

Statutory Document No. 2018/0059



Collective Investment Schemes Act 2008

COLLECTIVE INVESTMENT SCHEMES (FEES) ORDER 2018

Approved by Tynwald: 20 March 2018
Coming into Operation: 1 April 2018

The Isle of Man Financial Services Authority makes the following Order under section 24 of, and paragraph 1(h) of Schedule 5 to, the Collective Investment Schemes Act 2008 after carrying out the consultations required by section 24(13) of that Act.

1 Title

This Order is the Collective Investment Schemes (Fees) Order 2018.

2 Commencement

If approved by Tynwald, this Order comes into operation on 1 April 2018.

3 Interpretation

In this Order —

“**the Act**” means the Collective Investment Schemes Act 2008;

“**annual review date**” means 1 August each year;

“**application**” means —

- (a) in relation to an authorised scheme, an application for an authorisation order under paragraph 1(1) of Schedule 1 to the Act;
- (b) in relation to a recognised scheme —
 - (i) a written notice under paragraph 1(4)(a) of Schedule 4 to the Act; or
 - (ii) an application for a recognition order under paragraph 2(1) of Schedule 4 to the Act;
- (c) in relation to a full international scheme, a written notice in accordance with paragraph 2(12) of Schedule 2 to the Act; and

- (d) in relation to other classes of international scheme, notification in writing of the scheme's establishment in accordance with paragraph 4(5) of Schedule 2 to the Act;

“Authority” means Isle of Man Financial Services Authority;

“Isle of Man functionary” means the manager or administrator of an Isle of Man scheme and the Isle of Man contact or representative of a recognised scheme;

“other classes of international scheme” means any international scheme other than a full international scheme;

“start date” means —

- (a) in relation to an authorised scheme, the date that the Authority makes an authorisation order under paragraph 2(1) of Schedule 1 to the Act;
- (b) in relation to a recognised scheme —
- (i) the date a written notice under paragraph 1(4)(a) of Schedule 4 to the Act is received by the Authority; or
 - (ii) the date that the Authority makes a recognition order under paragraph 2(1) of Schedule 4 to the Act;
- (c) in relation to a full international scheme —
- (i) the date of expiry of the 3 month period provided in paragraph 2(13)(b) of Schedule 2 to the Act; or
 - (ii) the date the Authority approves the proposal in accordance with paragraph 2(13)(a) of Schedule 2 to the Act; and
- (d) in relation to other classes of international scheme, the date the Authority is notified in accordance with paragraph 4(5) of Schedule 2 to the Act.

4 Application fees and periodical fees

- (1) Subject to paragraph (3) and article 5, in relation to a scheme of a description specified in column 1 of the table in the Schedule, the following fees are payable —
- (a) on application, the fee specified in column 2; and
 - (b) on every annual review date, the periodical fee specified in, or calculated in accordance with, column 3.
- (2) A periodical fee is payable by a scheme that has been notified to, or approved by, the Authority as at 30 April before the annual review date.

- (3) Following a successful application, the first periodical fee relating to the period from the start date to 30 April (calculated in accordance with article 5) is due and payable on the start date.
- (4) Fees under this article are payable by the scheme and are billed to the Isle of Man functionary.
- (5) Application fees and periodical fees are not refundable.

5 Calculation of periodical fees following successful application

The periodical fee referred to in article 4(3) is calculated in accordance with the following formula (rounded up to the nearest pound) —

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

Where —

F is the periodical fee which would be payable apart from this article;

N is the number of months from the start date to 30 April, counting a part of a month as a complete month.

6 Revocation

The Collective Investment Schemes (Fees) Order 2017¹ is revoked.

MADE 14 FEBRUARY 2018

K. BADGEROW

Chief Executive of the Isle of Man Financial Services Authority

L. BOYLE

Member of the Isle of Man Financial Services Authority

¹ SD 2017/0034

SCHEDULE

[Article 4]

FEES

| <i>Column 1</i> | | <i>Column 2</i> | <i>Column 3</i> |
|-----------------------------|---|---|---|
| Type of scheme | | Application fee | Periodical fee |
| Authorised scheme | Single tier | £2,201 per fund | £1,519 per fund |
| | Umbrella | £2,036 per fund plus £837 per sub-fund | £837 per sub-fund |
| Recognised scheme | Under paragraph 1 of Schedule 4 to the Act | Nil | £1,829 per fund |
| | Single tier under paragraph 2 of Schedule 4 to the Act | £3,761 per fund | £2,036 per fund |
| | Umbrella under paragraph 2 of Schedule 4 to the Act | £2,976 per fund plus — - for sub-funds 1 to 10, £682 per sub-fund - for sub-funds 11 and above, £476 per sub-fund | For sub-funds 1 to 10, £682 per sub-fund For sub-funds 11 and above, £476 per sub-fund |
| International scheme | Full international scheme | £1,312 per fund ² | £1,674 per fund |
| | Other classes of international scheme | Nil | £786 per fund |

² For a regulated fund only

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies the application fees and periodical fees payable from 1 April 2018 by schemes under the Collective Investment Schemes Act 2008.

This Order provides for fees to be pro-rated, where applicable, if an application is granted during a period.

This Order revokes and replaces the Collective Investment Schemes (Fees) Order 2017 and makes inflationary increases to all fees, based on the Consumer Price Index (CPI) inflation rate of 3.3% for the year to October 2017, with amounts being rounded up to the nearest £1.