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## SCHEDULES

### SCHEDULE 3

#### EEA PASSPORT RIGHTS

##### Modifications etc. (not altering text)

- C1** Sch. 3 extended (with modifications) (1.12.2001) by S.I. 2001/2636, **arts. 1(2)(b), 25-27**; S.I. 2001/3538, **art. 2(1)**  
Sch. 3 extended (with modifications) (Gibraltar) (5.10.2001 for specified purposes, 1.12.2001 in so far as not already in force) by S.I. 2001/3084, **arts. 1(1), 2-4** (as amended (16.6.2014) by [The Alternative Investment Fund Managers Order 2014](#) (S.I. 2014/1292), **arts. 1(2), 3** (which amending S.I. is itself amended by S.I. 2014/1313, **arts. 1, 2(a)**); and as amended (31.12.2020) by S.I. 2019/589, **regs. 1(3), 5-9** (with **reg. 12**) (as amended by S.I. 2020/1274, **regs. 1, 2**); S.I. 2001/3538, **art. 2(1)**  
Sch. 3 modified (1.12.2001) by S.I. 2001/3592, **arts. 1(2), 114(3)(b), 128(3)(b)** (with **art. 23(2)**)

#### PART I

##### DEFINED TERMS

###### *EEA firm*

- 5 “EEA firm” means any of the following if it does not have its [<sup>F1</sup>relevant office] in the United Kingdom—
- (a) an investment firm (as defined in [<sup>F2</sup>Article 4.1.1 of the markets in financial instruments directive]) which is authorised (within the meaning of [<sup>F3</sup>Article 5]) by its home state regulator;
  - [<sup>F4</sup>(b) a credit institution (as defined in Article 4(1)(1) of the capital requirements regulation) which is authorised (within the meaning of Article 8 of the capital requirements directive) by its home state regulator;]
  - [<sup>F5</sup>(c) a financial institution (as defined in Article 4(1)(26) of the capital requirements regulation) which is a subsidiary of the kind mentioned in Article 34 of the capital requirements directive and which fulfils the conditions of that Article;]
  - (d) an undertaking pursuing the activity of direct insurance (within the meaning of [<sup>F6</sup>Article 2 of the life assurance consolidation directive or Article 1 of the first non-life insurance directive]) which has received authorisation under [<sup>F7</sup>Article 4 of the life assurance consolidation directive or Article 6 of the first non-life insurance directive] from its home state regulator [<sup>F8</sup>, <sup>F9</sup> . . .
  - [<sup>F10</sup>(da) an undertaking pursuing the activity of reinsurance (within the meaning of Article 2.1(a) of the reinsurance directive) which has received authorisation

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- under (or is deemed to be authorised in accordance with) Article 3 of the reinsurance directive from its home state regulator;]
- (e) an insurance intermediary (as defined in Article 2.5 of the insurance mediation directive), or a reinsurance intermediary (as defined in Article 2.6) which is registered with its home state regulator under Article 3;]<sup>F11</sup> ...
  - <sup>F12</sup>(f) a management company (as defined in paragraph 11B) which is authorised (within the meaning of Article 6 of the UCITS directive) by its home state regulator]]<sup>F13</sup>, <sup>F14</sup> ...
  - (g) a person who has received authorisation under Article 18.2 of the emission allowance auctioning regulation]]<sup>F15</sup>, <sup>F16</sup> ...
  - (h) an AIFM (as defined in Article 4.1(b) of the alternative investment fund managers directive) which is authorised (in accordance with [<sup>F17</sup>Article 6.1 of] that directive) by its home state regulator]]<sup>F18</sup>, or
  - (i) a mortgage intermediary which is admitted (in accordance with Article 29(1) of the mortgages directive) by its home state regulator to carry out all or part of the credit intermediation activities set out in Article 4(5) of that directive or to provide advisory services (as defined in Article 4(21) of that directive).]

#### Textual Amendments

- F1** Words in Sch. 3 para. 5 substituted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), {reg. 2(c)(i)}
- F2** Words in Sch. 3 para. 5(a) substituted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), **Sch. 4 para. 4(a)**
- F3** Words in Sch. 3 para. 5(a) substituted (1.4.2007 for certain purposes, otherwise 1.11.2007) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(4), **Sch. 4 para. 4(b)**
- F4** Sch. 3 para. 5(b) substituted (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\)](#), reg. 1(2), **Sch. 2 para. 29(4)**
- F5** Sch. 3 para. 5(c) substituted (1.1.2014) by [The Capital Requirements Regulations 2013 \(S.I. 2013/3115\)](#), reg. 1(2), **Sch. 2 para. 29(5)**
- F6** Words in Sch. 3 para. 5(d) substituted (11.1.2005) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/3379\)](#), **reg. 6(6)(b)(i)**
- F7** Words in Sch. 3 para. 5(d) substituted (11.1.2005) by [The Life Assurance Consolidation Directive \(Consequential Amendments\) Regulations 2004 \(S.I. 2004/3379\)](#), **reg. 6(6)(b)(ii)**
- F8** Sch. 3 para. 5(e) and preceding word inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), **reg. 2(c)(iii)**
- F9** Word in Sch. 3 para. 5(d) omitted (13.2.2004) by virtue of [The Collective Investment Schemes \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2066\)](#), **reg. 2(2)(c)(i)**
- F10** Sch. 3 para. 5(da) inserted (10.12.2007) by [The Reinsurance Directive Regulations 2007 \(S.I. 2007/3253\)](#), reg. 2(1), **Sch. 1 para. 6(c)**
- F11** Word in Sch. 3 para. 5(e) omitted (20.7.2012) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, **4(3)(a)**
- F12** Sch. 3 para. 5(f) substituted (1.7.2011) by [The Undertakings for Collective Investment in Transferable Securities Regulations 2011 \(S.I. 2011/1613\)](#), **reg. 2(33)(b)**
- F13** Sch. 3 para. 5(g) and preceding word inserted (20.7.2012) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2012 \(S.I. 2012/1906\)](#), arts. 1, **4(3)(b)**
- F14** Word in Sch. 3 para. 5(f) omitted (22.7.2013) by virtue of [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 1 para. 34(4)**

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- F15** Sch. 3 para. 5(h) and word inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 1 para. 34(4)**
- F16** Word in Sch. 3 para. 5(g) omitted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by virtue of [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(c)(i)** (with Pt. 4)
- F17** Words in Sch. 3 para. 5(h) omitted (coming into force in accordance with reg. 1(3) of the amending S.I.) by [The Alternative Investment Fund Managers \(Amendment\) Regulations 2013 \(S.I. 2013/1797\)](#), reg. 1(3), **Sch. 1 para. 1(5)(a)**
- F18** Sch. 3 para. 5(i) and word inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(c)(ii)** (with Pt. 4)

#### Commencement Information

- II** Sch. 3 Pt. I para. 5 wholly in force at 1.12.2001; Sch. 3 Pt. I para. 5 not in force at Royal Assent see s. 431(2); Sch. 3 Pt. I para. 5 in force for certain purposes at 25.2.2001 by [S.I. 2001/516](#), art. 2(b)(c), [Sch. Pts. 2, 3](#); Sch. 3 Pt. I para. 5 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), **art. 2 Sch.**; Sch. 3 Pt. I para. 5 in force in so far as not already in force at 1.12.2001 by [S.I. 2001/3538](#), **art. 2(1)**

- [<sup>F19</sup>5A In paragraph 5, “relevant office” means—
- (a) in relation to a firm falling within sub-paragraph (e) [<sup>F20</sup>or (i)] of that paragraph which has a registered office, its registered office;
  - [ in relation to a firm falling within sub-paragraph (h) of that paragraph, its
  - <sup>F21</sup>(aa) registered office;]
  - (b) in relation to any other firm, its head office.]

#### Textual Amendments

- F19** Sch. 3 para. 5A inserted (14.1.2005) by [The Insurance Mediation Directive \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1473\)](#), **reg. 2(2)(d)**
- F20** Words in [Sch. 3 para. 5A\(a\)](#) inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), art. 1(5), **Sch. 1 para. 1(10)(d)** (with Pt. 4)
- F21** Sch. 3 para. 5A(aa) inserted (22.7.2013) by [The Alternative Investment Fund Managers Regulations 2013 \(S.I. 2013/1773\)](#), reg. 1, **Sch. 1 para. 34(5)**

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