

Chapter 10

Operating on a cross-border basis

10.4 AIFM third country management

Application

- 10.4.1 **G** This section applies to a *full-scope UK AIFM* of a *non-UK AIF* that is not marketed in the UK to UK investors.

Applicable requirements

- 10.4.2 **G** A *full-scope UK AIFM* may manage a *non-UK AIF* subject to the satisfaction of certain conditions. If the *AIF* is not marketed, these conditions are that:
- (1) the *AIFM* complies with the full requirements of *FUND*, other rules in the *Handbook* which, when made, implemented *AIFMD*, the *AIFMD level 2 regulation*, the *AIFMD UK regulation* in respect of that *AIF*, except **FUND 3.3** (Annual reporting) and **FUND 3.11** (Depositaries), the *AIFMD BTS* and any other binding technical standards made in connection with the *UK AIFM regime*; and
 - (2) (in accordance with regulation 33 of the *AIFMD UK regulation*) appropriate cooperation arrangements are in place between the *FCA* and the supervisory authorities of the country where the *non-UK AIF* is established in order to ensure an efficient exchange of information that allows *FCA* to carry out its duties in accordance with *FUND*, other rules in the *Handbook* which, when made, implemented *AIFMD*, the *AIFMD level 2 regulation* and the *UK AIFMD regulation*.
- 10.4.3 **G** As a result, a *full-scope UK AIFM* of a *non-UK AIF* that is not marketed is required to comply with:
- (1) all of **FUND 3** with the exception of **FUND 3.3** (Annual report of an *AIF*), **FUND 3.11** (Depositaries) and **FUND 3.12** (Marketing in the UK); and
 - (2) such other provisions of the *FCA Handbook* as are applicable to a *full-scope UK AIFM*.
- 10.4.4 **G** If a *full-scope UK AIFM* wishes to market in the UK a that it manages, the *AIFM* must comply with the relevant requirements, as explained in **FUND 10.5.3 G** to **FUND 10.5.5 G** (Marketing of third country AIFs managed by full-scope UK AIFMs).