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## SCHEDULES

### SCHEDULE 3 **U.K.**

#### 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 otherwise 1.12.2001) by S.I. 2001/3084, arts. 1(1), 2-4; 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 **U.K.**

#### DEFINED TERMS

##### *The single market directives*

- 1 “The single market directives” means—
- the first banking co-ordination directive;
  - the second banking co-ordination directive;
  - the insurance directives; and
  - the investment services directive.

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

- 2 (1) “The first banking co-ordination directive” means the Council Directive of 12 December 1977 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions (No. 77/780/EEC).
- (2) “The second banking co-ordination directive” means the Council Directive of 15 December 1989 on the co-ordination of laws, etc, relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC (No. 89/646/EEC).

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VALID FROM 25/02/2001

*The insurance directives*

- 3
- (1) “The insurance directives” means the first, second and third non-life insurance directives and the first, second and third life insurance directives.
  - (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](#)).
  - (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](#)).
  - (5) “First life insurance directive” means the Council Directive of 5 March 1979 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance (No. [79/267/EEC](#)).
  - (6) “Second life insurance directive” means the Council Directive of 8 November 1990 on the co-ordination of laws, etc, and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive [79/267/EEC](#) (No. [90/619/EEC](#)).
  - (7) “Third life insurance directive” means the Council Directive of 10 November 1992 on the co-ordination of laws, etc, and amending Directives [79/267/EEC](#) and [90/619/EEC](#) (No. [92/96/EEC](#)).

**Commencement Information**

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

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VALID FROM 10/12/2007

*[<sup>F1</sup>The reinsurance directive*

**Textual Amendments**

- F1** 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](#).]

VALID FROM 25/02/2001

*The investment services directive*

- 4** “The investment services directive” means the Council Directive of 10 May 1993 on investment services in the securities field (No. [93/22/EEC](#)).

**Commencement Information**

- I2** Sch. 3 Pt. 1 para. 4 wholly in force at 1.12.2001; Sch. 3 Pt. 1 para. 4 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. 1 para. 4 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. 1 para. 4 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), art. 2, **Sch.**; Sch. 3 Pt. 1 para. 4 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), **art. 2(1)**

VALID FROM 14/01/2005

*[<sup>F2</sup>The insurance mediation directive*

**Textual Amendments**

- F2** 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](#)).

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VALID FROM 13/02/2004

*[<sup>F3</sup>The UCITS directive]*

**Textual Amendments**

- F3** 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)**

- 4B “The UCITS directive” means the Council Directive of 20 December 1985 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (No. [85/611/EEC](#)).

VALID FROM 06/12/2006

*[<sup>F4</sup>The markets in financial instruments directive]*

**Textual Amendments**

- F4** 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.]

*EEA firm*

- 5 “EEA firm” means any of the following if it does not have its head office in the United Kingdom—
- (a) an investment firm (as defined in Article 1.2 of the investment services directive) which is authorised (within the meaning of Article 3) by its home state regulator;
  - (b) a credit institution (as defined in Article 1 of the first banking co-ordination directive) which is authorised (within the meaning of Article 1) by its home state regulator;
  - (c) a financial institution (as defined in Article 1 of the second banking co-ordination directive) which is a subsidiary of the kind mentioned in Article 18.2 and which fulfils the conditions in Article 18; or
  - (d) an undertaking pursuing the activity of direct insurance (within the meaning of Article 1 of the first life insurance directive or of the first non-

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life insurance directive) which has received authorisation under Article 6 from its home state regulator.

VALID FROM 14/01/2005

- [<sup>F5</sup>]  
<sup>F5</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;
  - (b) in relation to any other firm, its head office.]]

#### Textual Amendments

- F5** Sch. 3 para. 5A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(d\)](#)

VALID FROM 25/02/2001

#### *EEA authorisation*

- 6 “EEA authorisation” means authorisation granted to an EEA firm by its home state regulator for the purpose of the relevant single market directive.

#### Commencement Information

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

VALID FROM 25/02/2001

#### *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 head office—
- (a) in accordance with the Treaty as applied in the EEA; and
  - (b) subject to the conditions of the relevant single market directive.

#### Commencement Information

- I4** 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\(b\)\(c\)](#),

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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)

VALID FROM 14/01/2005

[<sup>F6</sup>]  
F6 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;  
(b) in relation to any other person, his head office.]]

#### Textual Amendments

F6 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)

VALID FROM 25/02/2001

#### *EEA State*

8 “EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2 May 1992 as it has effect for the time being.

#### Commencement Information

I5 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)

VALID FROM 25/02/2001

#### *Home state regulator*

9 “Home state regulator” means the competent authority (within the meaning of the relevant single market directive) of an EEA State (other than the United Kingdom) in relation to the EEA firm concerned.

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### Commencement Information

- I6** 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\(1\)](#)

VALID FROM 25/02/2001

### *UK firm*

- 10 “UK firm” means a person whose head office is in the UK and who has an EEA right to carry on activity in an EEA State other than the United Kingdom.

### Commencement Information

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

VALID FROM 14/01/2005

- [<sup>F7</sup>] In paragraph 10, “relevant office” means—
- [<sup>F7</sup>]10A (a) in relation to a firm whose EEA right derives from the insurance mediation directive and which has a registered office, its registered office;
- (b) in relation to any other firm, its head office.]]

### Textual Amendments

- F7** 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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VALID FROM 01/04/2007

*[<sup>F8</sup>UK investment firm*

**Textual Amendments**

- F8** 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.]

VALID FROM 25/02/2001

*Host state regulator*

- 11 “Host state regulator” means the competent authority (within the meaning of the relevant single market directive) of an EEA State (other than the United Kingdom) in relation to a UK firm’s exercise of EEA rights there.

**Commencement Information**

- I8** 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\(1\)](#)

VALID FROM 01/04/2007

*Tied agent*

- [<sup>F9</sup>11A “Tied agent” has the meaning given in Article 4.1.25 of the markets in financial instruments directive.

**Textual Amendments**

- F9** 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](#)



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VALID FROM 01/07/2011

*Management company*

[  
F10  
F10  
11B  
“Management company” has the meaning given in Article 2.1(b) of the UCITS directive.]

**Textual Amendments**

- F9** 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**
- F10** 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)**

VALID FROM 01/07/2011

*UCITS*

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

**Textual Amendments**

- F9** 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**
- F10** 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)**

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