule I)	This exclusion is covered in a section “Other Exclusions”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited Comments welcome
Exclusion for Friendly Societies	Investment Business Order 2004 – Schedule I Part II Paragraph 22	Regulated Activities Order (Paragraph 39 of Schedule I)	This exclusion is covered in a section “Other Exclusions”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited Comments welcome
Exclusion for Court Officers etc.	Investment Business Order 2004 – Schedule I Part II Paragraph 23	Regulated Activities Order (Paragraph 40 of Schedule I)	This exclusion is covered in a section “Other Exclusions”. The only difference to the definition is that it no longer covers the	Limited Comments welcome

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			activities of managing etc. a collective investment scheme.	
Exclusion for Diocesan Board of Finance	Investment Business Order 2004 – Schedule I Part II Paragraph 24	Regulated Activities Order (Paragraph 41 of Schedule 1)	This exclusion is covered in a section “Other Exclusions”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited Comments welcome
Exemption for Banks and Building Societies	Investment Business (Exemption) (Banks and Building Societies) Regulations 1992	No longer required Regulations to be revoked	Banks and Building Societies will have a licence covering all regulated activities	None
Exemption in relation to Certificates of Deposit	Investment Business (Exemption) (Certificates of Deposit) Regulations 1992	Financial Services (Exemptions) Regulations (Paragraph 4(6))	No change other than change of location.	None
Exemption in relation to Group Pension Schemes	Investment Business (Exemption) (Group Pension Schemes) Regulations 1996	Financial Services (Exemptions) Regulations (Paragraph 4(7))	No change other than change of location.	None
Exemption in relation to Recognised Persons	Investment Business (Exemption) (Recognised Persons) Regulations 1996	No longer required Regulations to be revoked	Currently, there are no “Recognised Persons” under the current framework as the system was not as successful as it might have been. The concept of “Recognised Persons” will not be contained in the new	None

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			Financial Services Act and therefore the Exemption Regulations will not be required.	
Exemption in relation to Stockbrokers	Investment Business (Exemption, etc.) (Stockbrokers) Regulations 1996	No longer required Regulations to be revoked	These Exemption Regulations were originally designed to exempt the historical position where self-employed persons worked for stockbrokers. It is our understanding that this way of working has changed and now all are employees of the firm. Therefore these Regulations will not be required.	None
Miscellaneous Exemptions – Liquidator/Receiver, Mailing Services, UK Regulated Companies, Friendly Societies, Enduring Powers of Attorney, “Post Office” Facility, Nominees and Open-ended Collective Investment Schemes	Investment Business (Exemption) (Miscellaneous) Regulations 2001	Financial Services (Exemptions) Regulations (Paragraphs 4(1), 4(2), 4(3), 4(4), 4(5) and 4(8))	Exemption for UK Regulated Companies removed as it is believed that this is no longer required. Some other minor changes (mainly updating of wording) as well as change of location. New definition of nominee company included to differentiate between CSP nominee companies. Miscellaneous exemptions relating to collective investment schemes are referred to in the Collective Investment Scheme section. Exemption for mailing room services may	Limited Comments welcomed

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			be duplicated by paragraph 15 of the Regulated Activities Order. If so, it may be appropriate to merge both of these into an exemption.	
Exemption for Officers (Service Companies)	New Exemption	Financial Services (Exemptions) Regulations (Paragraph 4(9))	This exemption replicates one which currently exists for CSPs and clarifies the position where the work of a licenceholder is carried out by the staff of another group company (the service company)	None
Exemption for Statutory Corporation	Investment Business Order 2004 – Schedule I Part II Paragraph 7	Financial Services (Exemptions) Regulations (Paragraph 4(10))	This exclusion has been changed to an exemption to reflect the fact that some bodies are becoming involved in investments other than “plain vanilla”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited Comments welcome
Exemption for Local Authority	Investment Business Order 2004 – Schedule I Part II Paragraph 8	Financial Services (Exemptions) Regulations (Paragraph 4(11))	This exclusion has been changed to an exemption to reflect the fact that some bodies are becoming involved in investments other than “plain vanilla”. The only difference to the definition is that it no longer covers the activities of managing etc. a collective investment scheme.	Limited Comments welcome

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Exemption in relation to Temporary Business Continuity Operations	Investment Business (Exemption) (Temporary Business Continuity Operations) Regulations 2002	Financial Services (Exemptions) Regulations (Paragraph 7)	No change other than change of location.	None
<i>Collective Investment Schemes</i>				
Managing etc. Collective Investment Schemes	Investment Business Order 2004 – Schedule I Part I Paragraph 5	Regulated Activities Order (Paragraph 22 of Schedule I)	The various areas of activity related to Collective Investment Schemes has been expanded (and this paragraph now includes the activities of acting as investment manager or investment adviser to collective investment schemes) in order to differentiate between areas of risk and to clarify the roles of trustee versus custodian.	Material Comments required
Exclusion for Collective Investment Schemes	Investment Business Order 2004 – Schedule I Part II Paragraph 20	Financial Services (Exemption) Regulations (Paragraphs 5(4) and 5(5))	The exclusion has been changed to an exemption. The exemption for trustees of exempt international schemes is extended to cover a Custodian. The manager of one exempt international scheme is changed from an “excluded scheme manager” to an “exempt scheme manager”. A restriction is proposed to	Material Comments required

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			<p>limit one exempt scheme manager in any economic group.</p> <p>The administrator of one exempt scheme manager will be exempt (an “exempt scheme administrator”) but administering more than one will become a licensable activity. The exemption is restricted one activity (i.e. an exempt scheme manager may not also be an exempt scheme administrator). These changes result in a more consistent approach and spirit of the rationale for the exemption is met.</p> <p>The exclusion for trustees of collective investment schemes which are managed in and subject to the law of a jurisdiction other than the Island has been removed.</p>	
Exclusion for Excluded Scheme Manager, Trustees and Custodians of an Excluded Domestic Collective Investment Scheme	New Exclusion	Regulated Activities Order (Paragraph 23 of Schedule 1)	New exclusion for the managers, trustees and custodians of a new type of private scheme (an Excluded Domestic Collective Investment Scheme) which will be defined in the primary legislation as one similar to the current exempt international collective investment scheme but which has less than ten individuals (i.e. no corporate bodies) as	Material Comments required

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			members, no offer to the general public etc. Exclusion is restricted to one entity in an economic group.	
Miscellaneous Exemptions – Open-ended Investment Companies	Investment Business (Exemption) (Miscellaneous) Regulations 2001	Financial Services (Exemptions) Regulations (Paragraph 5(1))	No change other than change of location	None
Exemption for Nominee Company	Investment Business (Exemption) (Miscellaneous) Regulations 2001	Financial Services (Exemptions) Regulations (Paragraph 4(2))	Original exemption did not really cover the collective investment scheme area well. This a new exemption clarifying the position of nominee companies in relation to schemes. New definition of nominee company included to differentiate between CSP nominee companies.	Limited
Exemption in relation to Fund Managers	Investment Business (Exemption) (Fund Managers) Regulations 2005	Financial Services (Exemptions) Regulations (Paragraph 4(3))	Minor change to wording only.	None
Exemption for Trustees, Depositaries and Custodians of Exempt International Schemes	Investment Business Order 2004 – Schedule I Part II Paragraph 20	Financial Services (Exemption) Regulations (Paragraph 5(4))	The exclusion has been changed to an exemption. The exemption for trustees of exempt international schemes is extended to cover a Depository (as in the UK) or Custodian.	None
Management and Administration Services to	Investment Business Order 2004 – Schedule I	Financial Services (Exemption)	The exclusion has been changed to an exemption. The manager of one exempt	Material Comments

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Exempt International Schemes	Part II Paragraph 20	Regulations (Paragraph 5(5))	international scheme ceases to be an “excluded scheme manager” but becomes an “exempt scheme manager”. There is also proposed, a restriction to one exempt scheme manager in any economic group. The administrator of one exempt scheme manager will be exempt (an “exempt scheme administrator”) but administering more than one will become a licensable activity. The role can only encompass one activity (i.e. an exempt scheme manager may not also be an exempt scheme administrator). These changes result in a more consistent approach and spirit of the rationale for the exemption is met.	Required
Exemption for Officers (Service Companies)	New Exemption	Financial Services (Exemptions) Regulations (Paragraph 5(6))	This exemption replicates one which currently exists for CSPs and clarifies the position where the work of a licenceholder is carried out by the staff of another group company (the service company).	None
Exemption for Liquidator or Receiver	Investment Business (Exemption) (Miscellaneous)	Financial Services (Exemptions) Regulations	Relevant exemption carried forward to new location.	None

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	Regulations 2001	(Paragraph 5(7))		
Corporate Service Providers				
Acting as a Corporate Service Provider	Corporate Services Providers Act 2000, Schedule 1, Part 1, Paragraphs 1, 2, 3, 4, 5, 6, 7, 8A, 8B, 8C, 8D, 8E, 8F and 8G.	Regulated Activities Order (Paragraph 24 of Schedule 1)	Reduced wording – fewer definitions of regulated activities. Plus inclusion of acting as a registered agent for the NMV under the Companies Act 2006.	None
Exemption for Professional Services	Corporate Services Providers Act 2000, Schedule 2, Part 1, Paragraphs 1, 1A, 2, 3 and 4.	Regulated Activities Order (Paragraph 25)	The exemption has been changed to an exclusion. The wording has changed to broaden the meaning (with paragraphs 2, 3 and 4 being removed). It has been clarified that “holding out” to provide regulated activities is not covered by the exemption. The new wording is also used for other regulated activities.	None
Exemption for Domestic Services	Corporate Services Providers Act 2000, Schedule 2, Part 1, Paragraphs 5 and 6.	Financial Services (Exemption) Regulations (Paragraphs 6(1) and 6(2))	Paragraph 5 of the Schedule 2 is the replicated in 6(1) of the Exemption Regulation. References to licenceholders under the Investment Business Act 1991 and Banking Act 1998; fiduciary licenceholders; authorisations under Building Societies Act 1986 and collective investment schemes have been removed	None

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			from Paragraph 6(2) leaving only the “Insurance” element. The “insurance” element of paragraph 14 on “incidental” business has also been incorporated into this exemption, with the other parts being deleted as no longer required.	
Exemption for Group Transactions	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 7.	Regulated Activities Order (Paragraph 26 of Schedule 1)	No change other than change of location.	None
Exemption for Joint Enterprises	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 8.	Regulated Activities Order (Paragraph 27 of Schedule 1)	No real change other than change of location.	None
Exemption for Introducers	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 9.	Regulated Activities Order (Paragraph 28)	No real change other than change of location.	None
Exemption for Nominee Services	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraphs 10 and 10A.	Financial Services (Exemption) Regulations (Paragraph 6(3))	No real change other than change of location. Also contains the Trust Service Provider Nominee exemption previously located in Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 9.	None
Exemption for Employment Agencies	Corporate Services Providers Act 2000, Schedule 2, Part I,	Regulated Activities Order (Paragraph 29 of Schedule 1)	No real change other than change of location.	None

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	Paragraph 11.			
Exclusion for Officers	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 12 and Part IA Paragraph 5.	Regulated Activities Order (Paragraph 30) and Financial Services (Exemption) Regulations, Paragraph 6(4)	Paragraph 12(1)(a) and (b); 12(2) and 12(3) have been removed as it is considered that these are covered by the De Minimis exemption which is contained in the Exemption Regulations, Paragraph 6(5). Paragraph 12(1)(c) is included in the exclusion (Paragraph 61) is unchanged. The remainder of Paragraph 12(1) is contained in Exemption Regulations, Paragraph 6(4). Paragraph 12(1A) and Paragraph 5(2) and 5(3) of Part IA have been removed as there are no partnerships currently licensed and it is preferable that the licensing policy should be changed to restrict the licenceholders to sole traders and corporate bodies.	None
Exemption for De Minimis	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 12(2), 12(3) and 12(4) and Part IA, Paragraph 15.	Financial Services (Exemption) Regulations, Paragraph 6(5)	The CSP and TSP elements have been brought together under one heading of De Minimis for clarity although no real change to the wording.	None
Exemption for Employee Pension Scheme or	Corporate Services Providers Act 2000,	Financial Services (Exemption)	Slight change to layout/wording.	None

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Employee Share Scheme	Schedule 2, Part IA, Paragraph 5(4), 5(5), 5(6) and 5(7).	Regulations, Paragraph 6(6)		
Exemption for Miscellaneous Services	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 13.	Financial Services (Exemption) Regulations, Paragraph 6(7)	No real change other than change of location and the Special Cases Paragraph (Part IA Paragraph 6) has been merged with this paragraph.	None
Exemption for Activities of Other Regulated Business	Corporate Services Providers Act 2000, Schedule 2, Part I, Paragraph 14.	Financial Services (Exemption) Regulations (Paragraph 6(2))	Paragraph 14 is the same (and merged with the CSP exemption) but the references to licenceholders under the Investment Business Act 1991, Banking Act 1998, and fiduciary licenceholders, and authorisations under Building Societies Act 1986 have been removed leaving only the “Insurance” element, as it is considered that these are no longer required.	None
Exemption for Corporate Administration for a Licenceholder	New	Financial Services (Exemption) Regulations (Paragraph 6(10))	TSP exemption replicated for CSPs.	Limited
Exemption in relation to Temporary Business Continuity Operations	Corporate Service Providers (Exemption) (Temporary Business Continuity Operations)	Financial Services (Exemptions) Regulations Paragraph 7	No change other than change of location.	None

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	Regulations 2002			
Trust Service Providers				
Acting as a Trust Service Provider	Corporate Services Providers Act 2000, Schedule 1, Part 1A, Paragraphs 1, 2, 3, 4 and 5.	Regulated Activities Order (Paragraph 31)	No change other than change of location.	None
Exemption for Professional Services	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraphs 1 and 2.	Regulated Activities Order (Paragraph 32)	The exemption has been changed to an exclusion. No change of wording.	None
Exemption for Group Transactions	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 3.	Regulated Activities Order (Paragraph 33)	The exemption has been changed to an exclusion. No change of wording.	None
Exemption for Joint Enterprises	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 4.	Regulated Activities Order (Paragraph 34)	The exemption has been changed to an exclusion. No change of wording.	None
Exemption for Employees, Officers, Partners etc	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 5.	Financial Services (Exemption) Regulations (Paragraph 6(4))	With the exception of sub-paragraphs (2) and (3) which relate to partnerships have been deleted as consideration is being given to amending the licensing policy to restrict	None

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			the use of partnerships for CSPs and TSPs. There are no partnerships currently licenceholders or applicants.	
Exemption for Special Cases	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 6.	Financial Services (Exemption) Regulations (Paragraph 6(7))	The special cases wording has been combined with the Miscellaneous Services exemption wording.	None
Exemption for Government	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 7.	Financial Services (Exemption) Regulations (Paragraph 6(11))	Wording changed to bring into line with other legislation (Investment Business) to limit only to Statutory Boards not all Government.	Limited
Exemption for Private Trust Companies	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 8.	Financial Services (Exemption) Regulations (Paragraph 6(8))	No real change of wording.	None
Exemption for Nominee Services	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 9.	Financial Services (Exemption) Regulations (Paragraph 6(3))	No real change other than change of location and linked with Corporate Service Provider Nominee exemptions previously located in Corporate Services Providers Act 2000, Schedule 2, Part 1, Paragraphs 10 and 10A.	None
Exemption for Activities of Other Regulated	Corporate Services Providers Act 2000,	Financial Services (Exemption)	Paragraph 10 is the same (and merged with the CSP exemption). References to	None

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Businesses	Schedule 2, Part 1A, Paragraph 10.	Regulations (Paragraph 6(2))	licenceholders under the Investment Business Act 1991, Banking Act 1998, and fiduciary licenceholders, and authorisations under Building Societies Act 1986 have been removed leaving only the “Insurance” element, as it is considered that these are no longer required.	
Exemption for Personal Representatives	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 11.	Financial Services (Exemption) Regulations (Paragraph 6(9))	No real change.	None
Exemption for Testamentary Trusts	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraphs 12, and 13.	Financial Services (Exemption) Regulations (Paragraph 6(11))	No change of wording.	None
Exemption for Trust Administration for a Licenceholder	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 14.	Financial Services (Exemption) Regulations (Paragraph 6(10))	Exemption unchanged but extended for CSPs.	None
Exemption for De Minimis	Corporate Services Providers Act 2000, Schedule 2, Part 1A, Paragraph 15.	Financial Services (Exemption) Regulations (Paragraph 5(5))	Exemption unchanged but merged with CSP exemption.	None
Exemption for Small	Corporate Services	Financial Services	No change of wording.	None

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“Domestic” Trusts	Providers Act 2000, Schedule 2, Part IA, Paragraph 16.	(Exemption) Regulations (Paragraph 6(12))		
<i>E-Money Services</i>				
E-money	Not in existing legislation	Regulated Activities Order (Paragraph 6 of Schedule 1)	Area of activity identified by Treasury and comparisons undertaken in relation to UK and other jurisdictions.	Material Any comments welcome identified
<i>Specified Products or Services – Schedule 2</i>				
Banking Services				
Deposit	Banking Act 1998, Section 1	Regulated Activities Order, Schedule 2, Paragraph 1	Removal of “the payment and collection of cheques”. See also Paragraph 1(1) (a) and (b) which are new. Also active management of money belonging to 3 rd parties is new.	Material
Electronic Money	New service	Regulated Activities Order, Schedule 2, Paragraph 2	All new based on current UK service but likely to change before finalised following new EU directive.	Limited
Investment Products				
Shares	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 1	Regulated Activities Order, Schedule 2, Paragraph 3	No change.	None
Debentures	Investment Business	Regulated Activities	No change.	None

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	Order 2004, Schedule 2, Paragraph 3, Paragraph 2	Order, Schedule 2, Paragraph 4		
Government and Public Securities	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 3	Regulated Activities Order, Schedule 2, Paragraph 5	No change.	None
Instruments entitling to shares and securities	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 4	Regulated Activities Order, Schedule 2, Paragraph 6	No change.	None
Certificates representing securities	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 5	Regulated Activities Order, Schedule 2, Paragraph 7	No change.	None
Units in Collective Investment Schemes	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 6	Regulated Activities Order, Schedule 2, Paragraph 8	No change.	None
Options	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 7	Regulated Activities Order, Schedule 2, Paragraph 9	No change.	None
Futures	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 8	Regulated Activities Order, Schedule 2, Paragraph 10	No change.	None
Contracts for Differences	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 9	Regulated Activities Order, Schedule 2, Paragraph 11	This now makes reference to derivatives although these have to be further defined. We would like to receive comments on this area and how it would affect licenceholders to ensure that this is defined appropriately.	Material Comments required
Long-Term Insurance	Investment Business	Regulated Activities	No change.	None

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Contracts	Order 2004, Schedule 2, Paragraph 3, Paragraph 10	Order, Schedule 2, Paragraph 12		
Rights and Interests in Investments	Investment Business Order 2004, Schedule 2, Paragraph 3, Paragraph 11	Regulated Activities Order, Schedule 2, Paragraph 13	No change.	None
Fiduciary Services				
Company Administration	No previous definition although see Corporate Service Providers Act 2000, Paragraph 27 (Interpretation of “company”)	Regulated Activities Order, Schedule 2, Paragraph 14	No previous definition.	Limited
Trust Administration	No previous definition although see Corporate Service Providers Act 2000, Paragraph 27 (Interpretation of “trust”)	Regulated Activities Order, Schedule 2, Paragraph 15	No previous definition.	Limited
Interpretation - Schedule 3				
Various definitions	The relevant legislation	Regulated Activities Order, Schedule 3	Mainly unchanged but new definitions for trustees and custodians of collective investment schemes,	Limited

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