



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART XXIII

PUBLIC RECORD, DISCLOSURE OF INFORMATION AND CO-OPERATION

The public record

347 The record of authorised persons etc.

- (1) The Authority must maintain a record of every—
- (a) person who appears to the Authority to be an authorised person;
 - (b) authorised unit trust scheme;
 - (c) authorised open-ended investment company;
 - (d) recognised scheme;
 - (e) recognised investment exchange;
 - (f) recognised clearing house;
 - (g) individual to whom a prohibition order relates;
 - (h) approved person; ^{F1} . . .
 - [^{F2}(ha) person to whom subsection (2A) applies; and]
 - (i) person falling within such other class (if any) as the Authority may determine.
- (2) The record must include such information as the Authority considers appropriate and at least the following information—
- (a) in the case of a person appearing to the Authority to be an authorised person—
 - (i) information as to the services which he holds himself out as able to provide; and
 - (ii) any address of which the Authority is aware at which a notice or other document may be served on him;
 - (b) in the case of an authorised unit trust scheme, the name and address of the manager and trustee of the scheme;

Status: Point in time view as at 01/11/2007. This version of this provision has been superseded.

Changes to legislation: Financial Services and Markets Act 2000, Section 347 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in the case of an authorised open-ended investment company, the name and address of—
 - (i) the company;
 - (ii) if it has only one director, the director; and
 - (iii) its depositary (if any);
- (d) in the case of a recognised scheme, the name and address of—
 - (i) the operator of the scheme; and
 - (ii) any representative of the operator in the United Kingdom;
- (e) in the case of a recognised investment exchange or recognised clearing house, the name and address of the exchange or clearing house;
- (f) in the case of an individual to whom a prohibition order relates—
 - (i) his name; and
 - (ii) details of the effect of the order;
- (g) in the case of a person who is an approved person—
 - (i) his name;
 - (ii) the name of the relevant authorised person;
 - (iii) if the approved person is performing a controlled function under an arrangement with a contractor of the relevant authorised person, the name of the contractor.

[^{F3}(2A) This subsection applies to—

- (a) an appointed representative to whom subsection (1A) of section 39 applies for whom the applicable register (as defined by subsection (1B) of that section) is the record maintained by virtue of subsection (1)(ha) above;
 - (b) a person mentioned in subsection (1)(a) of section 39A if—
 - (i) the contract with an authorised person to which he is party complies with the applicable requirements (as defined by subsection (7) of that section), and
 - (ii) the authorised person has accepted responsibility in writing for the person's activities in carrying on investment services business (as defined by subsection (8) of that section); and
 - (c) any person not falling within paragraph (a) or (b) in respect of whom the Authority considers that a record must be maintained for the purpose of securing compliance with Article 23.3 of the markets in financial instruments directive (registration of tied agents).]
- (3) If it appears to the Authority that a person in respect of whom there is an entry in the record as a result of one of the paragraphs of subsection (1) has ceased to be a person to whom that paragraph applies, the Authority may remove the entry from the record.
- (4) But if the Authority decides not to remove the entry, it must—
- (a) make a note to that effect in the record; and
 - (b) state why it considers that the person has ceased to be a person to whom that paragraph applies.
- (5) The Authority must—
- (a) make the record available for inspection by members of the public in a legible form at such times and in such place or places as the Authority may determine; and

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- (b) provide a certified copy of the record, or any part of it, to any person who asks for it—
 - (i) on payment of the fee (if any) fixed by the Authority; and
 - (ii) in a form (either written or electronic) in which it is legible to the person asking for it.
- (6) The Authority may—
 - (a) publish the record, or any part of it;
 - (b) exploit commercially the information contained in the record, or any part of that information.
- (7) “Authorised unit trust scheme”, “authorised open-ended investment company” and “recognised scheme” have the same meaning as in Part XVII, and associated expressions are to be read accordingly.
- (8) “Approved person” means a person in relation to whom the Authority has given its approval under section 59 and “controlled function” and “arrangement” have the same meaning as in that section.
- (9) “Relevant authorised person” has the meaning given in section 66.

Textual Amendments

- F1** Word in s. 347(1) omitted (1.4.2007 for certain purposes and 1.11.2007 otherwise) by virtue of [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(5), **Sch. 5 para. 12(a)**
- F2** S. 347(1)(ha) inserted (1.4.2007 for certain purposes and 1.11.2007 otherwise) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(5), **Sch. 5 para. 12(b)**
- F3** S. 347(2A) inserted (1.4.2007 for certain purposes and 1.11.2007 otherwise) by [The Financial Services and Markets Act 2000 \(Markets in Financial Instruments\) Regulations 2007 \(S.I. 2007/126\)](#), regs. 1(2), 3(5), **Sch. 5 para. 12(c)**

Modifications etc. (not altering text)

- C1** S. 347(1)(a) disappplied (temp. from 31.10.2004 until 30.4.2005) by [The Financial Services and Markets Act 2000 \(Transitional Provisions\) \(Mortgages\) Order 2004 \(S.I. 2004/2615\)](#), arts. 1(2)(b), 5, **Sch. para. 9**
- C2** S. 347(1)(a) disappplied (temp. from 14.1.2005 until 14.7.2005) by [The Financial Services and Markets Act 2000 \(Transitional Provisions\) \(General Insurance Intermediaries\) Order 2004 \(S.I. 2004/3351\)](#), arts. 1(2)(b), 5, {Sch. para. 8}
- C3** S. 347(1)(a) disappplied (6.4.2007) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2006 \(S.I. 2006/1969\)](#), arts. 1(3), 7, **Sch. para. 9**
- C4** S. 347(1)(h) disappplied (temp. from 31.10.2004 until 30.4.2005) by [The Financial Services and Markets Act 2000 \(Transitional Provisions\) \(Mortgages\) Order 2004 \(S.I. 2004/2615\)](#), arts. 1(2)(b), 5, **Sch. para. 10**
- C5** S. 347(1)(h) disappplied (temp. from 14.1.2005 until 14.7.2005) by [The Financial Services and Markets Act 2000 \(Transitional Provisions\) \(General Insurance Intermediaries\) Order 2004 \(S.I. 2004/3351\)](#), arts. 1(2)(b), 5, {Sch. para. 9}
- C6** S. 347(1)(h) disappplied (6.4.2007) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2006 \(S.I. 2006/1969\)](#), arts. 1(3), 7, **Sch. para. 10**

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Commencement Information

- II** S. 347 partly in force; s. 347 not in force at Royal Assent see s. 431(2); s. 347(3)-(9) in force at 1.12.2001 by [S.I. 2001/3538](#), [art. 2\(1\)](#); s. 347(1)(2) in force for specified purposes at 1.12.2001, 1.5.2002, 1.8.2002, 1.12.2002 by [S.I. 2001/3528](#), [art. 2\(1\)\(3\)](#)

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