

## LONG-TERM INVESTMENT FUND (AMENDMENT) INSTRUMENT 2024

### **Powers exercised by the Financial Conduct Authority**

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of the following powers and related provisions in or under:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 137A (The FCA’s general rules);
    - (b) section 137T (General supplementary powers);
    - (c) section 138D (Actions for damages);
    - (d) section 139A (Power of the FCA to give guidance);
    - (e) section 213 (The compensation scheme);
    - (f) section 214 (General);
    - (g) section 226 (Compulsory jurisdiction);
    - (h) section 395 (The FCA’s and PRA’s procedures);
    - (i) paragraph 23 (Fees) of Schedule 1ZA (The Financial Conduct Authority); and
    - (j) paragraph 13 (FCA’s procedural rules) of Schedule 17 (The Ombudsman Scheme); and
  - (2) the other rule and guidance making powers listed in Schedule 4 (Powers exercised) to the General Provisions of the FCA’s Handbook.
- B. The rule-making provisions listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.
- C. The FCA approves the Voluntary Jurisdiction rules and guidance to be made and amended and the standard terms for Voluntary Jurisdiction participants to be fixed and varied by the Financial Ombudsman Service Limited under this instrument.

### **Powers exercised by the Financial Ombudsman Service Limited**

- D. The Financial Ombudsman Service Limited:
- (1) makes and amends the rules and guidance for the Voluntary Jurisdiction; and
  - (2) fixes and varies the standard terms for Voluntary Jurisdiction participants,
- as set out in Annex E to this instrument; and
- (1) makes and amends the rules and guidance for the Voluntary Jurisdiction; and
  - (2) fixes and varies the standard terms for Voluntary Jurisdiction participants,
- to incorporate the amendments to the Glossary terms made by the FCA as set out in Annex A to this instrument,
- in the exercise of the following powers and related provisions of the Act:

- (a) section 227 (Voluntary jurisdiction);
- (b) paragraph 8 (Information, advice and guidance) of Schedule 17;
- (c) paragraph 18 (Terms of reference to the scheme) of Schedule 17; and
- (d) paragraph 20 (Voluntary jurisdiction rules: procedure) of Schedule 17.

E. The making and amendment of the rules and guidance and the fixing and varying of the standard terms by the Financial Ombudsman Service Limited, as set out in paragraph D, is subject to the approval of the FCA.

### Commencement

F. This instrument comes into force on 5 November 2024.

### Amendments to the Handbook

G. The modules of the FCA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2) below.

(1)	(2)
Glossary	Annex A
Fees manual (FEES)	Annex B
Conduct of Business sourcebook (COBS)	Annex C
Decision Procedure and Penalties manual (DEPP)	Annex D
Dispute Resolution: Complaints sourcebook (DISP)	Annex E
Compensation sourcebook (COMP)	Annex F
Collective Investment Schemes sourcebook (COLL)	Annex G
Investment Funds sourcebook (FUND)	Annex H

### Amendments to material outside the Handbook

H. The Enforcement Guide (EG) is amended in accordance with Annex I to this instrument.

### Citation

I. This instrument may be cited as the Long-Term Investment Fund (Amendment) Instrument 2024.

By order of the Board of the Financial Ombudsman Service Limited  
4 November 2024

By order of the Board of the FCA  
31 October 2024

## Annex A

### Amendments to the Glossary of definitions

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

<i>authorised fund</i>	(a)	<del>(other than in FEES 6 and COMP) an ICVC, ACS or an AUT.</del>
	(b)	<del>(in FEES 6 and COMP) an ICVC, an ACS, an AUT, or a UK ELTIF other than a body corporate that is not a collective investment scheme.</del>
<i>holder</i>	(a)	(in relation to a <i>unit</i> in an <i>authorised fund</i> ):
		...
	(ii)	the <i>unitholder</i> ; <del>or,</del>
	(iii)	<del>(in FEES 6 and COMP, where the <i>authorised fund</i> is a UK ELTIF), the person whose name is entered in the record of the holders of <i>units</i> in the ELTIF as the holder of that <i>unit</i>. [deleted]</del>
		...

Delete the following definitions. The text is not struck through.

<i>LTIF</i>	a long-term investment fund (as defined in the <i>LTIF regulation</i> ) authorised under the <i>LTIF Regulation</i>
<i>LTIF Regulation</i>	the UK version of Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds which is part of UK law by virtue of the EUWA.

**Annex B**

**Amendments to the Fees manual (FEES)**

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

**1 Fees Manual**

**1.1 Application and Purpose**

...

Application

1.1.2 R This manual applies in the following way:

...

(2) FEES 1, 2 and 4 apply to:

...

(da) ~~every UK AIFM of an LTIF~~; [deleted]

...

...

...

**3 Application, Notification and Vetting Fees**

...

**3.2 Obligation to pay fees**

...

3.2.7 R Table of application, notification, vetting and other fees payable to the FCA

Part 1A: Application, notification and vetting fees		
(1) Fee payer	(2) Fee payable (£) by reference to the pricing category in FEES 3 Annex 1AR.	Due date
...		

(da) <i>Persons</i> making an application or notification in relation to applications set out in <i>FEES</i> 3 Annex 2R:  ... (ii) application for the authorisation of an <i>AIF</i> as an <i>LTIF</i> ; [deleted]  ...	...	...
...		

**3 Annex 2R Application and notification fees payable in relation to collective investment schemes, recognised schemes, *LTIFs*, money market funds and *AIFs* marketed in the UK**

Legislative provision	Nature and purpose of fee	Payable by	Applicable pricing category in <i>FEES</i> 3 Annex 1AR or amount of fee (£)	Umbrella factor (note 1)
...				
Part 2A Application fees payable for firms applying for a UK <i>AIF</i> to be authorised under article 5 of the <i>LTIF</i> regulation [deleted]				
Article 5 of the <i>LTIF</i> regulation	On application for an <i>AIF</i> to be authorised under the <i>LTIF</i> regulation	An applicant	5	2
...				

...

4 Periodic fees

...

4.2 Obligation to pay periodic fees

...

4.2.11 R Table of periodic fees payable to the FCA

1 Fee payer	2 Fee payable	3 Due date	4 Events occurring during the period leading to modified periodic fee
...			
<i>UK AIFM of an LTIF</i>	In relation to each <i>LTIF</i> the amount specified in part 1 of <i>FEES</i> 4 Annex 4	(1) Unless (2) applies, on or before 1 August or, if later, within 30 days of the date of the invoice.  (2) If an event in column 4 occurs during the course of a <i>fee year</i> , 30 days after the occurrence of that event.	The <i>LTIF</i> is authorised by the <i>FCA</i> under the <i>LTIF Regulation</i>
...			

...

4 Annex 4R Periodic fees in relation to collective investment schemes, recognised schemes, AIFs marketed in the UK, small registered UK AIFMs and money market funds payable for the period 1 April 2024 to 31 March 2025

Part 1 – Periodic fees payable

Scheme type	Basic fee (£)	Total funds/sub-	Fund factor	Fee (£)

		funds aggregate		
<i>ICVC,</i> <i>AUT,</i> <i>ACS,</i> <i>LTIFs,</i> Money market funds with effect from 21 July 2018, <i>schemes</i> recognised under section 271A of the <i>Act</i>	...	...	...	...
...				

...

**4A Temporary Permissions Regime (TPR) and Financial Service Contracts  
Regime (FSCR) – periodic fees**

...

**4A TPR funds periodic fees for the period from 1 April 2024 to 31 March 2025**  
**Annex  
2R**

**Part 1**

...

**Part 2**

<b>Scheme type</b>	<b>Fee (£)</b>
<del><i>EEA AIF, EuVECA, EuSEF, or EEA LTIF</i> which may be marketed in the <i>UK</i> under Part 9A of The Alternative Investment Fund Managers (Amendment) (EU Exit) Regulations 2018</del>	397

## Annex C

### Amendments to the Conduct of Business sourcebook (COBS)

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

#### **18 Specialist Regimes**

...

#### **18.5A Full-scope UK AIFMs and incoming EEA AIFM branches**

Application

...

18.5A.2 R The adequate information provisions in *COBS* 18.5A.11R do not apply to a *full-scope UK AIFM* of:

(1) ~~an *LTIF*~~; or [deleted]

(2) an *unauthorised AIF* which is not a *collective investment scheme*.

...



**Annex D**

**Amendments to the Decision Procedure and Penalties manual (DEPP)**

In this Annex, striking through indicates deleted text.

**2 Statutory notices and the allocation of decision making**

...

**2 Annex 1G Warning notices and decision notices under the Act and certain other enactments**

...

...

<b>Alternative Investment Fund Managers Regulations 2013</b>	<b>Description</b>	<b>Handbook reference</b>	<b>Decision maker</b>
...			
Regulation 23B(1)	where the <i>FCA</i> proposes to refuse an application made by a <i>UK AIF</i> for authorisation as a <i>UK LTIF</i>		<i>Executive procedures</i>
Regulation 23B(2)(a)	where the <i>FCA</i> decides to refuse an application made by a <i>UK AIF</i> for authorisation as a <i>UK LTIF</i>		<i>Executive procedures</i>
Regulation 23C(1)	where the <i>FCA</i> proposes to revoke the authorisation of a <i>UK LTIF</i>		<i>Executive procedures</i>
Regulation 23C(2)(a)	where the <i>FCA</i> decides to revoke the authorisation of a <i>UK LTIF</i>		<i>Executive procedures</i>
...			

...

## Annex E

### Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

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

#### 1 Treating complainants fairly

##### 1.1 Purpose and application

...

Application to firms

...

##### 1.1.5 R This chapter does not apply to:

...

(6) a *depository*, for *complaints* concerning activities carried on for an *AIF* that is:

...

(b) another type of *AIF* unless it is:

...

(ii) ~~an *LTIF*~~; or [deleted]

...

...

...

#### 1 Annex 2G Application of DISP 1 to type of respondent / complaint

<p>The table below summarises the application of <i>DISP</i> 1. Where the table indicates that a particular section may apply, its application in relation to any particular activity or <i>complaint</i> is dependent on the detailed application provisions set out in <i>DISP</i> 1.</p>
---

Type of respondent/ complaint	DISP 1.1A Requirements for MiFID investment firms	DISP 1.2 Consumer awareness rules	DISP 1.3 Complaints handling rules	DISP 1.4 - 1.8 Complaints resolution rules etc.	DISP 1.9 Complaints record rule	DISP 1.10 Complaints reporting rules	DISP 1.10A Complaints data publication rules	DISP 1.10B Complaints reporting directions
...								
a <i>depository</i> , for <i>complaints</i> concerning activities carried on for an <i>unauthorised</i> AIF that is a <i>LTF</i> (other than a <i>body</i> <i>corporate</i> that is not a <i>collective investment</i> <i>scheme</i> )	Does not apply	Applies for <i>eligible</i> <i>complainants</i>	Applies for <i>eligible</i> <i>complainants</i> (DISP 1.3.4G does not apply)	Applies for <i>eligible</i> <i>complainants</i>	Applies for <i>eligible</i> <i>complainants</i>	Applies for <i>eligible</i> <i>complainants</i>	Applies for <i>eligible</i> <i>complainants</i>	Does not apply
a <i>depository</i> , for <i>complaints</i> concerning activities carried on for an <i>unauthorised</i> AIF that is not a <i>charity</i> AIF or a <i>LTF</i>	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply	Does not apply
...								

## 2 Jurisdiction of the Financial Ombudsman Service

...

### 2.7 Is the complainant eligible?

...

Eligible complainants

...

2.7.6 R To be an *eligible complainant* a *person* must also have a *complaint* which arises from matters relevant to one or more of the following relationships with the *respondent*:

...

(3) the complainant is the holder, or the beneficial owner, of *units* in a *collective investment scheme* and the *respondent* is:

...

(c) the *depository* of a *charity AIF*; or

(d) ~~the *depository* of an *LTIF*; [deleted]~~

(3A) the complainant is the holder, or the beneficial owner, of *units* or *shares* in an *AIF* that is not a *collective investment scheme* where the *respondent* is:

...

(b) ~~the *AIFM* or *depository* of a *LTIF* (other than a *body corporate*); or [deleted]~~

...

...

...

## Annex F

### Amendments to the Compensation sourcebook (COMP)

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

#### 5 Protected claims

...

#### 5.5 Protected investment business

5.5.1 R *Protected investment business is:*

...

(5) ~~the activities of the *manager* or *depository* of an *LTIF*, provided that the *claim* is made by a *holder*; [deleted]~~

...

...

## Annex G

### Amendments to the Collective Investment Schemes sourcebook (COLL)

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

#### 6 Operating duties and responsibilities

...

#### 6.9 Independence, names and UCITS business restrictions

...

Use of the term 'long-term asset fund' or 'LTAF'

...

- 6.9.8D G (1) The term 'Long-Term Asset Fund' or 'LTAF' is reserved for *long-term asset funds* (see COLL 15).
- (2) ~~Only AIFs that are authorised in accordance with the LTIF Regulation may use the designation 'LTIF' or 'long term investment fund'.~~  
[deleted]

...

#### 8 Qualified investor schemes

...

#### 8.2 Constitution

...

Undesirable and misleading names

- 8.2.4 G ...
- (3) ~~Only AIFs that are authorised in accordance with the LTIF Regulation may use the designation 'LTIF' or 'long term investment fund'.~~  
[deleted]

...

#### 15 Long-term asset funds

...

#### 15.3 Constitution

...

Undesirable and misleading names

15.3.4 G ...

- (3) ~~Only AIFs that are authorised in accordance with the *LTIF Regulation* may use the designation ‘LTIF’ or ‘long term investment fund’.~~  
[deleted]

...

## Annex H

### Amendments to the Investment Funds sourcebook (FUND)

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

#### 1 Introduction

##### 1.1 Application and purpose

- 1.1.1 R (1) The application of this sourcebook is summarised at a high level in the following table. The detailed application is provided in each chapter.

Type of firm	Applicable chapters
...	
<i>full scope UK AIFM of an LTIF</i>	Chapters 1, 3, 4.2 and 10
...	
<i>depository of an LTIF managed by a full scope UK AIFM</i>	Chapters 1, 3 and 4.2

...

...

##### 1.2 Structure of the Investment Funds sourcebook

Structure of the Investment Funds sourcebook

- 1.2.1 G *FUND* is structured as follows:

...

- (4) ~~*FUND 4 sets out some requirements in relation to specialist AIF regimes, including the LTIF regimes.*~~ [deleted]

...

...

#### 3 Requirements for alternative investment fund managers

...



### 3.12 Marketing a UK AIF in the UK

...

#### ~~Marketing an LTIF~~

3.12.7 G To market an *LTIF* in the *United Kingdom* a *full-scope UK AIFM* should submit a notice to the *FCA* using the forms in:

- (1) ~~*FUND 3 Annex 1D* (Notification of intention to market an AIF in the United Kingdom); and~~
- (2) ~~*FUND 4 Annex 1R* (Additional documentation and information to market an *LTIF*). [deleted]~~

...

FUND 4 is deleted in its entirety. The deleted text is not shown but the chapter is marked [deleted] as shown below.

## 4 ~~Specialist AIF Regimes~~ [deleted]

## Annex I

### Amendments to the Enforcement Guide (EG)

In this Annex, striking through indicates deleted text.

#### **19 Non-FSMA powers**

...

#### **19.27 Alternative Investment Fund Managers Regulations 2013**

19.27.1 The *AIFMD UK* regulation transposed *AIFMD* and made the necessary changes to *UK legislation* in relation to the implementation of the *EuSEF regulation*, the *EuVECA regulation*, ~~the *ELTIF regulation*~~ and the Money Market Funds regulation. It provided new and updated powers in relation to both existing and new managers of *AIFs*, whether authorised or registered.

...