

Chapter 1

Introduction to the Perimeter Guidance manual

1.5 What other guidance about the perimeter is available from the FCA?

1.5.1

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General *guidance* on the perimeter is also contained in various *FCA* documents (mainly fact sheets and frequently asked questions) that are available on the *FCA* website at www.fca.org.uk. These documents, and the URL on which they may be accessed, include:

- (1) [deleted]
- (2) [deleted]
- (3) [deleted]
- (4) [deleted]
- (5) [deleted]
- (6) [deleted]
- (7) *guidance* about the position under the *Insurance Mediation Directive* and the *Regulated Activities Order* of the company appointed to manage a PPP or similar construction and operation project - <http://www.fca.org.uk/your-fca/documents/fsa-ppp-forum-letter> ;
- (8) [deleted]
- (9) *guidance* for employers about how to provide advice and information to their employees on pension matters without contravening the *Act* - <http://www.fca.org.uk/your-fca/documents/fsa-promoting-pensions-employees> ;
- (10) *FCA "Factsheet for Broker-arranged premium finance plans: General insurance brokers acting for commercial customers"* which includes, discussion about whether arranging premium finance is a *regulated activity* (www.fca.org.uk/your-fca/documents/broker-arranged-premium-finance-plans);
- (11) joint guidance by the *FSA* and the Office of Fair Trading titled "*Payment protection products*" (January 2013) which includes discussion whether debt freezes and debt waivers are *contracts of insurance* (<https://www.fca.org.uk/publication/finalised-guidance/fsa-fg13-02.pdf>);

(12) the FSA's views on whether members of the NHBC who provide insurance to buyers of properties in accordance with the Buildmark scheme carry out *insurance mediation*, contained in a letter to NHBC's solicitors and put onto the FSA's Freedom of Information Act register in December 2012 (<https://www.fca.org.uk/publication/foi/fsa-foi2707-info.pdf>).

1.5.1A **G** The *guidance* under ■ PERG 1.5.1G(7) and ■ (12) relates to the *Insurance Mediation Directive*, which has been repealed and replaced by the Insurance Distribution Directive (*IDD*). The *guidance* relates to whether the *regulated activities* in question are carried on for remuneration and by way of business under the *Insurance Mediation Directive*. The FCA does not view the changes under the *IDD* as having affected the analysis of remuneration and the 'by way of business' test set out in this *guidance* and so it continues to be relevant (see also ■ PERG 5.4).

1.5.2 **G** Any person who, having read relevant general *guidance* and, where appropriate, taken legal advice, remains uncertain about whether his activities amount to *regulated activities* or his communications will be subject to the restriction in section 21 of the Act, may seek individual *guidance* from the FCA. Requests for individual *guidance* should be made in line with ■ SUP 9.

1.5.3 **G** In addition, the FCA has established a team to provide general assistance and guidance to persons generally about the scope of the Act. Enquiries of this kind may be made:

- (1) by authorised firms, to either the Contact Centre (email firm.queries@fca.org.uk , Tel 0300 500 0597) or their normal supervisory contact; or
- (2) by individuals or non-authorised firms, to the Consumer Contact Centre (email ccc@fca.org.uk , Tel 0800 111 6768).

1.5.4 **G** The FCA will review its general *guidance* from time to time and may need to amend or withdraw published or written *guidance* in the light of changing circumstances, developing business practices, or case law. For the status of *guidance* issued by the FCA, see ■ PERG 1.3.1 G.