

**Australian Securities and Investments Commission  
Corporations Act 2001 — Paragraph 911A(2)(l) — Amendment**

**Enabling legislation**

1. The Australian Securities and Investments Commission makes this instrument under paragraph 911A(2)(l) of the *Corporations Act 2001*.

**Title**

2. This instrument is ASIC Class Order [CO 13/1026].

**Commencement**

3. This instrument commences on the later of:
  - (a) the date it is registered under the *Legislative Instruments Act 2003*; and
  - (b) the date of its gazettal.

Note: An instrument is registered when it is recorded on the Federal Register of Legislative Instruments (*FRLI*) in electronic form: see *Legislative Instruments Act 2003*, section 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

**Amendments**

4. ASIC Class Order [CO 03/1099] is amended as follows:
  - (a) in **Schedule A** omit subparagraph (a), substitute:

“(a) the body has a current Part 4A Permission;”;
  - (b) in **Schedule B**:
    - (i) omit subparagraph 2(a), substitute:

“(a) a copy of the Part 4A Permission;”;
    - (ii) in sub-subparagraph 2(c)(v) and subparagraph 2(d), omit all references to “FCA”, substitute “appropriate regulator”;
  - (c) in **Schedule C**:
    - (i) in sub-subparagraph 2(a)(i) omit “Part IV Permission”, substitute “Part 4A Permission”;

- (ii) in sub-subparagraph 2(a)(iv) omit “FCA or other overseas regulatory authority”, substitute “FCA, PRA or other overseas regulatory authority”;
- (iii) omit sub-subparagraph 2(b)(ii), substitute:
  - “(ii) as applicable:
    - (A) for a dual-regulated body—the body is authorised by the PRA and regulated by the FCA and PRA under UK laws, which differ from Australian laws;
    - (B) otherwise—the body is authorised and regulated by the FCA under UK laws, which differ from Australian laws; and”;
- (d) in the **Interpretation**:
  - (i) in the definition of *overseas regulatory authority* omit “(other than the FCA)”, substitute “(other than the FCA or PRA)”;
  - (ii) omit the definition of *Part IV Permission*;
  - (iii) in the definition of *UK regulatory requirements* omit “the FCA;”, substitute “the FCA or PRA;”;
  - (iv) insert the following definitions in alphabetical order:
    - “*appropriate regulator* means:
      - (a) for a dual-regulated body—both the PRA and the FCA;
      - (b) otherwise—the FCA.
    - dual-regulated body* means a body whose regulated activities in the United Kingdom include a PRA-regulated activity within section 22A of the FSM Act.
    - Part 4A Permission* means a permission given under Part 4A of FSM Act or having effect as if so given under that Part.
    - PRA* means the Prudential Regulation Authority of the United Kingdom.”.

## Transitional

- 5. Until 31 March 2014, the amendments made by sub-subparagraph 4(b)(ii) of this class order do not apply to a dual-regulated body that was relying on ASIC Class Order [CO 03/1099] as at the commencement of this class order.

## **Interpretation**

6. In this instrument:

*dual-regulated body* means a body whose regulated activities in the United Kingdom include a PRA-regulated activity within section 22A of the *Financial Services and Markets Act 2000* of the United Kingdom.

Dated this 15<sup>th</sup> day of August 2013

Signed by Grant Moodie  
as a delegate of the Australian Securities and Investments Commission