

§ 22 | Senior Manager | Investment Managers and Superannuation | ASIC | § 22 | 61 7 3867 4800 |
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Status: FINALISED

RUFFER LLP - PMR 2008/32604

Last updated on 17/01/2010 by Application
Messenger (NSW)

Decision Details

		Security Classification	In Confidence	Date Submitted	11/01/2009
Agenda Item Title		Confidential submission		Epsom Id	PMR 2008/32604
Action Officer	§ 22 Sydney/NSW/ASIC	Office	SYD	Telephone	22376
Authorising Officer	§ 22 /Sydney/NSW/ASIC	Office		Telephone	
Decision Date	11/01/2009	Decision	Approved		

*Rationale : A. Evidence of authorisation by the Financial Services Authority of the UK as required by Schedule B 2(a) Class Order 03/1099.

Ruffer LLP (the "Company") is a limited partnership formed in the United Kingdom (Please refer to the letter from Deacons dated 23 December 2008 and signed by § 22). The Company has Part IV Permission under the Financial Services and Markets Act 2000 of the UK and issued by the Financial Services Authority (FSA) [FSA Reference number of the Company is 229135.]

In accordance with RG 176 on "Licensing: Discretionary powers — wholesale foreign financial services providers" the Company (the FFSP) has provided ASIC with the following documents:

- Notice that the Company intends to provide financial services in Australia in reliance of CO 03/1099 (schedule B 2(b) - Refer to letter dated 19 December 2008 signed by § 22 General Counsel of the Company and § 22, the compliance officer of the Company. The Company lodged a Deed Poll dated 19 December 2008 § 22 General Counsel of the Company § 22 the Compliance Officer of the Company and § 22 (the "deed").
- The deed is executed in favour of ASIC and other bodies as referred to in subsection 659B(1) in respect of Class Order 03/1099 (schedule B 2(c)) - Refer to paragraph D of the deed.
- Written consent to disclosure by the FSA to ASIC and ASIC to the FSA (schedule B 2(d)) - Refer to paragraph 2.4 of the deed. This is also mentioned in the letter of the Company dated 19 December 2008 addressed to ASIC.
- The Deed is irrevocable without the prior consent of ASIC (RG 176.62(a) and schedule B 2(c)(i) of CO 03/1099) - Refer to paragraph 1 of the deed.
- The Company or body submits to the non-exclusive jurisdiction of the courts of Australia as specified in (RG 176.62(b) and schedule B 2(c)(iii) of CO 03/1099 - Refer to paragraph 2.1 of the deed.
- The Company or body covenants to comply with any order in respect of any matter relating to the provision of the Financial Services (RG 176.62(c) and schedule B 2(c)(iii) of CO 03/1099) - Refer to paragraph 2.1 of the deed.
- If the Company or body is not registered, service of process can be effected by service on the Agent as provided in schedule B 2(c)(iv) of CO 03/1099. It is noted that the Company is not currently registered as a foreign company in Australia. Accordingly, the letter of adequacy of documents should mention the issue regarding "carrying on business in Australia". The agent appointed by the Company for this purpose is § 22 of Deacons, Grosvenor Plaza, 225 George Street, Sydney, NSW, 2000..
- On written request, the Company or body will give or vary written consent and take all other practicable steps to enable disclosure specified in schedule B 2(c)(v) of CO 03/1099 - Refer to paragraph 2.4 of the deed.

FOI 032-2022

I recommend that letter of adequacy be issued to the Company, subject to the original documents, consent, Part IV permission are received. I contacted s 22 on 12 January 2009 and she advised all relevant document would be sent to me directly.

Attachments:**InaDocument Activity**

12/01/2009 13:58:05 s 22 : Initialise