

**GENERAL PROVISIONS AND GLOSSARY (AMENDMENT NO 5)  
INSTRUMENT 2002**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (the "Act"):
- (1) section 138 (General rule-making power);
  - (2) section 156 (General supplementary powers);
  - (3) section 213 (The compensation scheme); and
  - (4) section 214 (General).
- B. The rule-making powers listed above are specified for the purpose of section 153(2) of the Act (Rule-making instruments).

**Commencement**

- C. This instrument comes into force immediately and affects all claims for compensation determined by the compensation scheme on or after 21 November 2002.

**Amendment to the Glossary**

- D. The Glossary is amended in accordance with the Annex to this instrument.

**Citation**

- E. This instrument may be cited as the General Provisions and Glossary (Amendment No 5) Instrument 2002.

By order of the Board  
21 November 2002

## Annex

### Amendment to the Glossary

Amend the following definition as shown (underlining indicates new text).

*deposit* (1) (except in *COMP*) the *investment*, specified in article 74 and defined in articles 5(2) and 5(3) of the *Regulated Activities Order*, which is in summary: a sum of money (other than one excluded by any of articles 6 to 9 of the *Regulated Activities Order*) paid on terms:

- (a) under which it will be repaid, with or without interest or a premium, and either on demand or at a time or in circumstances agreed by or on behalf of the *person* making the payment and the *person* receiving it; and
- (b) which are not referable to the provision of property (other than currency) or services or the giving of security;

in this definition, money is paid on terms which are referable to the provision of property or services or the giving of security if, and only if:

- (a) it is paid by way of advance or part payment under a contract for the sale, hire or other provision of property or services, and is repayable only in the event that the property or services is or are not in fact sold, hired or otherwise provided; or
- (b) it is paid by way of security for the performance of a contract or by way of security in respect of loss which may result from the non-performance of a contract; or
- (c) without prejudice to (b), it is paid by way of security for the delivery up or return of any property, whether in a particular state of repair or otherwise.

(2) (in *COMP*) the *investment* within (1), but including a sum of money that would otherwise be excluded:

- (a) by article 6(1)(a)(ii) of the *Regulated Activities Order*, where the *person* making the payment is a *credit union* (unless the *person* receiving the payment is also a *credit union*); or
- (b) by article 6(1)(d) of the *Regulated Activities Order*, where the *person* receiving it is a *credit union*.