



Statutory Document No. 290/05

COMPANIES ACTS 1931

COLLECTIVE INVESTMENT SCHEMES (PROSPECTUS) (EXEMPTION) REGULATIONS 2005

*Approved by Tynwald on 22nd June 2005
Coming into operation on 1st July 2005*

In exercise of the powers conferred on the Treasury by section 324A of the Companies Act 1931^(a), and of all other enabling powers, the following Regulations are hereby made:-

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Collective Investment Schemes (Prospectus) (Exemption) Regulations 2005 and, subject to section 324A(2) of the Companies Act 1931, shall come into operation on 1st July 2005.

(2) In these Regulations -

“authorised scheme”, “recognised scheme” and “open-ended investment company” have the meanings given by section 31(1) of the Financial Supervision Act 1988^(b);

“international scheme” has the meaning given by section 11(5) of the Financial Supervision Act 1988 (with the exception of a scheme which is exempted from section 11 of that Act by virtue of subsection (7) of that section) and includes a professional investor fund within the meaning given in article 2(1) of the Financial Supervision (Professional Investor Fund) (Exemption) Order 1999^(c) and an experienced investor fund within the meaning given in article 2(1) of the Financial Supervision (Experienced Investor Fund) (Exemption) Order 1999^(d).

Revocation of Statutory Document No. 628/95

2. The Collective Investment Schemes (Prospectus) (Exemption) Regulations 1995 are revoked.

^(a) Vol. XIII p.235

^(b) 1988 c. 16

^(c) S.D. 602/99

^(d) S. D. 603/99

Exemptions from, and modifications to, Companies Act 1931

3. (1) An open-ended investment company which is an authorised scheme, a recognised scheme or an international scheme shall be exempt from the provisions of the Companies Act 1931 which are referred to in Part 1 of the Schedule.

(2) In relation to such a company, the provisions of the Companies Act 1931 which are referred to in Part 2 of the Schedule shall have effect as if references to a prospectus were references to:

- (a) scheme particulars published under section 10 of the Financial Supervision Act 1988;
- (b) an offer document issued under article 4(5) of the Financial Supervision (Professional Investor Fund) (Exemption) Order 1999; or
- (c) an offer document issued under article 4(8) of the Financial Supervision (Experienced Investor Fund) (Exemption) Order 1999

as the case requires.

SCHEDULE

PART 1

PROVISIONS OF THE COMPANIES ACT 1931 TO WHICH EXEMPTIONS APPLY.

Sections 34 to 38.

Section 38B(2), (3)(d)(ii), (4), (5), (6)(b) and (7).

Sections 38C to 40.

Sections 322 to 323C.

Sections 323E and 324.

Schedules 3 to 5.

PART 2

PROVISIONS OF THE COMPANIES ACT 1931 WHICH ARE MODIFIED

Section 27(1).

Section 38B (1), (3) (except paragraph (d)(ii)), (6) (except paragraph (b)), and (8).

Section 323D.

Made this 4th day of May 2005.

A.R. Bell

Minister for the Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt companies, which are authorised, recognised or international collective investment schemes from the majority of the prospectus requirements of the Companies Act 1931.

Such schemes, with the exception of professional investor funds and experienced investor funds, are required under the Financial Supervision Act 1988 to publish a similar document known as scheme particulars.

Professional investor funds and experienced investor funds are required under the Financial Supervision (Professional Investor Fund) (Exemption) Order 1999 and the Financial Supervision (Experienced Investor Fund) (Exemption) Order 1999 to publish a similar document known as an offer document.