UK Overseas Funds Regime (OFR) for retail funds – timeline

Past Temporary Marketing Permissions Regime (TMPR) From 1 January 2021 any EEA fund needs to be in the TMPR to market into the UK. FCA consultation on OFR 109 standalone UCITS funds and The FCA consulted on 8190 UCITS sub-funds are marketed implementing the OFR in into the UK under the TMPR December 2023. (as of 3rd Jan 2024). Entry into force of the OFR on 23 February 2022

Future

FCA assigns 3-month landing slot for application for recognition from overseas fund operator

Funds will be able to self-certify their compliance with the OFR rules, and the FCA may require further information if necessary.

NB: MMFs marketing to retail clients will need to register under this procedure in addition to the OFR's MMF regime. They have until the end of 2027 to register under the OFR's MMF regime.

End of TMPR on 31 December 2025

Any non-UK funds need to go through OFR or s272 FSMA as of 1 January 2026

HMT approves equivalence of a fund category per jurisdiction

The equivalence decision is taken by HMT by making a statutory instrument (SI). Parliament has 40 days to annul the SI.

When making the decision, HMT has to take into account:

- the equivalence of investor protection under the overseas fund's home jurisdiction, and
- 2) adequate (future) arrangements for co-operation between the FCA and the overseas regulator.

HMT can impose additional requirements on schemes recognised under the OFR to ensure their equivalence with UK rules.

HMT began an equivalence assessment for EEA UCITS in October 2022. It has received a report from the FCA assessing the equivalence of EEA UCITS.

FCA has two months to assess funds' applications for recognition

During the transition from the TMPR to the OFR the assessments may take longer.

The FCA has the authority to levy fees from recognised funds.