

Status: Point in time view as at 01/04/2013.

Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Information to be included in the public record is up to date with all changes known to be in force on or before 10 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)

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, 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 III **U.K.**

EXERCISE OF PASSPORT RIGHTS BY UK FIRMS

^{F1}Information to be included in the public record

Textual Amendments

- F1** Sch. 3 para. 25 and preceding cross-heading inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003](#) ([S.I. 2003/1473](#)), **reg. 7**

- 25 The [^{F2}FCA] must include in the record that it maintains under section 347 in relation to any UK firm whose EEA right derives from the insurance mediation directive information as to each EEA State in which the UK firm, in accordance with such a right—
- (a) has established a branch; or
 - (b) is providing services.]

Textual Amendments

- F2** Word in [Sch. 3 para. 25](#) substituted (27.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012](#) (c. 21), s. 122(3), **Sch. 4 para. 18** (with [Sch. 20](#)); [S.I. 2013/423](#), **arts. 2**, **3**, [Sch.](#)

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UK management companies: delegation of functions

- [^{F3}26 Where a UK firm which is a management company and is providing services in the exercise of an EEA right to an EEAUCITS informs the [^{F4}appropriate UK regulator] that it has delegated one or more of its functions to a third party, the [^{F4}appropriate UK regulator] must transmit that information to the home state regulator of the EEAUCITS without delay.

Textual Amendments

- F3** Sch. 3 paras. 26-28 inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(33\)\(n\)](#)
- F4** Words in [Sch. 3 para. 26](#) substituted (27.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 4 para. 19](#) (with [Sch. 20](#)); S.I. 2013/423, arts. 2, 3, Sch.

UK management companies: withdrawal of authorisation

- 27 Where a UK firm which is a management company has exercised an EEA right deriving from the UCITS directive to establish a branch or to provide services in another EEA State, the [^{F5}appropriate UK regulator] must consult the home state regulator of any UCITS managed by that management company before taking a decision to withdraw the authorisation of the management company under section 33.

Textual Amendments

- F3** Sch. 3 paras. 26-28 inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(33\)\(n\)](#)
- F5** Words in [Sch. 3 para. 27](#) substituted (27.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 4 para. 20](#) (with [Sch. 20](#)); S.I. 2013/423, arts. 2, 3, Sch.

Management companies: request for information

- 28 (1) Where a UK firm has applied to manage a UCITS which is established in another EEA State, the home state regulator of the UCITS may—
- (a) request further information from the [^{F6}appropriate UK regulator] regarding the documents referred to in Article 20.1 of the UCITS directive, and
 - (b) ask the [^{F6}appropriate UK regulator] whether the type of UCITS for which the UK firm has applied to provide its services falls within the scope of the authorisation of the UK firm.
- (2) The [^{F6}appropriate UK regulator] must respond to a request under sub-paragraph (1) (a) or (b) within 10 working days of the date on which the request was received.]

Textual Amendments

- F3** Sch. 3 paras. 26-28 inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), [reg. 2\(33\)\(n\)](#)

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- F6** Words in [Sch. 3 para. 28](#) substituted (27.2.2013 for specified purposes, 1.4.2013 in so far as not already in force) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 4 para. 21](#) (with [Sch. 20](#)); S.I. 2013/423, arts. 2, 3, [Sch.](#)

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