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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<sup>F1F2F3</sup>

##### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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

#### *The single market directives*

- 1 “The single market directives” means—
- [<sup>F4</sup>(a) the banking consolidation directive;]
  - (c) the insurance directives; <sup>F5</sup> . . .
  - (d) the investment services directive[<sup>F6</sup>; <sup>F7</sup> . . .
  - (e) the insurance mediation directive][<sup>F8</sup>; and
  - (f) the UCITS directive.]

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#### Textual Amendments

- F4** Sch. 3 para. 1(a) substituted (22.11.2000) for Sch. 3 para. 1(a)(b) by [S.I. 2000/2952, reg. 8\(5\)\(a\)](#)
- F5** 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\(2\)\(a\)\(i\)](#)
- 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** 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\(2\)\(a\)\(i\)](#)

#### 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>F9</sup>2 “The banking consolidation directive” means Directive [2000/12/EC](#) of the European Parliament and of the Council of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions;]

#### Textual Amendments

- F9** Sch. 3 Pt. I para. 2 substituted (22.11.2000) by [S.I. 2000/2952, reg. 8\(5\)\(b\)](#)

#### 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>F10</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](#)).
- (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](#)).

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(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>F11</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

**F10** 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\(6\)\(a\)\(i\)](#)

**F11** 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\(1\)](#)

VALID FROM 10/12/2007

#### [<sup>F12</sup>The reinsurance directive

#### Textual Amendments

**F12** 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 “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

**I4** Sch. 3 Pt. I para. 4 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 4 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I 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. I para. 4 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); Sch. 3 Pt. I para. 4 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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*[<sup>F1</sup>The insurance mediation directive*

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

*[<sup>F2</sup>The UCITS directive]*

- 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](#)).

*[<sup>F3</sup>The markets in financial instruments directive*

- 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 [<sup>F13</sup>relevant 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;
  - [<sup>F14</sup>(b) a credit institution (as defined in Article 1 of the banking consolidation directive) which is authorised (within the meaning of Article 1) by its home state regulator;]
  - [<sup>F15</sup>(c) a financial institution (as defined in Article 1 of the banking consolidation directive) which is a subsidiary of the kind mentioned in Article 19 and which fulfils the conditions in Articles 18 and 19; <sup>F16</sup> . . . ]
  - (d) an undertaking pursuing the activity of direct insurance (within the meaning of [<sup>F17</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>F18</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>F19</sup>; <sup>F20</sup> . . . ]
  - (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>F21</sup>; or
  - (f) a management company (as defined in Article 1a.2 of the UCITS directive) which is authorised (within the meaning of Article 5) by its home state regulator.]

**Textual Amendments**

**F13** 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)}

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- F14** Sch. 3 para. 5(b) substituted (22.11.2000) by S.I. 2000/2952, **reg. 8(5)(c)(i)**
- F15** Sch. 3 para. 5(c) substituted (22.11.2000) by S.I. 2000/2952, **reg. 8(5)(c)(ii)**
- F16** Word in Sch. 3 para. 5(c) omitted (14.1.2005) by virtue of The Insurance Mediation Directive (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1473), **reg. 2(c)(ii)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** 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)**
- F21** Sch. 3 para. 5(f) and preceding word inserted (13.2.2004) by The Collective Investment Schemes (Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2066), **reg. 2(2)(c)(ii)**

#### Commencement Information

- I5** 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)

- [<sup>F22</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

- F22** 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)**

#### *EEA authorisation*

- [<sup>F23</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.]

#### Textual Amendments

- F23** 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)**

#### Commencement Information

- I6** 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)

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### *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>F24</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.

#### **Textual Amendments**

- F24** 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)**

#### **Commencement Information**

- I7** 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>F25</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;
  - (b) in relation to any other person, his head office.]

#### **Textual Amendments**

- F25** 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)**

### *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**

- I8** 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)**

### *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

- 19** 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>F26</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

- F26** 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

- 110** 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>F27</sup>  
<sup>F27</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;  
(b) in relation to any other firm, its head office.]]

### Textual Amendments

- F27** Sch. 3 para. 10A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 2\(2\)\(i\)](#)

VALID FROM 01/04/2007

### *[<sup>F28</sup>UK investment firm*

### Textual Amendments

- F28** 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.]



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### *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**

- I11** 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>F29</sup>11A “Tied agent” has the meaning given in Article 4.1.25 of the markets in financial instruments directive.

#### **Textual Amendments**

- F29** 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**

VALID FROM 01/07/2011

### *Management company*

- [<sup>F30</sup>11B “Management company” has the meaning given in Article 2.1(b) of the UCITS directive.]

#### **Textual Amendments**

- F29** 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**
- F30** 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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VALID FROM 01/07/2011

*UCITS*

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

**Textual Amendments**

- F29** 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](#)
- F30** 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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