

No. 51

THE FINANCIAL SERVICES COMMISSION

(AMENDMENT)(UK/EU Exit) RULES, 2019

**(The Authorised Collective Investment Schemes (Class B)
Rules, 2013) (Amendment)**

The Insurance Business (Solvency) Rules, 2015)(Amendment)

**The Licensees (Conduct of Business) Rules,
2016)(Amendment)**

**The Pension Licensees (Conduct of Business) & Domestic
and International Pension Scheme and Gratuity Scheme
Rules, 2017)(Amendment)**

**The Pension Licensees (Conduct of Business) & Domestic
and International Pension Scheme and Gratuity Scheme
Rules (No 2), 2017)(Amendment)**

**The Private Investment Fund Rules, 2016)(Amendment)),
2019**

Made:

Coming into Operation:

The Guernsey Financial Services Commission (“the Commission”), in exercise of the powers conferred on it by sections 12, 14, 15, 16, 18 and 20 of *the Protection of Investors (Bailiwick of Guernsey) Law, 1987*¹, sections 33A and 33B of *the Banking Supervision (Bailiwick of Guernsey) Law, 1994*², sections 31A and 31B of *the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc. (Bailiwick of Guernsey) Law, 2000*³, sections 18 and 18AA of *the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law, 2002*⁴, and sections 38A and 38B of *the Insurance Business (Bailiwick of Guernsey) Law, 2002*⁵ (together “the Supervisory Laws”) makes the following Rules.

The Commission is mindful of its requirements under the Supervisory Laws to provide for a period of consultation prior to the making of rules; however the Commission considers that a delay in the making of these Rules would be prejudicial to the interests of those affected by the Rules and, in the circumstances, this requirement has been avoided.

Citation and Commencement

1. These Rules may be cited as the Financial Services Commission (UK/EU Exit) (Amendments) Rules, 2019 (“the UK/EU Exit Rules”).
2. These Rules shall come into force on exit day.
3. The amendments made by the Annexes shall have prospective effect from exit day.

Interpretation

4. Exit day, for the purpose of these Rules, means the day or time at which the Treaties are to cease to apply to the United Kingdom in accordance with Article 50(3) of the Treaty on European Union.

¹ Ordres en Conseil No. XX of 1987, as amended.

² Ordres en Conseil No. XIII of 1994, as amended.

³ Ordres en Conseil No. I of 2001, as amended.

⁴ Ordres en Conseil No. XXII of 2002, as amended.

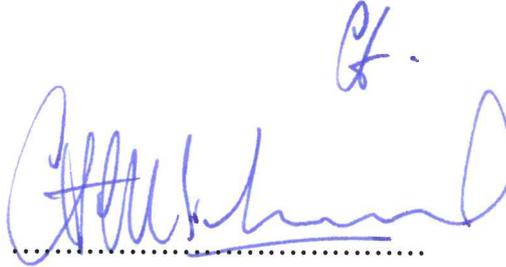
⁵ Ordres en Conseil No. XXI of 2002, as amended.

Amendments

A. The Rules listed in column (1) below are amended in accordance with the Annexes as listed in column (2):

(1)	(2)
The Authorised Collective Investment Schemes (Class B) Rules 2013 ⁶	Annex A
The Insurance Business (Solvency) Rules 2015 ⁷	Annex B
The Licensees (Conduct of Business) Rules 2016 ⁸	Annex C
The Pension Licensees (Conduct of Business) & Domestic and International Pension Scheme and Gratuity Scheme Rules 2017 ⁹	Annex D
The Pension Licensees (Conduct of Business) & Domestic and International Pension Scheme and Gratuity Scheme Rules (No. 2) 2017 ¹⁰	Annex E
The Private Investment Fund Rules 2016 ¹¹	Annex F

Dated this ^{Amid} 5 day of ~~March~~ March, 2019



C. A. SCHRAUWERS

Chairman of the Guernsey Financial Services Commission

For and on behalf of the Commission

⁶ No. 49 of 2013.

⁷ No. 31 of 2015, as amended.

⁸ No. 92 of 2016, as amended.

⁹ No. 37 of 2017.

¹⁰ No. 57 of 2017.

¹¹ No. 52 of 2016.

Annex A

Amendments to The Authorised Collective Investment Schemes (Class B) Rules 2013¹²

In this Annex underlining indicates new text.

Part 1 – INTRODUCTORY

...

1.02 Interpretation

...

“approved bank” means a person who is licensed under The Banking Supervision (Bailiwick of Guernsey) Law, 1994 as amended or is registered under The Banking Business (Jersey) Law, 1991, or authorised to undertake Class 1 Deposit-taking Business under the Isle of Man Financial Services Act 2008 or is authorised and regulated to carry on a banking or deposit-taking business under the Financial Services and Markets Act 2000 or under the law of the United Kingdom or under the law of any Member State or under the law of any other country or territory which may be listed in notices issued from time to time by the *Commission*;

...

“approved security” means a transferable security that is admitted to official listing on the Channel Islands Stock Exchange or in the United Kingdom or in an *EEA State* or is traded on or under the rules of an *eligible market* (otherwise than by the specific permission of the authority responsible for supervising the *eligible market*);

...

“eligible institution” means:

- (a) a credit institution authorised by an *EEA State* regulator or by a UK regulator;
- (b) an investment firm authorised by an *EEA State* regulator or by a UK regulator;

¹² No. 49 of 2013.

- (c) a firm authorised under the *Law*;
 - (d) a firm licensed under The Banking Supervision (Bailiwick of Guernsey) Law, 1994 as amended,
- or in each case under any European Union directives or other laws or regulations;

...

“eligible market” means

- (a) *a regulated market*;
- (b) a market in the United Kingdom or in an EEA State which is regulated, operates regularly and is open to the public; or
- (c) any market not falling within paragraphs (a) and (b) but which is eligible for the purposes of these rules if:

...

Annex B

Amendments to The Insurance Business (Solvency) Rules 2015¹³

In this Annex underlining indicates new text and striking through indicates deleted text.

Schedule 4

Required Standard Formulae

...

	Country / Territory
1	Australia
2	Bermuda
3	Canada
4	the European Union
5	Japan
6	Switzerland
7	<u>the United Kingdom</u>

...

Schedule 6

Recognised Territory

...

	Territory
...	...
4	the following countries or territories -
	...
	(i) South Africa
	<u>(j) the United Kingdom</u>
	(j) (k) the United States of America

¹³ No. 31 of 2015, as amended.

Annex C

Amendments to The Licensees (Conduct of Business) Rules 2016¹⁴

In this Annex underlining indicates new text.

1. Introduction

...

1.2 Interpretation

1.2.1

...

“approved bank” means a person who is licensed under the Banking Supervision (Bailiwick of Guernsey) Law, 1994 as amended or is registered under the Banking Business (Jersey) Law, 1991, or authorised to undertake Class 1 Deposit-taking Business under the Isle of Man Financial Services Act 2008 or is authorised and regulated to carry on a banking or deposit-taking business under the Financial Services and Markets Act 2000 or under the law of the United Kingdom or under the law of any *Member State* or under the law of any other country or territory which may be listed in notices issued from time to time by *the Commission*;

...

¹⁴ No. 92 of 2016, as amended.

Annex D

Amendments to The Pension Licensees (Conduct of Business) & Domestic and International Pension Scheme and Gratuity Scheme Rules 2017¹⁵

In this Annex underlining indicates new text.

1. Introduction

...

1.3 Interpretation

1.3.1 ...

...

“Appropriate Financial Adviser” means:

...

in the context of a personal or group *Pension Scheme* or *Gratuity Scheme* marketed to international residents a *Financial Adviser*; or a financial adviser regulated to provide financial advice on pensions in Jersey, Isle of Man, the United Kingdom or an EU member state; or

...

...

10.16 Investment Direction

...

Provisions relating to Third Party Directed investment approach

10.16.6 ...

...

(a) ...

¹⁵ No. 37 of 2017.

...

(ii) in the context of a personal or group pension scheme marketed to international residents a *Financial Adviser* or a financial adviser regulated to provide financial advice in Jersey, Isle of Man, the United Kingdom or an EU member state; or

...

Annex E

Amendments to The Pension Licensees (Conduct of Business) & Domestic and International Pension Scheme and Gratuity Scheme Rules (No. 2) 2017¹⁶

In this Annex underlining indicates new text.

1. Introduction

...

1.3 Interpretation

1.3.1 ...

...

“**Appropriate Financial Adviser**” means:

(a) ...

(b) in the context of a personal or group *Pension Scheme* or *Gratuity Scheme* marketed to international residents a:

(i) *Financial Adviser*; or

(ii) a financial adviser regulated to provide financial advice on pensions in Jersey, Isle of Man, the United Kingdom or an EU member state; or

(iii) ...

...

10.16 Investment Direction

...

¹⁶ No. 57 of 2017.

Provisions relating to Third Party Directed investment approach

10.16.6 ...

...

(a) ...

(i) ...

(ii) ...

B a financial adviser regulated to provide financial advice in Jersey,
Isle of

Man, the United Kingdom or an EU member state; or

...

Annex F
Amendments to The Private Investment Fund Rules 2016¹⁷

In this Annex underlining indicates new text.

Part 1 – INTRODUCTION

...

1.02 Interpretation

(1) ...

“approved security” means a transferable security that is admitted to official listing on the Channel Islands Securities Exchange Authority Limited or an exchange recognised in the United Kingdom or in an EEA State or is traded on or under the rules of a regulated securities market;

...

¹⁷ No. 52 of 2016.