

SCHEDULE 1

AMENDMENTS TO PRIMARY LEGISLATION

PART 2

Amendments to other primary legislation

Charities Act (Northern Ireland) 1964

37. Until its repeal by the Charities Act (Northern Ireland) 2008 comes into force ^{M1}, section 25 of the Charities Act (Northern Ireland) 1964 ^{M2} (common investment schemes), has effect with the insertion after subsection (3) of the following—

“(3A) A common investment scheme may provide for appropriate bodies to be admitted to participate in the scheme (in addition to the participating charities) to such extent as the trustees appointed to manage the fund may determine.

(3B) In this section “appropriate body” means—

- (a) a Scottish recognised body,
- (b) an England and Wales charity, or
- (c) any body of persons or trust that—
 - (i) is established in an EEA state other than the United Kingdom, and
 - (ii) is a charity as defined by paragraph 1 of Schedule 6 to the Finance Act 2010

^{M3},

and, in the application of the relevant provisions in relation to a scheme which contains provisions authorised by subsection (3A), “charity” includes an appropriate body. “The relevant provisions” are subsections (1), (4) to (7), (11) and (in relation only to a charity within paragraph (b)) subsection (12).

(3C) In subsection (3B) “Scottish recognised body” means a body—

- (a) established under the law of Scotland, or
- (b) managed or controlled wholly or mainly in or from Scotland,

to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under Part 10 of the Income Tax Act 2007, or that qualifying relief is due under Part 11 of the Corporation Tax Act 2010, in respect of income of the body which is applicable and applied to charitable purposes only.

(3D) In that subsection “England and Wales charity” means an institution—

- (a) which is a charity under the law of England and Wales, and
- (b) to which the Commissioners for Her Majesty's Revenue and Customs have given intimation, which has not subsequently been withdrawn, that relief is due under Part 10 of the Income Tax Act 2007, or that qualifying relief is due under Part 11 of the Corporation Tax Act 2010, in respect of income of the institution which is applicable and applied to charitable purposes only.

(3E) For purposes of this section relief under any provision of Part 11 of the Corporation Tax Act 2010 other than—

- (a) section 480 (exemption for profits of small-scale trades), and

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

Changes to legislation: The Alternative Investment Fund Managers Regulations 2013, PART 2 is up to date with all changes known to be in force on or before 18 June 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)

(b) section 481 (exemption from charges under provisions to which section 1173 applies),
is qualifying relief under that Part.”.

Marginal Citations

M1 2008 c. 12 (N.I.); see [section 185](#) and paragraph 1 of Schedule 9.

M2 1964 c. 33 (N.I.).

M3 2010 c. 13.

Fair Trading Act 1973

38. In section 118(6A) of the Fair Trading Act 1973 ^{M4} (trading schemes to which Part 11 applies) after paragraph (e) insert—

- “(ea) managing a UCITS;
- (eb) acting as trustee or depositary of a UCITS;
- (ec) managing an AIF;
- (ed) acting as trustee or depositary of an AIF;”.

Marginal Citations

M4 1973 c. 41. Section 118(6A) was inserted by [S.I. 2001/3649](#) and amended by [S.I. 2006/3384](#).

Companies Act 1989

39. In section 176(8) of the Companies Act 1989 ^{M5} (power to make provision about certain other charges) after paragraph (e) omit “or” and insert—

- “(ea) managing a UCITS;
- (eb) acting as trustee or depositary of a UCITS;
- (ec) managing an AIF;
- (ed) acting as trustee or depositary of an AIF; or”.

Marginal Citations

M5 1989 c. 40. Section 176(8) was inserted by [S.I. 2001/3649](#) and amended by [S.I. 2006/3384](#).

Value Added Tax Act 1994

40. In Part 2 of Schedule 9 (exemptions) to the Value Added Tax Act 1994 ^{M6}, in Group 5 (finance)

- (a) omit paragraphs (g) and (h) of item 9; and
- (b) in note (6) omit the definition of “recognised collective investment scheme authorised in a designated country or territory”.

Changes to legislation: The Alternative Investment Fund Managers Regulations 2013, PART 2 is up to date with all changes known to be in force on or before 18 June 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)

Marginal Citations

M6 1994 c. 23. Item 9 and note (6) of Group 5 were substituted by [S.I. 2008/2547](#).

Terrorism Act 2000

41. In paragraph 6(1A) of Schedule 6 to the Terrorism Act 2000 ^{M7} (financial information) after paragraph (e) insert—

- “(ea) managing a UCITS,
- (eb) acting as trustee or depositary of a UCITS,
- (ec) managing an AIF,
- (ed) acting as trustee or depositary of an AIF.”.

Marginal Citations

M7 2000 c. 11. Paragraph 6(1A) was inserted by [S.I. 2001/3649](#) and amended by [S.I. 2006/3384](#).

Companies Act 2006

42. In section 1278(1) of the Companies Act 2006 ^{M8} omit paragraph (f).

Marginal Citations

M8 2006 c. 46.

Charities Act (Northern Ireland) 2008

43. In sections 43(5) (schemes to establish common investment funds) and 44(5) (schemes to establish common deposit funds) of the Charities Act (Northern Ireland) 2008—

- (a) in paragraph (a), omit “or”;
- (b) after paragraph (b), insert—
 - “; or
- (c) any body of persons or trust that—
 - (i) is established in an EEA state other than the United Kingdom, and
 - (ii) is a charity as defined by paragraph 1 of Schedule 6 to the Finance Act 2010.”.

Charities Act 2011

44. In sections 97(3) (bodies which may participate in common investment schemes) and 101(3) (bodies which may participate in common deposit schemes) of the Charities Act 2011 ^{M9}—

- (a) in paragraph (a), omit “or”;
- (b) after paragraph (b), insert—
 - “; or
- (c) any body of persons or trust that—

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

Changes to legislation: The Alternative Investment Fund Managers Regulations 2013, PART 2 is up to date with all changes known to be in force on or before 18 June 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)

- (i) is established in an EEA state other than the United Kingdom, and
- (ii) is a charity as defined by paragraph 1 of Schedule 6 to the Finance Act 2010.”.

Marginal Citations

M9 2011 c. 25.

Status:

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

Changes to legislation:

The Alternative Investment Fund Managers Regulations 2013, PART 2 is up to date with all changes known to be in force on or before 18 June 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.