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2 min to Depository

*understand what
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~~Impact of AIFMD
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Where a

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Depository has delegated custody functions to a sub-custodian, the depository will nonetheless be required to maintain accurate records and segregated accounts, to conduct regular reconciliations

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between its
internal
accounts and
records and
those of the sub-
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exercise due
care so that the
exercise of the
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ensures a high
standard of
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who can be a
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what rules apply
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services to non-
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apply to be a
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you intend to
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types of AIFs
set out in point
4 above.

Depositories / FCA

A depositary is
an independent
third party that
is responsible
for the
oversight of the
activity of each
AIF. Prescribed

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Depository
in the AIFMD,
the requirement
to appoint a
depository is
dependent on a
number of
factors: the
location of the
AIFM; the AIFM's
marketing
strategy;

*The role of an
AIF depository |
Page 21/47*

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The depository ensures the proper safekeeping of the AIF's assets and can help identify risks connected with the performance of the operations of the AIF. We do this by working

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Depositary with
you, getting to
know your
structures and
how they
operate. We're
authorised as a
Depositary in
the UK,
Netherlands,
Luxembourg,
Denmark, Sweden
and Norway.

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Requirements.

The. Alternative

Investment Funds

Management

Directive

("AIFMD")

requires

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(“AIFMs”) to appoint a single depository to all Alternative Investment Funds (“AIFs”) that they manage and introduces new depository requirements in relation to their AIFs. Eligibility.

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AIFMD -

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Requirements -

Walkers

To briefly summarise, any AIFM running an EU-based AIF will require a full depository solution under AIFMD to carry out three core

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Depository
duties under
Article 21 of
the directive:
namely cash
management,
safekeeping of
assets and
general
oversight of the
AIF. Such a
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*Understanding
the role of the
depository under
AIFMD ...*

The Alternative
Investment Fund
Managers

Directive (the
“AIFM
Directive”)

requires that
private funds

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appoint a
“depositary”. To
date, there has
been no cross-
border
regulatory
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for...

*The role of the
depositary under
the AIFM
Directive -
Lexology
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Depository of
non-E.U. AIF
managed by an
authorised AIFM
must have a
registered
office in the
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- The regulator
of the AIFM and
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domiciliation of
the AIF has

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signed a
cooperation
agreement;

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...

The AIFMD
establishes an
EU-wide
harmonised
framework for

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risks posed by
AIFMs and the
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manage, and for
strengthening
the internal
market in
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funds. It also
includes new
requirements for
firms acting as

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an AIF. Aims of
the AIFMD

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The depository
shall hold in
custody (a) all
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instruments that
can be
registered in a
segregated
financial

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account opened
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books in the
name of the AIF
or the AIFM
acting on behalf
of the AIF, so
that they can be
clearly
identified as
belonging to the
AIF in

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*AIFMD: the
depositary issue
/ Hedgeweek*

AIFMD requires
that the
appointment of a
depositary to an
AIF is evidenced
in writing. The
AIFMD Regulation
specifies the
following

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Depository matters which must be addressed in the written agreement between the depository and the AIFM and/or AIF; 1.

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AIFMD is a
European
Directive that
seeks to
regulate the non-
UCITs fund
sector,

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including hedge funds, private equity funds and real estate funds. All Alternative Investment Fund Managers (“AIFMs”) established in the EEA, whether they manage EEA or non-EEA Alternative

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Investment Funds
("AIFs") are
subject to
AIFMD.

*Guernsey's AIFMD
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AIFMD itself
places the onus
squarely on
managers to
ensure

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prohibits
delegation by a
depository of
its duties,
except those

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relating to safe-keeping or verification of ownership of assets³⁷. In practice this permits the establishment of an effective sub-custody network while ensuring that the duly appointed depositary does

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Depositary
retain primary
responsibility
(and
liability³⁸).

*The Role of the
Depositary under
the AIFMD*

AIFMD requires
that the
appointment of a
depositary to an
AIF is evidenced
in writing. The

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AIFMD Regulation
specifies the
following
matters which
must be
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depositary
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for EU and non-
EU debt,
infrastructure,
private equity
and real estate
managers (AIFMs)
whose funds
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are above the
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