



# Financial Services and Markets Act 2000

## 2000 CHAPTER 8

### PART XVII

#### COLLECTIVE INVESTMENT SCHEMES

#### [<sup>F1</sup>CHAPTER 5A

#### MASTER-FEEDER STRUCTURES

#### [<sup>F1</sup>283A Master-feeder structures

- (1) The operator of a UKUCITS may not invest a higher proportion of the property which is subject to the collective investment scheme constituted by that UCITS in units of another UCITS than is permitted by [<sup>F2</sup>rule 5.2.11(9) of the Collective Investment Schemes sourcebook] unless the investment is approved by the [<sup>F3</sup>FCA] in accordance with this section.
- (2) An application for approval under subsection (1) of an investment must be made by the operator of the UKUCITS in such manner, and accompanied by such information, as is required by rules made by the [<sup>F3</sup>FCA].
- (3) The [<sup>F3</sup>FCA] must grant an application made under subsection (2) if it is satisfied—
  - (a) [<sup>F4</sup>that the UK UCITS], its operator, trustee or depositary and auditor and the UCITS in which it proposes to invest, and its operator, have complied with—
    - (i) the requirements laid down in [<sup>F5</sup>the Chapter 8 provisions,] and
    - (ii) any other requirements imposed by the [<sup>F3</sup>FCA] in relation to the application;
  - (b) in a case where the application is made by the operator of a feeder UCITS in respect of the investment of the proceeds of the winding-up of its master UCITS, that the proceeds of the winding up are to be paid to the feeder UCITS before the date on which the investment is to be made.

[ In subsection (3)(a)(i) “the Chapter 8 provisions” means—

*Status: Point in time view as at 30/01/2024.*

*Changes to legislation: Financial Services and Markets Act 2000, Section 283A is up to date with all changes known to be in force on or before 29 May 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)*

- <sup>F6</sup>(3A) (a) in relation to a UK UCITS or its operator, trustee or depositary, or auditor, any provision made by or under an enactment in implementation of Chapter 8 of the UCITS directive, and
- (b) in relation to an EEA UCITS or its operator, Chapter 8 of the UCITS directive.]
- (4) In a case within subsection (3)(b), approval must be subject to the conditions in subsections (5) and (6).
- (5) The first condition is that the feeder UCITS is to receive the proceeds of the winding-up—
- (a) in cash; or
- (b) wholly or partly in assets other than cash in a case where the feeder UCITS so elects and each of the following so permits—
- (i) the decision of the master UCITS that it should be wound up;
- (ii) the trust deed [<sup>F7</sup>, contractual scheme deed] or instrument of incorporation of the feeder UCITS; and
- (iii) either the agreement between the feeder UCITS and its master UCITS, or the internal conduct of business rules operated by the feeder UCITS and the master UCITS in accordance with rules made by the [<sup>F3</sup>FCA].
- (6) The second condition is that cash received by the feeder UCITS in accordance with paragraph (5)(a) may not be reinvested before the date on which the feeder UCITS proposes to invest in the new UCITS, except for the purpose of efficient cash management.
- (7) The [<sup>F3</sup>FCA] must, within 15 working days of the date on which the [<sup>F3</sup>FCA] had received all the information required in relation to the application, give written notice to the operator—
- (a) that the [<sup>F3</sup>FCA] approves its application, or
- (b) that the [<sup>F3</sup>FCA] objects to the application.
- (8) Following receipt of notice that the [<sup>F3</sup>FCA] objects to the application, the operator may refer the [<sup>F3</sup>FCA's] decision to the Tribunal.]

#### Textual Amendments

- F1** Ch. 5A inserted (1.7.2011) by The Undertakings for Collective Investment in [Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(26)**
- F2** Words in s. 283A(1) substituted (31.12.2020) by [The Collective Investment Schemes \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/325\)](#), regs. 1(2), **27(2)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Word in ss. 271-283B substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), Sch. 18 para. 9(1)(2) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F4** Words in s. 283A(3)(a) substituted (31.12.2020) by [The Collective Investment Schemes \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/325\)](#), regs. 1(2), **27(3)(a)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 283A(3)(a)(i) substituted (31.12.2020) by [The Collective Investment Schemes \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/325\)](#), regs. 1(2), **27(3)(b)** (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)

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| <p><b>F6</b> S. 283A(3A) inserted (31.12.2020) by <a href="#">The Collective Investment Schemes (Amendment etc.) (EU Exit) Regulations 2019</a> (S.I. 2019/325), regs. 1(2), <b>27(4)</b> (with savings in S.I. 2019/680, reg. 11); 2020 c. 1, Sch. 5 para. 1(1)</p> <p><b>F7</b> Words in s. 283A(5)(b)(ii) inserted (6.6.2013) by <a href="#">The Collective Investment in Transferable Securities (Contractual Scheme) Regulations 2013</a> (S.I. 2013/1388), regs. 1, <b>3(15)</b> (with reg. 24)</p> |
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