
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Long-term Investment Funds
(Amendment) (EU Exit) Regulations 2019**

PART 3

Amendment of Regulation (EU) 2015/760

Specific provisions concerning the depository of an LTIF marketed to retail investors

34.—(1) Article 29 (the heading to which becomes “Specific provisions concerning the depository of an LTIF marketed to retail investors”) is amended as follows.

(2) For paragraph 1 substitute—

“**1.** Notwithstanding the provisions in rule 3.11.10 of the Investment Funds sourcebook, the depository of an LTIF marketed to retail investors must be an entity that satisfies the criteria referred to in rule 6.6A.8(1) to (3) of the Collective Investment Schemes sourcebook.

1A. The requirements of section 243(5) and (5A) and 261D(5) of FSMA and regulation 15(8)(a) of the Open-Ended Investment Companies Regulations 2001(1), as amended from time to time, do not apply to a qualifying EEA firm until the end of the period determined in accordance with regulation 17 (period during which regulation 8 or 11 is to apply) of the EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018.

1B. In paragraph 1A ‘qualifying EEA firm’ means a body corporate which—

- (a) is the depository of an LTIF;
- (b) is, by virtue of regulation 8 or 11 of the EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018, treated as having a Part 4A permission relating to one or more regulated activity; and
- (c) had immediately before exit day, and continues to have, a Part 4A permission to carry on the regulated activity specified in Article 51ZD of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.”

(3) In paragraph 2, for the words from the beginning to “ELTIF” substitute “Notwithstanding regulations 30 and 32 of the AIFM Regulations, the depository of an LTIF”.

(4) In paragraph 3—

- (a) for “Article 21(12) of [Directive 2011/61/EU](#)” substitute “regulation 30 of the AIFM Regulations”;
- (b) for “ELTIF” substitute “LTIF”.

(5) In paragraph 5, for “ELTIF” substitute “LTIF” in each place.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory
Instrument: *The Long-term Investment Funds (Amendment) (EU Exit) Regulations 2019 No. 336*
