
STATUTORY INSTRUMENTS

2001 No. 1228

The Open-Ended Investment Companies Regulations 2001

PART V

MISCELLANEOUS

Contraventions

80. Any of the following persons, that is to say—

- (a) a person who contravenes any provision of these Regulations; and
- (b) an open-ended investment company (including any director or depositary of such a company) which contravenes any provision of [^{F1}FCA rules],

is to be treated as having contravened rules made under [^{F2}section 137A of the Act (FCA's general rules)].

Textual Amendments

- F1** Words in Regulations substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 41(2)**
- F2** Words in [reg. 80](#) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 41(9)**

Offences by bodies corporate etc.

81. Section 400 of the Act (offences by bodies corporate etc.) applies to an offence under these Regulations as it applies to an offence under the Act.

Jurisdiction and procedure in respect of offences

82. Section 403 of the Act (jurisdiction and procedure in respect of offences) applies to offences under these Regulations as it applies to offences under the Act.

Evidence of grant of probate etc.

83. The production to a company of any document which is by law sufficient evidence of probate of the will, or letters of administration of the estate, or confirmation as executor, of a deceased person having been granted to some person must be accepted by the company as sufficient evidence of the grant.

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Open-Ended Investment Companies Regulations 2001, PART V. (See end of Document for details)

[^{F3}Disclosure under the UCITS directive

83A.—(1) This regulation applies in relation to a disclosure made by a person who falls within paragraph (2) to comply with requirements set out in rules made by the Authority to implement Chapter VIII of the UCITS directive.

(2) The following persons fall within this paragraph—

- (a) the auditor of an open-ended investment company that is a master UCITS;
- (b) the depositary of an open-ended investment company that is a master UCITS;
- (c) the auditor of an open-ended investment company that is a feeder UCITS;
- (d) the depositary of an open-ended investment company that is a feeder UCITS; or
- (e) a person acting on behalf of a person within paragraphs (a), (b), (c) or (d) above.

(3) A disclosure to which this section applies is not to be taken as a contravention of any duty to which the person making the disclosure is subject.]

Textual Amendments

F3 Reg. 83A inserted (1.7.2011) by [The Undertakings for Collective Investment in Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), regs. 1, **3(8)**

Minor and consequential amendments

84. The provisions mentioned in Schedule 7 to these Regulations (being minor amendments and amendments consequential on the provisions of these Regulations) have effect subject to the amendments specified in that Schedule.

Revocation etc.

85.—(1) The Open-Ended Investment Companies (Investment Companies with Variable Capital) Regulations 1996 ^{M1} (“the 1996 Regulations”) are revoked.

(2) Anything done under or in accordance with the 1996 Regulations has effect as if done under or in accordance with these Regulations.

(3) Without prejudice to the generality of paragraph (2)—

- (a) a body incorporated by virtue of regulation 3(1) of the 1996 Regulations is to be treated as if it had been incorporated by virtue of regulation 3(1) of these Regulations;
- (b) where an application under regulation 7 of the 1996 Regulations had not been determined by the Authority at the time when this regulation comes into force, it is to be treated as if it were an application made under regulation 12 of these Regulations;
- (c) the Authority’s registration functions under Part IV of these Regulations apply to any documents or records delivered to the appropriate registrar pursuant to regulation 4 of, and Schedule 1 to, the 1996 Regulations.

Marginal Citations

M1 [S.I. 1996/2827](#).

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the The Open-Ended Investment Companies Regulations 2001, PART V.