



Jersey

**COLLECTIVE INVESTMENT FUNDS
(RESTRICTION OF SCOPE) (JERSEY)
ORDER 2000**

Official Consolidated Version

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COLLECTIVE INVESTMENT FUNDS (RESTRICTION OF SCOPE) (JERSEY) ORDER 2000

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COLLECTIVE INVESTMENT FUNDS (RESTRICTION OF SCOPE) (JERSEY) ORDER 2000

THE ECONOMIC DEVELOPMENT COMMITTEE, in pursuance of Articles 3(7) and 20 of the [Collective Investment Funds \(Jersey\) Law 1988](#), on the recommendation of the Jersey Financial Services Commission, orders as follows –

Commencement [[see endnotes](#)]

1 Interpretation¹

In this Order –

“1958 Order” means the [Control of Borrowing \(Jersey\) Order 1958](#);

“investment scheme” includes any investment arrangement;

“Law” means the [Collective Investment Funds \(Jersey\) Law 1988](#);

“non-equity shares” means shares where –

- (a) any of the rights of the shares to receive payments are for a limited amount that is not calculated by reference to the company’s assets or profits or the dividends on any class of equity share;
- (b) any of the rights of the shares to participate in a surplus in a winding-up are limited to a specific amount that is not calculated by reference to the company’s assets or profits, and such limitation had a commercial effect in practice at the time the shares were issued or, if later, at the time the limitation was introduced; or
- (c) the shares are redeemable either according to their terms, or because the holder, or any party other than the issuer, can require their redemption;

“relevant consent”, in respect of an investment scheme, means –

- (a) in the case of a body corporate, the consent of the Commission –
 - (i) under Article 4 of the 1958 Order to the issue of securities in connection with the scheme,

- (ii) under Article 4 of the 1958 Order to the raising of money in Jersey by the issue of such securities, or
 - (iii) under Article 2 of the 1958 Order to the issue of non-equity shares;
- (b) in the case of a unit trust, the consent of the Commission under Article 9(1) of the 1958 Order to the issue of securities in connection with the scheme or to the raising of money in Jersey by the issue of such securities; or
- (c) in the case of a limited partnership, the consent of the Commission under Article 10 of the 1958 Order to the creation of securities in connection with the scheme or to the raising of money in Jersey by the creation of such securities;

“securities” means bonds, notes, commercial paper, debentures, debenture stock, instruments creating or acknowledging indebtedness, units or interests under a limited partnership but does not include shares, apart from non-equity shares;

“special purpose”, in respect of an investment scheme, means that the only or principal purpose of the scheme is the securitization or repackaging of assets that involves the issue of securities.

2 Restriction of scope

An investment scheme does not constitute a collective investment fund for the purposes of the Law if –

- (a) it was established for a special purpose;
- (b) the relevant consent has been issued in respect of the scheme; and
- (c) the listing particulars or offer document relating to the securities includes in bold type face –
 - (i) the text set out in the Schedule, or
 - (ii) such text as modified in accordance with the written agreement of the Commission.²

3 Citation

This Order may be cited as the Collective Investment Funds (Restriction of Scope) (Jersey) Order 2000.

SCHEDULE

(Article 2(c))

TEXT TO BE INCLUDED IN LISTING PARTICULARS OR OFFER DOCUMENT TO WHICH THIS ORDER APPLIES

“The investments described in this document do not constitute a collective investment fund for the purpose of the [Collective Investment Funds \(Jersey\) Law 1988](#), as amended, on the basis that they are investment products designed for financially sophisticated investors with specialist knowledge of, and experience of investing in, such investments, who are capable of fully evaluating the risks involved in making such investments and who have an asset base sufficiently substantial as to enable them to sustain any loss that they might suffer as a result of making such investments. These investments are not regarded by the Jersey Financial Services Commission as suitable investments for any other type of investor.

Any individual intending to invest in any investment described in this document should consult his or her professional adviser and ensure that he or she fully understands all the risks associated with making such an investment and has sufficient financial resources to sustain any loss that may arise from it.”.

ENDNOTES

Table of Legislation History

Legislation	Year and Number	Commencement
Collective Investment Funds (Restriction of Scope) (Jersey) Order 2000	R&O.42/2000	1 June 2000
Transfer of Functions (Economic Development Committee) (Jersey) Act 2003	R&O.101/2003	14 October 2003
Collective Investment Funds (Restriction of Scope) (Amendment) (Jersey) Order 2003	R&O.115/2003	5 November 2003

Table of Endnote References

¹ Article 1(1) *amended by R&O.115/2003*

² Article 2 *amended by R&O.115/2003*