

**SUBSIDIARY LEGISLATION 370.06**

**INVESTMENT SERVICES ACT  
(RECOGNITION OF PRIVATE COLLECTIVE  
INVESTMENT SCHEMES) REGULATIONS**

2nd December, 2002

*LEGAL NOTICE 353 of 2002, as amended by Legal Notice 190 of 2003.*

**1.** The title of these regulations is the Investment Services Act (Recognition of Private Collective Investment Schemes) Regulations. Citation.

**2.** A collective investment scheme which limits the total number of participants to fifteen persons and where the competent authority is satisfied that - Recognition of private collective investment schemes.

- (i) the participants are close friends or relatives of the promoters;
- (ii) that the scheme is essentially private in nature and purpose; and
- (iii) the scheme does not qualify as a professional investor fund in terms of guidelines issued for this purpose by the competent authority,

shall not be subject to a licence in terms of article 4 of the Investment Services Act, hereinafter referred to as "the Act", but shall be subject to recognition by the competent authority under these regulations: Cap. 370.

Provided that one of the participants may be a body corporate, subject to such restrictions, requirements and conditions as laid down in guidelines issued by the competent authority in terms of article 6 of the Act.

**3.** The provisions of regulation 2 shall not be automatically operative but their applicability shall be subject to a recognition in writing by the competent authority. A fee shall be payable in respect of every application for a recognition as aforesaid and thereafter annually in terms of the Investment Services Act (Licence and Other Fees) Regulations. Recognition in writing.

S.L. 370.03

**4.** The competent authority may from time to time issue guidelines to further regulate the recognition of private collective investment schemes which may include requirements relating to the submission of such information, confirmations and documentation as may be established. Guidelines.

**5.** Any recognition granted in terms of these regulations shall not be deemed to be a licence for the purpose of articles 2 and 12 of the Income Tax Act. Income Tax Act.

Cap. 123.

Transitory  
provision.  
*Amended by:*  
*L.N. 190 of 2003.*  
S.L. 370.02

**6.** A collective investment which was exempt for the purposes of the requirement for a licence under the Act in terms of regulation 4(c) of the Investment Services Act (Exemption) Regulations as in force immediately prior to the coming onto force of these regulations, shall comply with these regulations by not later than the 31st August, 2003.

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