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STATUTORY INSTRUMENTS

2013 No. 1773

FINANCIAL SERVICES AND MARKETS

The Alternative Investment Fund Managers Regulations 2013

Made - - - - 16th July 2013

Coming into force 22nd July 2013

THE ALTERNATIVE INVESTMENT FUND MANAGERS REGULATIONS 2013

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3. Meaning of “AIF”
4. Meaning of “AIFM”, “managing an AIF”, “external AIFM” and “internal AIFM”

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6. Supplementary provisions about AIFMs
7. Changes in conditions relevant to authorisation
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28. Liability following delegation under Article 20 of the directive
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30. Depositary liability for loss of financial instruments held in custody
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52. Contravention by unauthorised person
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54. FCA approval for marketing
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67. Use of information by FCA and supervisory cooperation
68. Limits on leverage
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70. Application of procedural provisions of the Act

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71. Application of provisions of the Act to unauthorised AIFMs

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- 72. AIFMs managing AIFs immediately before 22nd July 2013
- 73. AIFs subject to prospectus directive
- 74. Closed-ended AIFs that make no additional investments
- 75. Closed-ended AIFs whose subscription period has closed
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- 78. Permission for existing managers, depositaries and trustees of UCITS

PART 10

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- 79. Review
 - 80. Amendments to primary legislation
 - 81. Amendments to secondary legislation
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SCHEDULE 1 — AMENDMENTS TO PRIMARY LEGISLATION

PART 1 — Amendments to the Financial Services and Markets Act 2000

- 1. The Act is amended as follows.
- 2. In section 1A(6) (the Financial Conduct Authority) , after paragraph...
- 3. In section 1L(2) (supervision, monitoring and enforcement), after paragraph (a)...
- 4. In section 55H (refusal by FCA to vary permission at...
- 5. In section 55J (variation or cancellation on initiative of regulator)—...
- 6. In section 55V (determination of applications) after subsection (7) insert —...
- 7. In section 59 (approval for particular arrangements) after subsection (7B)...
- 8. In section 66(2)(b) (disciplinary powers) after sub-paragraph (i) omit “or”...
- 9. In section 165 (regulators' power to require information: authorised persons...
- 10. In section 168(4) (appointment of persons to carry out investigations...
- 11. In section 193(1) (interpretation of Part 13) , in the...
- 12. In section 194 (general grounds on which power of intervention...
- 13. In section 195A (contravention by relevant EEA firm or EEA...
- 14. In section 199 (additional procedure for EEA firms in certain...
- 15. In section 204A(2) (meaning of “relevant requirement”) —
- 16. In section 237(3) (other definitions) in the definition of “a...
- 17. In section 261D(8) (authorisation orders for contractual schemes) for “permission...
- 18. Omit sections 270 and 271 and the preceding cross-heading (schemes...
- 19. In section 272 (individually recognised overseas schemes) , in subsection...
- 20. In section 277 (alteration of schemes and changes of operator,...
- 21. After section 277 insert— Regular provision of information relating to...
- 22. Omit the cross-heading “Schemes recognised under sections 270 and 272”...
- 23. In section 278 (rules as to scheme particulars) omit “270...

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24. In section 279 (revocation of recognition)— (a) in the opening...
25. In section 280 (procedure)— (a) in subsection (1) for “give...
26. In section 281 (directions)— (a) in subsection (1) omit “270...
27. In section 380(6)(a) (injunctions) — (a) omit “or” after sub-paragraph...
28. In section 382(9)(a) (restitution orders) — (a) omit “or” after...
29. In section 384(7) (power of FCA or PRA to require...
30. In section 398 (misleading the FCA or PRA: residual cases)...
31. In section 417(1) (definitions) in the appropriate places insert— “AIF”...
32. In section 425 (expressions relating to authorisation elsewhere in the...
33. In Schedule 1ZA (the Financial Conduct Authority), in paragraph 23(2) (a)...
34. (1) Schedule 3 (EEA passport rights) is amended as follows....
35. In paragraph 2(2) of Schedule 5 (permission for open-ended investment...
36. In paragraph 2B of Schedule 6 (threshold conditions) —
PART 2 — Amendments to other primary legislation
37. Charities Act (Northern Ireland) 1964
38. Fair Trading Act 1973
39. Companies Act 1989
40. Value Added Tax Act 1994
41. Terrorism Act 2000
42. Companies Act 2006
43. Charities Act (Northern Ireland) 2008
44. Charities Act 2011
PART 3 — Transitional provisions in respect of recognised overseas schemes
45. (1) A collective investment scheme which immediately before 22nd July...

SCHEDULE 2 — AMENDMENTS TO SECONDARY LEGISLATION

PART 1 — Amendments to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

1. Financial Services and Markets Act 2000 (Regulated Activities) Order 2001
PART 2 — Amendments to other secondary legislation
2. Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
3. Companies (No. 2) (Northern Ireland) Order 1990
4. Individual Savings Account Regulations 1998
5. Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001
6. Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001
7. Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001
8. Financial Services and Markets Act 2000 (Exemption) Order 2001
9. Financial Services and Markets Act 2000 (Professions) (Non-Exempt Activities) Order 2001
10. Open-Ended Investment Companies Regulations 2001
11. Financial Services and Markets Act 2000 (Compensation Scheme: Electing Participants) Regulations 2001
12. Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001
13. Financial Services and Markets Act 2000 (Consultation with Competent Authorities) Regulations 2001
14. Financial Services and Markets Act 2000 (EEA Passport Rights) Regulations 2001
15. Uncertificated Securities Regulations 2001

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16. Financial Services and Markets Act 2000 (Collective Investment Schemes) (Designated Countries and Territories) Order 2003
17. Financial Conglomerates and Other Financial Groups Regulations 2004
18. Child Trust Funds Regulations 2004
19. Financial Services and Markets Act 2000 (Financial Promotion) Order 2005
20. Offshore Funds (Tax) Regulations 2009
21. Financial Services and Markets Act 2000 (Short Selling) Regulations 2012
22. Financial Services and Markets Act 2000 (Qualifying EU Provisions) Order 2013
23. Financial Services Act 2012 (Misleading Statements and Impressions) Order 2013
24. CRC Energy Efficiency Scheme Order 2013

Explanatory Note

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