

CLIENT ASSETS SOURCEBOOK (AMENDMENT) INSTRUMENT 2004

Powers exercised

- A. The Financial Services Authority makes this instrument in the exercise of:
- (1) the powers and related provisions in the following sections of the Financial Services and Markets Act 2000 (“the Act”):
 - (a) section 138 (General rule-making power);
 - (b) section 139(1) (Miscellaneous ancillary matters).
- B. The rule-making powers listed above are specified for the purpose of section 153(2) of the Act (Rule-making instruments).

Commencement

- C. This instrument comes into force on 1 May 2004.

Amendments to the Client Assets sourcebook

- D. The Client Assets sourcebook is amended in accordance with the Annex to this instrument.

Citation

- G. This instrument may be cited as the Client Assets Sourcebook (Amendment) Instrument 2004.

By order of the Board
18 March 2004

Annex

Amendments to the Client Assets sourcebook

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

- 4.1.16 R *Money* need not be treated as *client money* in respect of a delivery versus payment transaction, for the purpose of settling a transaction in relation to *units* in a *regulated collective investment scheme*, if:
- (1) the ~~firm~~ authorised fund manager receives it from a *client* in relation to the ~~firm's~~ authorised fund manager's obligation to issue *units* in an AUT or to arrange for the issue of units in an ICVC, in accordance with *CIS*, unless the *price* of those *units* has not been determined by the close of business on the next *business day*:
 - (a) following the date of the receipt of the *money* from the *client*; or
 - (b) if the *money* was received by an *appointed representative* of the ~~firm~~ authorised fund manager, in accordance with *CASS 4.3.15R*, following the date of receipt at the specified business address of the ~~firm~~ authorised fund manager; or
 - (2) the *money* is held in the course of redeeming *units* where the proceeds of that redemption are paid to a *client* within the time specified in *CIS*; when a ~~firm~~ an authorised fund manager draws a cheque or other payable order within these timeframes the provisions of *CASS 4.3.101R* and *CASS 4.3.102R* will not apply.