



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XVII

COLLECTIVE INVESTMENT SCHEMES

CHAPTER III

AUTHORISED UNIT TRUST SCHEMES

Applications for authorisation

242 Applications for authorisation of unit trust schemes

- (1) Any application for an order declaring a unit trust scheme to be an authorised unit trust scheme must be made to the Authority by the manager and trustee, or proposed manager and trustee, of the scheme.
- (2) The manager and trustee (or proposed manager and trustee) must be different persons.
- (3) The application—
 - (a) must be made in such manner as the Authority may direct; and
 - (b) must contain or be accompanied by such information as the Authority may reasonably require for the purpose of determining the application.
- (4) At any time after receiving an application and before determining it, the Authority may require the applicants to provide it with such further information as it reasonably considers necessary to enable it to determine the application.
- (5) Different directions may be given, and different requirements imposed, in relation to different applications.
- (6) The Authority may require applicants to present information which they are required to give under this section in such form, or to verify it in such a way, as the Authority may direct.

Status: This is the original version (as it was originally enacted).

243 Authorisation orders

- (1) If, on an application under section 242 in respect of a unit trust scheme, the Authority—
 - (a) is satisfied that the scheme complies with the requirements set out in this section,
 - (b) is satisfied that the scheme complies with the requirements of the trust scheme rules, and
 - (c) has been provided with a copy of the trust deed and a certificate signed by a solicitor to the effect that it complies with such of the requirements of this section or those rules as relate to its contents,the Authority may make an order declaring the scheme to be an authorised unit trust scheme.
- (2) If the Authority makes an order under subsection (1), it must give written notice of the order to the applicant.
- (3) In this Chapter “authorisation order” means an order under subsection (1).
- (4) The manager and the trustee must be persons who are independent of each other.
- (5) The manager and the trustee must each—
 - (a) be a body corporate incorporated in the United Kingdom or another EEA State, and
 - (b) have a place of business in the United Kingdom,and the affairs of each must be administered in the country in which it is incorporated.
- (6) If the manager is incorporated in another EEA State, the scheme must not be one which satisfies the requirements prescribed for the purposes of section 264.
- (7) The manager and the trustee must each be an authorised person and the manager must have permission to act as manager and the trustee must have permission to act as trustee.
- (8) The name of the scheme must not be undesirable or misleading.
- (9) The purposes of the scheme must be reasonably capable of being successfully carried into effect.
- (10) The participants must be entitled to have their units redeemed in accordance with the scheme at a price—
 - (a) related to the net value of the property to which the units relate; and
 - (b) determined in accordance with the scheme.
- (11) But a scheme is to be treated as complying with subsection (10) if it requires the manager to ensure that a participant is able to sell his units on an investment exchange at a price not significantly different from that mentioned in that subsection.

244 Determination of applications

- (1) An application under section 242 must be determined by the Authority before the end of the period of six months beginning with the date on which it receives the completed application.

Status: This is the original version (as it was originally enacted).

- (2) The Authority may determine an incomplete application if it considers it appropriate to do so; and it must in any event determine such an application within twelve months beginning with the date on which it first receives the application.
- (3) The applicant may withdraw his application, by giving the Authority written notice, at any time before the Authority determines it.