

---

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 FSA rules,

is to be treated as having contravened rules made under section 138 of the Act (general rule-making power).

**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.

**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<sup>(1)</sup> (“the 1996 Regulations”) are revoked.

---

<sup>(1)</sup> S.I. 1996/2827.

(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.