

Chapter 4

Guidance on regulated activities connected with mortgages

4.9 Agreeing to carry on a regulated activity

- 4.9.1

G

Under article 64 of the *Regulated Activities Order* (Agreeing to carry on specific kinds of activity), in addition to the *regulated activities* of *arranging (bringing about), making arrangements with a view to, advising on, entering into and administering regulated mortgage contracts*, agreeing to do any of these things is itself a *regulated activity*. In the *FCA's* opinion, this activity concerns the entering into of a legally binding agreement to provide the services that it concerns. So a *person* is not carrying on a *regulated activity* involving agreeing merely because he makes an offer to do so.
- 4.9.2

G

To the extent that an exclusion applies in relation to a *regulated activity*, then 'agreeing' to carry on an activity within the exclusion will not be a *regulated activity*. This is the effect of article 4(3) of the *Regulated Activities Order*.