



COMPLIANCE WEEKLY

A Publication of Seward & Kissel Regulatory Compliance

APRIL 26, 2022

SKRC Compliance Weekly is a weekly reminder of certain regulatory obligations that may apply to an SEC-registered investment adviser and CFTC-registered commodity pool operator and commodity trading advisor with a December 31 fiscal year-end that advises one or more private funds.

Obligation	Comment
Annual Delivery of Form ADV Part 2A (due 4/30/2022).	Advisers Act Rule 204-3(b) requires a registered investment adviser to deliver to each client an updated Form ADV Part 2A within 120 days after the adviser's fiscal year-end if there are material changes.
Distribute audited financial statements to investors in "funds-of-funds" (due 4/30/2022).	With respect to a "fund-of-funds", the Custody Rule provides an exception from certain requirements of the Custody Rule with respect to the account of a limited partnership, limited liability company or another type of pooled investment vehicle (e.g., hedge funds and other private funds) that is subject to audit by an independent public accountant at least annually and distributes its audited financial statements prepared in accordance with U.S. generally accepted accounting principles to all investors within 180 days after the fund's fiscal year-end. Notwithstanding the timing of this requirement, registered CPOs are required to file and distribute audited financials within 90 days of the pool's fiscal year-end, unless an extension has been granted.
Form PF Annual Update due for all private fund advisers other than "large hedge fund advisers" and "large liquidity fund advisers" (due 4/30/2022).	Form PF requires all private fund advisers other than "large hedge fund advisers" and "large liquidity fund advisers" to file an annual update to all items in Form PF within 120 days after the fiscal year-end.
Quarterly Transaction Reports (due 4/30/2022).	Advisers Act Rule 204A-1 requires "access persons" of a registered adviser to submit a transaction report to the chief compliance officer covering all transactions during the previous quarter no later than 30 days after the end of each calendar quarter.



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Obligation	Comment
Form PF Quarterly Update due for “large hedge fund advisers” and “large liquidity fund advisers” who did not submit information relating to their other private funds with their fourth-quarter filing (due 4/30/2022).	Due within 120 days of the Adviser’s fiscal year-end.
Periodic Report for CPOs (due 4/30/2022).	CPOs are required to distribute a periodic report of their account statements within 30 calendar days of each month end. Note, however, that CPOs relying on an exemption under CFTC Rule 4.7 or Rule 4.12(b) are only required to distribute a periodic report of their account statements within 30 days of each quarter end.

If you have any questions regarding the matters covered herein, please contact any of the attorneys listed below.

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