

Appendix 4

In this appendix underlining indicates new text and striking through indicates deleted text.



The DFSA Rulebook

Ancillary Service Providers Module

(ASP)

3. GENERAL PROVISIONS

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3.2 Deleted Interpretation

Guidance

1. ~~Every provision in the ASP module should be interpreted in the light of its purpose. The purpose of any provision is to be gathered first and foremost from the text of the provision in question and its context among other relevant provisions.~~
2. ~~Where this section refers to a provision, this means every type of provision, including Rules and Guidance.~~
3. ~~Where reference is made in ASP to another provision of the Rulebook or to another provision of DIFC legislation, it is a reference to that provision as amended from time to time.~~
4. ~~Unless the contrary intention appears:~~
 - a. ~~words in the Rulebook importing the masculine gender include the feminine gender and words importing the feminine gender include the masculine; and~~
 - b. ~~words in the Rulebook in the singular include the plural and words in the plural include the singular.~~
5. ~~If a provision in the Rulebook refers to a communication, notice, agreement, or other documents ‘in writing’ then, unless the contrary intention appears, it means in legible form and capable of being reproduced on paper, irrespective of the medium used. Expressions related to writing must be interpreted accordingly.~~
6. ~~Any reference to ‘dollars’ (\$) is a reference to United States Dollars unless the contrary intention appears.~~
7. ~~References to Articles made throughout the Rulebook are references to the Regulatory Law 2004 unless otherwise stated.~~
8. ~~Unless stated otherwise, a day means a calendar day. If an obligation falls on a calendar day which is either a Friday or Saturday or an official State holiday in the DIFC, the obligation must take place on the next calendar day which is a business day.~~

Defined terms

9. ~~Defined terms are identified throughout the Rulebook by the capitalisation of the initial letter of a word or phrase and are defined in the Glossary (GLO). Unless the context otherwise requires, where capitalisation of the initial letter is not used, an expression has its natural meaning.~~

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4 REGULATORY PROCESSES

4.1 Application

4.1.1 This chapter applies to every Ancillary Service Provider and applicant for registration as an Ancillary Service Provider.

Guidance

~~The RPP Sourcebook provides information in relation to the regulatory processes of an Ancillary Service Provider. The purpose of this chapter is to set out requirements and to give Guidance in relation to the processes for registration, supervision and enforcement.~~

4.2 Applications to carry on ancillary services

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4.2.5 When the DFSA is considering an application for registration the DFSA will consider any matter which may harm or may have harmed the integrity or the reputation of the DFSA or DIFC.

Guidance

- ~~1. The DFSA will have particular regard to whether the firm, or anyone in a position of influence in or over it, has criminal convictions or been the subject of adverse findings by courts or regulatory authorities in the UAE or elsewhere, or is known to have engaged in dishonest or improper business practices.~~
- ~~2. A Person who provides information to the DFSA which is false, misleading or deceptive, or who conceals information where the concealment is likely to mislead or deceive the DFSA, commits a contravention of Article 66.~~

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4.4 Deleted Information gathering and access to premises

Guidance

- ~~1. Article 73 provides the DFSA with powers to require Ancillary Service Providers and their officers, employees and agents by written notice to:
 - a. give, or procure the giving of, such specified information; or
 - b. produce, or procure the production of, such specified documents;to the DFSA as the DFSA considers necessary or desirable to meet the objectives of the DFSA.~~
- ~~2. Under Article 73, the DFSA may also enter the premises of any Ancillary Service Provider during normal business hours or at any other time as may be agreed for the purpose of inspecting and copying information or documents stored in any form on such premises, as it considers necessary or desirable to meet the objectives of the DFSA.~~
- ~~3. Where the DFSA gives notice under Article 73, it will expect full co-operation from the Ancillary Service Provider.~~