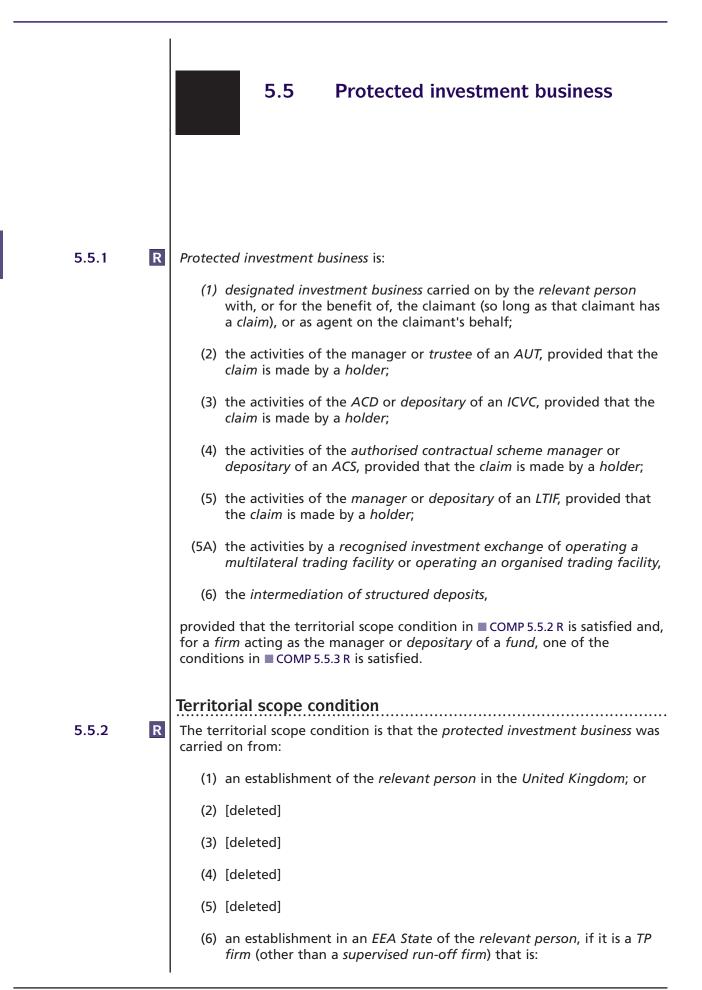
Compensation

## Chapter 5

Protected claims

## **COMP 5 : Protected claims**



- (a) managing a UK UCITS; or
- (b) managing an AIF that is an authorised fund.

## 5.5.3 R The conditions referred to in COMP 5.5.1 R f

5.5.4

R

The conditions referred to in COMP 5.5.1 R for a manager or *depositary* of a *fund* are:

- (1) for the activities of managing an AIF, managing a UK UCITS or establishing, operating or winding up a collective investment scheme, the claim is in respect of an investment in:
  - (a) an authorised fund; or
  - (b) any other fund which has its registered office or head office in the UK or is otherwise domiciled in the UK unless it is an AIF that is a body corporate and not a collective investment scheme;
- (2) where a *firm* is acting as *depositary* of a *fund*, the *claim* is in respect of their activities for:
  - (a) an authorised fund; or
  - (b) a charity AIF unless it is a body corporate that is not a collective investment scheme.

## Advising without a personal recommendation

The FSCS must treat a *claim* relating to advice in relation to a *designated investment* that falls outside article 53(1) of the *Regulated Activities Order* by virtue of article 53(1A) of that Order as being 'in connection with *protected investment business*' for the purposes of ■ COMP 5.2.1R(3) where the *relevant person* giving the advice, at the time the act or omission giving rise to the *claim* took place:

- (1) had, or required, permission to carry on; or
- (2) (in the case of an *appointed representative*) was exempt from the *general prohibition* in respect of,

an activity that was designated investment business.