



Feedback on Consultation Paper

No. 4 2019

Financial Services (Jersey) Law 1998: Fund Services Business Fees

Financial Services (Jersey) Law 1998/Alternative Investment Funds (Jersey) Regulations 2012: AIF and AIF Services Business Fees

Collective Investment Funds (Jersey) Law 1988: Collective Investment Fund Fees

Control of Borrowing (Jersey) Law 1947/Control of Borrowing (Jersey) Order 1958: CoBO Fees

Financial Services (Jersey) Law 1998/Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014: QSMA Fees

Feedback on a consultation on proposals to change fee rates.

Issued: June 2019

Consultation Feedback

The Jersey Financial Services Commission (**JFSC**) reports on responses received regarding Consultation Paper No.4 2019.

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It is the policy of the JFSC to make the content of all responses available for public inspection unless specifically requested otherwise.

It is the policy of Jersey Finance Limited (unless otherwise requested or agreed) to collate all responses and share them verbatim with the JFSC on an anonymised basis (with reference made only to the type of respondent, e.g. individual, law firm, trust company etc.) This collated, anonymised response will, typically, be placed in JFL's permanent electronic archive which is currently open to all JFL members.

Glossary of Terms

AIF	Alternative Investment Fund
AIFSB	Alternative Investment Fund Services Business
CIF	Collective Investment Fund
CoBO	Control of Borrowing (Jersey) Order 1958
Commission Law	Financial Services Commission (Jersey) Law 1998, as amended
Consultation Paper	Consultation Paper No.3 2018 on AIF, CIF FSB, COBO and QSMA FEES
Feedback Paper	Feedback on Consultation Paper No.3 2018
FSB	Fund Services Business
JFSC	Jersey Financial Services Commission
QSMA	Qualifying Segregated Managed Account

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1 Executive Summary

1.1 Overview

- 1.1.1 The JFSC issued the Consultation Paper on 17 May 2019. The purpose of the Consultation Paper was to seek views on proposals to:
- 1.1.1.1 Increase FSB, AIF and CIF and QSMA fee rates by 7%
 - 1.1.1.2 Increase CoBO fee rates by 7% with the exception of JPF annual fees
 - 1.1.1.3 Introduce fees for amendments to existing CoBO consents for NDS (non-fund) and Jersey UT (non-fund)
 - 1.1.1.4 Increase JPF annual fees by 3.6%
 - 1.1.1.5 Explore views on higher increases to JPF fees as an alternative to other increases in the proposed fee rates
 - 1.1.1.6 Explore views on an additional 1.5% increase in fee rates to fund an additional policy development resource devoted to funds-related policy development

1.2 Feedback received

- 1.2.1 The consultation period closed on 14 June 2019. Two responses were received directly by the JFSC and two responses were received by Jersey Finance.
- 1.2.2 Section 2 of this Feedback Paper presents a summary of the substantive comments received and the JFSC's replies, as appropriate, to each.
- 1.2.3 The JFSC is grateful to respondents for taking the time to consider and comment on the proposals. The final Fees Notices can be found from Appendices B to F.

1.3 Next steps

- 1.3.1 For the reasons given in this Feedback Paper, the JFSC will proceed with the following increases to the fee tariffs (rounded to £10):
- 1.3.1.1 Increase FSB, AIF, CIF and QSMA fee rates (including the fee cap) by 7%
 - 1.3.1.2 Increase CoBO fee rates by 7% with the exception of JPF annual fees
 - 1.3.1.3 Introduce fees for amendments to existing CoBO consents for NDS (non-fund) and Jersey UT (non-fund)
 - 1.3.1.4 Increase JPF annual fees by 3.6%
- 1.3.2 The Fees Notices (Appendices B to F) have been updated and will be published on the JFSC website.
- 1.3.3 As in prior periods, the 2019 annual fees will be collected electronically i.e. by bank transfer, and payments will only be accepted by the JFSC, from 1 July 2019. Invoices will be available through the myJFSC portal after this date.

2 Summary of responses

2.1 Structure of this section

- 2.1.1 This section summarises the substantive comments received in response to the Consultation and the JFSC's responses.
- 2.1.2 The Consultation Paper asked two questions:
- 2.1.2.1 "Do you agree with the proposed fee rate changes consulted on in this paper?"

- 2.1.2.2 “Do you have views on the notions outlined at 3.2.12 and 3.2.13” (views on higher increases to JPF fees and additional policy resource)

2.2 Increase to fee rates

- 2.2.1 None of the respondents explicitly objected to the proposals, however, a number of questions and clarificatory requests were made. For this reason, the proposals will be implemented as summarised at 1.3.1 with the JFSC’s replies detailed below.
- 2.2.2 One respondent expressed concern that the over-inflationary increase to fee rates was a “shock” increase with potential negative impacts on Jersey’s competitiveness resulting from the proposals. These negative impacts included a significant loss of funds business to other jurisdictions as a result of fee rate increases over recent years.
- 2.2.2.1 The JFSC notes the concerns that fee rate increases may have a negative impact on Jersey’s competitiveness. In context, the JFSC notes continued growth in assets under management within regulated funds, the success of the JPF and the absence of direct evidence that fee rate increases have led to a “loss of funds” for Jersey. Notwithstanding this context, the JFSC remains sensitive to concerns in respect of Jersey’s competitive position and acknowledges that fees are a component in the wider positioning of Jersey as a competitive jurisdiction.
- 2.2.3 Two respondents identified that the Consultation stated the full relevant cost of the JFSC’s new project to significantly enhance its supervision of financial crime would have resulted in an increase of 12.5% rather than the proposed increase of 7%. The respondents requested clarification of the quantum in order that the Consultation was transparent.
- 2.2.3.1 At 3.2.6 and 3.2.7 in the Consultation, the JFSC explained that it is liaising with Government to explore the possibility of bridging funding towards the cost of meeting the additional regulatory workload. If Government are unable to provide bridging funding, the proposed additional increase over RPI would need to be increased. This would be to the extent that the bridging funding does not meet the expected additional expenditure in respect of the JFSC’s increased AML/CFT activities. This additional increase is the 5.5% difference between the 7% fee rate increase in the Consultation and the 12.5%.
- 2.2.4 One respondent requested information regarding the status of discussions with Government in respect of the bridging funding.
- 2.2.4.1 At the date of this feedback paper, discussions are ongoing with respect to bridging funding. It was stated in the Consultation that should the bridging funding not be available, an additional increase to fee rates of 5.5% would be required. As the date on which funds and associated fees will be levied is 1 July, the 5.5% addition to fee rates will not feature on 1 July 2019 irrespective of the outcome of these discussions. The JFSC will be engaging with industry over the 2019-2020 fees period and will provide further information in due course (see also 2.2.7).
- 2.2.5 One respondent expressed concern that the additional fees in respect of the JFSC’s project to significantly enhance its supervision of financial crime was disproportionately weighted on the funds industry and wished to ensure that there would be an equitable split in funding across industry sectors.
- 2.2.5.1 The JFSC draws attention to 3.1.10 within the Consultation which states “Similar fee increases will also be proposed to other industry sectors as part of their next fee cycles to ensure the burden of this increased funding requirement is fairly distributed.”

- 2.2.6 One respondent stated that the JFSC’s “investment in infrastructure and automation [...] does not appear to have delivered the cost savings expected.”
- 2.2.6.1 The JFSC would highlight that cost savings from the JFSC’s change programme have been reinvested rather than applied to reduce fee rates. Investment in infrastructure, technology and people remains focussed as outlined in Consultation Paper No.2 2016, and the JFSC’s project to significantly enhance its supervision of financial crime will also be focussed: targeted on building efficiencies for business interacting with the JFSC and enabling the JFSC to better demonstrate its effectiveness in international assessments, to facilitate and maintain market access for Jersey businesses.
- 2.2.7 One respondent expressed concern that the increase in respect of the JFSC’s project to significantly enhance its supervision of financial crime would exceed the “final tranche in the increase of 15% in funding overall, in real terms, by end-2019” which was mentioned at 3.1.1.2 of the Consultation. The respondent was concerned by the prospect of over-inflationary increases in this and future periods.
- 2.2.7.1 The increase of 15% in funding overall, in real terms is on target to be achieved by the end of 2019. The fee rates consulted on bridge two periods (2019 and 2020) and the focus beyond 2019 has to include proposals for fee rates that are sufficient to ensure that the JFSC is able to deliver across all activities in all sectors, most notably the JFSC’s project to significantly enhance its supervision of financial crime.
- 2.2.8 One respondent agreed to work with the JFSC in order to assess fee rates and the fees methodology noting their keen interest to understand the potential for a new methodology that ensures the JFSC is able to deliver its regulatory programme while ensuring industry’s views in respect of competitiveness are addressed.
- 2.2.8.1 As stated at 3.2.9 in the Consultation, to date, no alternative to the current charging methodology has been put to the JFSC, however, the JFSC remains open to discussions on this subject. The JFSC is pleased that the respondent intends to develop this dialogue and will work with the respondent in this regard.
- 2.2.9 During the consultation period, the JFSC met with representatives of the funds industry to discuss the proposals within the Consultation Paper. The outcome of the discussion was positive in supporting the work of the JFSC, in particular mitigating resource pressures and ensuring strong outcomes from international assessments.
- 2.2.9.1 The JFSC sees such dialogue as critical to the success of its interaction with industry and achieving the best possible outcomes from international assessments.
- 2.2.10 No respondents objected to the introduction of fees for COBO amendments for Jersey UTs (non-fund) and NDS’s (non-fund).

2.3 Views on higher increases to JPF fees and additional policy resource

- 2.3.1 Three respondents considered the increase in JPF fees as an alternative to the 7% fee rate increase not to be an appropriate course of action. The JPF product was considered to be successful and the current arrangement in respect of application and annual fees felt to best preserve this success.
- 2.3.1.1 The JFSC notes the sentiment of the majority of respondents in this regard and, as outlined at 1.3.1, the JPF fee rates will increase in line with inflation only.
- 2.3.2 Two respondents indicated that they were amenable to a further increase in respect of a dedicated policy resource for funds policy and product development provided that resource

was “ringfenced”. Two respondents expressed reservations considering the additional 1.5% increase to be unwelcome; considering the status quo in respect of current fund products to be acceptable and finding that policy resource should be focussed on consolidation and not product development.

2.3.2.1 In light of the feedback received, the JFSC will not introduce an additional 1.5% to the fee rates in respect of a dedicated policy development resource and notes the views expressed regarding the current products on offer and the status quo.

2.3.3 One respondent offered support should there be an urgent need to deploy resource in the area of funds policy.

2.3.3.1 The JFSC gratefully acknowledges this.

Appendix A – List of Respondents to this Consultation Paper

- › Jersey Funds Association
- › One Funds Services Business (direct)
- › One Funds Services Business (via JFL)
- › One bank (via JFL)

Appendix B – AIF and AIFSB Fees Notice

Notice of Fees

Published in accordance with:	Article 15 of the Financial Services Commission (Jersey) Law 1998, as amended
Payable by or in relation to:	AIF and AIF Services Business
Pursuant to:	Articles 8(2)(e) of the Alternative Investment Funds (Jersey) Regulations 2012, as amended; and Articles 8(3) and 9(6) of the Financial Services (Jersey) Law 1998, as amended
Commencement date:	The fees set out in this notice and the attached schedule are effective for the period from 1 July 2019 – 30 June 2020

1 Interpretation

1.1 In this notice, unless the context otherwise requires -

AIF	means an Alternative Investment Fund within the meaning of the Regulations
Certified Fund	means an unclassified fund in respect of which a certificate has been granted by the JFSC under Article 8B of the Collective Investment Funds (Jersey) Law 1988, as amended
FS(J)L	means the Financial Services (Jersey) Law 1998, as amended
JFSC	means the Jersey Financial Services Commission
Recognized Fund	means a recognized fund in respect of which a certificate has been granted by the Commission under the Collective Investment Funds (Recognized Funds) (Rules) (Jersey) Order 2003
Recognized Fund functionary	means a person who holds a permit as a functionary of a Recognized Fund under the Collective Investment Funds (Jersey) Law 1988, as amended
Regulations	means the Alternative Investment Funds (Jersey) Regulations 2012, as amended

2 Application fee

2.1 For the purposes of Regulation 8(2)(e) of the Regulations (which Regulation allows the publication of fees that are to accompany applications for registration), a fee of £1,410 is published in respect of applications for a certificate to be granted under the Regulations. The application fee is payable in respect of:

2.1.1 Any AIF registered in Jersey (company, limited partnership or limited liability partnership); or

2.1.2 Any AIF which is a Jersey trust that is a unit trust.

For the avoidance of doubt, an AIF which is a Certified Fund or a Recognized Fund is not required to pay an application fee under this Notice.

3 Application Fee – AIF services business

3.1 For the purposes of Article 8(3)(c) of the FS(J)L (which Article allows the publication of fees that are to accompany applications for registration), a fee of £1,410 is published in respect of applications for registration under Article 2(11) of the FS(J)L to carry on Class ZL (Manager of an AIF) AIF services business.

For the avoidance of doubt, a person is not required to pay an application fee under this Notice where the person is:

- › Registered to carry on any one or more classes of fund services business under Article 2(10) of the FS(J)L; or
- › A Recognized Fund functionary; and

Where the classes or functions of that person include the same classes or functions as the AIF services business.

Appendix C – CIF Fees Notice

Notice of Fees

Published in accordance with:	Article 15 of the Financial Services Commission (Jersey) Law 1998, as amended
Payable by or in relation to:	Collective Investment Funds
Pursuant to:	Articles 6(1), 7(12), 8A(2)(e) and 8B(13) of the Collective Investment Funds (Jersey) Law 1988, as amended; and Article 15(6) of the Financial Services Commission (Jersey) Law 1998, as amended
Commencement date:	The fees set out in this notice and the attached schedules are effective for the period from 1 July 2019 – 30 June 2020

1 Interpretation

1.1 In this notice, unless the context otherwise requires -

cell, cell company, company, incorporated cell company, protected cell company	each has the same meaning as in the Companies (Jersey) Law 1991
certificate holder	means a company, trustee, general partner or limited liability partnership to whom a certificate has been granted under Article 8B of the Law in respect of a certified fund
certified fund	means a collective investment fund in relation to which a certificate that is in force has been granted under Article 8B of the Law
fund service provider	means a person who is or would be required to be registered under the Financial Services (Jersey) Law 1998 to carry on fund services business in relation to a collective investment fund that is or would be required to be a certified fund
JFSC	means the Jersey Financial Services Commission
Law	means the Collective Investment Funds (Jersey) Law 1988, as amended
permit holder	means a person to whom a permit has been granted under Article 7 of the Law in respect of a recognized fund
pool of assets	means a collective investment fund, except that where such a collective investment fund is divided into separate and distinct parts, the rights of which are restricted to an identifiable class of participants, it means each one of those parts
recognized fund	means a collective investment fund in relation to which there is a recognized fund certificate granted under the Collective Investment Funds (Recognized Funds) (General Provisions)

(Jersey) Order 1988 or the Collective Investment Funds (Recognized Funds) (Rules) (Jersey) Order 2003

means a collective investment fund where:

umbrella fund

- a. the contributions of the unit holders and the profits and income out of which payments are to be made to them are pooled; and
- b. the documents constituting the fund provide that such pooling is to be accomplished separately in relation to separate parts of the property of the fund

Recognized Funds

2 Application for a functionary permit (Article 6(1)(f) of the Law)

- 2.1 Subject to paragraph 3.6, the fee that is to accompany an application for a permit to be a functionary of a collective investment fund shall be £2,400

3 Fees payable by a permit holder (Article 7(12) of the Law)

On the grant of a first permit

- 3.1 Subject to paragraphs 3.2 and 4.1, a person who was not a permit holder immediately prior to the grant of a permit, shall pay a fee determined in accordance with Schedule 1 – Recognized Funds, in respect of the issue by the JFSC of a permit under Article 7(1) of the Law. The fee is due one month after the date of the permit.
- 3.2 If the date of the permit in respect of which a fee is payable is other than 1 July, the fee payable under this section shall be 1/12th of the amount specified by paragraph 3.1 for each complete month between the grant of that permit and 1 July next following.

Annual fee

- 3.3 Subject to paragraph 4.1 of this Notice, a permit holder shall pay a fee in respect of the aggregate of the number of pools of assets in relation to which the person holds one or more permits on 1 July each year. The amount of the fee shall be determined in accordance with Schedule 1 – Recognized Funds. The fee is due on 31 July the same year.

New pool of assets

- 3.4 Subject to paragraph 3.6 of this Notice, a permit holder that is either a company issuing units or the trustee of a unit trust shall pay, at the time of application, a fee of £1,070 in respect of each new pool of assets to be added to a collective investment fund.

Transfers of certain functions to cells

- 3.5 An application by a permit holder that is a company (but not a cell company, incorporated cell company, protected cell company or a cell), for a permit to be varied in relation to the company becoming a cell company, incorporated cell company, protected cell company or a cell, shall be accompanied by a fee of £2,810.
- 3.6 If a permit holder is liable to pay the fee set by paragraph 3.5, no further fee shall be payable under either paragraph 3.1 or, in the event that one or more pools of assets are added concurrently, under paragraph 3.4.

4 Cell companies

- 4.1** The total of the fees payable under paragraphs 3.1 to 3.3 by, or in respect of, the incorporated cells of an incorporated cell company and, as the case requires, that company, that apply to become or are permit holders under Article 7 of the Law shall be the same as the total amount that would be payable under those paragraphs by a protected cell company with the same number of cells that applies to become or is a permit holder under Article 7 of the Law.

Certified Funds

5 Application for certificate (Article 8A(2)(e) of the Law)

- 5.1** Subject to paragraphs 5.2 and 5.3, a person who applies for a certificate in relation to a collective investment fund shall pay a fee that is the sum of:
- 5.1.1 £2,400; and
 - 5.1.2 £2,400 in respect of each fund service provider in relation to the collective investment fund.
- 5.2** Where two or more persons apply, at the same time, for certificates in relation to a collective investment fund in respect of which no other person currently holds a certificate, each of those applicants shall pay a fee that is the sum of:
- 5.2.1 the amount payable by one applicant in relation to the collective investment fund, in accordance with paragraph 5.1; and
 - 5.2.2 £2,400 for each of the second and any additional applicant, divided by the number of applicants.
- 5.3** A person who applies for a certificate in relation to a collective investment fund:
- 5.3.1 in respect of which at least one other person already holds a certificate; or
 - 5.3.2 in a case where the certificate applied for would replace a certificate granted to another person in relation to the collective investment fund,
- shall pay a fee of £2,400.

6 Fee in respect of grant of certificate (Article 8B(13)(b) of the Law)

- 6.1** A fee shall be paid by a certificate holder in respect of the grant of a certificate.
- 6.2** The fee must be paid no later than one month after the day on which the certificate is issued.
- 6.3** Subject to paragraphs 6.4 and 6.5, the fee shall be the amount specified in Schedule 2 – Certified Funds applicable in the case of the collective investment fund to which the certificate relates, according to the total number of pools of assets in the collective investment fund on the day on which the certificate is issued.
- 6.4** If a certificate is granted on a day other than 1 July, the fee payable under paragraph 6.1 shall be 1/12th of the amount specified in paragraph 6.3 for each complete month between the grant of the certificate and 1 July next following.
- 6.5** Where:
- 6.5.1 a certificate is or certificates are granted in respect of one or more cells of an incorporated cell company and, as the case requires, in respect of that company; and
 - 6.5.2 the JFSC is satisfied that the structure of the company and the cells of the company is equivalent to that of an umbrella fund,
 - 6.5.3 the total of the fees determined in accordance with paragraphs 6.3 and 6.4 in respect of the cells and, as the case requires, the company, shall be the same as the total amount that

would be determined in accordance with those paragraphs in the case of the grant of a certificate in relation to a protected cell company with the same number of cells.

7 Annual fee (Article 8B(13)(a) of the Law)

- 7.1 A fee shall be paid by a person who, on 1 July, is a certificate holder.
- 7.2 The fee must be paid no later than 31 July in that year.
- 7.3 The fee is whichever is the lesser of:
- 7.3.1 the sum of the annual amounts for every collective investment fund in relation to which the person is a certificate holder on 1 July in that year; and
- 7.3.2 £98,560.
- 7.4 Subject to paragraph 7.5, the annual amount for a collective investment fund is the amount specified in the table in Schedule 2 – Certified Funds applicable in the certificate holder’s case according to the total number of pools of assets in the collective investment fund on that day.
- 7.5 Paragraph 6.5 applies for the purposes of determining the fees payable under this section in relation to a collective investment fund that is any combination of an incorporated cell company and one or more cells of that company as it applies for the purpose of section 6.

8 Fee for alteration of certificate (Article 8B(13)(b) of the Law)

- 8.1 Subject to paragraph 8.3, a certificate holder who applies for a certificate in relation to a collective investment fund to be altered so as to add one or more pools of assets to the pools of assets specified in the certificate shall pay a fee of £1,070 for each pool of assets so added.
- 8.2 A fee of £2,810 shall be paid by a certificate holder in relation to a collective investment fund that is a company (but not a cell company, incorporated cell company, protected cell company or a cell) who applies for the certificate in relation to the collective investment fund to be altered so as to allow the company to become a cell company, incorporated cell company, protected cell company or cell.
- 8.3 A certificate holder who applies, at the same time, for a certificate to be altered as described in both paragraphs 8.1 and 8.2 shall only be liable to pay the fee due under paragraph 8.2.
- 8.4 A fee of £350 shall be paid by a certificate holder who applies for a certificate in relation to a collective investment fund to be altered so as to reflect all or any of the following:
- 8.4.1 a change of the name of the collective investment fund or of a pool of assets of the collective investment fund;
- 8.4.2 a change of the name of the certificate holder on a fund certificate;
- 8.4.3 the removal of a pool of assets from the collective investment fund; and
- 8.4.4 the addition, alteration or removal of conditions pursuant to the application of the certificate holder.
- 8.5 A fee payable under this section must be paid at the time the application is made.
- 8.6 A certificate holder who pays an application fee under section 8 is not also liable to pay an application fee under section 5 or, upon the issue of the altered certificate, a fee under Section 6.

9 Fee for increase in fund service providers (Article 8B(13)(b) of the Law)

- 9.1 Subject to paragraph 9.2, where the number of fund service providers in relation to a collective investment fund is increased from the number of such fund service providers that were taken into account in calculating the fee under paragraph 5.1, a fee of £2,400 shall be paid by the certificate holder in respect of each fund service provider so added.
- 9.2 Where there is more than one certificate holder in relation to a collective investment fund, the certificate holders shall be jointly and severally liable to pay the fee that would be payable by a single certificate holder under paragraph 9.1.
- 9.3 The fee payable under this section must be paid at the time the number of fund service providers in relation to the collective investment fund is increased.

Recognized Funds and Certified Funds

10 Article 15(6) of the Financial Services Commission (Jersey) Law 1998, as amended

Late payment of fees

- 10.1 If the JFSC does not receive the fee due from a permit holder or certificate holder by the date in paragraph 7.2 an additional late payment fee of 5% of the unpaid principal amount will be applied on the day after that date, and on the 1st day of each calendar month after that.

Late filing fees

- 10.2 If a permit holder or certificate holder fails to file or deliver any document to the JFSC under the provisions of the Law or under the provisions of any Order issued in accordance with the Law on or before the date that the document becomes due, the permit holder or certificate holder shall be liable to pay a fee of £100 on the day after the document falls due and an additional £100 on the 1st day of each calendar month after that. This shall apply while the document remains unfiled or undelivered unless the permit holder or certificate holder has given the JFSC prior written notice of the reasons for the late filing or delivery of the document and the JFSC has agreed in writing that the filing may be late. Any such later agreed date shall become the due date for the purposes of the calculation and the payment of late filing fees.

Schedule 1 – Recognized Funds

Calculation of fees payable on the grant of a first permit (paragraph 3.1) and on 1 July (paragraph 3.3)

Number of pools of assets	Fee (£)
0 – 1	7,600
2 – 4	8,520
5 – 9	9,430
10 – 19	11,340
20 or more	13,220

Schedule 2 – Certified Funds

Calculation of fees payable on the grant of a certificate (paragraph 6.3) and on 1 July (paragraph 7.4)

Number of pools of assets	Fee (£)
0 – 1	a) where the certificate holder is a company issuing units or a trustee of a unit trust - £3,950 b) in any other case - £1,560
2 – 4	5,080
5 – 9	6,550
10 – 19	8,730
20 – 49	10,910
50 – 99	15,260
100 – 149	21,800
150 – 199	29,040
200 or more	38,920

Appendix D – CoBO Fees Notice

Notice of Fees

Published in accordance with:	Article 15 of the Financial Services Commission (Jersey) Law 1998, as amended; and
	Article 12A of the Control of Borrowing (Jersey) Order 1958
Payable by or in relation to:	Control of Borrowing (Jersey) Order
Pursuant to:	Control of Borrowing (Jersey) Order 1958; and
	Article 15(6) of the Financial Services Commission (Jersey) Law 1998, as amended
Commencement date:	The fees set out in this notice and the attached schedule are effective for the period from 1 July 2019 – 30 June 2020

1 Interpretation

1.1 In this notice, unless the context otherwise requires

CoBO	means the Control of Borrowing (Jersey) Order 1958
DSP	means a ‘designated service provider’ required to be appointed by a JPF
Jersey UT (non-fund)	means a Jersey unit trust which is not an investment fund
JFSC	means the Jersey Financial Services Commission
JPF	means a Jersey Private Fund which has been issued with a relevant consent and which is operated in accordance with the JPF Guide
JPF Guide	means the Jersey Private Fund Guide as may be amended from time to time
JPF Return	means the annual compliance return for a JPF required to be provided to the JFSC in each relevant year by the relevant DSP (the form of which is included as part of the JPF Guide)
NDS (non-fund)	means a non-domiciled structure which is not an investment fund

2 Application fee

2.1 For the purposes of Article 12A of CoBO:

- 2.1.1 a fee of £1,190 shall be payable in respect of any JPF applying to the JFSC’s authorisation team for the issue of an initial JPF CoBO consent;

- 2.1.2 a fee of £440 shall be payable in respect of any application to the JFSC's authorisation team for the issue of a CoBO consent, which is not subject to the fee specified in 2.1.1 above;
- 2.1.3 a fee of £360 shall be payable in respect of any Jersey UT (non-fund) applying to the Jersey Companies Registry for the issue of an initial CoBO consent pursuant to Articles 9(1)(a) and/or 9(1)(b) of CoBO;
- 2.1.4 a fee of £360 shall be payable in respect of any NDS (non-fund) applying to the Jersey Companies Registry for the issue of an initial CoBO consent pursuant to Articles 1, 3, 9(1)(a), 9(1)(b), 10(1)(a), 10(1)(b), 11(1)(a) and/or 11(1)(b) of CoBO;
- 2.1.5 a fee of £180 shall be payable in respect of any application for the issue of an amended CoBO consent where the original CoBO consent was issued in accordance with sub-paragraphs 2.1.3 to 2.1.4.

3 JPF annual fee

- 3.1 A fee shall be paid in respect of a JPF on 1 July in each relevant year for so long as the JPF's CoBO consent remains in force.
- 3.2 The fee must be paid no later than 31 July in each relevant year, and shall be paid directly by the governing body of the JPF or by the DSP on behalf of the JPF.
- 3.3 The fee payable on an annual basis shall be £1,040 and shall be pro-rated.

4 JPF late payment of fees

- 4.1 If the JFSC does not receive the fee due from a JPF (or the JPF's DSP on behalf of the JPF) by the date in paragraph 3.2 an additional late payment fee of 5% of the unpaid principal amount will be applied on the day after that date, and on the 1st day of each calendar month after that.

5 JPF late filing fees

- 5.1 If the DSP fails to file or deliver the JPF Return to the JFSC under the provisions of CoBO on or before the date that the JPF Return becomes due, the DSP shall be liable to pay a fee of £100 on the day after the document falls due and an additional £100 on the 1st day of each month after that in which the JPF Return remains unfiled or undelivered unless the DSP has given the JFSC prior written notice of the reason for the late filing or delivery of the JPF Return and the JFSC has agreed in writing with the relevant DSP that the filing may be late.

Appendix E – FSB Fees Notice

Notice of Fees

Published in accordance with:	Article 15 of the Financial Services Commission (Jersey) Law 1998, as amended
Payable by or in relation to:	Fund Services Business
Pursuant to:	Articles 8(3) and 9(6) of the Financial Services (Jersey) Law 1998, as amended; and Article 15(6) of the Financial Services Commission (Jersey) Law 1998, as amended
Commencement date:	The fees set out in this notice and the attached schedule are effective for the period from 1 July 2019 – 30 June 2020

1 Interpretation

1.1 In this notice, unless the context otherwise requires -

JFSC	means the Jersey Financial Services Commission
Law	means the Financial Services (Jersey) Law 1998, as amended
pool of assets	means a collective investment fund, except that where such a collective investment fund is divided into separate and distinct parts, the rights of which are restricted to an identifiable class of participants, it means each one of those parts
registered person	means a person registered under the Law to carry on investment business
unregulated fund	Has the same meaning as in the Collective Investment Funds (Unregulated Funds) (Jersey) Order 2008, as amended

2 Application fee

2.1 The fee that is to accompany an application for registration of a person to carry on fund services business shall be £2,960.

3 Fees payable by a registered person (Article 9(6) of the Law)

- 3.1 Subject to paragraph 3.2, a fee determined in accordance with the Schedule attached shall be paid by a registered person in respect of the issue by the JFSC of the registration certificate in accordance with Article 9(2) of the Law. The fee is due one month after the date of the registration certificate.
- 3.2 If the date of the registration certificate is other than 1 July, the fee payable under this Article shall be 1/12th of the amount specified by paragraph 3.1 for each complete month between the date of the registration certificate and 1 July next following.

Annual fee

3.3 A person who, on 1 July is a registered person shall pay a fee determined in accordance with the Schedule attached to this Notice (subject to paragraph 3.4) in respect of the number of pools of

assets, other than any pool of assets that is an unregulated fund, in relation to which the person is registered to carry on fund services business. The fee is due on 31 July the same year.

- 3.4 The fee payable by a registered person who on 1 July acts only for one or more unregulated funds shall be the fee applicable to zero pools of assets.

4 Fees pursuant to Article 15(6) of the Financial Services Commission (Jersey) Law 1998, as amended

Late payment of fees

- 4.1** If the JFSC does not receive the fee due from a registered person by the date in paragraph 3.3 an additional late payment fee of 5% of the unpaid principal amount will be applied on the day after that date, and on the 1st day of each calendar month after that.

Late filing fees

- 4.2** If a registered person fails to file or deliver any document to the JFSC under the provisions of the Law or under the provisions of any Order issued in accordance with the Law on or before the date that the document becomes due, the registered person shall be liable to pay a fee of £100 on the day after the document falls due and an additional £100 on the 1st day of each calendar month after that. This shall apply while the document remains unfiled or undelivered unless the registered person has given the JFSC prior written notice of the reasons for the late filing or delivery of the document and the JFSC has agreed in writing that the filing may be late. Any such later agreed date shall become the due date for the purposes of the calculation and the payment of late filing fees.

Schedule

Number of pools of assets	Fee (£)
0 – 1	4,930
2 – 4	6,550
5 – 9	8,020
10 – 19	10,200
20 – 49	13,090
50 – 99	17,640
100 – 149	25,460
150 – 199	34,880
200 or more	46,550

Appendix F – QSMA Fees Notice

Notice of Fees

Published in accordance with:	Article 15 of the Financial Services Commission (Jersey) Law 1998, as amended
Payable by or in relation to:	Utilisation of the QSMA Order
Pursuant to:	Article 3(1) of the Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014; and Article 9(6) of the Financial Services (Jersey) Law 1998, as amended
date:	The fees set out in this notice and the attached schedule are effective for the period from 1 July 2019 – 30 June 2020

1 Interpretation

1.1 In this notice, unless the context otherwise requires -

charging period	includes both an initial charging period and a subsequent charging period
initial charging period	means the period from (and including) the date on which an operator first placed reliance on Article 3(1) of the QSMA Order to (but excluding) 1 July next following
JFSC	means the Jersey Financial Services Commission
operator	means a person appointed to undertake relevant activity (as defined in the QSMA Order) in connection to a segregated managed account
QSMA Order	means the Financial Services (Investment Business (Qualifying Segregated Managed Accounts – Exemption)) (Jersey) Order 2014
relevant QSMA	means a QSMA in respect of which an operator is placing reliance upon the exemption conferred by Article 3(1) of the QSMA Order
subsequent charging period	means a charging period (other than an initial charging period) commencing on 1 July and lasting for a period of 12 months

2 Reliance on the QSMA Order in the initial charging period

- 2.1 When an operator first places reliance upon the exemption conferred by Article 3(1) of the QSMA Order it shall pay the fee due in respect of the initial charging period specified in paragraph 2.2 or, as the case may be, paragraph 2.3.
- 2.2 Subject to paragraph 2.3, the fee due from an operator in respect of the initial charging period shall be £4,210.

2.3 If the date on which reliance is first placed by an operator on Article 3(1) of the QSMA Order is other than 1 July, the fee payable by that operator in respect of the initial charging period shall be £350 (being 1/12th of the amount at 2.2) for each complete month between the date of such first reliance and 1 July next following.

2.4 The due date for a fee in respect of the initial charging period due from an operator pursuant to paragraphs 2.2 or 2.3 shall be the date on which reliance was first placed by the operator on Article 3(1) of the QSMA Order.

3 Reliance on the QSMA Order in subsequent charging periods

3.1 An operator who, on:

3.1.1 1 July immediately following the expiration of the initial charging period; or

3.1.2 1 July in any subsequent year;

3.1.3 is placing reliance upon Article 3(1) of the QSMA Order shall pay a fee in respect of the subsequent charging period which commences on that 1 July, determined in accordance with the attached Schedule.

3.2 The due date for a fee in respect of a subsequent charging period due from an operator pursuant to paragraph 3.1 shall be 31 July in that subsequent charging period.

4 Relief from QSMA fees for certain operators

4.1 For each complete month within a charging period that an operator is registered pursuant to the Law to conduct discretionary investment management within the meaning given in Article 2(2)(b) of the Law (and has paid the JFSC the fee or fees due in respect of such registration), the fee due from or paid by the operator pursuant to this Notice in respect of that charging period shall be reduced by:

4.1.1 £350, if the charging period is an initial charging period;

4.1.2 1/12th, if the charging period is a subsequent charging period.

4.2 At the end of the relevant charging period, the JFSC will remit (or, at its discretion, credit) to an operator any sums received from the operator which, as a result of the operation of paragraph 4.1, constituted an overpayment of the fee in fact due pursuant to this Notice. No interest thereon shall accrue in favour of the operator.

5 Clarification where an operator ceases to place reliance on Article 3(1) of the QSMA Order

5.1 For the avoidance of doubt, no fee rebate or refund shall be due to an operator in the event that, having paid a fee in respect of a charging period, the operator subsequently ceases to place reliance on Article 3(1) of the QSMA Order within the charging period.

6 Late Payment of fees

6.1 If any fee due under this notice of fees is not received by the JFSC by applicable due date, an additional late payment fee of 5% of the unpaid principal amount will be applied on the day after the due date, and on the 1st day of each calendar month after that.

Schedule

Calculation of fees payable for subsequent charging periods (paragraph 3.1)

Number of relevant QSMA's on 1 July	Fee (£)
1	4,210
2 – 4	5,570
5 – 9	6,800
10 – 19	8,660
20 – 49	11,130
50 – 99	14,850
100 – 149	21,640
150 – 199	29,680
200 or more	39,570