

Financial Services and Markets Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 23

LORD SHARKEY

Insert the following new Clause—

“Regulation of commercial lending to SMEs

- (1) The Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544) is amended in accordance with subsections (2) to (4).
- (2) In article 60C, in paragraph (3), at the end of sub-paragraph (b) insert “, and
(c) the borrower is not an SME.”
- (3) In article 60D, at the end insert—
“ (6) This article does not apply to an agreement if the borrower is an SME.”
- (4) In article 60L(1)—
 - (a) at the appropriate place insert—
““SME” means a small or medium-sized enterprise, being any person who is not an individual which—
 - (a) carries on business of any kind which employs fewer than 250 persons, and
 - (b) has either an annual turnover not exceeding £40,000,000 or an annual balance sheet total not exceeding £36,000,000.”;
 - (b) in the definition of “relevant recipient of credit”—
 - (i) omit the “or” at the end of paragraph (a), and
 - (ii) at the end of paragraph (b) insert “, or
“ (c) an SME;”.”
- (5) Article 3(1) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (S.I. 2001/2256) is amended in accordance with subsections (6) to (8).
- (6) In sub-paragraph (a), for “any individual, unless he” substitute “any individual or SME, unless he or it”.
- (7) In sub-paragraph (b), after “individual” insert “or SME”.
- (8) At the end insert—

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“(c) “SME” means a small or medium sized enterprise, being any person who is not an individual which carries on business of any kind which employs fewer than 250 persons; and has either an annual turnover not exceeding £40,000,000 or an annual balance sheet total not exceeding £36,000,000.””

Member’s explanatory statement

This would bring lending to SMEs within the perimeter of the FCA.

After Clause 25

LORD HUNT OF KINGS HEATH

Insert the following new Clause—

“Regulatory principles: detection, prevention and investigation of fraud

In section 3B of FSMA 2000 (regulatory principles to be applied by both regulators), in subsection (1) after paragraph (d) insert—

“(e) the need to promote the detection, prevention and investigation of fraud in relation to the provision or use of financial services;”.”

Member’s explanatory statement

The amendment adds to the list of regulatory principles to be applied by the FCA and PRA the need to promote the detection, prevention and investigation of fraud in relation to the provision or use of financial services.

Schedule 8

BARONESS TYLER OF ENFIELD

Page 162, line 22, at end insert—

“(c) undertake other banking activities often associated with a current account, which the FCA considers to be significant.”

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13 January 2023
