

*Status: Point in time view as at 22/07/2013.*

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## SCHEDULES

### SCHEDULE 3

#### EEA PASSPORT RIGHTS

##### Modifications etc. (not altering text)

- C1** Sch. 3 extended (with modifications) (1.12.2001) by S.I. 2001/2636, **arts. 1(2)(b), 25-27**; S.I. 2001/3538, **art. 2(1)**  
Sch. 3 extended (with modifications) (Gibraltar) (5.10.2001 for specified purposes, 1.12.2001 in so far as not already in force) by S.I. 2001/3084, **arts. 1(1), 2-4** (as amended (16.6.2014) by [The Alternative Investment Fund Managers Order 2014](#) (S.I. 2014/1292), **arts. 1(2), 3** (which amending S.I. is itself amended by S.I. 2014/1313, **arts. 1, 2(a)**); and as amended (31.12.2020) by S.I. 2019/589, **regs. 1(3), 5-9** (with **reg. 12**) (as amended by S.I. 2020/1274, **regs. 1, 2**); S.I. 2001/3538, **art. 2(1)**  
Sch. 3 modified (1.12.2001) by S.I. 2001/3592, **arts. 1(2), 114(3)(b), 128(3)(b)** (with **art. 23(2)**)

### PART I

#### DEFINED TERMS

##### *The single market directives*

- 1 “The single market directives” means—
- [<sup>F1</sup>(a) the banking consolidation directive;]
  - (c) the insurance directives; <sup>F2</sup> . . .
  - [<sup>F3</sup>(ca) the reinsurance directive;]
  - (d) the [<sup>F4</sup>markets in financial instruments directive][<sup>F5</sup>; <sup>F6</sup> . . .
  - (e) the insurance mediation directive][<sup>F7</sup>; <sup>F8</sup> . . .
  - (f) the UCITS directive][<sup>F9</sup>; and
  - (g) the alternative investment fund managers directive].

##### Textual Amendments

- F1** Sch. 3 para. 1(a) substituted (22.11.2000) for Sch. 3 para. 1(a)(b) by S.I. 2000/2952, **reg. 8(5)(a)**  
**F2** Word in Sch. 3 para. 1(c) omitted (14.1.2005) by virtue of [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003](#) (S.I. 2004/1473), **reg. 2(2)(a)(i)**  
**F3** Sch. 3 para. 1(ca) inserted (10.12.2007) by [The Reinsurance Directive Regulations 2007](#) (S.I. 2007/3253), **reg. 2(1), Sch. 1 para. 6(a)**  
**F4** Words in Sch. 3 para. 1(d) substituted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007](#) (S.I. 2007/126), **regs. 1(2), 3(4), Sch. 4 para. 2**  
**F5** Sch. 3 para. 1(e) and preceding word inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003](#) (S.I. 2004/1473), **reg. 2(2)(a)(ii)**

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- F6** Word in Sch. 3 para. 1(d) omitted (13.2.2004) by virtue of [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), [reg. 2\(2\)\(a\)\(i\)](#)
- F7** Sch. 3 para. 1(f) and preceding word inserted (13.2.2004) after Sch. 3 para. 1(e) by [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), [reg. 2\(2\)\(a\)\(i\)](#)
- F8** Word in Sch. 3 para. 1(e) omitted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), [reg. 1](#), [Sch. 1 para. 34\(2\)](#)
- F9** Sch. 3 para. 1(g) and word inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), [reg. 1](#), [Sch. 1 para. 34\(2\)](#)

#### Commencement Information

- I1** Sch. 3 Pt. I para. 1 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 1 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 1 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), [art. 2\(b\)\(c\)](#), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 1 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); Sch. 3 Pt. I para. 1 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

#### *The banking co-ordination directives*

- [<sup>F10</sup> 2     ”The banking consolidation directive” means Directive [2006/48/ EC](#) of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions [<sup>F11</sup> as last amended [<sup>F12</sup>by Directive [2011/89/EU](#)] of the European Parliament and of the Council].]

#### Textual Amendments

- F10** Sch. 3 para. 2 substituted (1.1.2007) by [The Capital Requirements Regulations 2006 \(S.I. 2006/3221\)](#), [reg. 29\(1\)](#), [Sch. 3 para. 2\(2\)](#)
- F11** Words in Sch. 3 para. 2 inserted (31.12.2010) by [The Capital Requirements \(Amendment\) Regulations 2010 \(S.I. 2010/2628\)](#), [reg. 14](#), [Sch. 1 para. 2](#)
- F12** Words in Sch. 3 para. 2 substituted (10.6.2013) by [The Financial Conglomerates and Other Financial Groups \(Amendment\) Regulations 2013 \(S.I. 2013/1162\)](#), [regs. 1, 12](#)

#### Modifications etc. (not altering text)

- C1** Sch. 3 para. 2 modified (9.2.2011 for certain purposes, otherwise 30.4.2011) by [The Electronic Money Regulations 2011 \(S.I. 2011/99\)](#), [regs. 1\(2\)\(a\)\(xiii\)\(b\)](#), [78](#) (with [art. 3](#))

#### Commencement Information

- I2** Sch. 3 Pt. I para. 2 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 2 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 2 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), [art. 2\(b\)\(c\)](#), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 2 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); Sch. 3 Pt. I para. 2 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

#### *The insurance directives*

- 3     (1) “The insurance directives” means the first, second and third non-life insurance directives and the [<sup>F13</sup>life assurance consolidation directive].
- (2) “First non-life insurance directive” means the Council Directive of 24 July 1973 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct insurance other than life assurance (No. [73/239/EEC](#)).

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- (3) “Second non-life insurance directive” means the Council Directive of 22 June 1988 on the co-ordination of laws, etc, and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive [73/239/EEC](#) (No. [88/357/EEC](#)).
- (4) “Third non-life insurance directive” means the Council Directive of 18 June 1992 on the co-ordination of laws, etc, and amending Directives [73/239/EEC](#) and [88/357/EEC](#) (No. [92/49/EEC](#)).
- [<sup>F14</sup>(8) “Life assurance consolidation directive” means Directive [2002/83/EC](#) of the European Parliament and of the Council of 5th November 2002 concerning life assurance.]

#### Textual Amendments

- F13** Words in Sch. 3 para. 3(1) substituted (11.1.2005) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004](#) (S.I. 2004/3379), **reg. 6(6)(a)(i)**
- F14** Sch. 3 para. 3(8) substituted (11.1.2005) for Sch. 3 para. 3(5)(6)(7) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004](#) (S.I. 2004/3379), **reg. 6(6)(a)(ii)**

#### Commencement Information

- I3** Sch. 3 Pt. I para. 3 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 3 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 3 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 3 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2, [Sch.](#); Sch. 3 Pt. I para. 3 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), **art. 2(1)**

#### [<sup>F15</sup>The reinsurance directive

#### Textual Amendments

- F15** Sch. 3 para. 3A and cross-heading inserted (10.12.2007) by [The Reinsurance Directive Regulations 2007](#) (S.I. 2007/3253), reg. 2(1), **Sch. 1 para. 6(b)**

- 3A “The reinsurance directive” means Directive [2005/68/EC](#) of the European Parliament and of the Council of 16 November 2005 on reinsurance and amending Council Directives [73/239/EEC](#) , [92/49/EEC](#) as well as Directives [98/78/EC](#) and [2002/83/EC](#).]

#### The investment services directive

- 4 <sup>F16</sup> .....

#### Textual Amendments

- F16** Sch. 3 para. 4 repealed (1.4.2007 for certain purposes and 1.11.2007 otherwise) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007](#) (S.I. 2007/126), regs. 1(2), 3(4), **Sch. 4 para. 3**

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*[<sup>F17</sup>The insurance mediation directive*

**Textual Amendments**

**F17** Sch. 3 para. 4A and cross-heading inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), **reg. 2(b)**

4A “The insurance mediation directive” means the European Parliament and Council Directive of 9th December 2002 on insurance mediation ( No.[2002/92/EC](#)).]

*[<sup>F18</sup>The UCITS directive*

**Textual Amendments**

**F18** Sch. 3 para. 4B and cross-heading inserted (13.2.2004) by [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), **reg. 2(2)(b)**

[<sup>F19</sup>4B “The UCITS directive ” means the Directive of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (No [2009/65/EC](#)).]]

**Textual Amendments**

**F19** Sch. 3 para. 4B substituted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(33)(a)**

*[<sup>F20</sup>The markets in financial instruments directive*

**Textual Amendments**

**F20** Sch. 3 para. 4C and preceding cross-heading inserted (6.12.2006) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) \(Modification of Powers\) Regulations 2006 \(S.I. 2006/2975\)](#), **reg. 13**

4C ”The markets in financial instruments directive” means Directive [2004/39/ EC](#) of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments.]

*The emission allowance auctioning regulation*

[<sup>F21</sup>4D. “The emission allowance auctioning regulation” means Commission Regulation ( EU ) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive [2003/87/ EC](#) of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community.]

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#### Textual Amendments

- F21** Sch. 3 para. 4D inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, **4(2)**

<sup>F22</sup>*The alternative investment fund managers directive*

#### Textual Amendments

- F22** Sch. 3 para. 4E and cross-heading inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 1 para. 34(3)**

- 4E. “The alternative investment fund managers directive” means Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers.]

*EEA firm*

- 5 “EEA firm” means any of the following if it does not have its <sup>F23</sup>relevant office] in the United Kingdom—
- (a) an investment firm (as defined in <sup>F24</sup>Article 4.1.1 of the markets in financial instruments directive]) which is authorised (within the meaning of <sup>F25</sup>Article 5]) by its home state regulator;
  - <sup>F26</sup>(b) a credit institution (as defined in Article 4.1 of the banking consolidation directive) which is authorised (within the meaning of Article 4.2) by its home state regulator,
  - (c) a financial institution (as defined in Article 4.5 of the banking consolidation directive) which is a subsidiary of the kind mentioned in Article 24 and which fulfils the conditions in that Article;]
  - (d) an undertaking pursuing the activity of direct insurance (within the meaning of <sup>F27</sup>Article 2 of the life assurance consolidation directive or Article 1 of the first non-life insurance directive]) which has received authorisation under <sup>F28</sup>Article 4 of the life assurance consolidation directive or Article 6 of the first non-life insurance directive] from its home state regulator <sup>F29, F30</sup> . . .
  - <sup>F31</sup>(da) [ an undertaking pursuing the activity of reinsurance (within the meaning of Article 2.1(a) of the reinsurance directive) which has received authorisation under (or is deemed to be authorised in accordance with) Article 3 of the reinsurance directive from its home state regulator;]
  - (e) an insurance intermediary (as defined in Article 2.5 of the insurance mediation directive), or a reinsurance intermediary (as defined in Article 2.6) which is registered with its home state regulator under Article 3;]<sup>F32</sup> ...
  - <sup>F33</sup>(f) a management company (as defined in paragraph 11B) which is authorised (within the meaning of Article 6 of the UCITS directive) by its home state regulator]<sup>F34, F35</sup> ...
  - (g) a person who has received authorisation under Article 18.2 of the emission allowance auctioning regulation]<sup>F36</sup>; or

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- (h) an AIFM (as defined in Article 4.1(b) of the alternative investment fund managers directive) which is authorised (in accordance with [<sup>F37</sup>Article 6.1 of] that directive) by its home state regulator].

#### Textual Amendments

- F23** Words in Sch. 3 para. 5 substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#). {reg. 2(c)(i)}
- F24** Words in Sch. 3 para. 5(a) substituted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), [Sch. 4 para. 4\(a\)](#)
- F25** Words in Sch. 3 para. 5(a) substituted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), [Sch. 4 para. 4\(b\)](#)
- F26** Sch. 3 para. 5(b)(c) substituted (1.1.2007) by [The Capital Requirements Regulations 2006 \(S.I. 2006/3221\)](#), reg. 29(1), [Sch. 3 para. 2\(3\)](#)
- F27** Words in Sch. 3 para. 5(d) substituted (11.1.2005) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/3379\)](#), [reg. 6\(6\)\(b\)\(i\)](#)
- F28** Words in Sch. 3 para. 5(d) substituted (11.1.2005) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/3379\)](#), [reg. 6\(6\)\(b\)\(ii\)](#)
- F29** Sch. 3 para. 5(e) and preceding word inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(c\)\(iii\)](#)
- F30** Word in Sch. 3 para. 5(d) omitted (13.2.2004) by virtue of [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), [reg. 2\(2\)\(c\)\(i\)](#)
- F31** Sch. 3 para. 5(da) inserted (10.12.2007) by [The Reinsurance Directive Regulations 2007 \(S.I. 2007/3253\)](#), reg. 2(1), [Sch. 1 para. 6\(c\)](#)
- F32** Word in Sch. 3 para. 5(e) omitted (20.7.2012) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, [4\(3\)\(a\)](#)
- F33** Sch. 3 para. 5(f) substituted (1.7.2011) by [The Undertakings for Collective Investment in Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(33\)\(b\)](#)
- F34** Sch. 3 para. 5(g) and preceding word inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, [4\(3\)\(b\)](#)
- F35** Word in Sch. 3 para. 5(f) omitted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, [Sch. 1 para. 34\(4\)](#)
- F36** Sch. 3 para. 5(h) and word inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, [Sch. 1 para. 34\(4\)](#)
- F37** Words in Sch. 3 para. 5(h) omitted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2013 \(S.I. 2013/1797\)](#), reg. 1(3), [Sch. 1 para. 1\(5\)\(a\)](#)

#### Commencement Information

- I4** Sch. 3 Pt. I para. 5 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 5 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 5 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 5 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2 Sch.](#); Sch. 3 Pt. I para. 5 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(I\)](#)

[<sup>F38</sup>5A In paragraph 5, “relevant office” means—

- (a) in relation to a firm falling within sub-paragraph (e) of that paragraph which has a registered office, its registered office;

[ in relation to a firm falling within sub-paragraph (h) of that paragraph, its  
<sup>F39</sup>(aa) registered office;]

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(b) in relation to any other firm, its head office.]

#### Textual Amendments

- F38** Sch. 3 para. 5A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(d\)](#)
- F39** Sch. 3 para. 5A(aa) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), [reg. 1](#), [Sch. 1 para. 34\(5\)](#)

#### *EEA authorisation*

- [<sup>F40</sup> 6 “EEA authorisation” means—
- (a) in relation to an EEA firm falling within paragraph 5(e), registration with its home state regulator under Article 3 of the insurance mediation directive;
  - (b) in relation to any other EEA firm, authorisation granted to an EEA firm by its home state regulator for the purpose of the relevant single market directive [<sup>F41</sup>or, as the case may be, the emission allowance auctioning regulation].]

#### Textual Amendments

- F40** Sch. 3 para. 6 substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(e\)](#)
- F41** Words in Sch. 3 para. 6(b) inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), [arts. 1](#), [4\(4\)](#)

#### Commencement Information

- I5** Sch. 3 Pt. I para. 6 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 6 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 6 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), [art. 2\(b\)\(c\)](#), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 6 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); Sch. 3 Pt. I para. 6 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

#### *EEA right*

- 7 “EEA right” means the entitlement of a person to establish a branch, or provide services, in an EEA State other than that in which he has his [<sup>F42</sup>relevant office]—
- (a) in accordance with the Treaty as applied in the EEA; and
  - (b) subject to the conditions of the relevant single market directive [<sup>F43</sup>or, as the case may be, the emission allowance auctioning regulation].

#### Textual Amendments

- F42** Words in Sch. 3 para. 7 substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(f\)](#)
- F43** Words in Sch. 3 para. 7(b) inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), [arts. 1](#), [4\(4\)](#)

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### Commencement Information

- I6** Sch. 3 Pt. I para. 7 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 7 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 7 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 7 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2, [Sch.](#); Sch. 3 Pt. I para. 7 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

- [<sup>F44</sup>7A In paragraph 7, “relevant office” means—
- (a) in relation to a person who has a registered office and whose entitlement is subject to the conditions of the insurance mediation directive, his registered office;
- [<sup>F45</sup>(aa) in relation to a person whose entitlement is subject to the conditions of the alternative investment fund managers directive—
- [<sup>F46</sup>(aa) (i) if the person’s registered office is in an EEA State, its registered office;
- (ii) if the person’s registered office is not in an EEA State, the registered office or branch of its legal representative (as defined in Article 4(1)(u) of the alternative investment fund managers directive);]
- (b) in relation to any other person, his head office.]

### Textual Amendments

- F44** Sch. 3 para. 7A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(g\)](#)
- F45** Sch. 3 para. 7A(aa) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), [reg. 1](#), [Sch. 1 para. 34\(6\)](#)
- F46** Sch. 3 para. 7AA(aa) substituted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2013 \(S.I. 2013/1797\)](#), [reg. 1\(3\)](#), [Sch. 1 para. 1\(5\)\(b\)](#) (as amended by [S.I. 2019/328](#), [regs. 1\(3\)](#), [20\(2\)\(d\)](#) (as amended by [S.I. 2019/325](#), [reg. 58](#)))

### EEA State

- [<sup>F47</sup>8 “EEA State ” has the meaning given by Schedule 1 to the Interpretation Act 1978.]

### Textual Amendments

- F47** Sch. 3 para. 8 substituted (13.2.2007) by [The Financial Services \(EEA State\) Regulations 2007 \(S.I. 2007/108\)](#), [reg. 2](#)

### Commencement Information

- I7** Sch. 3 Pt. I para. 8 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 8 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 8 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 8 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2, [Sch.](#); Sch. 3 Pt. I para. 8 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#)

*Status: Point in time view as at 22/07/2013.*

*Changes to legislation: Financial Services and Markets Act 2000, Part I is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Home state regulator

- 9 “Home state regulator” means the competent authority (within the meaning of the relevant single market directive [<sup>F48</sup>or, as the case may be, the emission allowance auctioning regulation]) of an EEA State (other than the United Kingdom) in relation to the EEA firm concerned.

#### Textual Amendments

- F48** Words in Sch. 3 para. 9 inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, **4(4)**

#### Commencement Information

- I8** Sch. 3 Pt. I para. 9 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 9 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 9 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 9 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2, [Sch.](#); Sch. 3 Pt. I para. 9 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), art. **2(1)**

### UK firm

- 10 “UK firm” means a person whose [<sup>F49</sup>relevant office] is in the UK and who has an EEA right to carry on activity in an EEA State other than the United Kingdom.

#### Textual Amendments

- F49** Words in Sch. 3 para. 10 substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), **reg. 2(2)(h)**

#### Commencement Information

- I9** Sch. 3 Pt. I para. 10 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 10 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 10 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 10 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2 [Sch.](#); Sch. 3 para. 10 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), art. **2(1)**

- [<sup>F50</sup>10A In paragraph 10, “relevant office” means—
- (a) in relation to a firm whose EEA right derives from the insurance mediation directive and which has a registered office, its registered office;
  - [ in relation to a firm whose EEA right derives from the alternative investment fund managers directive—
  - <sup>F52</sup>(aa) (i) if the firm’s registered office is in an EEA State, its registered office;
  - (ii) if the firm’s registered office is not in an EEA State, the registered office or branch of its legal representative (as defined in Article 4(1)(u) of the alternative investment fund managers directive);]
  - (b) in relation to any other firm, its head office.]

#### Textual Amendments

- F50** Sch. 3 para. 10A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), **reg. 2(2)(i)**

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- F51** Sch. 3 para. 10A(aa) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 1 para. 34(7)**
- F52** Sch. 3 para. 10A(aa) substituted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2013 \(S.I. 2013/1797\)](#), reg. 1(3), **Sch. 1 para. 1(5)(c)**

### *[<sup>F53</sup>UK investment firm*

#### **Textual Amendments**

- F53** Sch. 3 para. 10B inserted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), **Sch. 4 para. 5**

- 10B "UK investment firm" means a UK firm—
- (a) which is an investment firm, and
  - (b) whose EEA right derives from the markets in financial instruments directive.]

### *Host state regulator*

- 11 "Host state regulator" means the competent authority (within the meaning of the relevant single market directive [<sup>F54</sup>or, as the case may be, the emission allowance auctioning regulation]) of an EEA State (other than the United Kingdom) in relation to a UK firm's exercise of EEA rights there.

#### **Textual Amendments**

- F54** Words in Sch. 3 para. 11 inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, **4(4)**

#### **Commencement Information**

- I10** Sch. 3 Pt. I para. 11 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 11 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 11 in force for certain purposes (25.2.2001) by [S.I. 2001/516](#), **art. 2 Sch. Pts. 2, 3**; Sch. 3 Pt. I para. 11 in force for specified purposes (18.6.2001) by [S.I. 2001/1820](#), **art. 2 Sch.**; Sch. 3 Pt. I para. 11 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), **art. 2(1)**

### *[<sup>F55</sup>Tied agent*

#### **Textual Amendments**

- F55** Sch. 3 para. 11A inserted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), **Sch. 4 para. 6**

- 11A "Tied agent" has the meaning given in Article 4.1.25 of the markets in financial instruments directive.]

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*[<sup>F56</sup>Management company*

**Textual Amendments**

**F56** Sch. 3 paras. 11B, 11C inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(33)(c)**

11B “Management company” has the meaning given in Article 2.1(b) of the UCITS directive.

*UCITS*

11C “UCITS” has the meaning given in Article 1.2 of the UCITS directive.]

*[<sup>F57</sup>EEAIFM*

**Textual Amendments**

**F57** Sch. 3 para. 11D and cross-heading inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), **reg. 1, Sch. 1 para. 34(8)**

11D. “EEAIFM” means an EEA firm falling within paragraph 5(h) which is exercising in the United Kingdom a right deriving from the alternative investment fund managers directive.]

**Status:**

Point in time view as at 22/07/2013.

**Changes to legislation:**

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