



**Jersey Financial
Services Commission**

› **Feedback on Consultation Paper No. 2 2016**

- › 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

Feedback on a consultation on proposals to increase fees.

› Consultation Feedback

Please note that terms in *italics* are defined in the Glossary of Terms.

This paper reports on responses received by the *Commission* regarding the *Consultation Paper*.

The *Commission* contacts are:

Roy Geddes

Head of Unit, Funds & Trust Company Business
Jersey Financial Services Commission
PO Box 267
14-18 Castle Street
St Helier
Jersey
JE4 8TP

Telephone: +44 (0) 1534 822098
Email: r.geddes@jerseyfsc.org

Bruce Horwood

Senior Manager, Supervision
Jersey Financial Services Commission
PO Box 267
14-18 Castle Street
St Helier
Jersey
JE4 8TP

Telephone: +44 (0) 1534 822112
Email: b.horwood@jerseyfsc.org

› Glossary of Terms

AIF	means an Alternative Investment Fund within the meaning of the <i>Regulations</i>
AIFM	means a person registered as an Alternative Investment Fund Manager
certificate holder	means a company, trustee, general partner, or limited liability partnership to whom a certificate has been granted under Article 8B of the <i>CIF(J)L</i> in respect of a <i>certified fund</i>
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 <i>CIF(J)L</i>
CIF(J)L	means the Collective Investment Funds (Jersey) Law 1988, as amended
Commission	means the Jersey Financial Services Commission
Commission Law	means the Financial Services Commission (Jersey) Law 1998, as amended
Consultation Paper	means Consultation Paper No. 2 2016: 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
CoBO	means the Control of Borrowing (Jersey) Order 1958, as amended
Directive	Directive 2011/61/EU of the European Union and Parliament
FSB	means Fund Services Business
FS(J)L	means the Financial Services (Jersey) Law 1998, as amended
Jersey Finance	means Jersey Finance Limited
permit holder	means a person granted a permit under Article 7 of the <i>CIF(J)L</i> in respect of a <i>recognized fund</i>
recognized fund	means a fund in respect of which a permit 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 <i>recognized fund</i> under the <i>CIF</i> Law
registered person	means a person registered to conduct fund services business under Article 2(10) of the <i>FS(J)L</i>
regulations	Means the Alternative Investment Funds (Jersey) Regulations 2012, as amended
umbrella fund	means a collective investment fund where: <ul style="list-style-type: none"> (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.

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1 Executive Summary

1.1 Overview

- 1.1.1 In April 2016 the *Commission* issued the *Consultation Paper*. The purpose of the *Consultation Paper* was to seek views on proposals to increase regulatory fees for the year 2016 as follows:
 - 1.1.1.1 The *Commission* proposed an increase in regulatory fee tariffs for AIFs, AIFMs, certified fund certificate holders, recognized fund permit holders, CoBO funds and registered persons of 7%.
 - 1.1.1.2 The *Commission* proposed an increase in the fee cap for certified fund certificate holders of 7%.
- 1.1.2 The purpose of this paper is to provide feedback on the responses received regarding the *Consultation Paper*.

1.2 Feedback received

- 1.2.1 The consultation period closed on 20 May 2016. Two responses were received directly by the *Commission* and no further 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 *Commission's* response, as appropriate, to each.
- 1.2.3 The *Commission* is grateful to respondents for taking the time to consider and comment on the proposals. The final Fees Notices can be found in Appendices B to E.

1.3 Next Steps

- 1.3.1 For the reasons given in this Feedback Paper, the *Commission* will proceed with the increase to fee tariffs for AIFs, AIFMs, certified fund certificate holders, recognized fund permit holders, CoBO funds and registered persons of 7% as proposed.
- 1.3.2 The Fee Notices have been updated to reflect the increases and will be published on the *Commission's* website.
- 1.3.3 As stated in the Consultation Paper, the 2016 annual fees will be collected electronically i.e. by bank transfer, and payments will only be accepted by the *Commission*, after 1 July 2016 from firms who have established a myJFSC account. myJFSC is a web portal designed to facilitate, among other things, the collection of annual fees. Invitations will be sent out to Compliance Officers (who for the purposes of this fee exercise will be addressed as Fee Contacts) by email after 1 July 2016 to set up a myJFSC account. Please note that for security reasons the invitations will expire after five days. Full banking details for the settlement of fees were provided in the Consultation Paper and will also be available via the myJFSC portal.
- 1.3.4 All annual fees are determined as at 1 July 2016 and payable as at 31 July 2016. A late payment penalty will be due if the fees are not paid with a value date on or before 31 August 2016. The basis for the fees is detailed within the Fee Notices at Appendices B to E:
 - 1.3.4.1 Appendix B – Alternative Investment Fund and Alternative Investment Fund

Services Business Fees Notice;

1.3.4.2 Appendix C – Collective Investment Funds Fees Notice;

1.3.4.3 Appendix D – Control of Borrowing Order Fund Fees Notice; and

1.3.4.4 Appendix E – Fund Services Business Fees Notice.

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 Paper*. While not every comment received is individually listed, this section contains summaries of the most commonly made and pertinent comments in relation to each question posed and, as appropriate, the *Commission's* response to those comments.

2.1.2 The *Consultation Paper* asked two questions, as set out below.

2.2 Question at paragraph 3.8.1.1 of Consultation Paper No. 2 2016

Do you agree with the proposed tariff increases?

2.2.1 All respondents considered the fee tariff increases to be commensurate with their expectations.

2.2.2 All respondents noted that future consultation will occur and encouraged the *Commission* to continue to actively engage with industry through future consultations.

Commission response

2.2.1 The *Commission* welcomes industry's acceptance of the proposed fee tariff increases.

2.2.2 The *Commission* is grateful for the feedback received and welcomes the opportunity to engage further with industry during future consultations.

2.3 Question at paragraph 3.8.1.2 of Consultation Paper No. 2 2016

Do you agree with the proposed fee cap increase?

2.3.1 All respondents considered the fee tariff increases to be commensurate with their expectations.

2.3.2 All respondents noted that future consultation will occur and encouraged the *Commission* to continue to actively engage with industry through future consultations.

Commission response

2.3.1 The *Commission* welcomes industry's acceptance of the proposed fee cap increase.

2.3.2 The *Commission* is grateful for the feedback received and welcomes the opportunity to engage further with industry during future consultations.

2.4 Summary of additional comments

- 2.4.1 Respondents noted that industry experiences ongoing change implementing processes and controls sufficient to meet the evolving regulatory compliance framework. Implementing these changes bears a real cost within funds and Fund Services Businesses.
- 2.4.2 Respondents noted that the proposed increases to the fees cap and tariffs would place Jersey within a range of comparable jurisdictions, neither being more or less expensive. Respondents commented that this analysis was not intended to be like-for-like with each jurisdiction being a unique regulatory and operating environment.
- 2.4.3 Respondents commented that they would hope to see the increased cap and tariffs translate into a strengthened *Commission* able to regulate effectively while also building efficiencies in processes, for example, maintaining or improving Jersey's already positive "speed to market".
- 2.4.4 Respondents expressed a desire for the *Commission* to meet published response timeframes.
- 2.4.5 Respondents requested an update in respect of feedback on *Consultation Paper No. 10 2015 – Funding Review* which they noted had not yet been issued.
- 2.4.6 Respondents noted that certain recent developments in the offshore environment may encourage a trend toward "onshoring" which, though not a direct corollary of fees and tariffs, forms a constituent part of their current and prospective clients' "existential" considerations.

Commission response

- 2.4.1 The *Commission* finds the additional feedback regarding pressures facing industry to be extremely helpful in developing its current and future position regarding fees and tariffs. The *Commission* remains sensitive to these pressures.
- 2.4.2 The *Commission* finds the views on Jersey's relative position in the context of alternative jurisdictions to be a helpful analysis demonstrating a competitive overall position.
- 2.4.3 The *Commission* shares industry's desire to maintain best practices and, where possible, improve. The *Commission* notes the positive comments regarding "speed to market" and meeting published timeframes. The *Commission* remains committed to using its best endeavours to meet these timeframes.
- 2.4.4
- 2.4.5 The *Commission* gratefully notes this request and advises that a significant number of responses were received in respect of *Consultation Paper No. 10 2015 – Funding Review*. The *Commission* will release feedback in due course.
- 2.4.6 The *Commission* remains sensitive to developments both within Jersey and more widely. A significant impetus in developing current fees and tariffs within the *Consultation Paper* is ensuring that the *Commission* is able to perform all of its functions. This includes developing the environment in which respondents operate domestically as well as being able to respond to international situations as they may arise.

Appendix A

List of respondents to this consultation paper.

- › Jersey Funds Association
- › One Individual Fund Services Business

Appendix B

Alternative Investment Fund and Alternative Investment Fund Services Business 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: **Regulation 8(2)(e) of the Alternative Investment Funds (Jersey) Regulations 2012; 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 from 1 July 2016.

1 Interpretation

1.1 In this notice, unless the context otherwise requires:

AIF	means an Alternative Investment Fund within the meaning of the Regulations.
CIF Law	means the Collective Investment Funds (Jersey) Law 1988, as amended.
Certified Fund	means an unclassified fund in respect of which a certificate has been granted by the Commission under Article 8B of the CIF Law.
Directive	Directive 2011/61/EU of the European Union and Parliament.
FS(J)L	means the Financial Services (Jersey) Law 1998, as amended.
Regulations	means the Alternative Investment Funds (Jersey) Regulations 2012, as amended.
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 CIF Law.

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 £1,070 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 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 £1,070 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;*

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

Appendix C

Collective Investment Funds 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 from 1 July 2016.

1 Interpretation

In this notice, unless the context otherwise requires:

cell, cell company, company, incorporated cell company, and 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.
Commission	means the Jersey Financial Services Commission.
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.

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.
umbrella fund	means a collective investment fund where – <ul style="list-style-type: none"> (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 £1,820

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, in respect of the issue by the Commission 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 1/12 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. 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 £810 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 fee of £2,140.
- 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 £1,820; and
 - 5.1.2 £1,820 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 £1,820 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 £1,820.

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 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 Commission 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 the 1 July in a year, 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 1st July in that year; and
 - 7.3.2 £75,000.
- 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 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 £810 for each pool of assets so added.
- 8.2 A fee of £2,140 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 £270 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 £1,820 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 a permit holder or certificate holder fails to pay the whole or any part of a fee on or before the date it becomes due the person shall be liable to pay, unless otherwise agreed by the Commission, an additional late payment fee of 5% of the amount unpaid for each complete month that it remains unpaid.

Late filing fees

10.2 If a permit holder or certificate holder fails to file or deliver any document to the Commission 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 for each complete month or part thereof that the document remains unfiled or undelivered unless the permit holder or certificate holder has given the Commission prior written notice of the reasons for the late filing or delivery of a document and the Commission 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 each year (paragraph 3.3)

Number of pools of assets	Fee
0 - 1	£5,780
2 - 4	£6,480
5 - 9	£7,170
10 - 19	£8,620
20 or more	£10,060

SCHEDULE 2

CERTIFIED FUNDS

CALCULATION OF FEES PAYABLE

On the grant of a certificate (paragraph 6.3); and

On 1 July each year (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 – £3,000 (b) in any other case – £1,180
2 - 4	£3,860
5 - 9	£4,980
10 - 19	£6,640
20 - 49	£8,300
50 - 99	£11,610
100 - 149	£16,590
150 - 199	£22,100
200 or more	£29,860

Appendix D

Control of Borrowing Order Fund 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 are effective for the period from 1 July 2016.

1 Interpretation

1.1 In this notice –

AIF	means an Alternative Investment Fund within the meaning of the Alternative Investment Funds (Jersey) Regulations 2012, as amended.
CIF(J)L	means the Collective Investment Funds (Jersey) Law 1988, as amended.
CoBO	means the Control of Borrowing (Jersey) Order 1958, as amended.
CoBO only fund	means a fund which falls within the definition of a collective investment fund in Article 3 of the CIF(J)L except that the offer of units in the scheme or arrangement is not an offer to the public within the meaning of that Article, and which has not been granted a consent as either a PPF or a VPF.
Commission	means the Jersey Financial Services Commission.

PPF	means a private placement fund which falls within the definition of a collective investment fund in Article 3 of the CIF(J)L except that the offer of units in the scheme or arrangement is not an offer to the public within the meaning of that Article, which has been granted a consent pursuant to the Jersey Private Placement Fund Guide and which is not a VPF.
VPF	means a very private fund which has been issued with a consent under CoBO where offers or any other invitations for initial subscriptions into the fund shall not exceed fifteen and the number of investors in the fund shall not exceed fifteen.

2 Application fee

- 2.1 For the purposes of Article 12A of the CoBO, the following fees shall be payable in respect of an application for a CoBO consent to the Funds Division of the Commission:
- 2.1.1 a fee of £1,070 in respect of any fund which is applying to the Funds Division of the Commission for the issue of a CoBO consent to be a CoBO only fund or a PPF; or
 - 2.1.2 a fee of £330 in respect of any application to the Funds Division of the Commission for the issue of a CoBO consent which is not subject to the fee specified in 2.1.1 above (which, for the avoidance of doubt, shall include an application in respect of any fund which is applying for the issue of a CoBO consent to be a VPF).
- 2.2 No fee shall be levied in respect of any application for a CoBO consent from the Funds Division of the Commission where the relevant application forms part of an application for a certificate to be an AIF and is accompanied by the appropriate AIF fee in accordance with the Notice of Fees for AIF and AIF Services Business.

Appendix E

Fund Services Business 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 2016.

1 Interpretation

1.1 In this notice –

registered person	means a person registered under the Law to carry on fund services business.
pool of assets	means a collective investment fund, except that where such a 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.
Law	means the Financial Services (Jersey) Law 1998 as amended;
Schedule	means the Schedule attached to this notice of fees.
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 £2,250.

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

When the Commission issues the registration

- 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 Commission 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 1/12 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 in any year 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 a registered person fails to pay the whole or any part of a fee on or before the date it becomes due the person shall be liable to pay, unless otherwise agreed by the Commission, an additional late payment fee of 5% of the amount unpaid for each complete month that it remains unpaid.

Late filing fees

- 4.2 If a registered person fails to file or deliver any document to the Commission 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 for each complete month or part thereof that the document remains un-filed or undelivered unless the registered person has given the Commission prior written notice of the reasons for the late filing or delivery of a document and the Commission 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
CALCULATION OF FEES PAYABLE**

On the grant of a registration certificate (paragraph 3.1); and

On 1 July each year (paragraph 3.3)

Number of pools of assets	Fee
0 - 1	£3,750
2 - 4	£4,980
5 - 9	£6,100
10 - 19	£7,760
20 - 49	£9,960
50 - 99	£13,270
100 - 149	£19,370
150 - 199	£26,540
200 or more	£35,420