



FINANCIAL SUPERVISION ACT 1988
COLLECTIVE INVESTMENT SCHEME (FEES) REGULATIONS 2005

Approved by Tynwald on 16th March 2005

Coming into operation on 1 April 2005

In exercise of the powers conferred on the Treasury by section 27(1)(a) of the Financial Supervision Act 1988^(a) and on the Financial Supervision Commission by sections 2(2)c, 12(5)c, 13(8) and 31 of that Act, and of all other enabling powers, the following Regulations are hereby made:

Citation and commencement

1. These Regulations may be cited as the Collective Investment Scheme (Fees) Regulations 2005 and shall come into operation 1 April 2005.

Interpretation

2. In these Regulations:

“annual review date” shall mean 1 July each year;

“international collective investment scheme” has the meaning given in section 11(5) of the Act with the exception of a professional investor fund within the meaning given in the Financial Supervision (Professional Investor Fund) (Exemption) Order 1999^(b), and an experienced investor fund within the meaning given in the Financial Supervision (Experienced Investor Fund) (Exemption) Order 1999^(c);

“the Act” means the Financial Supervision Act 1988.

Authorised collective investment schemes

3. (1) The application fee under section 2 of the Act is £1,300 in respect of a scheme which is not an umbrella fund.

^(a) 1988 c.16

^(b) SD 602/99

^(c) SD 603/99, as amended by SD 407/00

(2) The application fee under section 2 of the Act in respect of a scheme which is an umbrella fund is £1,200 and, in addition, £450 in respect of each constituent part.

(3) The operator of a scheme authorised under section 3 of the Act which is not an umbrella fund shall pay, upon authorisation and on the annual review date, a periodical fee of £850.

(4) The operator of a scheme authorised under section 3 of the Act which is an umbrella fund shall pay, upon authorisation of the scheme and on the annual review date, a periodical fee of £450 in respect of each constituent part.

Recognised collective investment schemes under section 12 of the Act

4. The operator of a scheme recognised under section 12 of the Act shall pay, upon notification of the scheme and on the annual review date, a periodical fee of £1,050.

Recognised collective investment schemes under section 13 of the Act

5. (1) The application fee under section 13 of the Act is £2,300 in respect of a scheme which is not an umbrella fund.

(2) The application fee under section 13 of the Act in respect of a scheme which is an umbrella fund is £1,800 and, in addition, £350 in respect of the first ten constituent parts, and £200 in respect of each additional constituent part.

(3) The operator of a scheme recognised under section 13 of the Act which is not an umbrella fund shall pay, upon recognition and on the annual review date, a periodical fee of £1,200.

(4) The operator of a scheme recognised under section 13 of the Act which is an umbrella fund, shall pay upon recognition of the scheme and on the annual review date, a periodical fee of £350 in respect of the first ten constituent parts, and £200 in respect of each additional constituent part.

International collective investment schemes

6. The operator of an international collective investment scheme notified to the Financial Supervision Commission in accordance with section 11 of the Act shall pay, upon notification and on the annual review date, a periodical fee of £1,000.

Proportionate fees

7. In respect of schemes authorised, recognised or international collective investment schemes being added to an investment business licence with effect from a date other than 1 July, the fees under regulations 3(3), 3(4), 4, 5(3), 5(4) and 6 shall be paid from the date of the authorisation, recognition or date the international collective investment scheme is added to the investment

business licence, to the next following 1 July, calculated in accordance with the formula in regulation 8.

Proportionate fee adjustment formula

8. For the purposes of regulation 7, the appropriate fee is calculated in accordance with the following formula:

$$\frac{F \times N}{12}$$

where:

“F” is the fee;

“N” is the number of months between the date of the authorisation, recognition or date the international collective investment scheme is added to the investment business licence and the next following 30 June, and for this purpose a part of a month shall be treated as a complete month.

Revocation of statutory document 58/03

9. The Collective Investment Scheme (Fees) Regulations 2003^(d) are revoked.

Made this 11th day of February 2005.



Chairman



Chief Executive

Made this 4th day of February 2005.



Minister for the Treasury

^(d) SD 58/03

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations specify the fees payable in respect of the following collective investment schemes:

- (a) schemes authorised under section 3 of the Financial Supervision Act 1988;
- (b) schemes recognised under sections 12 and 13 of the Financial Supervision Act 1988;
- (c) schemes which are international collective investment schemes within the meaning of section 11 of the Financial Supervision Act.

The Regulations do not require those international collective investment schemes which are professional investor funds or experienced investor funds to pay fees.