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STATUTORY INSTRUMENTS

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**2001 No. 1228**

**The Open-Ended Investment Companies Regulations 2001**

**PART IV**

**THE AUTHORITY'S REGISTRATION FUNCTIONS**

**Register of open-ended investment companies**

**71.**—(1) The Authority must maintain a register of open-ended investment companies.

(2) The Authority may keep the register in any form it thinks fit provided that it is possible to inspect the information contained on it and to obtain a copy of that information (or any part of it) for inspection.

**Companies' registered numbers**

**72.**—(1) The Authority must allocate to every open-ended investment company a number, which is to be known as the company's registered number.

(2) Companies' registered numbers must be in such form, consisting of one or more sequences of figures or letters, as the Authority may from time to time determine.

(3) The Authority may, upon adopting a new form of registered number, make such changes of existing registered numbers (including numbers allocated by the appropriate registrar) as appear to it to be necessary.

(4) A change in a company's registered number has effect from the date on which the company is notified by the Authority of the change.

**Delivery of documents to the Authority**

**73.** Any document which is required by these Regulations to be delivered to the Authority to be recorded on the register maintained pursuant to regulation 71 must be delivered in such form as the Authority may from time to time specify.

**Keeping of company records by the Authority**

**74.**—(1) The information contained in a document delivered to the Authority under any provision of these Regulations may be recorded and kept by it in any form it thinks fit, provided that it is possible to inspect the information and produce a copy of it in legible form.

(2) The originals of documents delivered to the Authority under any provision of these Regulations in legible form must be kept by it for ten years after which they may be destroyed.

(3) Where a company has been dissolved, the Authority may, at any time after the expiration of two years from the date of the dissolution, direct that any records in its custody relating to the company may be removed to the Public Record Office; and records in respect of which such a direction is given must be disposed of in accordance with the enactments relating to that Office and the rules made under them.

(4) Paragraph (3) does not extend to Scotland.

### **Inspection etc. of records kept by the Authority**

**75.**—(1) Any person may inspect any records kept by the Authority for the purposes of this Part of these Regulations and may require—

- (a) a copy, in such form as the Authority considers appropriate, of any information contained in those records; or
- (b) a certified copy of, or extract from, any such record.

(2) The right of inspection extends to the originals of documents delivered to the Authority in legible form only where the record kept by the Authority of the contents of the document is illegible or unavailable.

(3) A copy of or extract from a record kept by the Authority under these Regulations, on which is endorsed a certificate signed by a member of the Authority's staff authorised by it for that purpose certifying that it is an accurate record of the contents of any document delivered to the Authority under these Regulations, is in all legal proceedings admissible in evidence as of equal validity with the original document and as evidence of any fact stated therein of which direct oral evidence would be admissible.

(4) No process for compelling the production of a document kept by the Authority under these Regulations is to issue from any court except with the leave of the court; and any such process must bear on it a statement that it is issued with the leave of the court.

### **Provision by the Authority of documents in non-legible form**

**76.** Any requirement of these Regulations as to the supply by the Authority of a document may, if the Authority thinks fit, be satisfied by the communication by the Authority of the information in any non-legible form it thinks appropriate.

### **Documents relating to Welsh open-ended investment companies**

**77.**—(1) This regulation applies to any document which is delivered to the Authority under these Regulations and relates to an open-ended investment company (whether already registered or to be registered) whose instrument of incorporation states that its head office is to be situated in Wales.

(2) A document to which this regulation applies may be in Welsh but must be accompanied by a certified translation into English.

(3) The requirement for a translation imposed by paragraph (2) does not apply—

- (a) to documents of such description as may be specified in FSA rules; or
- (b) to documents in a form prescribed in Welsh (or partly in Welsh and partly in English) by virtue of section 26 of the Welsh Language Act 1993<sup>(1)</sup> (powers to prescribe Welsh forms).

(4) An open-ended investment company whose instrument of incorporation states that its head office is to be situated in Wales may deliver to the Authority a certified translation into Welsh of any document in English which relates to the company and which is or has been delivered to the Authority.

(5) In this regulation “certified translation” means a translation which is certified in the manner specified in FSA rules to be a correct translation.

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(1) 1993 c. 38.

### **Public notice by the Authority of receipt and issue of certain documents**

**78.**—(1) The Authority must cause to be published in the Gazette notice of the issue or receipt by it of documents of any of the following descriptions (stating in the notice the name of the open-ended investment company, the description of the document and the date of issue or receipt)—

- (a) any document making or evidencing an alteration in a company’s instrument of incorporation;
- (b) any notice of a change in the address of a company’s head office;
- (c) any notice of a change in the directors of a company;
- (d) any notice of a change in the depository of a company;
- (e) any annual report of a company delivered to the Authority as required by FSA rules;
- (f) any copy of an order made under Schedule 6 to these Regulations;
- (g) any copy of a winding-up order in respect of a company; and
- (h) any copy of an instrument providing for the dissolution of a company on a winding up.

(2) In this regulation “the Gazette” means, as respects a company whose head office is in England and Wales (or Wales), the London Gazette and, as respects a company whose head office is in Scotland, the Edinburgh Gazette.

### **Exclusion of deemed notice**

**79.** A person is not to be taken to have deemed notice of any matter merely because of its being disclosed in any document kept by the Authority (and thus available for inspection) under any provision of these Regulations.