

*Status: Point in time view as at 13/02/2004.*

*Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Services is up to date with all changes known to be in force on or before 21 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)*

## 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 II

### EXERCISE OF PASSPORT RIGHTS BY EEA FIRMS

#### Services

- 14 (1) The service conditions are that—
- the firm has given its home state regulator notice of its intention to provide services in the United Kingdom (“a notice of intention”);
  - if the firm falls within [F<sup>1</sup>paragraph 5(a), [F<sup>2</sup>(d), (e) or (f)]] , the Authority has received notice (“a regulator’s notice”) from the firm’s home state regulator containing such information as may be prescribed; [F<sup>3</sup>and ]
  - if the firm falls within [F<sup>4</sup>paragraph 5(d) or (e) ], its home state regulator has informed it that the regulator’s notice has been sent to the Authority. [F<sup>5</sup>; and
  - if the firm falls within paragraph 5(e), one month has elapsed beginning with the date on which the firm’s home state regulator informed the firm that the regulator’s notice has been sent to the Authority.]
- (2) If the Authority has received a regulator’s notice or, where none is required by subparagraph (1), has been informed of the firm’s intention to provide services in the United Kingdom, it must [F<sup>6</sup>, unless the firm falls within paragraph 5(e), ]—
- prepare for the firm’s supervision; and
  - notify the firm of the applicable provisions (if any).

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- (3) A notice under sub-paragraph (2)(b) must be given before the end of the period of two months beginning on the day on which the Authority received the regulator's notice, or was informed of the firm's intention.
- (4) For the purposes of this paragraph—
- “applicable provisions” means the host state rules with which the firm is required to comply when carrying on a permitted activity by providing services in the United Kingdom;
- “host state rules” means rules—
- (a) made in accordance with the relevant single market directive; and
  - (b) which are the responsibility of the United Kingdom (both as to implementation and as to supervision of compliance) in accordance with that directive; and
- “permitted activity” means an activity identified in—
- (a) the regulator's notice; or
  - (b) where none is required by sub-paragraph (1), the notice of intention.

#### Textual Amendments

- F1** Words in Sch. 3 para. 14(1)(b) substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 4\(2\)\(a\)](#)
- F2** Words in Sch. 3 para. 14(1)(b) substituted (13.2.2004) by [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), [reg. 3\(1\)\(b\)](#)
- F3** Word in Sch. 3 para. 14(1)(b) omitted (14.1.2005) by virtue of [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 4\(2\)\(b\)](#)
- F4** Words in Sch. 3 para. 14(1)(c) substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 4\(2\)\(c\)](#)
- F5** Sch. 3 para. 14(1)(d) and preceding word inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 4\(2\)\(d\)](#)
- F6** Words in Sch. 3 para. 14(2) inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), [reg. 4\(3\)](#)

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

- C1** Sch. 3 para. 14(1) extended (1.12.2001) by [S.I. 2001/3592](#), [arts. 1\(2\)](#), 97 (with [art. 23\(2\)](#))

#### Commencement Information

- I1** Sch. 3 Pt. II para. 14 wholly in force at 1.12.2001; Sch. 3 Pt. II para. 14 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. II para. 14 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. II para. 14 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); Sch. 3 Pt. II para. 14 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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