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SCHEDULES

SCHEDULE 3

Sections 31(1)(b) and 37.

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—
- ^{F1}(a) the [^{F2}capital requirements directive];
 - ^{F3}(c) the Solvency 2 Directive;
 - ^{F4}(ca)
 - (d) the [^{F5}markets in financial instruments directive][^{F6}; ^{F7} . . .
 - (e) [^{F8}the insurance distribution directive]][^{F9}; ^{F10} ...
 - (f) the UCITS directive][^{F11}; ^{F12} ...
 - (g) the alternative investment fund managers directive][^{F13}; and
 - (h) the mortgages 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 Words in Sch. 3 para. 1(a) substituted (1.1.2014) by [The Capital Requirements Regulations 2013](#) (S.I. 2013/3115), **reg. 1(2), Sch. 2 para. 29(2)**
F3 Sch. 3 para. 1(c) substituted (1.1.2016) by [The Solvency 2 Regulations 2015](#) (S.I. 2015/575), **reg. 1(2), Sch. 1 para. 17(2)(a)**
F4 Sch. 3 para. 1(ca) omitted (1.1.2016) by virtue of [The Solvency 2 Regulations 2015](#) (S.I. 2015/575), **reg. 1(2), Sch. 1 para. 17(2)(b)**

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- F5** 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**
- F6** 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)**
- F7** 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)**
- F8** Words in Sch. 3 para. 1(e) substituted (1.10.2018) by The Insurance Distribution (Regulated Activities and Miscellaneous Amendments) Order 2018 (S.I. 2018/546), arts. 1(2), **17(2)**
- F9** 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)**
- F10** 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)**
- F11** 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)**
- F12** Word in Sch. 3 para. 1(f) omitted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by virtue of The Mortgage Credit Directive Order 2015 (S.I. 2015/910), art. 1(5), **Sch. 1 para. 1(10)(a)(i)** (with Pt. 4)
- F13** Sch. 3 para. 1(h) and word inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by The Mortgage Credit Directive Order 2015 (S.I. 2015/910), art. 1(5), **Sch. 1 para. 1(10)(a)(ii)** (with Pt. 4)

Commencement Information

- II** 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

F14 2

Textual Amendments

- F14** Sch. 3 para. 2 omitted (1.1.2014) by virtue of The Capital Requirements Regulations 2013 (S.I. 2013/3115), **reg. 1(2), Sch. 2 para. 29(3)**

^{F15}The Solvency 2 Directive

Textual Amendments

- F15** Sch. 3 para. 3 and cross-heading substituted (1.1.2016) by The Solvency 2 Regulations 2015 (S.I. 2015/575), **reg. 1(2), Sch. 1 para. 17(3)**

3 “The Solvency 2 Directive” means [Directive 2009/138/EC](#) of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II).]

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[^{F16}The reinsurance directive]

Textual Amendments

F16 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)**

^{F17}3A

Textual Amendments

F17 Sch. 3 para. 3A omitted (1.1.2016) by virtue of [The Solvency 2 Regulations 2015 \(S.I. 2015/575\)](#), reg. 1(2), **Sch. 1 para. 17(4)**

The investment services directive

4 ^{F18}

Textual Amendments

F18 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**

[^{F19}The insurance distribution directive

Textual Amendments

F19 Sch. 3 para. 4A and cross-heading substituted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), **17(3)**

4A “The insurance distribution directive” means Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (recast) as amended by Directive (EU) 2018/411 of the European Parliament and of the Council of 14 March 2018].

[^{F20}The UCITS directive

Textual Amendments

F20 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)**

[^{F21}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) [^{F22}, as amended by [Directive 2014/91/EU](#) of the European Parliament and of the Council of 23rd July 2014].]

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Textual Amendments

- F21** 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)**
- F22** Words in Sch. 3 para. 4B inserted (18.3.2016) by [The Undertakings for Collective Investment in Transferable Securities Regulations 2016 \(S.I. 2016/225\)](#), regs. 1, **2(9)**

[^{F23}The markets in financial instruments directive]

Textual Amendments

- F23** 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**

[^{F24}4C “The markets in financial instruments directive” means [Directive 2014/65/EU](#) of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments.]

Textual Amendments

- F24** Sch. 3 para. 4C substituted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), **Sch. 2 para. 54(2)** (with reg. 7)

The emission allowance auctioning regulation

[^{F25}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.]

Textual Amendments

- F25** 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)**

[^{F26}The alternative investment fund managers directive]

Textual Amendments

- F26** 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)**

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- 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.]

[^{F27}The mortgages directive

Textual Amendments

F27 Sch. 3 para. 4F and cross-heading inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(b)** (with Pt. 4)

- 4F. “The mortgages directive” means Directive 2014/17/EU of the European Parliament and of the Council of 4th February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives [2008/48/EC](#) and [2013/36/EU](#) and Regulation (EU) No 1093/2010.]

EEA firm

- 5 “EEA firm” means any of the following if it does not have its [^{F28}relevant office] in the United Kingdom—
- (a) an investment firm (as defined in [^{F29}Article 4.1.1 of the markets in financial instruments directive]) which is authorised (within the meaning of [^{F30}Article 5]) by its home state regulator;
 - [^{F31}(b) a credit institution (as defined in Article 4(1)(1) of the capital requirements regulation) which is authorised (within the meaning of Article 8 of the capital requirements directive) by its home state regulator;]
 - [^{F32}(c) a financial institution (as defined in Article 4(1)(26) of the capital requirements regulation) which is a subsidiary of the kind mentioned in Article 34 of the capital requirements directive and which fulfils the conditions of that Article;]
 - [^{F33}(d) an undertaking pursuing the activity of direct insurance (within the meaning of Article 2 of the Solvency 2 Directive) which has received authorisation under Article 14 of that directive from its home state regulator;
 - (da) an undertaking pursuing the activity of reinsurance (within the meaning of Article 2 of the Solvency 2 Directive) as a reinsurance undertaking which has received authorisation under Article 14 of that directive from its home state regulator;]
 - [^{F34}(e) an insurance intermediary (as defined in Article 2.1(3) of the insurance distribution directive), an ancillary insurance intermediary (as defined in Article 2.1(4) of that directive) or a reinsurance intermediary (as defined in Article 2.1(5) of that directive), which is registered with its home state regulator under Article 3 of that directive;]
 - [^{F35}(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][^{F36}, ^{F37} ...
 - (g) a person who has received authorisation under Article 18.2 of the emission allowance auctioning regulation][^{F38}, ^{F39} ...

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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 [F40 Article 6.1 of] that directive) by its home state regulator][F41]; or
- (i) a mortgage intermediary which is admitted (in accordance with Article 29(1) of the mortgages directive) by its home state regulator to carry out all or part of the credit intermediation activities set out in Article 4(5) of that directive or to provide advisory services (as defined in Article 4(21) of that directive).]

Textual Amendments

- F28** 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)}
- F29** 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)**
- F30** 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)**
- F31** Sch. 3 para. 5(b) substituted (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\)](#), reg. 1(2), **Sch. 2 para. 29(4)**
- F32** Sch. 3 para. 5(c) substituted (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\)](#), reg. 1(2), **Sch. 2 para. 29(5)**
- F33** Sch. 3 para. 5(d)(da) substituted for Sch. 3 para. 5(d)(da) (1.1.2016) by [The Solvency 2 Regulations 2015 \(S.I. 2015/575\)](#), reg. 1(2), **Sch. 1 para. 17(5)**
- F34** Sch. 3 para. 5(e) substituted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), **17(4)**
- F35** 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)**
- F36** 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)**
- F37** 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)**
- F38** 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)**
- F39** Word in Sch. 3 para. 5(g) omitted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by virtue of [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(c)(i)** (with Pt. 4)
- F40** 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)**
- F41** Sch. 3 para. 5(i) and word inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(c)(ii)** (with Pt. 4)

Commencement Information

- I2** 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(1)**

[F42]5A In paragraph 5, “relevant office” means—

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- (a) in relation to a firm falling within sub-paragraph (e) [^{F43}or (i)] of that paragraph which has a registered office, its registered office;
- [^{F44}(aa) in relation to a firm falling within sub-paragraph (h) of that paragraph, its registered office;]
- (b) in relation to any other firm, its head office.]

Textual Amendments

- F42** Sch. 3 para. 5A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(d\)](#)
- F43** Words in Sch. 3 para. 5A(a) inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), [Sch. 1 para. 1\(10\)\(d\)](#) (with Pt. 4)
- F44** 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

^{F45} 6

Textual Amendments

- F45** Sch. 3 para. 6 omitted (31.12.2020) by virtue of [The Financial Services \(Miscellaneous\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/710\)](#), regs. 1(3), [3\(3\)](#) (with regs. 36, 37, Sch.); 2020 c. 1, Sch. 5 para. 1(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 [^{F46}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 [^{F47}or, as the case may be, the emission allowance auctioning regulation].

Textual Amendments

- F46** 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\(2\)\(f\)](#)
- F47** 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\(4\)](#)

Commencement Information

- I3** 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\(1\)](#)

[^{F48}7A In paragraph 7, “relevant office” means—

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- (a) in relation to a person who has a registered office and whose entitlement is subject to the conditions of the [^{F49}insurance distribution directive][^{F50}or the mortgages directive], his registered office;
- [^{F51}(aa)
- [^{F52}(aa) in relation to a person whose entitlement derives from the alternative investment fund managers directive—
- (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

- F48** Sch. 3 para. 7A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(g\)](#)
- F49** Words in Sch. 3 para. 7A(a) substituted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), [17\(6\)](#)
- F50** Words in Sch. 3 para. 7A(a) inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), [Sch. 1 para. 1\(10\)\(e\)](#) (with Pt. 4)
- F51** 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\(6\)](#)
- F52** 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

[^{F53g} “EEA State ” has the meaning given by Schedule 1 to the Interpretation Act 1978.]

Textual Amendments

- F53** Sch. 3 para. 8 substituted (13.2.2007) by [The Financial Services \(EEA State\) Regulations 2007 \(S.I. 2007/108\)](#), [reg. 2](#)

Commencement Information

- I4** 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\(1\)](#)

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Home state regulator

- 9 “Home state regulator” means the competent authority (within the meaning of the relevant single market directive [^{F54}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

- F54** 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

- I5** 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 [^{F55}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

- F55** 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

- I6** 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)**

- [^{F56}10A In paragraph 10, “relevant office” means—
- (a) in relation to a firm whose EEA right derives from the [^{F57}insurance distribution directive] and which has a registered office, its registered office;
 - [^{F59}(aa) in relation to a firm whose EEA right derives from the alternative investment fund managers directive—
 - (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.]

Status: Point in time view as at 30/01/2024.

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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)

Textual Amendments

- F56** Sch. 3 para. 10A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(i\)](#)
- F57** Words in Sch. 3 para. 10A(a) substituted (1.10.2018) by [The Insurance Distribution \(Regulated Activities and Miscellaneous Amendments\) Order 2018 \(S.I. 2018/546\)](#), arts. 1(2), [17\(7\)](#)
- F58** 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\(7\)](#)
- F59** 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)

[^{F60}UK investment firm

Textual Amendments

- F60** 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 [^{F61}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

- F61** 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

- I7** 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\(1\)](#)

Status: Point in time view as at 30/01/2024.

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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)

[^{F62}Tied agent

Textual Amendments

F62 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 [^{F63}4.1.29] of the markets in financial instruments directive.]

Textual Amendments

F63 Word in Sch. 3 para. 11A substituted (29.6.2017 for specified purposes, 3.7.2017 for specified purposes, 31.7.2017 for specified purposes, 3.1.2018 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2017 \(S.I. 2017/701\)](#), reg. 1(2)(3)(4)(6), [Sch. 2 para. 54\(3\)](#) (with reg. 7)

[^{F64}Management company

Textual Amendments

F64 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]

^{F65}11C

Textual Amendments

F65 Sch. 3 para. 11C omitted (28.6.2018 for specified purposes, 21.7.2018 in so far as not already in force) by virtue of [The Money Market Funds Regulations 2018 \(S.I. 2018/698\)](#), regs. 1(2), [2\(19\)](#)

[^{F66}EEAIFM]

Textual Amendments

F66 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\(8\)](#)

^{F67}11D.

Status: Point in time view as at 30/01/2024.

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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)

Textual Amendments

F67 Sch. 3 para. 11D omitted (31.12.2020) by virtue of [The Financial Services \(Miscellaneous\) \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/710\)](#), regs. 1(3), **3(3)** (with regs. 36, 37, Sch.); 2020 c. 1, Sch. 5 para. 1(1)

^{F68}PART II

EXERCISE OF PASSPORT RIGHTS BY EEA FIRMS

Textual Amendments

F68 Sch. 3 Pt. 2 omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), regs. 1(3), **2(5)(a)** (with reg. 4); 2020 c. 1, **Sch. 5 para. 1(1)**

Firms qualifying for authorisation

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Establishment

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Services

14

Grant of permission

15

Grant of permission: bidding for emission allowances

15ZA

Power to restrict permission of management companies

Application for approval to manage UCITS

15A

Representations and references to the Tribunal

15B

Information to home state regulator

15C

Status: Point in time view as at 30/01/2024.

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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)

Effect of carrying on regulated activity when not qualified for authorisation

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Continuing regulation of European Economic Area EEA firms

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Giving up right to authorisation

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F69 PART III

EXERCISE OF PASSPORT RIGHTS BY UK FIRMS

Textual Amendments

F69 Sch. 3 Pt. 3 omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), regs. 1(3), **2(5)(b)** (with reg. 4); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Meaning of “the appropriate UK regulator”

18A

Establishment

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Services

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Information for host state regulator

20ZA

Tied agents

20A

Notice of intention to market a UCITS

20B

Notice of intention to market an Alternative Investment Fund AIF

20C.

Status: Point in time view as at 30/01/2024.

Changes to legislation: Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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)

Offence relating to exercise of passport rights

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Continuing regulation of United KingdomUK firms

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Arrangements between FCA and PRA

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UK management companies: delegation of functions

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UK management companies: withdrawal of authorisation

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Management companies: request for information

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*Full-scope United KingdomUK Alternative Investment Fund
ManagersAIFMs: notification of breach by host state regulator*

29.

Status:

Point in time view as at 30/01/2024.

Changes to legislation:

Financial Services and Markets Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 09 August 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.