Attachment 1

Guidance & Policies Manual (GPM)

*In this attachment underlining indicates new text and striking through indicates deleted text.

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3.6 Transfer Schemes

3.6.1 The Regulator expects the person concerned or the transferee proposing a Transfer Scheme to notify the Regulator about the proposed transfer as soon as practicable, regardless of whether (i) the proposed Transfer Scheme will use the court sanctioned process outlined under Part 7 of FSMR; or (ii) the person concerned is proposing to comply with alternative arrangements outlined under GEN 8A.3.

3.6.2 Where the person concerned or the transferee is considering using the court-sanctioning process, the Regulator will still need to be notified as soon as practicable before the transfer commences, as various steps will need to be taken, some of which involve the Regulator as detailed in Part 7 of FSMR, before a court may determine an application.

3.6.3 Where the person concerned or the transferee is considering using the alternative process by following the requirements in GEN 8A.3, some types of business transfers will require a no-objection from the FSRA, as indicated in that Chapter.

3.6.4 Where a no-objection is to be obtained from the Regulator, the Regulator expects that the person concerned or the transferee provide the Regulator with enough information that will enable the Regulator to consider factors noted in guidance 2 under GEN 8A.3.2. Although there is no prescribed form in which such information is to be provided to the Regulator, the person concerned or the transferee should consider any relevant industry and international best practices when providing information to the Regulator for similar purposes.

3.6.5 Before providing its no-objection, the Regulator will consider among other things, whether, before the transfer scheme takes effect, the transferee will:

(a) have the authorisation required (if any) to enable the business which is to be transferred to be carried on in the place to which it is to be transferred; and

(b) possess adequate financial resources to carry on the business concerned in accordance with the legislation applicable in the place to which it is to be transferred.

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