
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 335

**Open-Ended Investment Companies
Regulations (Northern Ireland) 2004**

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 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 of Northern Ireland; and records in respect

of which such a direction is given must be disposed of in accordance with the statutory provisions relating to that Office.

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 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.

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

77. The Authority must cause to be published in the Belfast 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 of 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;
- (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.

Exclusion of deemed notice

78. 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.