

**FINANCIAL SERVICES COMPENSATION SCHEME (FUNDING REVIEW)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the powers and related provisions in:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 156 (General supplementary powers);
    - (b) section 157(1) (Guidance);
    - (c) section 213 (The compensation scheme);
    - (d) section 214 (General); and
    - (e) section 223 (Management expenses); and
  - (2) the other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making powers referred to above are specified for the purposes of section 153(2) (Rule-making instruments) of the Act.

**Commencement**

- C. (1) Part 2 of Annex B to this instrument comes into force on 1 April 2014.
- (2) The remainder of this instrument comes into force on 1 April 2013.

**Amendments to the Handbook**

- D. The modules of the FSA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2) below.

(1)	(2)
Glossary of definitions	Annex A
Fees manual (FEES)	Annex B
Supervision manual (SUP)	Annex C
Dispute Resolution: Complaints sourcebook (DISP)	Annex D
Compensation sourcebook (COMP)	Annex E

**Citation**

- E. This instrument may be cited as the Financial Services Compensation Scheme (Funding Review) Instrument 2013.

By order of the Board  
17 January 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Insert the following new definition in the appropriate alphabetical position. The text is not underlined.

*retail pool* the pool of *classes* to which the *FSCS* allocates levies as described in *FEES* 6.5A [to follow].

Delete the following definition.

~~*sub-class* one of the classes of *participant firms* within a *class* set out in *FEES* 6 Annex 3 R being sub-classes that carry on business of a similar nature or have other common characteristics, to which *compensation costs* and *specific costs* are allocated in accordance with *FEES* 6.4 and *FEES* 6.5. Class A (Deposits) is to be treated as being made up of a single *sub-class*.~~

Amend the following definitions as shown.

*annual eligible income* (in *FEES*) (in relation to a *firm* and a ~~*sub-class*~~) the annual income (as described in *FEES* 6 Annex 3R) for the *firm's* last financial year ended in the year to 31 December preceding the date for submission of the information under *FEES* 6.5.13R attributable to that ~~*sub-class*~~. A *firm* must calculate *annual eligible income* from such annual income in one of the following ways:

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*base costs* ~~*management expenses, other than establishment costs,*~~ which are not dependent on the level of ~~*claims*~~ made on the *FSCS* attributable to any particular class.

*class* ...

(5) (in *FEES*) one of the ~~broad~~ classes to which *FSCS* allocates levies as described in *FEES* 6.5.7R.

*compensation costs* the costs incurred:

...

(e) by virtue of section 61 (Sources of compensation) of the Banking Act 2009;

(including the costs of paying interest, principal and other costs of borrowing to pay such costs).

*levy limit*

(in *FEES*) the maximum aggregate amount of *compensation costs* and *specific costs* that may be allocated to a particular ~~*sub-class*~~ or *class* in one financial year as set out in *FEES* 6 Annex 2R.

## Annex B

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### **Part 1: Comes into force on 1 April 2013**

### **6 Financial Services Compensation Scheme Funding**

#### **6.1 Application**

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##### General structure

- 6.1.4 G Section 213(3)(b) of the *Act* requires the *FSA* to make *rules* to enable the *FSCS* to impose levies on *authorised persons* in order to meet its expenses. These expenses include in particular expenses incurred, or expected to be incurred, in paying compensation, borrowing or insuring risks.
- 6.1.4A G Section 224F of the *Act* enables the *FSA* to make *rules* to enable the *FSCS* to impose levies on *authorised persons* (or any class of *authorised persons*) in order to meet its management expenses incurred if, under Part 15A of the *Act*, it is required by HM Treasury to act in relation to *relevant schemes*. But those *rules* must provide that the *FSCS* can impose a levy only if the *FSCS* has tried its best to obtain reimbursement of those expenses from the *manager of the relevant scheme*.
- 6.1.5 G The *FSCS* may impose three types of levy: a *management expenses levy* (consisting of a *base costs levy* and a *specific costs levy*), a *compensation costs levy* and a *MERS levy*. The *FSCS* has discretion as to the amount and timing of the levies imposed.
- 6.1.6 G In calculating a *compensation costs levy*, the *FSCS* may include ~~anticipated compensation costs for defaults expected to be determined~~ in the 12-month period following the date of the levy. The total amount of all *management expenses levies* attributable to a financial year ~~will be restricted to~~ may not exceed the amount set out on an annual basis in *FEES 6 Annex 1R*.
- 6.1.7 G In order to allocate a share of the amount of *specific costs and compensation costs* to be funded by an individual *participant firm*, the funding arrangements are split into ~~five~~ eight *classes*: the ~~deposit~~ deposits *class*; the life and pensions provision *class*; ~~the general insurance~~ provision *class*; the investment provision *class*; ~~the life and pensions~~ intermediation *class*; the home finance intermediation *class*; ~~the investment~~ intermediation *class* and the general insurance intermediation *class*. The ~~business carried on~~ permissions held by a *participant firm*

determines determine into which *class*, or *classes*, it falls.

- 6.1.8 G ~~Within each *class* there are one or more *sub-classes*. These relate to different types of activity carried on by *participant firms* within each *class*. Within a *class*, individual *participant firms* are allocated for funding purposes to one or more *sub-classes*, depending on their business activities. This, together with the The provisions on the allocation of levies to *sub-classes* up to their *levy limits*, ~~meets~~ meet a requirement of section 213(5) of the *Act* that the *FSA*, in making rules to enable the *FSCS* to impose levies, must take account of the desirability of ensuring that the amount of the levies imposed on a particular class of *authorised person* reflects, so far as practicable, the amount of claims made, or likely to be made, in respect of that class of person. ~~The deposit *class* is made up of a single *sub-class*. This means that a reference to a *sub-class* will, unless the context otherwise requires, include a reference to the *deposits class*.~~~~

The management expenses levy

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- 6.1.10 G A *management expenses levy* ~~under *COMP*~~ may consist of two elements. The first is a *base costs levy*, for the base costs of running the *compensation scheme* in a financial year, that is, costs which are not dependent upon the level of activity of the *compensation scheme* and which therefore are not ~~referable~~ attributable to any specific ~~default~~ class.

...

- 6.1.11 G The second element of a *management expenses levy* is a *specific costs levy* for the "specific costs" of running the *compensation scheme* in a financial year. These costs ~~depend on the number of claims and types of default~~ are attributable to a class, and include the ~~salaries~~ salary costs of the certain staff of the *FSCS* and claims handling and legal and other professional fees ~~paid in respect of particular defaults~~. It also may include the cost of any insurance cover that *FSCS* secures against the risk of *FSCS* paying out claims above a given level in any particular *sub-class* (but below the *levy limit* for that *sub-class* for the year) ~~or the cost of commercial borrowing to allow *FSCS* to pay claims attributable to a particular *sub-class* in advance of the next levy. Where a *levy limit* has been reached and *FSCS* secures borrowing in order to pay claims allocated to another *sub-class* in accordance with the rules on allocation in *FEES* 6.5.2R, the costs of borrowing are attributable to the *sub-class* whose *levy limit* has been reached. The specific costs *specific costs* are allocated attributed to the *sub-class* which is responsible for those costs ~~under *COMP*, on the basis of the *protected claims* against that *person*. When the *FSCS* imposes a *specific costs levy*, the levy is allocated to the *class* which is responsible for those costs up to the relevant *levy limits*. The *FSCS* may include in a *specific costs levy* the specific costs *specific costs* that the *FSCS* expects to incur (including in respect of defaults not yet declared at the date of the levy) during the financial year of the *compensation scheme* to which the levy relates. The amount that each *participant firm* pays towards the *specific costs levy* is calculated by reference to the amount of business~~~~

conducted by the *firm* in each of the *sub-classes* to which the *FSCS* has allocated ~~specific costs~~ specific costs. Each *sub-class* has a separate "tariff base" for this purpose, set out in *FEES* 6 Annex 3R. *Participant firms* may be exempt from contributing to the *specific costs levy*.

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The compensation costs levy

- 6.1.14 G ~~The In imposing a compensation costs levy in each financial year of the compensation scheme is made up of the FSCS~~ will take into account the *compensation costs* which the *FSCS* has incurred and has not yet recovered from *participant firms* raised through levies, (less any recoveries it has made using the rights that have been assigned to it or to which it is subrogated), together with and those *compensation costs* it expects to incur (including in respect of defaults yet to be declared) over the 12 months following the date of the levy.
- 6.1.15 G *Compensation costs* are principally the costs incurred in paying compensation. Costs incurred:
- (1) in securing continuity of long-term insurance; or
  - (2) in safeguarding *eligible claimants* when insurers are in financial difficulties; or
  - (3) in making payments or giving indemnities under *COMP* 11.2.3R and; or
  - (4) as a result of the *FSCS* being required by HM Treasury to make payments in connection with the exercise of the stabilisation power under Part 1 of the Banking Act 2009; or
  - (5) in paying interest, principal and other costs from borrowing to allow the *FSCS* to pay claims attributable to a particular class;

are also treated as *compensation costs*. Compensation costs are attributed to the class which is responsible for the costs. For funding purposes, When the *FSCS* imposes a *compensation costs levy* these costs are allocated by the *FSCS*, and met by *participant firms*, in the same way as *specific costs* the levy is allocated to the class which is responsible for the costs up to relevant *levy limits* and then in accordance with the allocation provisions in ~~*FEES* 6.5.2R~~. Certain classes may be funded, for *compensation costs levies* beyond the *class levy limit*, by the *retail pool*.

Participant firms that are members of more than one class

- 6.1.16 G If a *participant firm* is a member of more than one *sub-class* the total *compensation costs levy* and *specific costs levy* for that *firm* in a particular year will be the aggregate of the individual levies calculated for the ~~firm~~ *firm* in respect of each of the *sub-classes* for that year. Each *sub-class* has a *levy limit* which is the maximum amount of *compensation costs* and

*specific costs* which may be allocated to a particular *sub-class* in a financial year for the purposes of a levy. ~~Once the costs attributable to a particular *sub-class* have exceeded the *levy limit* the excess costs are allocated to the other *sub-class* in the same *class*, up to the *levy limit* of that other *sub-class*, and thereafter allocated to a 'general retail pool' of all the other *sub-classes* whose *levy limits* have not been reached (with the exception of the home finance providers). The amount of the excess cost to be allocated to each particular *sub-class* in the general retail pool is calculated pro-rata in accordance with the relative size of the *levy limit* of that *sub-class* to the sum of the *levy limits* of the remainder of the *sub-classes* in the general retail pool whose *levy limits* have not been reached. In the case of the deposits *class*, once the costs attributable to that class have exceeded the *levy limit* the excess costs are allocated to the general retail pool. The use made by FSCS of borrowing facilities to provide liquidity until the next levy does not affect this allocation of costs.~~

- 6.1.16A G ~~FSCS may consider obtaining insurance cover, if available, against the risk that the value of claims FSCS pays out exceeds the *levy limits* of, or given levels within, particular *classes*. Any costs associated with the insurance would be allocated proportionally to the *classes* intended to benefit from that insurance. [deleted]~~

Incoming EEA firms

- 6.1.17 G *Incoming EEA firms* which obtain cover or 'top up' under the provisions of COMP 14 are firms whose *Home State* scheme provides no or limited compensation cover in the event that they are determined to be in default. Under FEES 6.6, the FSCS is required to consider whether *incoming EEA firms* should receive a discount on the amount that they would otherwise pay as their share of the levy, to take account of the availability of their *Home State* cover. The amount of any discount is recoverable from the other members of the *incoming EEA firm's sub-class*.

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### 6.3 The FSCS's power to impose levies

~~General limits on levies~~ Imposing management expenses and compensation costs levies

- 6.3.1 R The FSCS may at any time impose a *management expenses levy*, ~~or a *compensation costs levy* or a *MERS levy*~~, provided that the FSCS has reasonable grounds for believing that the funds available to it to meet relevant expenses are, or will be, insufficient, taking into account expenditure already incurred, actual and expected recoveries and:
- (1) in the case of a *management expenses levy*, the level of the FSCS's ~~anticipated~~ expected expenditure in respect of those expenses in the financial year of the *compensation scheme* in relation to which the levy is imposed; ~~and~~

- (2) in the case of a *compensation costs levy*, the level of the *FSCS's* ~~anticipated~~ expected expenditure in respect of *compensation costs* in the 12 *months* immediately following the levy.

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- 6.3.2A G The *FSCS* will usually levy once in each financial year (and in respect of *compensation costs*, for expenditure expected in the period of 12 *months* following 1 July in that year). However, if the *compensation costs* or *specific costs* incurred, or expected to be incurred, exceed the amounts held, or reasonably expected to be held, to meet those costs, the *FSCS* may, at any time during the financial year, do one or more of the following:
- (1) impose an interim *compensation costs levy* or *management expenses levy*; or
  - (2) utilise other sources of funding such as commercial borrowing or other borrowing including from the National Loans Fund; or
  - (3) utilise money collected from *firms* as set out in, and subject to, *FEES* 6.3.17R (Management of funds).

The *FSCS* will generally impose a levy rather than borrow or utilise funds as described in (3), unless the latter options appear to it to be preferable in the specific circumstances prevailing at the relevant time; for example, to address short-term liquidity issues, or in order to deal with a significant failure without having to wait for a levy to be imposed or collected.

- 6.3.3 G ~~The *FSCS* may impose one or more levies in a financial year to meet its *management expenses*, its *compensation costs* or its *management expenses* in respect of *relevant schemes*. The *FSCS* may also impose interim levies, as part of its overall levy commitment. This flexibility allows the *FSCS* to phase its financing over the course of a financial year and thus avoid collecting levies from firms before the money is actually needed. The *FSCS* has committed itself in the Memorandum of Understanding with the *FSA* (the text of which can be found on the *FSA* website [www.fsa.gov.uk](http://www.fsa.gov.uk)) to publish regularly an indicative timetable for its levy procedures and its policy in respect of levying.~~

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#### Imposing a MERS levy

- 6.3.4A R The *FSCS* may at any time impose a *MERS levy* provided that the *FSCS* has reasonable grounds for believing that the funds available to it to meet relevant expenses are or will be insufficient, taking into account relevant expenses incurred or expected to be incurred in the 12 *months* following the date of the levy.

Limits on compensation costs and specific costs levies on ~~sub-classes and~~

classes

- 6.3.5 R The maximum aggregate amount of *compensation costs* and *specific costs* for which the *FSCS* can levy each ~~sub-class~~ and *class* in any one financial year of the *compensation scheme* is limited to the amounts set out in the table in *FEES* 6 Annex 2R.

...

Management of funds

- 6.3.11 R The *FSCS* must hold any amount collected from a *specific costs levy* or *compensation costs levy* to the credit of the *classes* and ~~relevant sub-classes~~, in accordance with the allocation established under *FEES* 6.4.6R and *FEES* 6.5.2R.

...

- 6.3.13 R Interest earned by the *FSCS* in the management of funds held to the credit of a ~~sub-class~~ must be credited to that ~~sub-class~~, and must be set off against the *management expenses* or *compensation costs* allocated to that ~~sub-class~~.

- 6.3.14 R The *FSCS* must keep accounts which ~~show~~ include:
- (1) the funds held to the credit of each *class* and ~~relevant sub-class~~; and
  - (2) the liabilities of that *class* and ~~relevant sub-class~~.

- 6.3.15 R ~~The *FSCS* may use the money collected from *firms* within one *class* to pay *compensation costs* in respect of any *sub-class* within that *class* so long as it ensures that this is done without prejudice to the *participant firms* from whom the money has been collected. [deleted]~~

- 6.3.15A G ~~*FEES* 6.3.15R deals with how the *FSCS* may use money available to it and does not affect the *rules* on allocation in *FEES* 6.5.2R. Therefore the requirement that the procedure in *FEES* 6.3.15R should not prejudice the *participant firms* does not apply to an allocation under *FEES* 6.5.2R. [deleted]~~

- 6.3.16 G *FEES* 6.3.15R means that, for example:
- (1) when crediting interest under *FEES* 6.3.13 R, the *FSCS* should regard any money collected from one ~~sub-class~~ which has been used to pay the *compensation costs* of another ~~sub-class~~ within the same *class* as standing to the credit of the first ~~sub-class~~;
  - (2) the *FSCS* should not raise a levy under *FEES* 6.3.1R on a ~~sub-class~~ solely because, as a result of the *FSCS's* action under *FEES* 6.3.15R, there appear to be insufficient funds available to the credit of the ~~sub-class~~ to meet its expenses; and

- (3) ~~(2) would not be applicable to the extent that the funds used are in respect of costs allocated to the *sub-class* in accordance with the rules on allocation in FEES 6.5.2 R(1) and (2). [deleted]~~
- 6.3.17 R (1) The *FSCS* may use any money held to the credit of one *class* (the creditor *class*) to pay ~~compensation costs~~ compensation costs or specific costs in respect of attributable or allocated by way of levy to another *class* (the debtor *class*) if the *FSCS* has reasonable grounds to believe that this would be more economical than borrowing funds from a third party or raising a levy.
- (2) Where the *FSCS* acts in accordance with (1), it must ensure that:
- ...
- (c) the amount lent by the creditor *class* to the debtor *class* is taken into account by the *FSCS* when considering whether to impose a ~~compensation costs levy~~ compensation costs levy on the creditor *class* under FEES 6.3.1R.
- 6.3.18 G FEES 6.3.17R deals with how *FSCS* may use money already available to it and does not affect the rules on levy allocation in FEES ~~6.5.2R~~ 6.4, 6.5 and 6.5A. ~~Therefore FEES 6.3.17R(2)(a), (b) and (c) do not apply where the costs otherwise attributable to one debtor *class* are allocated to the creditor *class* in accordance with the rules on allocation in FEES 6.5.2R.~~
- 6.3.19 R Unless FEES 6.3.20R applies, any recoveries made by the *FSCS* in relation to *protected claims* must be credited to the ~~*sub-classes*~~ to which the related *compensation costs* were allocated was attributable.
- 6.3.20 R (1) ~~This rule applies where~~ Where the *FSCS* makes recoveries in relation to *protected claims* where a related *compensation costs* levy would have been ~~met by~~ allocated to a *sub-class* (sub-class A) had the *levy limit* for sub-class A not been reached and have therefore been met by has been allocated to another *sub-class* or *sub-classes* in the retail pool, the recoveries must be applied:
- (a) first, to the *classes* to which the costs levied were allocated in accordance with FEES 6.5A in the same proportion as those *classes* contributed, up to the total amount of that allocation plus interest at a rate equivalent to the Bank of England's Official Bank Rate from time to time in force; and
- (b) thereafter, to class A.
- (2) This rule applies even though the recovery is made in a subsequent financial year.
- (3) ~~Recoveries referred to in (1) must be applied in the following order of priority:~~

- (a) ~~(if the *compensation costs* were allocated to the general retail pool (see *FEES 6.5.2 R(2)*) to the *classes* and *sub-classes* to which the costs were allocated in accordance *FEES 6.5.2 R(2)* in the same proportion as those *classes* and respective *sub-classes* contributed, up to the total amount of that allocation plus interest at a rate equivalent to the Bank of England's repo rate from time to time in force;~~
- (b) ~~(if the *compensation costs* were allocated to the other *sub-class* in the same *class* as sub-class A) to that other *sub-class* up to the total amount of that allocation plus interest at a rate equivalent to the Bank of England's repo rate from time to time in force; and~~
- (c) ~~sub-class A. [deleted]~~

...

- 6.3.21 R If the *FSCS* has more funds (whether from levies, recoveries or otherwise) to the credit of a *sub-class* than the *FSCS* believes will be required to meet levies on that *sub-class* for the next 12 *months* it may refund the surplus to members or former members of the *sub-class* on any reasonable basis.

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Firms acquiring businesses from other firms

- 6.3.22C R (1) This *rule* applies to the calculation of the levies of a *firm* (A) if:
- (a) either:
    - (i) A acquires all or a part of the business of another *firm* (B), whether by merger, acquisition of goodwill or otherwise; or
    - (ii) A became authorised as a result of B's simple change of legal status (as defined in *FEES 3 Annex 1R Part 6*);
  - (b) B is no longer liable to pay a levy; and
  - (c) that acquisition or change takes place after the date to which, or as of which, A's most recent statement of business under *FEES 6.5.13R* is drawn up so far as concerns the *sub-classes* covered by B's business.
- (2) A must pay an additional amount equal to the levy that would have been payable by B in relation to the relevant business and relevant *sub-classes* if the acquisition or change in status had not taken place and B had remained liable to pay levies. The amount is based on the most recent information supplied by B under *FEES 6.5.13R*. A is included in the *sub-classes* applicable to the relevant business.

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## 6.4 Management expenses

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### Base costs levy

- 6.4.5 R ~~Unless Subject to FEES 6.3.22R applies,~~ the FSCS must calculate a *participant firm's* share of a *base costs levy* by:
- (1) identifying the *base costs* which the FSCS has incurred, or expects to incur, in the relevant financial year of the *compensation scheme*, but has not yet levied; ~~and:~~
    - (a) allocating 50% of those *base costs* as the sum to be levied on participants in activity groups A.1, A.3, A.4, A.5 and A.6 (as listed in FEES 4 Annex 1R); and
    - (b) allocating 50% of those *base costs* as the sum to be levied on participants in all the activity groups listed in FEES 4 Annex 1R;
  - (2) calculating the amount of the *participant firm's regulatory costs* as a proportion of the total *regulatory costs* relating to all *participant firms* for the relevant financial year; ~~and:~~
    - (a) if the *participant firm* belongs to any of the activity groups in (1)(a), imposed by the FSA in respect of those groups; and
    - (b) if the *participant firm* belongs to any of the activity groups in (1)(b), imposed by the FSA in respect of those groups; and
  - (3) applying the proportion calculated in (2)(a) (if any) to the ~~figure~~ sum in (1)(a), and the proportion calculated in (2)(b) (if any) to the sum in (1)(b).

- 6.4.5A G The effect of FEES 6.4.5R is that if a *participant firm* belongs to activity groups in both (1)(a) and (1)(b) of that rule, it will be required to pay a share of the *base costs levy* in respect of both sets of activity groups.

### Specific costs levy

- 6.4.6 R The FSCS must allocate any *specific costs levy* amongst the relevant ~~*sub-classes*~~ in proportion to the amount of relevant costs ~~arising from, or expected to arise from, claims in respect of~~ arising from the different activities ~~represented by~~ for which *firms* in those *sub-classes* have permission up to the *levy limit* of each relevant *class*.

- 6.4.7 R The *FSCS* must calculate a *participant firm's* share of a *specific costs levy* (subject to *FEES* 6.3.22R (Adjustments to calculation of levy shares) by:
- (1) identifying each of the relevant *sub-classes* to which the *participant firm* belongs, using the statement of business most recently supplied under *FEES* 6.5.13R;
  - (2) identifying the *management expenses* other than *base costs* which the *FSCS* has incurred, or expects to incur, in the relevant financial year of the *compensation scheme*, allocated to the *sub-classes* identified in (1), but not yet levied;
  - (3) calculating, in relation to each relevant *sub-class*, the *participant firm's* tariff base as a proportion of the total tariff base of all *participant firms* in the *sub-class*, using the statement of business most recently supplied under *FEES* 6.5.13R;
  - (4) applying the proportion calculated in (3) to the figure in (2); and
  - (5) if more than one *class* ~~or *sub-class*~~ is relevant, adding together the figure in (4) for each *sub-class*.

...

- 6.4.10A R (1) This *rule* deals with the calculation of:
- ...
- (c) the tariff base for the ~~*class* or *sub-classes*~~ *classes* that relate to the relevant *permissions* or extensions, as the case may be.

...

...

## 6.5 Compensation costs

- 6.5.1 R ~~The *compensation costs levy* is made up of *compensation costs* incurred by the *FSCS*, together with any *compensation costs* expected to be incurred in the 12 *months* following the levy date, and which in each case have not already been subject to a levy. [deleted]~~
- 6.5.2 R The *FSCS* must allocate any *compensation costs levy* ~~to the *sub-classes* in proportion to the amount of *compensation costs* arising from, or expected to arise from, claims in respect of the different activities represented by those *sub-classes* up to the *levy limit* of each relevant *sub-class* and thereafter in the following order:~~
- (1) ~~any excess must be allocated to the other *sub-class* in the same *class* up to the *levy limit* of that other *sub-class* (except in the deposit *class*, for which there is only one *sub-class*); and any excess must be allocated to the other *sub-class* in the same *class* up to the *levy limit*~~

of that other *sub-class* (except in the *deposit class*, for which there is only one *sub-class*) first, to the *classes* in proportion to the amount of *compensation costs* arising from, or expected to arise from, claims in respect of the different activities for which *firms* in those *classes* have *permission* up to the *levy limit* of each relevant *class*; and

- (2) ~~any excess above the *levy limit* of the *class* must be allocated to each other *sub-class*, other than the home finance provision *sub-class* E1, whose *levy limit* has not been reached (the 'general retail pool'), in proportion to the relative sizes of the *levy limits* of those remaining *sub-classes* in the general retail pool thereafter, where the *levy limit* has been reached (whether as a result of *compensation costs* or *specific costs* or both) for a *class* whose attributable costs may be allocated to the *retail pool*, to the *retail pool* in accordance with FEES 6.5A.~~

- 6.5.2A G The use made by FSCS of borrowing facilities to provide liquidity until the next levy does not affect the attribution of *compensation costs*, nor the allocation of costs incurred or anticipated *compensation cost levies*; the allocation of a *compensation costs levy* occurs at the time that the FSCS imposes a levy.
- 6.5.2B G The calculation of the relative sizes of the *levy limits* for the purpose of ~~FEES 6.5.2R(2) (including any allocations caused by the exhaustion of a receiving *sub-class*) is based on the original *levy limit* for the *sub-classes* (as set out in FEES 6 Annex 2R) and not the remaining capacity in each *sub-class*. [deleted]~~
- 6.5.2C G ~~When FSCS allocates excess *compensation costs levies* otherwise attributable to a *class* which has reached its *levy limit*, in accordance with FEES 6.5.2R(2), a *sub-class* to which any excess has been allocated (the 'receiving *sub-class*') may, as a result of that allocation, itself reach its *levy limit*. In that case, the effect of FEES 6.5.2R is that any resulting excess levy beyond the *levy limit* of the receiving *sub-class* is to be allocated amongst the remaining *sub-classes* whose *levy limits* have not been reached, to the exclusion of the receiving *sub-class*. This process is repeated until the *compensation costs levy* has been met in full or the general retail pool has been exhausted. [deleted]~~
- 6.5.3 R If a *participant firm* which is in default has carried on a *regulated activity* other than in accordance with a *permission*, the FSCS must ~~allocate~~ treat any *compensation costs* or *specific costs* arising out of that activity to the relevant *sub-class* which covers that activity or if a *levy limit* of the relevant *sub-class* or *class* has been exceeded, FSCS must allocate any *compensation costs levy* on the same basis as set out in FEES 6.5.2R as if the relevant *permission* were held by the *participant firm*.
- 6.5.4 R If the relevant *person* in default is an *appointed representative*, the FSCS must ~~allocate~~ treat any *compensation costs* or *specific costs* arising out of a *regulated activity* for which his *principal* has not accepted responsibility to the relevant *sub-class* for that activity or if a *levy limit* of the relevant *sub-*

~~class or class has been exceeded, FSCS must allocate any compensation costs levy on the same basis as set out in FEES 6.5.2R as if the principal had accepted responsibility.~~

- 6.5.5 R (1) A *participant firm* must pay to the FSCS a share of each *compensation costs levy* allocated to the classes of which it is a member unless either the *firm* is exempt under FEES 2 (Exemption) or the FSCS has chosen to exercise its discretion under FEES 6.3.23R in respect of that *firm*.
- (2) ~~If a levy relates solely to costs allocated in excess of a particular levy limit (1) does not apply to a participant firm member of the sub-class or class whose levy limit has been exceeded. [deleted]~~
- 6.5.6 R The FSCS must calculate each *participant firm's* share of a *compensation costs levy* (subject to FEES 6.3.22R (Adjustments to calculation of levy shares)) by:
- (1) identifying each of the ~~sub-classes~~ to which each *participant firm* belongs, using the statement of business most recently supplied under FEES 6.5.13R(1);
  - (2) identifying the *compensation costs* falling within FEES 6.5.1R allocated, in accordance with FEES 6.5.2R, to the ~~sub-classes~~ identified in (1);
  - (3) calculating, in relation to each relevant ~~sub-class~~, the *participant firm's* tariff base as a proportion of the total tariff base of all *participant firms* in the ~~sub-class~~, using the statement of business most recently supplied under FEES 6.5.13R;
  - (4) applying the proportion calculated in (3) to the figure in (2); and
  - (5) if more than one ~~class or sub-class~~ is relevant, adding together the figure in (4) for each ~~sub-class~~.

~~Sub-classes~~ Classes and tariff bases for compensation cost levies and specific costs levies

- 6.5.7 R When calculating a *participant firm's* share of a *compensation costs levy* or *specific costs levy* allocated to each ~~sub-class~~ the FSCS must use the ~~sub-classes~~ and tariff bases as set out in the table in FEES 6 Annex 3R.

...

...

Membership of several classes ~~or sub-classes~~

...

- 6.5.12 G A *participant firm* may belong to more than one ~~class, and more than one~~

~~sub-class within the same class.~~

#### Reporting requirements

- 6.5.13 R (1) Unless exempt under *FEES* 6.2.1R, a *participant firm* must provide the *FSCS* by the end of February each year (or, if it has become a *participant firm* part way through the financial year, by the date requested by the *FSA*) with a statement of:
- (a) ~~sub-classes~~ to which it belongs; and
  - (b) the total amount of business (measured in accordance with the appropriate tariff base or tariff bases) which it conducted, in respect of the most recent valuation period (as specified by *FEES* 6 Annex 3R (Financial Services Compensation Scheme - classes and ~~sub-classes~~)) ending before the relevant year in relation to each of those ~~sub-classes~~.

...

- (3) ~~This rule does not apply in relation to the home finance provision sub-class E1. Therefore any reference in the Handbook to information that is or must be supplied under this rule must be read, in the case of sub-class E1, as if it referred to the corresponding provisions relating to FSA periodic fees. [deleted]~~

- 6.5.13A G For example, when the tariff base for a particular ~~sub-class~~ is based on a *firm's annual eligible income* the valuation period for that ~~sub-class~~ is the *firm's* last financial year ending in the year to 31 December preceding the financial year of the *FSCS* for which the calculation is being made. In the case of a *firm* in ~~sub-class~~ A1 (Deposits) its valuation period will be 31 December.

...

#### **6.5A** **The retail pool** [*to follow*]

...

#### **6.7** **Payment of levies**

...

- 6.7.6 R If a *firm* ceases to be a *participant firm* or carry out activities within one or more ~~sub-classes~~ part way through a financial year of the *compensation scheme*:

...

- (2) the *FSCS* may make one or more levies upon it (which may be before or after the ~~firm~~ *firm* has ceased to be a *participant firm* or carry out activities within one or more ~~sub-classes~~, but must be

before it ceases to be an *authorised person*) for the costs which it would have been liable to pay had the FSCS made a levy on all *participant firms* or ~~firms~~ *firms* carrying out activities within that *sub-class* in the financial year it ceased to be a *participant firm* or carry out activities within that *sub-class*.

...

...

**6 Annex 1R Financial Services Compensation Scheme – Management Expenses Levy Limit**

This table belongs to FEES 6.4.2R	
Period	Limit on total of all management expenses levies attributable to that period (£)
...	
1 April 2012 to 31 March 2013	£1,000,000,000
<u>1 April 2013 to 31 March 2014</u>	<u>£[insert figure]</u>

...

**6 Annex 2 R Financial Services Compensation Scheme – annual levy limits**

This table belongs to FEES 6.3.5R and FEES TP 2.5.2R		
Class	Sub-class	Levy Limit (£ million)
Deposit		
	Deposit	1,840
Life and Pensions		
	Life and Pensions Provision	690
	Life and Pensions Intermediation	100
General insurance		
	General Insurance Provision	775
	General Insurance Intermediation	195

Investment		
	Fund management	270
	Investment Intermediation	100
Home Finance		
	Home Finance Provision	70
	Home Finance Intermediation	60

<u>Class</u>	<u>Levy Limit (£ million)</u>
A: Deposits	1,500
B1: General insurance provision	600
B2: General insurance intermediation	300
C1: Life and pensions provision	690
C2: Life and pensions intermediation	100
D1: Investment provision	200
D2: Investment intermediation	150
E2: Home finance intermediation	40

### 6 Annex 3R Financial Services Compensation Scheme - classes and sub-classes

This table belongs to FEES 6.5.7 R and ~~FEES TP 2.5.2R~~

<b>Class A</b>	<b><u>Deposit Deposits</u></b>
<b>Legal basis for activity in class A <u>Firms with permission for:</u></b>	...
...	
<b>Class B</b>	<b>General Insurance</b>
<b><u>Sub-class Class B1</u></b>	General Insurance Provision

<b>Legal basis for activity in sub-class B1 <u>Firms with permission for:</u></b>	...
<b>Sub-class <u>Class B2</u></b>	General Insurance Intermediation
<b>Legal basis for activity in sub-class B2 <u>Firms with permission for:</u></b>	...
<b>Tariff base</b>	<del>Sub-class <u>Class B1</u>...</del>
	<p><del>Sub-class <u>Class B2</u>: annual eligible income</del> where <i>annual eligible income</i> means annual income adjusted in accordance with this table. Annual income is calculated as the sum of (a) and (b):</p> <p>(a) the net amount retained by the <i>firm</i> of all brokerages, fees, commissions and other related income (for example, administration charges, overrides and profit shares) due to the <i>firm</i> in respect of or in relation to <del>sub-class B2</del> activities, including any income received from an <i>insurer</i>; and</p> <p>(b) if the <i>firm</i> is an <i>insurer</i>, in relation to <del>sub-class B2</del> activities, the amount of <i>premiums</i> receivable on its <i>contracts of insurance</i> multiplied by 0.07, excluding those <i>contracts of insurance</i> which result from <del>sub-class B2</del> activities carried out by another <i>firm</i>, where a payment has been made by the <i>insurer</i> to that other <i>firm</i> and that payment is of a type that falls under (a).</p> <p>Notes relating to the calculation of the tariff base for <del>sub-class <u>class B2</u></del>:</p> <p>...</p> <p>(3) Net amount retained means all the commission, fees, etc. in respect of <del>sub-class B2</del> activities that the <i>firm</i> has not rebated to customers or passed on to other <i>firms</i> ...</p> <p>(4) <del>Sub-class <u>Class B2</u></del> activities mean activities that fall within <del>sub-class B2</del>. They also include activities that now fall within <del>sub-class B2</del> but that were not <i>regulated activities</i> when they were carried out.</p> <p>(5) A reference to a <i>firm</i> also includes a reference to any <i>person</i> who carried out activities that would now fall into <del>sub-class B2</del> but which were not at the time <i>regulated activities</i>.</p>

Class C	Life and Pensions
<b>Sub-class <u>Class C1</u></b>	Life and Pensions Provision
<b><u>Legal basis for activity in sub-class C1 Firms with permission for:</u></b>	...
<b>Sub-class <u>Class C2</u></b>	Life and Pensions Intermediation
<b><u>Legal basis for activity in sub-class C2 Firms with permission for:</u></b>	...
<b>Tariff base</b>	<p><del>Sub-class <u>Class C1</u></del>:...</p> <p>(1) Eligible mathematical reserves are calculated in accordance with the method for calculating mathematical reserves in fee block A4 in part 2 of <i>FEES 4 Annex 1 R</i> with the following adjustments.</p> <p>...</p> <p>(7) The provisions relating to pension fund management business in Part 2 of <i>FEES 4 Annex 1 R</i> do not apply. A <i>firm</i> undertaking such business that does not carry out any other activities within <del>sub-class C1</del> (ignoring any activities that would have a wholly insignificant effect on the calculation of its tariff base for <del>sub-class C1</del>) must use its Long-term insurance capital requirement instead of gross technical liabilities. ...</p> <p>...</p> <p>Sub-class <i>C2</i>: <i>annual eligible income</i> where <i>annual eligible income</i> means annual income adjusted in accordance with this table. Annual income is calculated as the sum of (a) and (b):</p> <p>(a) the net amount retained by the <i>firm</i> of all brokerages, fees, commissions and other related income (for example, administration charges, overrides and profit shares) due to the <i>firm</i> in respect of or in relation to <del>sub-class C2</del> activities including any income received from an <i>insurer</i>, and;</p> <p>(b) if the <i>firm</i> is a life and pensions <i>firm</i>, in relation to <del>sub-class C2</del> activities, the amount of <i>premiums</i> or commission receivable on its life and pensions contracts multiplied by 0.07, excluding those life and pensions contracts which result from <del>sub-class C2</del> activities carried out by another <i>firm</i>...</p>

	<p>Notes relating to the calculation of the tariff base for <i>sub-class C2</i>:</p> <p>...</p> <p>(2) Life and pensions <i>firm</i> means an <i>insurer</i>. It also means a <i>firm</i> that provides <i>stakeholder pension schemes</i> or <i>personal pension schemes</i> if those activities fall into <i>sub-class D1</i>.</p> <p>...</p> <p>(4) Net amount retained means all the commission, fees, etc. in respect of <i>sub-class C2</i> activities...</p> <p>(5) <del>Sub-class</del> <u>Class</u> <i>C2</i> activities mean activities that fall within <i>sub-class C2</i>. They also include activities that now fall within <i>sub-class C2</i> but that were not <i>regulated activities</i> when they were carried out.</p> <p>(6) A reference to a <i>firm</i> also includes a reference to any <i>person</i> who carried out activities that would now fall into <i>sub-class C2</i> but which were not at the time <i>regulated activities</i>.</p>
--	--

<b>Class D</b>	<b>Investment</b>
<b>Sub-class <u>Class D1</u></b>	Fund management <u>Investment provision</u>
<b>Legal basis for activity in sub-class D1 <u>Firms with permission for:</u></b>	...
<b>Sub-class <u>Class D2</u></b>	Investment Intermediation
<b>Legal basis for activity in sub-class D2 <u>Firms with permission for:</u></b>	...
<b>Tariff base</b>	<del>Sub-class</del> <u>Class</u> <i>D1</i> : <i>annual eligible income</i> where <i>annual eligible income</i> means annual income adjusted in accordance with this table. Annual income is equal to the net amount retained by the <i>firm</i> of all income due to the <i>firm</i> in respect of or in relation to activities falling within <i>sub-class D1</i> .
	<del>Sub-class</del> <u>Class</u> <i>D2</i> : <i>annual eligible income</i> where <i>annual eligible income</i> means annual income adjusted in accordance with this table. Annual income is equal to the net amount retained by the <i>firm</i> of all income due to the <i>firm</i> in respect of or in relation to activities falling within <i>sub-class D2</i> .

	Notes on <i>annual eligible income</i> for <i>sub-classes</i> D1 and D2:
	(1) For the purposes of calculating annual income, net amount retained means all the commission, fees, etc. in respect of activities falling within <i>sub-class</i> D1 or D2...
...	

<b>Class E</b>	<b>Home Finance</b>
<b>Sub-class E1</b>	Home Finance Provision
<b>Legal basis for activity in sub-class E1</b>	Any of the activities below:
	<i>entering into a home finance transaction;</i>
	<i>administering a home finance transaction;</i>
	<i>agreeing to carry on a regulated activity which is within any of the above.</i>
<b>Sub-class <u>Class</u> E2</b>	Home Finance Intermediation
<b>Legal basis for activity in sub-class E2 <u>Firms with permission for:</u></b>	...
<b>Tariff base</b>	Sub-class E1: FSA periodic fees
	Sub-class: <u>Class</u> E2: ...

<b>Notes</b>	
...	
(2)	In calculating <i>annual eligible income</i> a <i>firm</i> must apportion income between different <i>sub-classes</i> ...
...	

## 6 Annex 4G      **Guidance on the calculation of tariff bases**

This table belongs to FEES 6.5.8G

	Calculation of annual eligible income for firms in <i>sub-class</i> D1 who carry out discretionary fund management and are in FSA fee block A7
--	--

-1.1	G	The tariff base for <i>sub-class</i> D1 is calculated by taking gross income falling into <i>sub-class</i> D1 and then deducting commission, fees and similar amounts rebated to customers or passed on to other <i>firms</i> (for example, where there is a commission chain). ...
...		
1.2	G	<i>Annual eligible income</i> should exclude
		income received or receivable from assets managed on a non-discretionary basis, being assets that the <i>firm</i> has a contractual duty to keep under continuous review but in respect of which prior specific consent of the client must be obtained for proposed transactions, as this activity is covered in <i>sub-class</i> D2 (the investment intermediation <i>sub-class</i> ).
...		
		Calculation of annual eligible income for firms in sub-class D1 and who carry out activities within <del>FSA</del> <u>FSA</u> fee block A9
2.1	G	The calculation of income in respect of activities falling into <i>sub-class</i> D1 and <i>FSA</i> fee block A9 should be based on the tariff base provisions for that fee block (in Part 2 of <i>FEES</i> 4 Annex 1R). ...
2.2	G	Although the calculation should be based on the one for fee block A9, the calculation is not the same. <i>FSA</i> fee block A9 is based on gross income. <i>Sub-class</i> <u>Class</u> D1 is based on net income retained.
		Calculation of annual eligible income for a firm in <del>sub-class</del> B2 or <del>sub-class</del> C2
...		
		Difficulties in calculating annual eligible income
4.1	G	The purpose of Note 2 in the section of notes at the end of <i>FEES</i> 6 Annex 3R (Financial Services Compensation Scheme - classes <del>and sub-classes</del> ) is to deal with the practical difficulties of allocating income correctly between different <i>sub-classes</i> and in deciding whether income falls outside <i>FEES</i> 6 Annex 3R altogether. ...
...		
		Gross technical liabilities and mathematical reserves for non-directive friendly societies
...		
5.2	G	The figures for gross technical liabilities and mathematical reserves of a <i>non-directive friendly society</i> for the purpose of calculating its tariff base in <i>sub-class</i> B1 (General Insurance Provision) and C1 (Life and Pensions Provision) are based on a valuation. ...

Insert the following after FEES TP 6. The text is not underlined.

## TP 7 Transitional provisions relating to changes to the FSCS levy arrangements taking effect in 2013/14

- 7.1 R As at 31 March 2013, the *FSCS* must:
- (1) allocate any surplus or deficit in the balance of an activity group in respect of *base costs*, as listed in *FEES* 4 Annex 1R, to the account of that activity group as at 1 April 2013; and
  - (2) take that surplus or deficit (so allocated) into account when calculating the amount to be levied under *FEES* 6.4.5R in respect of the financial year commencing on 1 April 2013.

### Part 2: Comes into force on 1 April 2014

## 6 Financial Services Compensation Scheme Funding

### 6.1 Application

...

General structure

...

- 6.1.6 G In calculating a *compensation costs levy*, the *FSCS*:
- (1) for claims for protected deposits, may include *compensation costs* expected in the 12-month period following the date of the levy. ~~The total amount of all *management expenses levies* attributable to a financial year will be restricted to the amount set out on an annual basis in *FEES* 6 Annex 1R.~~ and
  - (2) for other protected claims, may include up to the greater of one third of the *compensation costs* expected in the 36-month period following the date of the levy, or the *compensation costs* expected in the 12 months following that date.

- 6.1.6A G The total amount of all *management expenses levies* attributable to a financial year will be restricted to the amount set out on an annual basis in *FEES* 6 Annex 1R.

...

The compensation costs levy

- 6.1.14 G In imposing a *compensation costs levy* in each financial year of the *compensation scheme* the *FSCS* will take into account the *compensation costs* which the *FSCS* has incurred and has not yet raised through levies, any recoveries it has made using the rights that have been assigned to it or

to which it is subrogated and a further amount calculated taking into account:

- (1) for claims for protected deposits, those *compensation costs* it expects to incur (including in respect of defaults yet to be declared) ~~over~~ in the 12 months following the date of the levy; and
- (2) for other protected claims:
  - (a) the compensation costs it expects to incur in the 12 months following the date of the levy; or, if greater
  - (b) one third of the compensation costs it expects to incur in the 36 months following the date of the levy (see FEES 6.3.1R (Imposing management expenses and compensation costs levies)).

...

### 6.3 The FSCS's powers to impose levies

Imposing management expenses and compensation costs levies

- 6.3.1 R The *FSCS* may at any time impose a *management expenses levy* or a *compensation costs levy*, provided that the *FSCS* has reasonable grounds for believing that the funds available to it to meet relevant expenses are, or will be, insufficient, taking into account expenditure already incurred, actual and expected recoveries and:
- (1) in the case of a *management expenses levy*, the level of the *FSCS's* expected expenditure in respect of those expenses in the financial year of the *compensation scheme* in relation to which the levy is imposed; ~~and~~
  - (2) in the case of a *compensation costs levy* relating to *claims for protected deposits*, the level of the *FSCS's* expected expenditure in respect of *compensation costs* in the 12 months following the levy; and
  - (3) in the case of a compensation costs levy relating to other protected claims,
    - (a) the FSCS's expenditure in respect of compensation costs expected in the 12 months following the levy; or, if greater
    - (b) one third of the FSCS's expenditure in respect of compensation costs expected in the 36 months following the levy.
- 6.3.2A G The *FSCS* will usually levy once in each financial year (and in respect of *compensation costs*, for expenditure expected in the period of 12 months or, if greater, one third of the expenditure expected in the period of 36

months following 1 July in that year)...

## Annex C

## Amendments to the Supervision manual (SUP)

In this Annex, striking through indicates deleted text

## 16 Annex 18AR Retail Mediation Activities Return ('RMAR')

...

## SECTION J: data required for calculation of fees

Part 1

	<b>FSA</b> Annual Regulated Income (£s)	<b>FOS</b> Relevant Annual Income (£s)	<b>FSCS</b> Annual Eligible Income (£s)
Home Finance Mediation	see <i>FEES</i> 4 Annex 1R Part 2 fee block A18	<i>FEES</i> 5 Annex 1R industry block 16	<i>FEES</i> 6 Annex 3R <del>sub</del> -class E2
Non-investment insurance mediation	see <i>FEES</i> 4 Annex 1R Part 2 fee block A19	<i>FEES</i> 5 Annex 1R industry block 17	<i>FEES</i> 6 Annex 3R <del>sub</del> -class B2
Life and pension intermediation	n/a	n/a	<i>FEES</i> 6 Annex 3R <del>sub</del> -class C2
Investment intermediation	n/a	n/a	<i>FEES</i> 6 Annex 3R <del>sub</del> -class D2
...			

...

## 16 Annex 18BG

## NOTES FOR COMPLETION OF

## THE RETAIL MEDIATION ACTIVITIES RETURN ('RMAR')

...

## Section J: data required for calculation of fees

...

<b>Data for fees calculations</b>	<i>Firms</i> will need to report data for the purpose of calculating <i>FSA</i> , <i>FOS</i> and <i>FSCS</i> levies.
...	
FSCS	The relevant information required is the tariff data set out

	in <del>sub</del> -classes B2, C2, D2, and E2, <i>FEES</i> 6 Annex 3R. Note that <i>firms</i> are required to report tariff data information relating to all business falling within <del>sub</del> -classes B2, C2, D2 and E2, <i>FEES</i> 6 Annex 3R.
--	--

...

## Annex D

## Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 1 Annex 1AG Recommended metrics

This table belongs to DISP 1.10A.8G

Type of business	Contextualised new complaint numbers	Recommended metrics
...		
Investment ( <del>fund management</del> <u>provision</u> )	<i>Complaints</i> per £1m of annual eligible income	The <i>firm's</i> annual eligible income as defined in <del>sub-</del> class D1 of <i>FEES</i> 6 Annex 3R
Investment (intermediation)	<i>Complaints</i> per £1m of annual eligible income	The <i>firm's</i> annual eligible income as defined in <del>sub-</del> class D2 of <i>FEES</i> 6 Annex 3R
...		
Decumulation, life and pensions (intermediation)	<i>Complaints</i> per £1m of annual eligible income	The <i>firm's</i> annual eligible income as defined in <del>sub-</del> class C2 of <i>FEES</i> 6 Annex 3R
...		

**Annex E****Amendments to the Compensation sourcebook (COMP)**

In this Annex, striking through indicates deleted text.

- 14.5.1 R Where an *EEA UCITS management company* provides *collective portfolio management* services for a *UCITS scheme* from a *branch* in the *United Kingdom*, or under the freedom to provide *cross border services*, the *FSCS* must allocate the *firm* to the ~~*sub-class*~~ or ~~*sub-classes*~~ which seems to the *FSCS* to be most appropriate, taking into account the nature of the *firm's* business activities

**LIQUIDITY STANDARDS (MISCELLANEOUS AMENDMENTS NO 7)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 138 (General rule-making power);
  - (2) section 156 (General supplementary powers); and
  - (3) section 157(1) (Guidance).
- B. The rule-making powers listed above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 21 January 2013.

**Amendments to the Handbook**

- D. The Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU) is amended in accordance with Annex A to this instrument.
- E. The Supervision manual (SUP) is amended in accordance with Annex B to this instrument.

**Citation**

- F. This instrument may be cited as the Liquidity Standards (Miscellaneous Amendments No 7) Instrument 2013.

By order of the Board  
17 January 2013

## Annex A

**Amendments to the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 12.6 Simplified ILAS

...

- 12.6.9 R (1) A *simplified ILAS BIPRU firm* must ensure that the size of its liquid assets buffer is at all times greater than or equal to 50% of the amount produced by adding:

...

...

...

- 12.6.17 G In mathematical terms the calculation *BIPRU 12.6.9R* and *BIPRU 12.6.16R* may be represented as follows:

$\text{Liquidity Buffer} \geq (\text{Wholesale net cash outflow component} + \text{Retail and SME deposit component} + \text{Credit pipeline component}) \times 0.5$
--

...
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...

## 12.7 Liquid assets buffer

...

- 12.7.6A R For the purpose of *BIPRU 12.7.2R(2)*, a *firm* may not include securities issued by a *designated multilateral development bank* unless:
- (1) the *designated multilateral development bank* in question has been assessed by at least two *eligible ECAIs* as having a credit rating associated with *credit quality step 1* in the *credit quality assessment scale* published by the *FSA* for the purpose of *BIPRU 3 (The Standardised Approach: mapping of the ECAIs' credit assessments to credit quality steps (Long term mapping))*; and
  - (2) those securities are denominated in any of Canadian dollars, euros, Japanese yen, sterling, Swiss francs or United States dollars.

...

**TP 29 Liquid assets buffer scalar: simplified ILAS BIPRU firms**

## Application

29.1 R ~~*BIPRU TP 29 applies to a simplified ILAS BIPRU firm.*~~ [deleted]

## Duration of transitional provisions

29.2 R ~~*BIPRU TP 29 applies from 1 December 2009 until 31 December 2015.*~~  
[deleted]

## Transitional provisions

- 29.3 R ~~*A simplified ILAS BIPRU firm falling into BIPRU TP 29.1 must ensure that:*~~
- ~~(1) *at all times between 1 October 2010 and, 29 February 2012, its liquid assets buffer is no less than 30% of the amount of its simplified buffer requirement;*~~
  - ~~(2) *at all times between 1 March 2012 and 30 June 2013, its liquid assets buffer is no less than 50% of its simplified buffer requirement; and*~~
  - ~~(3) *at all times between 1 July 2013 and 31 December 2015, its liquid assets buffer is no less than 70% of its simplified buffer requirement.*~~ [deleted]
- 29.4 G ~~*The effect of BIPRU TP 29.3 is that a firm that is a simplified ILAS BIPRU firm has a transitional period until 31 December 2015 to build up its liquid assets buffer so that at the end of that period it holds in its buffer assets equal to 100% of its simplified buffer requirement.*~~ [deleted]
- 29.5 G ~~*In relation to a firm which becomes a simplified ILAS BIPRU firm after 25 March 2011, the FSA will consider as part of that firm's simplified ILAS waiver application how to apply the scalar approach described in BIPRU TP 29.3 to the firm in question. The FSA will incorporate the scalar into the terms of the firm's simplified ILAS waiver.*~~ [deleted]

...

## Annex B

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### **16 Annex 25G          Guidance notes for data items in SUP 16 Annex 24R**

...

#### **FSA048          Enhanced Mismatch Report**

...

#### **Part 2 Security, transferable whole-loan and commodity flows**

...

#### Repos, reverse repos, securities loans and collateral swaps:

...

In the case ~~of~~ of reverse repos and repos corresponding cash outflows and inflows should be reported in lines 25 to 30 and lines 34 to 39 as appropriate.

...

#### **50 Conditional liabilities pre-trigger contractual profile**

...

In addition to reporting in this line, a *firm* should further breakdown the liabilities where those triggers are dependent on its credit rating, in the appropriate *data element* on line ~~70~~ 71.

...

#### **FSA053          Retail, SME and Large Enterprises Type B Funding**

...

#### **Part 2 SME and large enterprises Type B**

A *firm* should report information related to the SME and Large financial Enterprise (Type B) accounts reported in lines 52 and 53 of FSA 048 in rows 6 to ~~9~~ 10.

**COLLECTIVE INVESTMENT SCHEMES SOURCEBOOK (AMENDMENT NO 7)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the powers and related provisions in or under:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 138 (General rule-making power);
    - (b) section 139(4) (Miscellaneous ancillary matters);
    - (c) section 156 (General supplementary powers);
    - (d) section 157(1) (Guidance);
    - (e) section 247 (Trust scheme rules); and
    - (f) section 248 (Scheme particulars rules);
  - (2) regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228); and
  - (3) the other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making powers listed above are specified for the purpose of section 153(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 18 January 2013.

**Amendments to the Handbook**

- D. The Glossary of definitions is amended in accordance with Annex A to this instrument.
- E. The Collective Investment Schemes sourcebook (COLL) is amended in accordance with Annex B to this instrument.

**Citation**

- F. This instrument may be cited as the Collective Investment Schemes Sourcebook (Amendment No 7) Instrument 2013.

By order of the Board  
17 January 2013

**Annex A****Amendment to the Glossary of definitions**

In this Annex, underlining indicates new text and striking through indicates deleted text.

*income equalisation* (in relation to a *scheme*) a capital sum which, in accordance with a power contained in the *instrument constituting the scheme*, is included in an allocation of income for a *unit* issued, ~~or~~ sold or converted during the accounting period in respect of which that income allocation is made.

## Annex B

### Amendment to the Collective Investment Schemes sourcebook (COLL)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 6.8 Income: accounting, allocation and distribution

...

Income allocation and distribution

...

##### 6.8.3 R ...

(3A) The amount available for income allocations must be calculated by:

...

(c) making any other transfers between the *income account* and the *capital account* that are required in relation to:

...

(v) the aggregate amount of income property included in *units issued*, ~~and *units cancelled*~~ and converted during the period; and

...

...

**FEES (MISCELLANEOUS AMENDMENTS) (NO 6) INSTRUMENT 2013**

- A. The Financial Services Authority makes this instrument in the exercise of:
- (1) the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 99 (Fees);
    - (b) section 101 (Part 6 rules: general provisions);
    - (c) section 156 (General supplementary powers);
    - (d) section 157(1) (Guidance);
    - (e) paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority);
    - (f) paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the consumer financial education body); and
    - (g) paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI);
  - (2) the following provisions of the Payment Services Regulations 2009 (SI 2009/209):
    - (a) regulation 82 (Reporting requirements);
    - (b) regulation 92 (Costs of supervision); and
    - (c) regulation 93 (Guidance); and
  - (3) the following provisions of the Electronic Money Regulations 2011 (SI 2011/99):
    - (a) regulation 49 (Reporting requirements);
    - (b) regulation 59 (Costs of supervision); and
    - (c) regulation 60 (Guidance).
- B. The rule-making powers listed above are specified for the purposes of section 153(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 1 April 2013.

**Amendments to the Handbook**

- D. The Glossary of definitions is amended in accordance with Annex A to this instrument.
- E. The Fees manual (FEES) is amended in accordance with Annex B to this instrument.

**Citation**

- F. This instrument may be cited as the Fees (Miscellaneous Amendments) (No 6) Instrument 2013.

By order of the Board  
21 February 2013

**Annex A****Amendments to the Glossary of definitions**

In this Annex, underlining indicates new text.

- convertible securities* (in *LR* and *FEES*) a security which is:
- (a) convertible into, or exchangeable for, other *securities*; or
  - (b) accompanied by a *warrant* or *option* to subscribe for or purchase other *securities*.
- equivalent document* (in *LR* and *FEES*) a document containing information equivalent to a *prospectus* for the purposes of *PR* 1.2.2R(2) or (3) or *PR* 1.2.3R(3) or (4).

## Annex B

## Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 3.2 Obligation to pay fees

...

## 3.2.7 R Table of application and vetting fees

[FCA/  
PRA]

(1) Fee payer	(2) Fee payable	Due date
...		
<p>(q) A super transaction, being one where:</p> <p>(i) the <i>issuer</i> has a market capitalisation in excess of 1.5 billion and it is a new applicant for a <i>premium listing</i> under the <i>listing rules</i>, or involved in a reverse or hostile takeover or a significant restructuring; or</p> <p>(ii) the <i>issuer</i> has a market capitalisation in excess of 5 billion and is involved in a <i>class 1 transaction</i>, a transaction requiring vetting of an equity <i>prospectus</i> or <del>equivalent document</del> <u>equivalent document</u> or a transaction requiring vetting of a <del>prospectus</del> <u>prospectus or listing particulars</u> in relation to a Depositary Receipt.</p>	50,000	On or before the date that the relevant documentation is first submitted to the <i>FSA</i> .
...		

<p>(v) A significant transaction, being one where:</p> <p>(i) the <i>issuer</i> has a market capitalisation in excess of 500 million and is producing an equity <i>prospectus</i> or <i>equivalent document</i>, a <i>prospectus</i> or <i>listing particulars</i> in relation to a Depository Receipt or a document in relation to a <i>class 1 transaction</i>; or</p> <p>(ii) the <i>issuer</i> is producing a document for vetting in relation to a <i>reverse takeover</i>, a hostile takeover or a significant restructuring.</p> <p>A significant transaction does not include a super transaction.</p>	20,000	On or before the date that the relevant documentation is first submitted to the <i>FSA</i> .
...		

...

**3 Annex 5R Document vetting and approval fees in relation to listing and prospectus rules**  
[FCA/  
PRA]

## Part 1

Fee type		Fee amount £
<p>Transaction vetting fees</p> <p>Transaction vetting fees relate to specific events or transactions that an <i>issuer</i> might be involved in during the year.</p>		
Eligibility	<p>New applicants for:</p> <p><i>standard listings</i> and, in respect of <i>companies which satisfy the requirements of LR 6.1.1AR, premium</i></p>	<p>£1,430</p> <p>1,100</p>

	<u>listings;</u> <u>premium listings</u> in respect of <u>companies</u> which do not meet the requirements of <u>LR 6.1.1AR</u>	<u>2,450</u>
Category 1	<u>Class 1 transactions</u> <u>Listing particulars</u> for <u>Depository Receipts</u>	6,270
Category 2	<u>Listing particulars</u> for <u>issuers of specialist securities (excluding Depository Receipts)</u>	2,750
...		
<u>Note: The standard listing eligibility fee applies to all standard listings including Depository Receipts and new issuers of debt securities as well as shares.</u>		

## Part 2

These fees relate to approval or vetting of the documents referred to in the second column of this table arising in relation to specific events or transactions that an *issuer, offeror* or *person* requesting admission might be involved in during the year.

Category 1	<u>Equity prospectus or listing particulars</u> <del>Equivalent document</del> <u>Equivalent document</u> referred to in <u>PR 1.2.2R(2)</u> or (3) or <u>PR 1.2.3R(3)</u> or (4) <u>Depository Receipt prospectus or listing particulars, or convertible security or asset backed security prospectus or listing particulars</u>	6,270
...		
<u>Category 8</u>	<u>Final Terms</u>	<u>25</u>

...

**4.2 Obligation to pay periodic fees**

...

4.2.7B R (1) This rule deals with the calculation of:

[FCA/  
PRA]

- (a) a *firm's* fees for its second and subsequent financial year. ~~This is~~ These are the FSA financial year years following the FSA financial year in which it was given *permission* and/or was authorised or registered under the *Payment Services Regulations* or the *Electronic Money Regulations* or had its *permission* and/or *payment services* activities extended (the relevant permissions); and
- (b) the tariff base for the fee block or fee blocks that relate to each of the relevant permissions.
- (2) ~~Unless this rule says otherwise, the tariff base for a firm's second financial year is calculated using projected valuations for its first year (as provided to the FSA in the course of the firm's application), of the business to which the tariff relates. The starting point for calculating the fees referred to in (1)(a) is determining whether or not the firm's tariff base for the relevant FSA financial year can be calculated using data from a complete period (as specified in FEES 4 Annex 2R or FEES 4 Annex 11R) that begins on or after the date that the firm obtained the relevant permission to which that tariff base relates.~~
- (a) If it can, the firm must use that data for calculating its tariff base.
- (b) If it cannot, the tariff base must be calculated using the projected valuations for its first year of the business to which the tariff relates (as provided to the FSA in the course of the firm's application), unless (5)(b) or 5(c) applies.
- (3) ...
- (4) A reference to the “FSA financial year” means the 12 months ending with 31 March.
- (5) ~~The rest of this rule only applies to a firm that becomes authorised or registered or extends its permission and/or payment services activities on or after 1 April 2009.~~
- (a) ~~If a firm's tariff base is calculated using data from a period that begins on or after the date that the firm obtains the relevant permission to which that tariff base relates, the firm must use that data. [deleted]~~
- (b) ~~Unless (a) applies, if~~ If a firm:
- (i) receives a relevant permission between 1 April and 31 December inclusive; and
- (ii) ...

...

(c) ~~if~~ If a firm, satisfies, the following conditions it must calculate its tariff base under (d):

- (i) ~~the firm receives a relevant permission between 1 April and 31 December inclusive; and is but for this rule, required to calculate its tariff base for the relevant permission by reference to the firm's financial year ended in the calendar year ending on the 31 December before the start of the FSA financial year and, since obtaining the relevant permission, the firm has yet to complete a full financial year ended in the calendar year ending on the 31 December before the start of the FSA financial year; or~~
- (ii) ~~the firm's tariff base for that relevant permission is, but for this rule, calculated by reference to the firm's financial year ended in the calendar year ending on the 31 December before the start of the FSA financial year or the twelve months ending 31 December before the start of the FSA financial year is, but for this rule, required to calculate its tariff base by reference to the twelve months ending on the 31 December before the start of the FSA financial year and, since obtaining the relevant permission, the firm has yet to complete a full twelve months ending on the 31 December before the start of the FSA financial year;~~

it must calculate the tariff base under (d) below unless it is in its second FSA financial year and was authorised between 1 January and 1 April (in which case it must use the projected valuations provided for in (2)(b) above).

(d) If a firm satisfies either of the conditions in (c) it must calculate its tariff base as follows:

- (i) ...
- (ii) in respect of firms satisfying condition (5)(c)(i), the tariff is calculated by reference to the period beginning on the date it acquired the relevant permission relating to the tariff, and ending on either the 31 December before the start of the FSA financial year or, if earlier, the start date of the firm's financial year; and in respect of firms satisfying condition (5)(c)(ii), the tariff is calculated by reference to the period beginning on the date on which it acquired the relevant permission, and ending on the 31 December before the start of the FSA financial year;

(iii) the figures are annualised by increasing them by the same proportion as the period of 12 months bears to the period starting from when the *firm* received its relevant permission to ~~31 December~~ to the relevant period end date specified in (ii).

(e) ...

(f) Where a *firm* is required to use actual data under this *rule FEES 4 Annex 1R Part 3 and FEES 4 Annex 11R Part 4* are modified in relation to the calculation of that *firm's* valuation date in ~~its second financial year~~ the FSA financial years to which this rule applies.

...

### 4.3 Periodic fee payable by firms (other than ICVCs and UCITS qualifiers)

...

#### Time of payment

4.3.6 R (1) If the *firm's, designated professional body's, recognised investment exchange's, recognised clearing house's* or *regulated covered bond issuer's* periodic fee for the previous financial year was at least 50,000, it must pay:

[FCA/  
PRA]

....

(2) If the *firm's, designated professional body's, recognised investment exchange's, recognised clearing house's* or *regulated covered bond issuer's* periodic fee for the previous financial year was less than 50,000, it must pay the periodic fee in full by 1 July in the financial year to which that sum relates.

...

...

### 4 Annex 2R Fee tariff rates, permitted deductions and EEA/Treaty firm modifications for the period from 1 April 2012 to 31 March 2013

[FCA/PRA]

#### Part 1

This table shows the tariff rates applicable to each fee block

...	
Activity Group	Fee payable
A.1	...

	<p>For a <i>firm</i> in A.1 which has a limitation on its <i>permission</i> to the effect that it may <i>accept deposits</i> from <i>wholesale depositors</i> only, this fee is calculated as above less 30%.</p> <p>The tariff rates in A.1 are not relevant for the <i>permissions</i> relating to <i>operating a dormant account fund</i>. Instead a flat fee of 6,000 is payable in respect of these <i>permissions</i>.</p>
...	

...

**7 Annex 1R CFEB levies for the period from 1 April 2012 to 31 March 2013**  
[FCA/PRA]

## Part 1

This table shows the *CFEB levies* applicable to each activity group (fee-block)

Activity Group	<i>CFEB levy</i> payable
A.1	...
	<p><del>Note 1</del></p> <p><del>In respect of Column 1, Money advice levy only, for a <i>firm</i> in A.1 which has a limitation on its <i>permission</i> to the effect that it may <i>accept deposits</i> from <i>wholesale depositors</i> only, this levy is calculated as above less 30%.</del></p>
...	

**CONDUCT OF BUSINESS SOURCEBOOK (WITH-PROFITS BUSINESS)  
(AMENDMENT) INSTRUMENT 2013**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of the power in section 157(1) (Guidance) of the Financial Services and Markets Act 2000.

**Commencement**

- B. This instrument comes into force on 6 March 2013.

**Amendments to the Handbook**

- C. The Conduct of Business sourcebook (COBS) is amended in accordance with the Annex to this instrument.

**Citation**

- D. This instrument may be cited as the Conduct of Business Sourcebook (With-Profits Business) (Amendment) Instrument 2013.

By order of the Board  
21 February 2013

**Annex****Amendments to the Conduct of Business sourcebook (COBS)**

In this Annex, underlining indicates new text.

**20.2 Treating with-profits policyholders fairly**

...

New business

...

20.2.28A G (1) Writing new *insurance business* into a *with-profits fund* is not, of itself, automatically adverse to the interests of *with-profits policyholders*. For example, new *insurance business* which defers the emergence or distribution of surplus to a limited extent for a number of *policyholders*, or which leads to a marginal change in the equity backing ratio, may, subject to satisfying the guidance in *COBS* 20.2.60G and *COBS* 20.2.29G, reasonably be considered not to have an adverse effect on the *with-profits policyholders* in a *with-profits fund*, if the *firm's governing body* is satisfied (and can demonstrate based on appropriate analysis) that each new line of *insurance business* is likely to be financially self-supporting over the periods during which the contracts are expected to remain in force and is likely to add sufficient value to the *with-profits fund* to offset the cost of acquiring the business.

...

**LEGAL CUTOVER (FINANCIAL CONDUCT AUTHORITY AND PRUDENTIAL  
REGULATION AUTHORITY HANDBOOKS (GLOSSARY)) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced the Financial Conduct Authority's guidance power and rule making powers for the purpose of making Financial Conduct Authority guidance and rules.
- F. Article 2(1)(c) of the Early Commencement Order commenced the Prudential Regulation Authority's rule making powers for the purpose of making Prudential Regulation Authority rules.

**Interpretation**

- 1. In this Instrument (including the Recitals):
  - (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (4) "the 2012 Act" means the Financial Services Act 2012;
  - (5) "the Authority" means the Financial Services Authority;
  - (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act, as amended by section 6 of the 2012 Act;
  - (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act, as amended by section 6 of the 2012 Act;
  - (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the

Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;

- (9) "Glossary" means the Glossary of definitions forming part of the Handbook;
- (10) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;
- (11) "FSA Instrument" means an instrument or other document published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (12) "FCA Relevant Instrument" means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (13) "PRA Relevant Instrument" means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;
- (14) "Commencement date" means 1 April 2013, provided that Her Majesty's Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

#### **Provisions of the Glossary designated by the Financial Conduct Authority**

- 2. In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the provisions set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave or imposed each provision of the Glossary.
- 3. As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant Instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4. In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

#### **Modification of the Glossary by the Financial Conduct Authority**

- 5. In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex A to this Instrument.

**Provisions of the Glossary made, given or amended by the Financial Conduct Authority**

6. In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 7, the Financial Conduct Authority makes, issues, gives, or amends each provision in Annex B to this Instrument.
7. The Financial Conduct Authority makes, issues, gives or amends the provisions in paragraph 6 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
8. The rule-making powers in paragraph 7 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

9. As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) come into effect on the Commencement Date, or on such later date as may be required under paragraph 10 or paragraph 11. Provided that if both paragraph 10 and paragraph 11 apply, then the designation and modification will come into effect on whichever date is the later.
10. If by the Commencement Date a corresponding provision referred to in paragraph 3(3) has not yet been amended so as to enable or permit the Financial Conduct Authority to make, issue, give or impose an FCA Relevant Instrument, the designation and any modification of that FCA Relevant Instrument will come into effect immediately after the necessary amendment is fully effective.
11. If:
  - (1) the Authority would not have been able to make, issue, give or impose an FCA Relevant Instrument but for a power or function conferred on the Authority by or under an enactment listed in Schedule B to this Instrument; and
  - (2) By the Commencement date, the enactment in (1) has not been amended so as to confer a corresponding power or function on the Financial Conduct Authority,then the designation and any modification of the FCA Relevant Instrument in (1) will come into effect immediately after the necessary amendment is fully effective.
12. If:
  - (1) An FSA Instrument provides that a Relevant Instrument comes into force on a date falling after the date on which the designation of that instrument as an FCA Relevant Instrument comes into effect; then
  - (2) The Financial Conduct Authority directs that (unless the context or a specific direction by the Financial Conduct Authority requires otherwise) the Relevant Instrument in (1) will come into force on the date specified in the FSA Instrument.

13. The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

#### **Provisions of the Glossary designated by the Prudential Regulation Authority**

14. In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the provisions set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave or imposed each provision of the Glossary.
15. The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
16. As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
  - (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant Instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
17. In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

#### **Modification of the Glossary by the Prudential Regulation Authority**

18. In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex A to this Instrument.

#### **Provisions of the Glossary made, given or amended by the Prudential Regulation Authority**

19. In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 20, the Prudential Regulation Authority makes, issues, gives, or amends each provision in Annex B to this Instrument.
20. The Prudential Regulation Authority makes, gives or amends the provisions in paragraph 19 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
21. The rule-making powers in paragraph 20 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

### **Commencement: Prudential Regulation Authority**

22. As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) come into effect on the Commencement Date, or on such later date as may be required under paragraph 23 or paragraph 24. Provided that if both paragraph 23 and paragraph 24 apply, then the designation and modification will come into effect on whichever date is the later.
23. If by the Commencement Date a corresponding provision referred to in paragraph 16(3) has not yet been amended so as to enable or permit the Prudential Regulation Authority to make, issue or give a PRA Relevant Instrument, the designation and any modification of that PRA Relevant Instrument will come into effect immediately after the necessary amendment is fully effective.
24. If:
- (1) the Authority would not have been able to make, issue, give or impose, a PRA Relevant Instrument but for a power or function conferred on the Authority by or under an enactment listed in Schedule B to this Instrument; and
  - (2) By the Commencement date, the enactment in (1) has not been amended so as to confer a corresponding power or function on the Prudential Regulation Authority,
- then the designation and any modification of the PRA Relevant Instrument in (1) will come into effect immediately after the necessary amendment is fully effective.
25. If:
- (1) An FSA Instrument provides that a Relevant Instrument comes into force on a date falling after the date on which the designation of that instrument as a PRA Relevant Instrument comes into effect; then
  - (2) The Prudential Regulation Authority directs that (unless the context or a specific direction by the Prudential Regulation Authority requires otherwise) the Relevant Instrument in (1) will come into force on the date specified in the FSA Instrument.
26. The Prudential Regulation Authority directs that paragraph 19 of this Instrument come into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

### **Citation**

27. This instrument may be cited as the Legal Cutover (FCA and PRA Handbooks (Glossary)) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

28 February 2013

**By order of the Board of the Prudential Regulation Authority**

7 March 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text.

*accepted market practice* (as defined in section 130A(3) of the *Act*) practices that are reasonably expected in the financial market or markets in question and are accepted by the ~~FSA~~ FCA or, in the case of a market situated in another *EEA State*, the competent authority of that *EEA State* within the meaning of the *Market Abuse Directive*.

*accredited body* any of the following bodies recognised by the ~~FSA~~ FCA for the purpose of providing the independent verification required under *TC* 2.1.27R:

...

*advanced IRB approach* one of the following:

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the ~~FSA~~ appropriate regulator, whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

*advanced measurement approach* one of the following:

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the ~~FSA~~ appropriate regulator, whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

*advanced prudential calculation approach* one of the following:

...

including, in each case, whatever corresponds to that approach under the rules of or administered by a *regulatory body* other than the *FSA appropriate regulator*.

*alternative standardised approach*

one of the following:

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the *FSA appropriate regulator*, whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

*annual financial statements*

the financial statements in respect of the year ending on the *firm's* annual accounting reference date, which is the date to which a corporate *firm's* accounts are prepared for the purposes of the Companies Acts, or, where the *firm* is not subject to the Companies Acts, the equivalent date chosen by the *firm* and notified to the *FSA FCA or PRA* as the case may be.

*applicable sectoral consolidation rules*

(in respect of a *financial sector* and in accordance with paragraph 6.9 of *GENPRU 3 Annex 1R* (Applicable sectoral consolidation rules)) the *FSA's appropriate regulator's sectoral rules* about capital adequacy and solvency on a consolidated basis applicable to that *financial sector* under the table in paragraph 6.10 of *GENPRU 3 Annex 1R*.

*applicable sectoral rules*

(in respect of a *financial sector*) *applicable sectoral consolidation rules* for that *financial sector* and the *FSA's appropriate regulator's sectoral rules* about capital adequacy and solvency for:

...

*applications day*

the first ~~day on which section 40 of the Act (Application for permission) comes into force (for any purpose)~~.

*appropriate PRA position risk adjustment*

- (1) (in relation to a *position* treated under *BIPRU 7.6* (Option PRR)) the percentage figure applicable to that *position* under the table in *BIPRU 7.6.8R* (Appropriate Position Risk Adjustment);
- (2) (for any other purpose and in relation to a *position*) the *PRA position risk adjustment* applicable to that position under *BIPRU 7* (Market risk).

*approved reporting mechanism*

a trade-matching or reporting system approved by the *FSA FCA* in accordance with Section 412A of the *Act*.

*Article 129 implementing*

any:

*measure*

- (a) measure taken by the ~~FSA~~ appropriate regulator under regulations 7-9 of the *Capital Requirements Regulations 2006*; or

...

*asset  
identification  
rules*

~~(as defined in subsection 142(2) of the Act, as originally enacted,  
(Insurance business: regulations supplementing Authority's rules))~~ rules made by the ~~FSA~~ appropriate regulator which require an *authorised person* who has *permission to effecting or carry out contracts of insurance* to identify assets which belong to him and which are maintained in respect of a particular aspect of his business.

*authorisation  
order*

an order made by the ~~FSA~~ FCA:

...

*authorised  
electronic  
money  
institution*

(in accordance with regulation 2(1) of the *Electronic Money Regulations*):

- (a) a *person* included by the ~~FSA~~ FCA in the ~~FSA Register~~ Financial Services Register as an *authorised electronic money institution* pursuant to regulation 4(1)(a) of the *Electronic Money Regulations*; or
- (b) a *person* deemed to have been granted authorisation ~~by the FSA~~ by virtue of regulation 74 of the *Electronic Money Regulations*.

*authorised  
payment  
institution*

(in accordance with regulation 2(1) of the *Payment Services Regulations*) a *person* included by the ~~FSA~~ FCA in the ~~FSA Register~~ Financial Services Register as an authorised payment institution pursuant to regulation 4(1)(a), or a *person* deemed to have been granted authorisation ~~by the FSA~~ by virtue of regulation 121 of the *Payment Services Regulations*.

*authorised  
person*

(in accordance with section 31 of the *Act* (Authorised persons)) one of the following:

- (a) a *person* who has a ~~Part IV permission~~ Part 4A permission to carry on one or more *regulated activities*;

...

- (f) the *Society of Lloyd's*.

...

*bank*

- (a) a *firm* with a ~~Part IV permission~~ Part 4A permission which includes

*accepting deposits, and:*

...

- (ii) whose ~~Part IV permission~~ Part 4A permission includes a requirement that it comply with the rules in *GENPRU* and *BIPRU* relating to banks ;

...

*banking and investment group*

a group of *persons* (at least one of which is an *EEA regulated entity* that is a *credit institution* or an *investment firm*) who:

- (a) form a group in respect of which the consolidated capital adequacy requirements for the *banking sector* or the *investment services sector* under:

- (i) the ~~FSA's~~ appropriate regulator's sectoral rules; or

...

*CAD 1 model approach*

one of the following

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the ~~FSA~~ appropriate regulator, whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

*capital resources*

...

- (3) (for the purposes of *GENPRU* and *BIPRU*, in relation to an undertaking not falling within (1) or (2) and subject to (4)), capital resources calculated in accordance with (1) on the assumption that:

- (a) it is a *BIPRU firm* with a ~~Part IV permission~~ Part 4A permission; and

...

*CCR internal model method*

one of the following:

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the ~~FSA~~ appropriate regulator, whatever corresponds to the approach in (a) or (b), as the case may be, under

those rules.

<i>CFEB</i>	the consumer financial education body <u>originally</u> established by the <i>FSA</i> under section 6A(1) of the <i>Act</i> (Enhancing public understanding of financial matters etc) ( <u>as it had effect before the passing of the Financial Services Act 2012</u> ) and having the name Money Advice Service.
<i>CFEB levy</i>	the levy payable to the <i>FSA</i> <u>FCA</u> pursuant to <i>FEES</i> 7.2.1R by the <i>persons</i> listed in <i>FEES</i> 1.1.2R(5).
<i>close links</i>	...  (3) (in <i>SUP</i> 3 (Auditors) and <i>SUP</i> 4 (Actuaries)) (in accordance with section 343(8) of the <i>Act</i> (Information given by auditor or actuary to <del>the Authority</del> <u>a regulator</u> ; persons with close links)) the relationship in (2), disregarding (e) and (f).
<i>Code of Market Conduct</i>	the provisions in <i>MAR</i> 1 indicated by an "E" or "C" in the margin or heading, issued by the <i>FSA</i> <u>FCA</u> as required by section 119 of the <i>Act</i> (The Code).
<i>competent authority</i>	(1) ( <del>in relation to admission to an official listing</del> ): ( <u>in relation to the functions referred to in Part VI of the Act</u> ):  (a) <del>the authority designated under Schedule 8 to the Act (Transfer of functions under Part VI (Official listing)) as responsible for admitting securities to, and for removing securities from, the official list ; for the time being, the FSA in its capacity as such; or</del> <u>the FCA; or</u>  (b) an authority exercising functions corresponding to those in <del>(a)</del> <u>in the functions referred to in Part VI of the Act</u> under the laws of another <i>EEA State</i> .  ...
<i>connected person</i>	(1) (in relation to the <i>FSA's</i> <u>FCA's</u> or <i>PRA's</i> consideration of an application for, or of whether to vary or cancel, a <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> ) (in accordance with section <del>49(1)</del> <u>55R</u> of the <i>Act</i> (Persons connected with an applicant)) any <i>person</i> appearing to the <i>FSA</i> <u>regulator concerned</u> to be, or likely to be, in a relationship with the applicant or <i>person</i> given <i>permission</i> , which is relevant.  (2) (in relation to the <i>FSA's</i> <u>FCA's</u> or <i>PRA's</i> power to gather information under section 165 of the <i>Act</i> ( <del>Authority's Regulators' power to require information</del> )) (in accordance with section 165(11) of the <i>Act</i> ) a <i>person</i> who has, or has at any relevant time had, the following relationship with an <del>authorised person</del> <u>another person</u> ("A"):

...

- (3) (in relation to the ~~FSA's~~ FCA's or PRA's powers of investigation under sections 171 and 172 of the *Act* (Powers of persons appointed under section 167; Additional power of persons appointed as a result of section 168(1) or (4))) (in accordance with section 171(4) of the *Act*) a *person* who has, or has at any relevant time had, the following relationship with a *person* under investigation ("P"):

...

*consent notice* a notice given by the ~~FSA~~ FCA or PRA as the case may be to a *Host State regulator* under:

...

*Consumer Panel* the panel of *persons* which section ~~40~~ 1Q of the *Act* (The Consumer Panel) requires the ~~FSA~~ FCA to establish and maintain, as part of its arrangements for consultation under section ~~8~~ 1M, to represent the interests of *consumers*.

*core provision* (as defined in section 316(3) of the *Act* (Direction by ~~Authority~~ a regulator)) a provision of the *Act* mentioned in section 317 of the *Act* (The core provisions) which applies to the carrying on of an insurance market activity by a *member*, or the *members* of the *Society* taken together, if the ~~FSA~~ appropriate regulator so directs.

*credit quality assessment scale* the credit quality assessment scale:

...

- (2) published by the ~~FSA~~ appropriate regulator in accordance with the *Capital Requirements Regulations 2006* which determine:

...

*data element* A discrete fact or individual piece of information relating to a particular field within a *data item* required to be submitted to the ~~FSA~~ appropriate regulator by a *firm* or other regulated entity.

*decision notice* a notice issued by the ~~FSA~~ appropriate regulator in accordance with section 388 of the *Act* (Decision notices).

*DLG by default* (in relation to a *UK ILAS BIPRU firm* (a *group liquidity reporting firm*) and any reporting period under *SUP 16* (Reporting requirements)) the *firm* and each *person* identified in accordance with the following:

...

- (ca) In the case of a *group liquidity reporting firm* that is within paragraph (a) of the definition of *UK lead regulated firm* (it is not part of a group that is subject to consolidated supervision by the ~~FSA~~ FCA or the PRA or any other *regulatory body*), paragraph (c)(i) of the definition of *DLG by default* is amended so that it only includes a member of the *firm's group* that falls into one of the following categories:

...

...

*document viewing facility*

(in *LR*) a location identified on the ~~FSA~~ FCA website where the public can inspect documents referred to in the *listing rules* as being documents to be made available at the document viewing facility.

*EEA registered tied agent*

a *tied agent* of a *UK MiFID investment firm* that is not an *appointed representative* and would have been an ~~FSA~~ FCA *registered tied agent* but for the fact that it does business in an *EEA State* that permits *investment firms* authorised by the *competent authority* of that state to appoint *tied agents*.

*EEA tied agent*

a *tied agent* who is an ~~FSA~~ FCA *registered tied agent* or an *EEA registered tied agent*.

*electronic commerce activity direction*

a direction made, or proposed to be made, by the ~~FSA~~ FCA under regulation 6 of the *ECD Regulations*.

*eligible ECAI*

an *ECAI*:

- (a) (for *exposure risk weighting* purposes other than those in (b)) recognised by the ~~FSA~~ appropriate regulator under regulation 22 of the *Capital Requirements Regulations 2006* (Recognition for exposure risk-weighting purposes); or
- (b) (for *securitisation risk weighting* purposes) recognised by the ~~FSA~~ appropriate regulator under regulation 23 of the *Capital Requirements Regulations 2006* (Recognition for securitisation risk-weighting purposes).

*establishment conditions*

(in relation to the establishment of a *branch* in the *United Kingdom*) the conditions specified in paragraph 13 of Schedule 3 to the *Act* (EEA Passport Rights), which are that:

...

- (b) if the *firm* falls within paragraph (e) in the definition of "*EEA firm*":

...

- (ii) the ~~FSA~~ FCA or PRA (as the case may be) has received notice ("a regulator's notice") from the firm's Home State regulator that the firm intends to establish a *branch* in the *United Kingdom*;
  - (iii) the EEA firm's Home State regulator has informed it that the regulator's notice has been sent to the ~~FSA~~ FCA or PRA (as the case may be); and
  - (iv) one *month* has elapsed beginning with the date on which the EEA firm's Home State regulator informed the *firm* that it had sent the regulator's notice to the ~~FSA~~ FCA or PRA (as the case may be).
- (c) the *EEA firm* has been informed of the *applicable provisions* or two *months* have elapsed beginning with the date when the ~~FSA~~ FCA or PRA (as the case may be) received the consent notice.

*evidential provision*

a *rule*, contravention of which does not give rise to any of the consequences provided for by other provisions of the *Act*; and which provides, in accordance with section ~~149(2)~~ 138C of the *Act*, that:

...

*excluded material*

(in relation to access to ~~FSA~~ appropriate regulator material) (as defined in section 394(7) of the *Act* (Access to ~~Authority~~ FCA or PRA material)) material which:

...

*exempt insurance intermediary*

an *insurance intermediary*:

- (a) whose ~~Part IV permission~~ Part 4A permission is limited to or includes *insurance mediation activity*;

”

*exempt regulated activity*

(as defined in section 325(2) of the *Act* (~~Authority's~~ FCA's general duty)) a *regulated activity* which may, as a result of Part XX of the *Act* (Provision of Financial Services by Members of the Professions), be carried on by *members* of a profession which is supervised and regulated by a *designated professional body* without breaching the *general prohibition*.

*feeder UCITS*

(in accordance with article 58(1) of the *UCITS Directive*):

- (a) a *UCITS scheme* or a *sub-fund* of a *UCITS scheme* which has been

approved by the ~~FSA~~ FCA; or

...

*final notice* a notice given by the ~~FSA~~ appropriate regulator under section 390 of the Act (Final notices).

*financial crime* (in accordance with section ~~6(3)~~ 1H of the Act) any kind of criminal conduct relating to money or to financial services or markets, including any offence involving:

...

(c) handling the proceeds of crime; or

(d) the financing of terrorism;

in this definition, "offence" includes an act or omission which would be an offence if it had taken place in the *United Kingdom*.

*Financial Ombudsman Service Limited* the *body corporate* established by the FSA under paragraph 2(1) of Schedule 17 to the Act (The Scheme Operator) (as originally enacted) to administer the *Financial Ombudsman Service*.

*Financial Services Compensation Scheme Limited* the *body corporate* established by the FSA under section 212 of the Act (The scheme manager) (as originally enacted) to administer the *compensation scheme*.

*financial stability information power* the ~~FSA's~~ PRA's power under section 165A of the Act (~~Authority's~~ PRA's power to require information: financial stability) which, in summary, is a power to require a *person* to provide information or documents relevant to the stability of one or more aspects of the *UK financial system*.

*financial stability information requirement* a requirement imposed on a *person* by the ~~FSA~~ PRA using the *financial stability information power* or the *overseas financial stability information power*.

*financial year in question* (for the purposes of *INSPRU* 1.1 and of the definition of *non-directive insurer*) the last *financial year* to end before the date on which the latest accounts of the *insurer* are required to be deposited with the ~~FSA~~ appropriate regulator; the preceding *financial year* and previous *financial years* are construed accordingly.

...

*firm in run-off* a *firm* whose ~~Part IV permission~~ Part 4A permission has been varied so as to remove the *regulated activity* of *effecting contracts of insurance*.

*foundation IRB approach* one of the following:

...

- (c) when the reference is to the rules of or administered by a *regulatory body* other than the *FSA appropriate regulator*, whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

~~FSA Register~~  
Financial Services Register

the public record, as required by section 347 of the *Act* (The public record), regulation 4 of the *Payment Services Regulations* (The register of certain payment service providers) and regulation 4 of the *Electronic Money Regulations*, of every:

...

- (f) ~~recognised clearing house~~; [deleted]

...

- (i) *person* within such other class (if any) as the ~~FSA~~ FCA may determine; except as provided by any transitional provisions.

~~FSA FCA~~  
registered tied agent

a *tied agent* who is an *agent* for the purposes of section 39A of the *Act*.

~~FSA UK~~  
regulated EEA financial conglomerate

a *financial conglomerate* (other than a *third-country financial conglomerate*) that satisfies one of the following conditions:

...

- (2) a *firm* that is a member of that *financial conglomerate* is subject to obligations imposed through its ~~Part IV permission~~ Part 4A permission to ensure that *financial conglomerate* meets levels of capital adequacy based or stated to be based on Annex I of the *Financial Groups Directive*.

~~FSA's PRA's~~  
SCV requirements

(in *COMP*) the ~~FSA's PRA's~~ requirements with respect to *single customer view*.

~~FSB~~  
Compensation Standards

(~~in accordance with the definition of "the Implementation Standards" in section 139A(12) of the Act~~) the Implementation Standards for Principles for Sound Compensation Practices issued by the Financial Stability Board on 25 September 2009.

*general levy*

(in *FEES*) the annual fee raised from a *firm* under the *rules* to fund a part agreed between the *Financial Ombudsman Service* and the ~~FSA~~ FCA of the *Financial Ombudsman Service's* annual budget.

<i>general market risk <del>PRA</del> position risk adjustment</i>	a <del>PRA</del> <u>position risk adjustment</u> with respect to <i>general market risk</i>
<i>Home State regulator</i>	...  (2) (in relation to a <i>UK firm</i> or <i>UCITS scheme</i> ) the <del>FSA</del> <u>FCA</u> or <u>PRA</u> , as the case may be.
<i>Host State regulator</i>	(1) (in relation to an <i>EEA firm</i> or a <i>Treaty firm</i> exercising an <i>EEA right</i> or <i>Treaty right</i> in the <i>United Kingdom</i> ) the <del>FSA</del> <u>FCA</u> or <u>PRA</u> , as the case may be.  ...  (4) ((in relation to an <i>EEA UCITS scheme</i> which is a <i>recognised scheme</i> ) the <del>FSA</del> <u>FCA</u> .  ...
<i>immediate group</i>	(1) (in relation to <del>an authorised person</del> a person (“A”)) (as defined in section 148(11) of the <del>Act</del> (Modification or waiver of rules) <u>421ZA</u> of the <i>Act</i> (Immediate group)):  (a) <del>the authorised person</del> <u>A</u> ;  (b) a parent undertaking of <del>the authorised person</del> <u>A</u> ;  (c) a subsidiary undertaking of <del>the authorised person</del> <u>A</u> ;  (d) a subsidiary undertaking of a parent undertaking of <del>the authorised person</del> <u>A</u> ;  (e) a parent undertaking of a subsidiary undertaking of <del>the authorised person</del> <u>A</u> .  ...
<i>independent expert</i>	(in <i>SUP 18</i> ) the person approved or nominated by the <del>FSA</del> <u>appropriate regulator</u> to make the <i>scheme report</i> for an <i>insurance business transfer scheme</i> .
<i>individual capital guidance</i>	<i>guidance</i> given to a <i>firm</i> about the amount and quality of capital resources that the <del>FSA</del> <u>appropriate regulator</u> thinks the <i>firm</i> should hold at all times under the <i>overall financial adequacy rule</i> as it applies on a solo level or a consolidated level.
<i>individual liquidity</i>	<i>guidance</i> given to a <i>firm</i> about the amount, quality and funding profile of liquidity resources that the <del>FSA</del> <u>appropriate regulator</u> has asked the <i>firm</i> to



...

<i>lead regulated firm</i>	<p>a <i>firm</i> which is the subject of the financial supervision requirements of an <i>overseas regulator</i> in accordance with an agreement between the <del>FSA</del> <u>appropriate regulator</u> and that regulator relating to the financial supervision of <i>firms</i> whose head office is within the country of that regulator.</p> <p>This definition is not related to the defined terms <i>UK lead regulated firm</i> or <i>non UK lead regulated firm</i>.</p>
<i>limitation</i>	<p>a limitation incorporated in a <del>Part IV permission</del> <u>Part 4A permission</u> under <del>section 42(7)(a)</del> <u>section 55E(5)</u> of the <i>Act</i> (Giving permission: the FCA), <u>section 55F(4)</u> of the <i>Act</i> (Giving permission: the PRA) or <del>section 45(4)</del> <u>55J(10)</u> of the <i>Act</i> (<del>Variation etc on the Authority's own initiative</del> <u>Variation or cancellation on initiative of regulator</u>).</p>
<i>list of sponsors</i>	<p>(in <i>LR</i>) the list of sponsors maintained by the <del>FSA</del> <u>FCA</u> in accordance with section 88(3)(a) of the <i>Act</i>.</p>
<i>listed</i>	<p>...</p> <p>(3) (in <i>LR</i> ) admitted to the <i>official list</i> maintained by the <del>FSA</del> <u>FCA</u> in accordance with section 74 of the <i>Act</i>.</p>
<i>Lloyd's Return</i>	<p>the financial report that the <i>Society</i> is required to submit to the <del>FSA</del> <u>PRA</u> under <i>IPRU(INS)</i> 9.48(1).</p>
<i>Lloyd's trust deed</i>	<p>a trust deed in the form prescribed by the <i>Society</i> and notified to the <del>FSA</del> <u>PRA</u>, for execution by a <i>member</i> in respect of his <i>insurance business</i>.</p>
<i>low frequency liquidity reporting firm</i>	<p>any of the following:</p> <p>...</p> <p>(c) a <i>standard ILAS BIPRU firm</i> that meets the following conditions:</p> <p>...</p> <p>(ii) it has submitted a projected to balance sheet to the <del>FSA</del> <u>FCA or PRA (as the case may be)</u> as part of an application for a <del>Part IV</del> <u>Part 4A permission</u> or a variation of one; and</p> <p>...</p>
<i>master netting agreement internal models approach</i>	<p>one of the following:</p>

	...	
	(c)	when the reference is to the rules of or administered by a <i>regulatory body</i> other than the <i>FSA appropriate regulator</i> , whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.
<i>material currency</i>	...	
	(b)	First, the amount of its assets and the amount of its liabilities in each currency (ignoring the sign) are separately calculated. The figures are as shown in the most recent <i>data item FSA054</i> submitted to the <i>FSA appropriate regulator</i> .
	...	
	(i)	If the <i>firm</i> has not delivered <i>data item FSA054</i> to the <i>FSA appropriate regulator</i> at the <i>reporting level</i> concerned or is currently not required to do so at the <i>reporting level</i> concerned, the calculation is carried out using the methods for drawing up <i>data item FSA054</i> .
<i>media firm</i>		a <i>firm</i> whose only <i>permitted activities</i> are <i>advising on investments</i> and <i>agreeing to carry on that regulated activity</i> , and whose <del><i>Part IV permission</i></del> <i>Part 4A permission</i> includes <i>requirements</i> to the effect that the <i>firm</i> must advise:
	...	
<i>member</i>	...	
	(2)	(2) (in <i>PROF, LR</i> and <i>EG 16</i> ) (as defined in section 325(2) of the <i>Act</i> ( <del>Authority's</del> <i>FCA's</i> general duty)) (in relation to a profession) a <i>person</i> who is entitled to practise that profession and, in practising it, is subject to the rules of the relevant <i>designated professional body</i> , whether or not he is a member of that body.
	...	
<i>member contribution</i>		any paid up contribution by a member of a <i>mutual</i> where the members' accounts meet the following criteria:
	...	
	(b)	the memorandum and articles of association or other constitutional documents must stipulate, with respect to the payments referred to in (a) made for reasons other than the individual termination of membership, that the <i>FSA appropriate regulator</i> must be notified at least one month in advance of the intended date of such payments; and

- (c) the *FSA appropriate regulator* must be notified of any amendment to the relevant provisions of the memorandum and articles of association or other constitutional documents.

*misleading  
statements and  
practices  
offence*

~~any of the offences described in section 397 of the Act (Misleading statements and practices), which are in summary:~~

- (a) ~~the offence of:~~
- ~~(i) making a statement, promise or forecast, which the *person* making the statement, promise or forecast knows to be misleading, false or deceptive in a material particular; or~~
  - ~~(ii) dishonestly concealing any material facts whether in connection with a statement, promise or forecast made by the *person* concealing the facts or otherwise; or~~
  - ~~(iii) recklessly making (dishonestly or otherwise) a statement, promise or forecast which is misleading, false or deceptive in a material particular;~~

~~where the *person* makes the statement, promise or forecast or conceals the facts for the purpose of inducing, or is reckless as to whether it may induce, another *person* (whether or not that *person* is the same *person* to whom the statement, promise or forecast is made):~~

- ~~(A) to enter or offer to enter into, or to refrain from entering or offering to enter into, a relevant agreement; or~~
  - ~~(B) to exercise, or refrain from exercising, any rights conferred by a relevant investment;~~
- (b) ~~the offence of doing any act or engaging in any course of conduct which creates a false or misleading impression as to the market in or the price or value of any relevant investments where the act was done or the course of conduct engaged in for the purpose of creating that impression and of thereby inducing another *person* to acquire, dispose of, subscribe for or underwrite those investments or to refrain from doing so, or to exercise, or refrain from exercising, any rights conferred by those investments;~~

~~in this definition: "relevant agreement" means an agreement:~~

- ~~(I) the entering into or performance of which by either party constitutes an activity of a kind specified in an order made by the Treasury or one which falls within a specified class of activity; and~~
- ~~(II) which relates to a relevant investment;~~

"relevant investment" means an investment of a kind specified in an order made by the Treasury or one which falls within a class of investment prescribed in regulations made by the Treasury. [deleted]

*Money Advice Service* the consumer financial education body (*CFEB*) originally established by the *FSA* under section 6A(1) of the *Act* (Enhancing public understanding of financial matters etc) (as it had effect before the passing of the Financial Services Act 2012).

*notice of discontinuance* a notice given by the ~~*FSA*~~ *appropriate regulator* in accordance with section 389 of the *Act* (Notices of discontinuance) which states that the ~~*FSA*~~ *appropriate regulator* has decided not to take the action proposed in a *warning notice* or the action to which a *decision notice* relates.

*notification rule* (1) (in relation to a *firm*) a *rule* requiring a *firm* to give the ~~*FSA*~~ *appropriate regulator* notice of, or information regarding, an event, but excluding:

...

*officer* (1) ((in connection with the exercise of the ~~*FSA's*~~ *appropriate regulator's* power to require information) an officer of the ~~*FSA*~~ *appropriate regulator*, a member of the ~~*FSA's*~~ *appropriate regulator's* staff or an agent of the ~~*FSA*~~ *appropriate regulator*.

...

*official list* (1) (in *LR*) the list maintained by the ~~*FSA*~~ *FCA* in accordance with section 74(1) of the *Act* for the purposes of Part VI of the *Act*.  
(2) (except in *LR*):  
(a) the list maintained by the ~~*FSA*~~ *FCA* in accordance with section 74(1) of the *Act* (The official list) for the purposes of Part VI of the *Act* (Official Listing);

...

*overseas financial stability information power* the ~~*FSA's*~~ *PRA's* power under section 169A of the *Act* (Support of overseas regulator with respect to financial stability) which, in summary, is a power exercisable at the request of an *overseas regulator* to require a *person* to provide information or documents relevant to the stability of one or more aspects of the *relevant financial system* operating in the country or territory of that regulator.

*overseas regulator* (1) (except in relation to the *overseas financial stability information power*) (as defined in section 195(3) of the *Act* (Exercise of power in support of overseas regulator)) an authority in a country or territory outside the *United Kingdom*:

...

- (b) which exercises any of the following functions:
- (i) a function corresponding to any function of the ~~FSA~~ FCA or PRA under the *Act*;
  - (ii) a function corresponding to any function exercised by the ~~FSA~~ FCA in its capacity as *competent authority* in relation to the listing of securities;

...

~~Part IV permission Part 4A permission~~ (as defined in section 40(4) ~~55A~~ of the *Act* (Application for *permission*)) a *permission* given by the ~~FSA~~ FCA or PRA under ~~Part IV Part 4A~~ of the *Act* (Permission to carry on regulated activities), or having effect as if so given.

~~personal investment firm~~ ...

- (c) a *firm*:
- (i) which was given a ~~Part IV permission Part 4A permission~~ after *commencement*, or which was authorised under section 25 of the Financial Services Act 1986 immediately before *commencement* and not a member of *IMRO*, *PIA* or *SFA*; and
  - (ii) (ii) for which the most substantial part of its gross income (including *commissions* ) from the *designated investment business* included in its ~~Part IV permission Part 4A permission~~ is derived from one or more of the following activities (based, for a *firm* given a ~~Part IV permission Part 4A permission~~ after *commencement*, on the business plan submitted as part of the *firm's* application for *permission* or, for a *firm* authorised under section 25 of the Financial Services Act 1986, on the *firm's* financial year preceding its *authorisation* under the *Act*):

...

position risk adjustment a percentage applied to a *position* as part of the process of calculating the *PRR* in relation to that *position* as set out in the tables in BIPRU 7.2.44R (Specific risk position risk adjustments), BIPRU 7.2.57R (General market risk position risk adjustments), BIPRU 7.3.30R (Simplified equity method position risk adjustments), BIPRU 7.3.34R (Position risk adjustments for specific risk under the standard equity method) and BIPRU 7.6.8R (The appropriate position risk adjustment) and also as set out in BIPRU 7.2.48AR to BIPRU 7.2.48LR.

*power of intervention* the power conferred on the ~~FSA~~ the FCA or the PRA under section 196 of the *Act* (The Power of Intervention) to impose a requirement on an *incoming firm*.

- price stabilising rules* the ~~rules~~ made under section ~~144~~ 137Q of the *Act*, and appearing in *MAR* 2.1 to *MAR* 2.4, together with any other provisions available for their interpretation.
- prohibition order* an order made ~~by the FSA~~ under section 56 of the *Act* (Prohibition orders) which prohibits an individual from performing a specified function, any function falling within a specified description or any function.
- prudential context* (1) For the *FCA*, in relation to activities carried on by a *firm*, the context in which the activities have, or might reasonably be regarded as likely to have, a negative effect on:
- (a) ~~confidence in the integrity of the UK financial system~~; or
  - (b) the ability of the *firm* to meet either:
    - (i) the "fit and proper" test in *threshold condition 5* (Suitability); or
    - ...
- (2) For the *PRA*, in relation to activities carried on by a *firm*, the context in which the activities have, or might reasonably be regarded as likely to have, a negative effect on:
- (a) the safety and soundness of a *PRA-authorised person*; or
  - (b) the ability of the *firm* to meet either:
    - (i) the "fit and proper" test in *threshold condition 5* (Suitability); or
    - (ii) the applicable requirements and standards under the *regulatory system* relating to the *firm's* financial resources.
- public censure* ...
- (4) a statement published under section 87M (Public censure of issuer) of the *Act*, under ~~section 89 (Public censure of sponsor)~~ section 88A (Disciplinary powers: contravention of s88(3)(c) or (e)) of the *Act* or under section 91 (Penalties for breach of ~~listing rules~~ Part 6 rules) of the *Act*.
- qualifying capital instrument* (in *UPRU*) means that part of a *firm's* capital which is a security of indeterminate duration, or other instrument, that fulfils the following conditions:
- (a) it may not be reimbursed on the bearer's initiative or without the prior agreement of ~~FSA~~ FCA;

	...
<i>qualifying capital item</i>	(in <i>UPRU</i> ) means that part of a <i>firm's</i> capital which has the following characteristics:  ... (c) (its amount is determined by the management of the <i>firm</i> and verified by independent auditors, and is made known to, and is monitored by, <del>FSA</del> <u>FCA</u> .  ...
<i>registration date</i>	(in <i>RCB</i> ) the date of the <del>FSA's</del> <u>FCA</u> decision to register a <i>regulated covered bond</i> .
<i>regulated activity</i>	(in accordance with section 22 of the <i>Act</i> ( <del>The classes of activity and categories of investment</del> <u>Regulated activities</u> )) any of the following activities specified in Part II of the <i>Regulated Activities Order</i> (Specified Activities):  ...
<i>regulatory costs</i>	the periodic fees payable to the <del>FSA</del> <u>appropriate regulator</u> by a <i>participant firm</i> in accordance with <i>FEES 4</i> (Periodic fees) .
<i>Regulatory Decisions Committee</i>	a committee of the Board of the <del>FSA</del> <u>FCA</u> , described in <i>DEPP 3.1</i> (The nature and procedure of the RDC).
<i>regulatory objectives</i>	( <del>as described in sections 2(2) and 3 to 6 of the Act</del> ):  (a) <del>market confidence;</del> (b) <del>[deleted]</del> (c) <del>the protection of consumers;</del> (d) <del>the reduction of financial crime; and</del> (e) <del>financial stability. [deleted]</del>
<i>remedial direction</i>	( <del>in accordance with section 308(8) of the Act (Directions by the Treasury)</del> ) a direction requiring the <del>FSA</del> :  (a) <del>to exercise its powers under section 297(2) of the Act to revoke the recognition order for a recognised body; or</del>  (b) <del>to exercise its powers under section 296 of the Act by giving such directions to the recognised body concerned as may be specified</del>

~~in the direction:~~ [deleted]

reporting  
accountant

an accountant appointed:

- (a) by the ~~FSA~~ appropriate regulator; or
- (b) by a *firm*, having been nominated or approved by the ~~FSA~~ appropriate regulator under section 166 of the *Act* (Reports by skilled persons); or
- (c) by an applicant for ~~Part IV permission~~ Part 4A permission;

to report on one or more aspects of the business of a *firm* or applicant, such as its financial position, including *internal controls* and reporting returns.

requirement

a requirement included in a firm's ~~Part IV permission~~ Part 4A permission under section 43 of the *Act* (Imposition of requirements), section 45(4) of the *Act* (Variation etc on the Authority's own initiative) or section 46 of the *Act* (Variation of permission on acquisition of control) under section 55L(3) of the *Act* (Imposition of requirements by the FCA), section 55M(3) of the *Act* (Imposition of Requirements by the PRA) or section 55O of the *Act* (Imposition of requirements on acquisition of control).

retail  
(investment)  
customer

(in relation to a *firm's permission* and the ~~FSA Register~~ Financial Services Register) a *retail client*.

retail (non-  
investment  
insurance)  
customer

(in relation to a *firm's permission* and the ~~FSA Register~~ Financial Services Register) a *consumer* or a *customer* acting in the capacity of both a *consumer* and a *commercial customer* (see *ICOBS 2.1.3G*).

risk capital  
requirement

- (1) (in relation to the ~~FSA's~~ appropriate regulator's rules) one of the following:

...

rule

(in accordance with section 417(1) of the *Act* (Definitions)) a rule made by the ~~FSA~~ FCA or the PRA under the *Act*, including:

...

SCV  
implementation  
report

(in *COMP*) a report in accordance with *COMP 17.3.6R* explaining how the relevant *firm* has satisfied the ~~FSA's~~ PRA's *SCV requirements*.

SCV report

(in *COMP*) a report in accordance with *COMP 17.3.9R* from the relevant *firm's* board of directors confirming that the *firm's SCV system* satisfies the ~~FSA's~~ PRA's *SCV requirements*.

SCV system

(in *COMP*) a *firm's* system for satisfying the ~~FSA's~~ PRA's *SCV*

*requirements.*

*secondary material*

(as more fully described in section 394 of the *Act* (Access to Authority ~~FCA or PRA~~ material)) material, other than that which the ~~FSA~~ appropriate regulator relied on in reaching its decision, which:

- (a) the ~~FSA~~ appropriate regulator considered in reaching its decision; or
- (b) the ~~FSA~~ appropriate regulator obtained in connection with, that is, in the investigation of, the matter in question

*section 178 notice*

(in accordance with section 178(3) of the *Act*) a notice given to the ~~FSA~~ appropriate regulator under section 178 of the *Act*.

*sectoral rules*

(in relation to a *financial sector*) rules and requirements relating to the prudential supervision of *regulated entities* applicable to *regulated entities* in that *financial sector* as follows:

...

- (c) (for all other purposes) rules and requirements of the ~~FSA~~ appropriate regulator;

and so that:

...

- (h) references to the ~~FSA's~~ appropriate regulator's *sectoral rules* are to *sectoral rules* in the form of *rules* .

*securities and futures firm*

...

- (c) a *firm*:
  - (i) which was given a ~~Part IV permission~~ Part 4A permission after *commencement*, or which was authorised under section 25 of the Financial Services Act 1986 immediately before *commencement* and not a member of *IMRO*, *PIA* or *SFA*; and
  - (ii) for which the most substantial part of its gross income (including *commissions*) from the *designated investment business* included in its ~~Part IV permission~~ Part 4A permission is derived from one or more of the following activities (based, for a *firm* given a ~~Part IV permission~~ Part 4A permission after *commencement*, on the business plan submitted as part of the *firm's* application for *permission* or, for a *firm* authorised under section 25 of the Financial Services Act 1986, on the *firm's* *financial*

year preceding its *authorisation* under the Act):

...

*service company* a *firm* whose only *permitted activities* are making arrangements with a view to transactions in investments, and agreeing to carry on that regulated activity, and whose ~~Part IV permission~~ Part 4A permission:

...

(b) includes *requirements* substantially to the effect that the *firm* must not:

...

(iii) in carrying on its *regulated activities*, provide services otherwise than in accordance with *documents* (of a kind specified in the *requirement*) provided by the *firm* to the ~~FSA~~ FCA.

*service conditions* (in accordance with paragraph 14 of Schedule 3 to the Act (EEA Passport Rights)) the conditions that:

...

(b) if the *firm* falls within paragraph (a), (d), (e) or (f) in the definition of "*EEA firm*", the ~~FSA~~ FCA or the *PRA* (as the case may be) has received notice from the *firm's Home State regulator* containing such information as may be prescribed;

(c) if the *firm* falls within paragraph (d) of that definition, its *Home State regulator* has informed it that the regulator's notice has been sent to the ~~FSA~~ FCA or the *PRA* (as the case may be); and

(d) if the *firm* falls within paragraph (e) of that definition, one *month* has elapsed beginning with the date on which the *firm's Home State regulator* informed the *firm* that it had sent the regulator's notice to the ~~FSA~~ FCA or the *PRA* (as the case may be).

*SIFA* the Handbook Guide: "Using the FSA Handbook: an Overview for small IFA firms" [deleted]

*small electronic money institution* (in accordance with regulation 2(1) of the *Electronic Money Regulations*) a person included by the ~~FSA~~ FCA in the ~~FSA Register~~ Financial Services Register pursuant to regulation 4(1)(b) of the *Electronic Money Regulations*.

*small payment institution* (in accordance with regulation 2(1) of the *Payment Services Regulations*) a person included by the ~~FSA~~ FCA in the ~~FSA Register~~ Financial Services Register pursuant to regulation 4(1)(b) of the *Payment Services Regulations*.

<i>specific risk PRA position risk adjustment</i>	a <i>PRA position risk adjustment</i> for <i>specific risk</i> including any such <i>PRA position risk adjustment</i> as applied under <i>BIPRU 7.6.8R</i> (Table: Appropriate position risk adjustment).
<i>sponsor</i>	(1) (in <i>LR</i> ) a approved, under section 88 of the by the <del>FSA</del> <i>FCA</i> , as a sponsor.  ...
<i>standardised approach</i>	one of the following:  ...  (f) when the reference is to the rules of or administered by a <i>regulatory body</i> other than the <del>FSA</del> <i>appropriate regulator</i> , whatever corresponds to the approach in (a) to (e), as the case may be, under those rules.
<i>standing data</i>	the information relating to a <i>firm</i> held by the <del>FSA</del> <i>appropriate regulator</i> on the matters set out in <i>SUP 16 Annex 16AR</i> .
<i>statutory notice associated decision</i>	a decision which is made by the <del>FSA</del> <i>appropriate regulator</i> and which is associated with a decision to give a <i>statutory notice</i> , including a decision:  ...  (c) to refuse access to <del>FSA</del> <i>appropriate regulator</i> material .  ...
<i>statutory notice decision</i>	a decision by the <del>FSA</del> <i>appropriate regulator</i> on whether or not to give a <i>statutory notice</i> .
<i>subsidiary undertaking</i>	...  (2) (for the purposes of determining whether a <i>person</i> has <i>close links</i> with another <i>person</i> ) (in accordance with section 343(8) of the <i>Act</i> (Information given by auditor or actuary to <del>the FSA a regulator</del> ) and paragraph 3(3) of Schedule 6 to the <i>Act</i> (Threshold conditions));  ...
<i>Supervisory Liquidity Review Process</i>	the <del>FSA's</del> <i>appropriate regulator's</i> assessment of the adequacy of certain <i>firms'</i> liquidity resources as described in <i>BIPRU 12.2</i> and <i>BIPRU 12.5</i> .

*supervisory notice* (as defined in section 395(13) of the *Act* (The ~~Authority's~~ FCA's and PRA's procedures)) a notice given by the ~~FSA~~ appropriate regulator in accordance with section ~~53(4), (7) or (8)(b)~~ 55Y(4), (7) or (8)(b); 78(2) or (5); 197(3), (6) or (7)(b); 259(3), (8) or (9)(b); 268(3), (7)(a) or (9)(a) (as a result of subsection (8)(b)); 282(3), (6) or (7)(b); or 321(2) or (5).

*supervisory review and evaluation process* the ~~FSA's~~ appropriate regulator's assessment of the adequacy of certain firms' capital, as more fully described in *BIPRU* 2.2.9G and *INSPRU* 7.1.91G to *INSPRU* 7.1.99G.

*top-up permission* a ~~Part IV permission~~ Part 4A permission given to an *incoming EEA firm*, an *incoming Treaty firm* or a *UCITS qualifier*.

*total non-deferred shares* (in *CREDS*) means the total of members' share balances in a *credit union* shown in the most recent annual return to have been sent to the ~~FSA~~ appropriate regulator under *SUP* 16.7.62R or *SUP* 16.12.5R (see *CREDS* 8.2.3G), excluding any *deferred shares* in the *credit union*.

*trading day* ...

(2) other than in (1) or (3) , a day included in the calendar of trading days published by ~~FSA~~ the appropriate regulator at ~~www.fsa.gov.uk.~~ [web address tbc]

...

*trust scheme rules* rules in *COLL* made by the ~~FSA~~ FCA under section 247(1) of the *Act* (Trust scheme rules) in relation to:

...

*UCITS firm* a *firm* which:

...

(b) does not have a ~~Part IV permission~~ Part 4A permission (or an equivalent permission from its *Home State regulator*) to carry on any *regulated activities* other than those which are in connection with, or for the purpose of, such schemes.

*UCITS investment firm* a *firm* which:

...

(b) has a ~~Part IV permission~~ Part 4A permission (or an equivalent permission from its *Home State regulator*) to manage *investments* where:

...

<i>UCITS scheme</i>	(a) an <i>authorised fund</i> authorised by the <del>FSA</del> <u>FCA</u> in accordance with the <i>UCITS Directive</i> :  ...
<i>UK financial system</i>	(as defined in <del>section 3 of the Act (Market confidence)</del> <u>section 11 of the Act (Meaning of “the UK financial system”)</u> ) the financial system operating in the <i>United Kingdom</i> including:  ...
<i>UK firm</i>	...  (2) (in <i>REC</i> ) means an <i>investment firm</i> or <i>credit institution</i> which has a <del>Part IV permission</del> <u>Part 4A permission</u> to carry on one or more <i>regulated activities</i> .
<i>UK insurance intermediary</i>	a <i>UK domestic firm</i> which has <del>Part IV permission</del> <u>Part 4A permission</u> to carry on <i>insurance mediation activity</i> but no other <i>regulated activity</i> .
<i>UK ISPV</i>	an <i>ISPV</i> with a <del>Part IV permission</del> <u>Part 4A permission</u> to <i>effect</i> or <i>carry out contracts of insurance</i> .
<i>UK lead regulated firm</i>	a <i>UK firm</i> that:  (a) is not part of a group that is subject to consolidated supervision by the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> or any other <i>regulatory body</i> ; or  (b) is part of a group that is subject to consolidated supervision by the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> and that group is not part of a wider group that is subject to consolidated supervision by a <i>regulatory body</i> other than the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> .  For the purposes of this definition:  ...  (e) If the group is a <i>UK consolidation group</i> or <i>financial conglomerate</i> of which the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> is lead regulator that is headed by an <i>undertaking</i> that is not itself the <i>subsidiary undertaking</i> of another <i>undertaking</i> the <i>firm</i> is a 'UK lead regulated firm'.
<i>UK UCITS management company</i>	a <i>management company</i> that is established in the <i>United Kingdom</i> and is <i>authorised</i> and regulated by the <del>FSA</del> <u>FCA</u> .
<i>UKLA</i>	the <del>FSA</del> <u>FCA</u> acting in its capacity as the <i>competent authority</i> for the purposes of Part VI of the <i>Act</i> (Official Listing).

<i>VaR model approach</i>	one of the following:  ...  (c) when the reference is to the rules of or administered by a <i>regulatory body</i> other than the <i>FSA appropriate regulator</i> , whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.
<i>verified</i>	(in <i>IPRU(INV)</i> 13) where interim net profits are to be included in a <i>firm's</i> capital resources, checked by an external auditor who has undertaken at least to:  ...  (f) follow up problem areas of which he is already aware in the course of auditing the <i>firm's</i> financial statements, a copy of whose report asserting that the interim net profits are reasonably stated has been submitted to the <i>FSA FCA</i> (although this does not apply to <i>exempt CAD firms</i> ).
<i>version 1 credit union</i>	a <i>credit union</i> whose <del><i>Part IV permission</i></del> <i>Part 4A permission</i> includes a <i>requirement</i> (whether for all or for particular purposes) that it must not lend more than 15,000, or such lesser amount as may be specified, in excess of a member's shareholding; in this definition a "member's shareholding" means any shares held by a member of the <i>credit union</i> in accordance with section s 5 and 7 of the Credit Unions Act 1979 or articles 14 and 23 of the Credit Unions (Northern Ireland) Order 1985 (as appropriate).
<i>waiver</i>	a direction waiving or modifying a <i>rule</i> , given by the <i>FSA appropriate regulator</i> under <del>sections 148</del> <u>section 138A of the Act (Modification or waiver of rules)</u> or by the <i>FCA</i> under <u>sections 250 or 294 of the Act (Modification or waiver of rules)</u> or regulation 7 of the <i>OEIC Regulations</i> ( <del>Modification or waiver of FSA rules</del> ) (see <i>SUP</i> 8 and <i>REC</i> 3.3).
<i>warning notice</i>	a notice issued by the <i>FSA appropriate regulator</i> in accordance with section 387 of the <i>Act</i> (Warning notices).

## Annex B

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text.

<u>appropriate regulator</u>	(1) <u>in the <i>FCA Handbook</i>, the <i>FCA</i>; and in the <i>PRA Handbook</i>, the <i>PRA</i>;</u>  (2) (a) <u>in <i>SUP 11</i> “appropriate regulator” has the meaning given in section 178 of the <i>Act</i>, and</u>  (b) <u>in <i>SUP 18</i> “appropriate regulator” has the meaning given in section 103A of the <i>Act</i>.</u>
<u>FCA</u>	<u>Financial Conduct Authority.</u>
<u>FCA Handbook</u>	<u>the <i>FCA</i>’s Handbook of rules and guidance.</u>
<u>FCA-<i>authorised person</i></u>	<u>an <i>authorised person</i> who is not a <i>PRA-<i>authorised person</i></i>.</u>
<i>firm</i>	(1) <u>in the <i>FCA Handbook</i>, an <i>authorised person</i>, but not a <i>professional firm</i> unless it is an <i>authorised professional firm</i> (see also <i>GEN 2.2.18R</i> for the position of an authorised partnership or unincorporated association which is dissolved).</u>  (1A) <u>in the <i>PRA Handbook</i>, a <i>PRA-<i>authorised person</i></i>.</u>  ...  (4) (in <i>DISP 2</i> and <i>3</i> ) includes, as a result of the <i>insurance market direction</i> given in <i>DISP 2.1.7D</i> under section 316 of the <i>Act</i> (Direction by <del>Authority</del> <u>a regulator</u> ), <i>members of the Society of Lloyd's</i> .  ...
<i>guidance</i>	guidance given by the <del><i>FSA</i></del> under the <del><i>Act</i></del> ;  (a) <u>in the <i>FCA Handbook</i>, by the <i>FCA</i> under the <i>Act</i>; or</u>  (b) <u>in the <i>PRA Handbook</i>, by the <i>PRA</i>.</u>
<i>Handbook</i>	the <del><i>FSA</i>’s <i>Handbook</i></del> of rules and guidance (for a table of contents, see the <del><i>Reader’s Guide</i></del> ) <u><i>FCA Handbook</i> or the <i>PRA Handbook</i> as appropriate.</u>
<i>PRA</i>	<del>Position Risk Adjustment</del> ; a percentage applied to a <i>position</i> as part of the

~~process of calculating the PRR in relation to that *position* as set out in the tables in *BIPRU 7.2.44R* (Specific risk PRAs), *BIPRU 7.2.57R* (General market risk PRAs), *BIPRU 7.3.30R* (Simplified equity method PRAs), *BIPRU 7.3.34R* (PRAs for specific risk under the standard equity method) and *BIPRU 7.6.8R* (The appropriate PRA) and also as set out in *BIPRU 7.2.48AR* to *BIPRU 7.2.48LR* Prudential Regulation Authority.~~

*PRA Handbook* the PRA's Handbook of rules and guidance.

*PRA-authorised person* as defined in section 2B(5) of the Act, an authorised person who has permission:

- (a) given under Part 4A of the Act; or
- (b) resulting from any other provision of the Act;

to carry on regulated activities that consist of or include one or more PRA-regulated activities.

*PRA-regulated activity* a regulated activity specified in an order made under section 22A of the Act or specified pursuant to a power granted in such an order.

*statutory objectives* (1) for the FCA (as described in sections 1B, 1C, 1D and 1E of the Act):

- (a) its strategic objective of ensuring that the relevant markets function well; and
- (b) its operational objectives:
  - (i) the consumer protection objective (as defined in section 1C of the Act);
  - (ii) the integrity objective (as defined in section 1D of the Act); and
  - (iii) the competition objective (as defined in section 1E of the Act);

(2) for the PRA (as described in sections 2B, 2C and 314A of the Act):

- (a) its general objective of promoting the safety and soundness of PRA-authorised persons; and
- (b) its insurance objective of contributing to the securing of an appropriate degree of protection for those who are or may become policyholders.

**SCHEDULE A**

Part 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations)	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraph 12(1) (Funding of the relevant costs by	Paragraph 12(1) (Funding of the relevant costs by	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

Part 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228) subject to paragraphs 10 and 11 of this instrument.	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967) subject to paragraphs 10 and 11 of this instrument.	mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967) subject to paragraphs 23 and 24 of this instrument.
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706) subject to paragraphs 10 and 11 of this instrument.	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 10 and 11 of this instrument.	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209) subject to	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2009/209)	paragraphs 10 and 11 of this instrument.	
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 10 and 11 of this instrument.	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259) subject to paragraphs 23 and 24 of this instrument.
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers),	None

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>(Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)</p>	<p>18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 10 and 11 of this instrument.</p>	

Part 3

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

Part 4

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator)	Section 169(9)	Section 169(9)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)		
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None

Part 5

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 10 and 11 of this instrument.	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 10 and 11 of this instrument.	None

Part 6

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

Part 7

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228) subject to paragraphs 10 and 11 of this instrument.	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 10 and 11 of this instrument.	None

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

Part 9

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

Part 10

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of	Regulation 60 (Guidance)	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
the Electronic Money Regulations 2011 (SI 2011/99).	of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 10 and 11 of this instrument.	

**SCHEDULE B**

Recognised Auction Platforms Regulations 2011 (SI 2011/2699)
Undertakings for Collective Investment in Transferable Securities Regulations 2011 (SI 2011/1613)
Electronic Money Regulations 2011 (SI 2011/99)
Payment Services Regulations 2009 (SI 2009/209)
Regulated Covered Bonds Regulations 2008 (SI 2008/346)
Money Laundering Regulations 2007 (SI 2007/2157)
Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)
Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (SI 2005/1529)
Financial Services (Distance Marketing) Regulations 2004 (SI 2004/2095)
Financial Conglomerates and Other Financial Groups Regulations 2004 (SI 2004/1862)
Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004 (SI 2004/454)
Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003 (SI 2003/1294)
Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)
Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967)
Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001 (SI 2001/2587)
Financial Services and Markets Act 2000 (Transitional Provisions) (Reviews of Pensions Business) Order 2001 (SI 2001/2512)
Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI

2001/2256)
Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001 (SI 2001/1420)
Open- Ended Investment Companies Regulations 2001 (SI 2001/1228)
Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001 (SI 2001/995)
Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083)
Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)

**LEGAL CUTOVER (FINANCIAL CONDUCT AUTHORITY AND PRUDENTIAL  
REGULATION AUTHORITY HANDBOOKS (GENERAL PROVISIONS))  
INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced the Financial Conduct Authority's guidance power and rule making powers for the purpose of making Financial Conduct Authority guidance and rules.
- F. Article 2(1)(c) of the Early Commencement Order commenced the Prudential Regulation Authority's rule making powers for the purpose of making Prudential Regulation Authority rules.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;

- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 12 and excludes any Relevant Instrument falling within paragraph 13;
- (13) “Commencement date” means 1 April 2013 provided that Her Majesty’s Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 8, the Financial Conduct Authority makes, issues, gives, or imposes:
  - (1) Each provision in Annex B to this Instrument; and
  - (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 7.
- 7 The conditions referred to in paragraph 6 are that a provision is:
  - (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.
- 8 The Financial Conduct Authority makes, issues, gives or imposes the provisions in paragraph 6 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 9 The rule-making powers in paragraph 8 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 10 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on the Commencement Date.
- 11 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**Designation of rules etc. by the Prudential Regulation Authority**

- 12 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
  - (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 13 The designation by the Prudential Regulation Authority in paragraph 12 excludes any provision designated as guidance in an FSA Instrument.
- 14 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:

- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
- (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
- (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

15 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

#### **Modification of rules etc. by the Prudential Regulation Authority**

16 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

#### **Rules etc. made, given or amended by the Prudential Regulation Authority**

17 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 19, the Prudential Regulation Authority makes, issues, gives, or imposes:

- (1) Each provision in Annex B to this Instrument; and
- (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 18.

18 The conditions referred to in paragraph 17 are that a provision is:

- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
- (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.

19 The Prudential Regulation Authority makes, gives or amends the provisions in paragraph 17 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

20 The rule-making powers in paragraph 19 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

#### **Commencement: Prudential Regulation Authority**

21 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 12) and the modification (in paragraph 16) of each PRA Relevant Instrument comes into effect on the Commencement Date.

22 The Prudential Regulation Authority directs that paragraph 17 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 12 and the modifications in paragraph 16.

**Citation**

23 This instrument may be cited as the Legal Cutover (Financial Conduct Authority and Prudential Regulation Authority Handbooks (General Provisions)) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

28 February 2013

**By order of the Board of the Prudential Regulation Authority**

7 March 2013

**Annex A**

**Designation of the General Provisions sourcebook (GEN)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
GEN 1.1.1	Designated	FCA/PRA
GEN 1.1.2	Designated	FCA
GEN 1.2.1	Designated	FCA/PRA
GEN 1.2.2	Designated	FCA/PRA
GEN 1.2.3	Designated	FCA/PRA
GEN 1.3.1	Designated	FCA/PRA
GEN 1.3.2	Designated	FCA/PRA
GEN 1.3.3	Designated	FCA/PRA
GEN 1.3.4	Designated	FCA/PRA
GEN 1.3.5	Designated	FCA/PRA
GEN 2.1.1	No longer in force after legal cutover	
GEN 2.1.2	Designated	FCA/PRA
GEN 2.1.3	No longer in force after legal cutover	
GEN 2.1.4	No longer in force after legal cutover	
GEN 2.1.5	No longer in force after legal cutover	
GEN 2.1.6	No longer in force after	

	legal cutover	
GEN 2.1.7	No longer in force after legal cutover	
GEN 2.1.8	Designated	FCA <sup>1</sup>
GEN 2.1.9	Designated	FCA
GEN 2.1.10	Designated	FCA/PRA
GEN 2.2.1	Designated	FCA/PRA
GEN 2.2.2	Designated	FCA/PRA
GEN 2.2.3	Designated	FCA/PRA
GEN 2.2.4	Designated	FCA/PRA
GEN 2.2.5	Designated	FCA/PRA
GEN 2.2.6	Designated	FCA/PRA
GEN 2.2.7	Designated	FCA/PRA
GEN 2.2.8	Designated	FCA/PRA
GEN 2.2.9	Designated	FCA/PRA
GEN 2.2.10	Designated	FCA/PRA
GEN 2.2.11	Designated	FCA/PRA
GEN 2.2.12	Designated	FCA/PRA
GEN 2.2.12A	Designated	FCA/PRA
GEN 2.2.12B	Designated	FCA/PRA
GEN 2.2.13	Designated	FCA/PRA
GEN 2.2.13A	Made	FCA/PRA
GEN 2.2.14	Designated	FCA/PRA
GEN 2.2.15	Designated	FCA/PRA
GEN 2.2.15A	Made	FCA
GEN 2.2.16	Designated	FCA/PRA

<sup>1</sup> This rule is also made, or to be made, by the Financial Ombudsman Service Limited.

GEN 2.2.17	Designated	FCA/PRA
GEN 2.2.18	Designated	FCA/PRA
GEN 2.2.19	Designated	FCA/PRA
GEN 2.2.20	Designated	FCA
GEN 2.2.21	Designated	FCA/PRA
GEN 2.2.22	Designated	FCA/PRA
GEN 2.2.23	Made	FCA/PRA
GEN 2.2.24	Made	FCA/PRA
GEN 2.2.25	Made	FCA/PRA
GEN 2 Annex 1	Designated	FCA
GEN 2 Annex 2	No longer in force after legal cutover	

## Annex B

### Amendments to the Glossary of definitions

In this Annex, the text is all new and is not underlined.

- general rule-*  
*making powers*  
[FCA/PRA]
- (1) In the *FCA Handbook* section 137A of the *Act*.
  - (2) In the *PRA Handbook* section 137G of the *Act*.

## Annex C

### Amendments to the General Provisions (GEN)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1 **FSA Appropriate regulator approval and emergencies**

##### 1.1 **Application**

[**Note:** ESMA has also issued guidelines under article 16(3) of the ESMA Regulation covering various topics relating to automated trading and direct electronic access. See <http://www.fsa.gov.uk/static/pubs/other/esma-guidelines.pdf> [www.fca.org.uk](http://www.fca.org.uk)

...

##### 1.2 **Referring to approval by the FSA appropriate regulator**

1.2.1 G The purpose of *GEN* 1.2.2R is to prevent *clients* being misled about the extent to which the *FSA appropriate regulator* has approved a *firm's* affairs.  
[FCA/  
PRA]

1.2.2 R (1) Unless required to do so under the *regulatory system*, a *firm* must ensure that neither it nor anyone acting on its behalf claims, in a public statement or to a client, expressly or by implication, that its affairs, or any aspect of them, have the approval or endorsement of the *FSA appropriate regulator* or another competent authority.  
[FCA/  
PRA]

(2) Paragraph (1) does not apply to statements that explain, in a way that is fair, clear and not misleading, that:

...

(e) the *firm's approved persons* have been approved by the *FSA appropriate regulator* for the purposes of section 59 of the *Act* (Approval for particular arrangements);

(f) the *firm* has been given express written approval by the *FSA appropriate regulator* in respect of a specific aspect of the *firm's* affairs.

...

1.2.3 G *GEN* 1.2.2R(2)(f) is confined to written approval because of the need for clarity as to the scope of any approval given by the *FSA appropriate regulator*.  
[FCA/  
PRA]

## 1.3 Emergency

1.3.1 G The *FSA appropriate regulator* recognises that there may be occasions  
[FCA/ when, because of a particular emergency, a *person* (generally a *firm*, but in  
PRA] certain circumstances, for example in relation to *price stabilising rules*, an  
*unauthorised person*) may be unable to comply with a particular *rule* in the  
*Handbook*. The purpose of *GEN 1.3.2R* is to provide appropriate relief from  
the consequences of contravention of such a *rule* in those circumstances.

1.3.2 R ...  
[FCA/ (3) The *person* must notify the *FSA appropriate regulator* as soon as  
PRA] practicable of the emergency and of the steps it is taking and proposes  
to take to deal with the consequences of the emergency.

(4) A notification under (3) must be given to or addressed and delivered  
in accordance with *SUP 15.7* (Form and method of notification)  
(whether or not the *person* is a *firm*). If the *person* is not a *firm*, the  
notification must be given to or addressed for the attention of: Firm  
Contact Centre, The Financial Services Conduct Authority, 25 The  
North Colonnade, Canary Wharf, London E14 5HS (tel: 0845 606  
9966).

1.3.3 G A *firm* should continue to keep the *FSA appropriate regulator* informed of  
[FCA/ the steps it is taking under *GEN 1.3.2R(3)*, in order to comply with its  
PRA] obligations under *Principle 11* (Relations with regulators).

...

1.3.5 G *GEN 1.3.2R* operates on the *FSA's appropriate regulator's rules*. It does  
[FCA/ not affect the *FSA's appropriate regulator's* powers to take action against a  
PRA] *firm* in an emergency, based on contravention of other requirements and  
standards under the *regulatory system*. For example, the *FSA appropriate  
regulator* may exercise its *own-initiative power* in appropriate cases to vary  
a *firm's Part IV permission Part 4A permission* based on a failure or  
potential failure to satisfy the *threshold conditions* (see *SUP 7* (Applying  
the *FSA's Individual requirements to individual firms*) and *EG 8* (Variation  
and cancellation of permission on the *FSA's own initiative and intervention  
against incoming firms*)).

## 2 Interpreting the Handbook

...

### 2.2 Interpreting the Handbook

...

Evidential provisions

- 2.2.3 [FCA/PRA] R Any *rule* in the *Handbook* which has the status letter "E" in the margin or heading:
- (1) is to be taken also to provide that contravention of the *rule* does not give rise to any of the consequences provided for by provisions of the *Act* other than ~~section 149~~ section 138C (Evidential provisions); and
- ...
- 2.2.4 [FCA/PRA] G (1) The *rules* to which ~~section 149~~ section 138C of the *Act* applies ("evidential provisions") are identified in the *Handbook* by the status letter "E" in the margin or heading.
- (2) Other provisions in the *Handbook*, although also identified by the status letter "E" in the margin or heading, are actually not *rules* but provisions in codes and *GEN 2.2.3R* does not apply to them. These code provisions are ~~*GEN 2.1.4E*~~, and those provisions in the *Code of Practice for Approved Persons (APER 3 and APER 4)* and the *Code of Market Conduct (MAR 1)* with the status letter "E".

...

Cross-references in the Handbook

...

- 2.2.13A [FCA/PRA] R Unless a contrary intention appears, to the extent that a provision made by the *appropriate regulator* ('the referring provision') contains a cross-reference to another provision that is not made by that regulator ('the referred provision'), the referred provision is to be taken to have been made by the *appropriate regulator* to the extent necessary to make the referring provision function with the full effect indicated by the reference.

References to writing

...

- 2.2.15 [FCA/PRA] G *GEN 2.2.14R* means that, for example, electronic media may be used to make communications which are required by a provision of the *Handbook* to be "in writing", unless a contrary intention appears, or the use of electronic media would contravene some other requirement ~~such as the requirement to treat customers fairly under Principle 6~~. *GEN 2.2.14R* does not, however, affect any other legal requirement which may apply in relation to the form or manner of executing a *document* or agreement.
- 2.2.15A [FCA] G An example of a requirement relevant to whether a communication required by a provision of the *Handbook* to be "in writing" may be made by use of electronic media is the requirement to treat *customers* fairly under *Principle 6*.

...

Activities covered by general rules

2.2.17 R A *general rule* (that is a *rule* made by the appropriate regulator under [FCA/ ~~section 138 of the Act (General rule-making power)~~ the general rule making PRA] *powers*) is to be interpreted as:

...

...

Application of provisions made by both the FCA and the PRA

2.2.23 R (1) This rule applies to Handbook provisions made by both the FCA [FCA/ and the PRA. It may affect their application by the FCA to PRA- PRA] *authorised persons* and *PRA-approved persons*, and may affect their application by the PRA to any *authorised person* or *approved person*.

(2) Where a Handbook provision (or part of one) goes beyond the FCA's or PRA's powers or regulatory responsibilities, it is to be interpreted as applied by that regulator to the extent of that regulator's powers and regulatory responsibilities only.

(3) The extent of a Handbook provision is to be interpreted as cut back under GEN 2.2.23R(2) by the minimum degree necessary.

2.2.24 G The published Memorandum of Understanding between the FCA and the [FCA/ PRA] *PRA* describes their regulatory responsibilities.

2.2.25 G Examples of *rules* being interpreted as cut back by GEN 2.2.23R include [FCA/ the following: PRA]

(1) *BIPRU 4* imposes capital requirements that, for a *PRA-authorised person* such as a *bank*, are the exclusive responsibility of the *PRA*; accordingly this section is not applied by the *FCA* to a *PRA-authorised person*.

(2) *SYSC 6.1.1R* requires a *firm* to maintain adequate policies and procedures to ensure compliance with its obligations under the *regulatory system*; *SYSC 6.1.1R* should be interpreted:

(a) as applied by the *FCA* in respect of a *PRA-authorised person's* compliance with regulatory obligations that are the responsibility of the *FCA* (for example, in respect of a *bank* maintaining policies and procedures to ensure compliance with banking conduct requirements in *BCOBS*); and,

(b) as applied by the *PRA* in respect of a *PRA-authorised*

person's compliance with those regulatory obligations that are the responsibility of the PRA (for example, in respect of a bank maintaining policies and procedures to ensure compliance with financial resources requirements in BIPRU).

- (3) COMP 5.2.1R sets out types of protected claims to be covered by the FSCS. The powers of the FCA and the PRA to make this type of rule are set out in the order made under section 213(1A) of the Act. The rule must be read as applying only to the extent of those powers. For example, the PRA has no power to make COMP 5.2.1R(3) creating protected claims in connection with protected investment business, and the FCA has no power to make COMP 5.2.1R(1) as creating protected claims for a protected deposit. As such, those provisions are to be interpreted as not applied by the PRA and FCA, respectively.

**2 Annex 1G Designated investment exchanges**  
[FCA]

...	
<b>Criteria for inclusion in the list of designated investment exchanges</b>	
3.	Before adding an investment exchange to the list of <i>designated investment exchanges</i> in the <i>Handbook</i> , the <del>FSA</del> <u>FCA</u> will comply with all the requirements imposed by the <i>Act</i> in relation to the exercise of its rule-making powers. This will include consulting on the proposed amendment to the list.
4.	In considering compatibility of the proposed addition with the <del>regulatory objectives</del> <i>statutory objectives</i> , the <del>FSA</del> <u>FCA</u> will determine whether the investment exchange provides an appropriate degree of protection for <i>consumers</i> having regard in particular to:
	...
...	
<b>Applications to be added to the list of designated investment exchanges</b>	
6.	An application to be added to the list should be in writing and delivered to the <del>FSA</del> <u>FCA</u> by:
(1)	post to: <del>The Financial Services Authority</del> <u>The Financial Conduct Authority</u> 25 The North Colonnade

		Canary Wharf London E14 5HS; or
	(2)	leaving the application at that address.
7.	...	
8.		An application will not be considered by the <del>FSA</del> <u>FCA</u> until the application fee has been paid. See <i>FEES</i> 3.2

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business: regulations supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Education Body)	Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(SI 2009/209)	(SI 2009/209).	
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2008 (SI 2008/346)	legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None



**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**FINANCIAL CONDUCT AUTHORITY AND PRUDENTIAL REGULATION  
AUTHORITY HANDBOOK DESIGNATION INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating a Relevant Instrument.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) “Designation Order” means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) “the 2000 Act” means the Financial Services and Markets Act 2000;
- (3) “the 2012 Act” means the Financial Services Act 2012;
- (4) “the Authority” means the Financial Services Authority;
- (5) “Financial Conduct Authority” means the body corporate referred to in section 1A of the 2000 Act, as amended by section 6 of the 2012 Act;
- (6) “Prudential Regulation Authority” means the body corporate referred to in section 2A(1) of the 2000 Act, as amended by section 6 of the 2012 Act;
- (7) “Handbook” means the Authority’s Handbook of Rules and Guidance (and including, for this purpose, the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority’s Handbook website at 11h59 pm on 27 February 2013;
- (8) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (9) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (10) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2 and excludes any Relevant Instrument falling within paragraph 3;
- (11) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 10 and excludes any Relevant Instrument falling within paragraph 11;
- (12) “Commencement date” means 1 April 2013, provided that Her Majesty’s Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order and, subject to paragraph 3, the Financial Conduct Authority designates the following Relevant Instruments:
  - (1) The rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended the part or provision of the Handbook identified with an “x” in the columns headed “FCA only” and “FCA and PRA”, in each Annex<sup>1</sup> to this Instrument; and
  - (2) (If a part or provision of the Handbook was made, issued, given, imposed or amended by the Authority other than by an FSA Instrument), the rules, guidance, requirements, codes, schemes, statements or directions, as set out in that part or provision of the Handbook identified with an “x” in the columns headed “FCA only” and “FCA and PRA”, in each Annex to this Instrument.
- 3 The designation by the Financial Conduct Authority in paragraph 2 excludes:
  - (1) The provisions of, or underlying, the Collective Investment Scheme Information Guide (COLLG); and
  - (2) Any provisions of, or underlying, the Handbook (including without limitation, provisions of or underlying the Glossary, the Dispute Resolution: Complaints sourcebook (DISP) and the Fees manual (FEES) of the Handbook) identified an instrument listed in Schedule C to this Instrument as having been made, issued, given or amended exclusively by Financial Ombudsman Service Limited.
- 4 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments falling within paragraph 2(1) were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 5 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.
- 6 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation of each FCA Relevant Instrument comes into effect on the Commencement Date, or on such later date as may be required under paragraph 7 or

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<sup>1</sup> For convenience (and without operative effect) Schedule D lists the Annexes to this Instrument by the Module of the Handbook to which each Annex relates.

paragraph 8. Provided that, if both paragraph 7 and paragraph 8 apply, then the designation will come into effect on whichever date is the later.

- 7 If by the Commencement Date a corresponding provision referred to in paragraph 4(3) has not yet been amended so as to enable or permit the Financial Conduct Authority to make, issue, give or impose an FCA Relevant Instrument, the designation of that FCA Relevant Instrument will come into effect immediately after the necessary amendment is fully effective.
- 8 If:
- (1) the Authority would not have been able to make, issue, give or impose an FCA Relevant Instrument but for a power or function conferred on the Authority by or under an enactment listed in Schedule B to this Instrument; and
  - (2) By the Commencement date, the enactment in (1) has not been amended so as to confer a corresponding power or function on the Financial Conduct Authority,
- then the designation of the FCA Relevant Instrument in (1) will come into effect immediately after the necessary amendment is fully effective.
- 9 If:
- (1) An FSA Instrument provides that a Relevant Instrument comes into force on a date falling after the date on which the designation of that instrument as an FCA Relevant Instrument comes into effect; then
  - (2) The Financial Conduct Authority directs that (unless the context or a specific direction by the Financial Conduct Authority requires otherwise) the Relevant Instrument in (1) will come into force on the date specified in the FSA Instrument.

### **Designation of rules etc by the Prudential Regulation Authority**

- 10 In accordance with Article 3(1) of the Designation Order and, subject to paragraph 11, the Prudential Regulation Authority designates the following Relevant Instruments:
- (1) The rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended the part or provision of the Handbook identified with an “x” in the columns headed “PRA only” and “FCA and PRA”, in each Annex<sup>2</sup> to this Instrument; and
  - (2) (If a part or provision of the Handbook was made, issued, given, imposed or amended by the Authority other than by an FSA Instrument), the rules, requirements, codes, schemes, statements or directions, as set out in the part or provision of the Handbook identified with an “x” in the columns headed “PRA only” and “FCA and PRA”, in each Annex to this Instrument.
- 11 The designation by the Prudential Regulation Authority in paragraph 10 excludes any provision:

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<sup>2</sup> For convenience (and without operative effect) Schedule D lists the Annexes to this Instrument by the Module of the Handbook to which each Annex relates.

- (1) Falling within paragraph 10(1) that is designated as guidance in an FSA Instrument;  
or
  - (2) Falling within paragraph 10(2) that is designated as guidance in the Handbook.
- 12 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments falling within paragraph 10(1) were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant Instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 13 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.
- 14 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation of each PRA Relevant Instrument comes into effect on the Commencement Date, or on such later date as may be required under paragraph 15 or paragraph 16. Provided that if both paragraph 15 and paragraph 16 apply, then the designation will come into effect on whichever date is the later.
- 15 If by the Commencement Date a corresponding provision referred to in paragraph 12(3) has not yet been amended so as to enable or permit the Prudential Regulation Authority to make, issue or give a PRA Relevant Instrument, the designation of that PRA Relevant Instrument will come into effect immediately after the necessary amendment is fully effective.
- 16 If:
- (1) the Authority would not have been able to make, issue, give or impose, a PRA Relevant Instrument but for a power or function conferred on the Authority by or under an enactment listed in Schedule B to this Instrument; and
  - (2) By the Commencement date, the enactment in (1) has not been amended so as to confer a corresponding power or function on the Prudential Regulation Authority,
- then the designation of the PRA Relevant Instrument in (1) will come into effect immediately after the necessary amendment is fully effective.
- 17 If:
- (1) An FSA Instrument provides that a Relevant Instrument comes into force on a date falling after the date on which the designation of that instrument as a PRA Relevant Instrument comes into effect; then
  - (2) The Prudential Regulation Authority directs that (unless the context or a specific direction by the Prudential Regulation Authority requires otherwise) the Relevant Instrument in (1) will come into force on the date specified in the FSA Instrument.

**Citation**

18 This instrument may be cited as the FCA and PRA Handbook Designation Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

28 February 2013

**By order of the Board of the Prudential Regulation Authority**

7 March 2013

**SCHEDULE A**

The division of this Schedule into parts is for convenience only and does not have operative effect.

Part 1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance)	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business rules)		
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A	Paragraph 12 of Part 2 (Funding) of Schedule 1A	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(Further provision about the Consumer Financial Education Body)	(Further provision about the Consumer Financial Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

Part 2

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228) subject to paragraphs 7 and 8 of this instrument.	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>	<p>mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967) subject to paragraphs 7 and 8 of this instrument.</p>	<p>mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967) subject to paragraphs 15 and 16 of this instrument.</p>
<p>Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)</p>	<p>Section 137A(1)</p>	<p>Section 137G(1)</p>
<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>None</p>
<p>Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and</p>	<p>Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and</p>	<p>None.</p>

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706) subject to paragraphs 7 and 8 of this instrument.	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 7 and 8 of this instrument.	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 2009 (SI 2009/209)	Regulations 2009 (SI 2009/209) subject to paragraphs 7 and 8 of this instrument.	
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 7 and 8 of this instrument.	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259) subject to paragraphs 15 and 16 of this instrument.
Regulations 8 (Applications for registration), 9	Regulations 8 (Applications for registration), 9	None

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>(Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)</p>	<p>(Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 7 and 8 of this instrument.</p>	

Part 3

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

Part 4

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support	Section 169(9)	Section 169(9)

Column 1	Column 2	Column 3
Provisions of the 2000 Act under which the Authority issued statements	Corresponding provisions: Financial Conduct Authority	Corresponding provisions: Prudential Regulation Authority
of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)		
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None

Part 5

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209) subject to paragraphs 7 and 8 of this instrument.	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 7 and 8 of this instrument.	None

Part 6

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

Part 7

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228) subject to paragraphs 7 and 8 of this instrument.	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 7 and 8 of this instrument.	None

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

Part 9

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

Part 10

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of	Regulation 60 (Guidance)	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
the Electronic Money Regulations 2011 (SI 2011/99).	of the Electronic Money Regulations 2011 (SI 2011/99) subject to paragraphs 7 and 8 of this instrument.	

**SCHEDULE B**

Recognised Auction Platforms Regulations 2011 (SI 2011/2699)
Undertakings for Collective Investment in Transferable Securities Regulations 2011 (SI 2011/1613)
Electronic Money Regulations 2011 (SI 2011/99)
Payment Services Regulations 2009 (SI 2009/209)
Regulated Covered Bonds Regulations 2008 (SI 2008/346)
Money Laundering Regulations 2007 (SI 2007/2157)
Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)
Financial Services and Markets Act 2000 (Financial Promotion) Order 2005 (SI 2005/1529)
Financial Services (Distance Marketing) Regulations 2004 (SI 2004/2095)
Financial Conglomerates and Other Financial Groups Regulations 2004 (SI 2004/1862)
Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order 2004 (SI 2004/454)
Financial Services and Markets Act 2000 (Communications by Actuaries) Regulations 2003 (SI 2003/1294)
Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)
Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967)
Financial Services and Markets Act 2000 (Communications by Auditors) Regulations 2001 (SI 2001/2587)
Financial Services and Markets Act 2000 (Transitional Provisions) (Reviews of Pensions Business) Order 2001 (SI 2001/2512)
Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI

2001/2256)
Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001 (SI 2001/1420)
Open- Ended Investment Companies Regulations 2001 (SI 2001/1228)
Financial Services and Markets Act 2000 (Recognition Requirements for Investment Exchanges and Clearing Houses) Regulations 2001 (SI 2001/995)
Unfair Terms in Consumer Contracts Regulations 1999 (SI 1999/2083)
Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999/1549)

**SCHEDULE C**

<b>Reference Number</b>	<b>Instrument title</b>	<b>Date made</b>
FOS2012/1	Fees Manual (Financial Ombudsman Service Case Fees 2012/13) Instrument 2012	22 March 2012
FOS2011/6	Dispute Resolution: Complaints (Amendment No 4) Instrument 2011	19 October 2011
FOS2011/5	Consumer Redress Schemes Instrument 2011	20 July 2011
FOS2011/4	Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) (No 2) Instrument 2011	22 June 2011
FOS2011/3	Dispute Resolution: Complaints (Amendment No 3) Instrument 2011	10 May 2011
FOS2011/2	Fees Manual (Financial Ombudsman Service Case Fees 2011/2012) Instrument 2011	16 March 2011
FOS2011/1	Electronic Money and Payment Services Instrument 2011	01 February 2011
FOS2010/2	Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) Instrument 2010	15 December 2010
FOS2010/1	Fees Manual (Financial Ombudsman Service Case Fees 2010/2011) Instrument 2010	10 March 2010
FOS2009/6	Dispute Resolution (Voluntary Jurisdiction and Sale and Rent Back Amendments) Instrument 2009	17 December 2009
FOS2009/5	Payment Services (Gibraltar-Based Firms) Instrument 2009	28 October 2009
FOS2009/4	Payment Services (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009	16 September 2009
FOS2009/3	Interim Permitted Regulated Sale And Rent Back Activities Instrument 2009	1 July 2009
FOS2009/2	Fees Manual (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009	13 March 2009
FOS2009/1	Payment Services Instrument 2009	13 March 2009
FOS2008/5	Handbook Administration (No 11) Instrument 2008	27 October 2008

FOS2008/4	Dispute Resolution: Complaints (Amendment No 2) Instrument 2008	10 September 2008
FOS2008/3	Dispute Resolution: Complaints (Simplification (No 2) and other Amendments)	5 March 2008
FOS2008/2	FEES Manual (Financial Ombudsman Service Case Fees 2008/09) Instrument 2008	5 March 2008
FOS2008/1	Dispute Resolution: Complaints sourcebook (Complaints Resolution Rules) (Amendment) Instrument 2008	1 February 2008
FOS2007/2	Dispute Resolution: Complaints (Simplification and MiFID) Instrument 2007	7 June 2007
FOS2007/1	Fees Manual (Financial Ombudsman Service Case Fees 2007/08) Instrument 2007	8 March 2007
FOS2006/3	Complaints Sourcebook and Fees Manual (Financial Ombudsman Service Consumer Credit Jurisdiction and Voluntary Jurisdiction) Instrument 2006	9 November 2006
FOS2006/2	Fees Manual (Financial Ombudsman Service Case Fees 2006/07) (No 2) Instrument 2006	8 June 2006
FOS2006/1	FEES Manual (Financial Ombudsman Service Case Fees 2006/07) Instrument 2006	23 March 2006
FOS2005/3	Fees Manual (Financial Ombudsman Service Fees) Instrument 2005	15 December 2005
FOS2005/2	Complaints Sourcebook (Financial Ombudsman Service Procedural Rules) Instrument 2005	15 September 2005
FOS2005/1	Complaints Sourcebook (Financial Ombudsman Service Case Fees 2005/2006) Instrument 2005	17 March 2005
	Complaints Sourcebook (Financial Ombudsman Service Voluntary Jurisdiction National Savings and Investments) Instrument 2004	9 September 2004
	Complaints Sourcebook (Financial Ombudsman Service Case Fees 2004/2005) Instrument 2004	20 March 2004
	Complaints Sourcebook (Financial Ombudsman Service Case Fees 2003/2004) Instrument 2003	20 March 2003
	Complaints Sourcebook (Financial Ombudsman Voluntary Jurisdiction Mortgage and Insurance	20 March 2003

	Intermediaries) Instrument 2003	
	Complaints Sourcebook (Financial Ombudsman Voluntary Jurisdiction EEA Activities) Instrument 2002	19 March 2002

## SCHEDULE D

For convenience (and without operative effect) this Schedule lists the Annexes referred to in paragraph 2 and paragraph 10 of this Instrument by the Module of the Handbook to which each Annex relates.

Handbook Module	Annex
Principles for Businesses (PRIN)	Annex 1
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex 2
The Fit and Proper test for Approved Persons (FIT)	Annex 3
Financial Stability and Market Confidence sourcebook (FINMAR)	Annex 4
Training and Competence sourcebook (TC)	Annex 5
Fees manual (FEES) <sup>3</sup>	Annex 6
General Prudential sourcebook (GENPRU)	Annex 7
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex 8
Prudential sourcebook for Insurers (INSPRU)	Annex 9
Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)	Annex 10
Prudential sourcebook for UCITS Firms (UPRU)	Annex 11
Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex 12
Interim Prudential sourcebook for Insurers (IPRU(INS))	Annex 13
Interim Prudential sourcebook for Investment Businesses (IPRU(INV))	Annex 14
Conduct of Business sourcebook (COBS)	Annex 15
Insurance: Conduct of Business sourcebook (ICOBS)	Annex 16
Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)	Annex 17
Banking: Conduct of Business sourcebook (BCOBS)	Annex 18
Client Assets sourcebook (CASS)	Annex 19

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<sup>3</sup> Designated in part. See paragraph 3 of this Instrument.

Market Conduct sourcebook (MAR)	Annex 20
Supervision manual (SUP)	Annex 21
Dispute Resolution: Complaints sourcebook (DISP) <sup>4</sup>	Annex 22
Consumer Redress Schemes sourcebook (CONRED)	Annex 23
Compensation sourcebook (COMP)	Annex 24
Building Societies sourcebook (BSOCS)	Annex 25
Collective Investment Schemes sourcebook (COLL)	Annex 26
Credit Unions New sourcebook (CREDS)	Annex 27
Professional Firms sourcebook (PROF)	Annex 28
Regulated Covered Bonds sourcebook (RCB)	Annex 29
Listing Rules sourcebook (LR)	Annex 30
Prospectus Rules sourcebook (PR)	Annex 31
Disclosure Rules and Transparency Rules sourcebook (DTR)	Annex 32
Energy Market Participants Guide (EMPS)	Annex 33
Oil Market Participants Guide (OMPS)	Annex 34
Service Companies Guide (SERV)	Annex 35
The Building Societies Regulatory Guide (BSOG)	Annex 36
The Collective Investment Scheme Information Guide (COLLG) <sup>5</sup>	Annex 37
Financial Crime: a guide for firms (FC)	Annex 38
The Perimeter Guidance Manual (PERG)	Annex 39
The Responsibilities of Providers and Distributors for the Fair Treatment of Customers Guide (RPPD)	Annex 40
The Unfair Contract Terms Regulatory Guide (UNFCOG)	Annex 41

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<sup>4</sup> Designated in part. See paragraph 3 of this Instrument.

<sup>5</sup> Not designated. See paragraph 3 of this Instrument.

Annex 1

Designation of the Principles for Business sourcebook (PRIN)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.2		G			X	
1.1.3		G				
1.1.4		G			X	
1.1.5		G			X	
1.1.6		G			X	
1.1.6A		G			X	
1.1.7		G			X	
1.1.8		G			X	
1.1.9		G			X	
1.1.10		G	X			
1.2.1		G			X	
1.2.2		G	X			
1.2.3		G	X			
1.2.4		G				X
1.2.5		G				X
1.2.6		G	X			
1 Annex 1	1.1	R	X			
	1.2		X			
2.1.1		R			X	
3.1.1		R			X	
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		G	X			
3.1.6		R			X	
3.1.7		G			X	
3.1.8		G	X			
3.2.1		R			X	
3.2.2		R	X			
3.2.3		R			X	
3.3.1		R			X	
3.3.2		G				
3.4.1		R	X			
3.4.2		R	X			
3.4.3		G	X			
3.4.4		R	X			
3.4.5		R			X	
4.1.1		G			X	

4.1.2		G			X	
4.1.3		G			X	
4.1.4		G			X	
4.1.5		G			X	
TP 1.1	1	R			X	
Sch 1	1.1	G			X	
Sch 2	2.1	G			X	
	2.2	G			X	
Sch 3	3.1	G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
	5.4	G	X			
Sch 6	6.1	G			X	

Annex 2

Designation of the Senior Management Arrangements, Systems and Controls  
sourcebook (SYSC)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1						X
1.1A.1		G			X	
1.2.1		G			X	
1.2.2						X
1.3						X
1.4.1		G			X	
1.4.1A		R			X	
1.4.1B		G			X	
1.4.2		R	X			
1 Annex 1	1.1	R			X	
	1.2	G			X	
	1.3	R			X	
	1.4	R	X			
	1.5	R	X			
	1.6	R			X	
	1.7	G			X	
	1.8	R			X	
	1.9	R		X		
	1.10	R		X		
	1.11	G			X	
	1.12	R	X			
	2.1	R			X	
	2.2	R			X	
	2.3	R	X			
	2.4	R	X			
	2.5	R	X			
	2.6	R			X	
	2.6A	R			X	
	2.7	G	X			
	2.7A	G	X			
	2.8	R			X	
	2.9	G			X	
	2.10	R	X			
	2.11	R	X			
	2.12	R	X			
	2.13	R			X	
	2.14	G			X	
	2.15	R			X	
	2.16	R			X	
	2.16A	R	X			

	2.16B	G	X			
	2.17	R			X	
	2.18	R			X	
	2.19	R	X			
	3.1	G			X	
	3.2	G			X	
	3.2A	G	X			
	3.3	G			X	
Table	4.1.1	R			X	
	4.1.2	R			X	
	4.1.2A	G			X	
	4.1.2B	R	X			
	4.1.2C	R	X			
	4.1.3	R			X	
	4.1.4	R			X	
	4.1.4A	G			X	
	4.1.5	R			X	
	4.1.6	R			X	
	4.1.7	R			X	
	4.1.8	G			X	
	4.1.9	G			X	
	4.1.10	R			X	
	4.1.10A	G			X	
	4.1.11	G			X	
	4.1.13	G			X	
	4.1.14	G			X	
	4.2.1	R			X	
	4.2.1A	G			X	
	4.2.2	R			X	
	4.2.3 - 4.2.5	G			X	
	4.2.6	R	*		X	
	4.3.1	R			X	
	4.3.2	R			X	
	4.3.2A	G			X	
	4.3.3	G			X	
	4.4.1	R			X	
	4.4.2	G			X	
	4.4.3	R			X	
	4.4.4	G			X	
	4.4.5	R			X	
	4.4.6	G			X	
Table	5.1.1	R			X	
	5.1.2	G			X	
	5.1.3	G			X	
	5.1.4	G	X			
	5.1.4A	G			X	
	5.1.5	G			X	
	5.1.5A	G			X	
	5.1.6	R			X	
	5.1.7	R			X	
	5.1.7A	G			X	

	5.1.8	G			X	
	5.1.9	G			X	
	5.1.10	G			X	
	5.1.11	G			X	
	5.1.12	R			X	
	5.1.12A	G			X	
	5.1.13	R			X	
	5.1.14	R			X	
	5.1.15	G			X	
Table	6.1.1	R			X	
	6.1.2	R			X	
	6.1.2A	G			X	
	6.1.3	R			X	
	6.1.3A	G			X	
	6.1.4	R			X	
	6.1.4-A	G			X	
	6.1.4A	R	X			
	6.1.5	R			X	
	6.1.6	G			X	
	6.2.1	R			X	
	6.2.1A	G			X	
	6.2.2	G			X	
	6.3.1	R	X			
	6.3.2	G	X			
	6.3.3	R	X			
	6.3.4	G	X			
	6.3.5	G	X			
	6.3.6	G	X			
	6.3.7	G	X			
	6.3.8	R	X			
	6.3.9	R	X			
	6.3.10	G	X			
Table	7.1.1	G			X	
	7.1.2	R			X	
	7.1.2A	G			X	
	7.1.2B	G	X			
	7.1.3	R			X	
	7.1.4	R			X	
	7.1.4A	G			X	
	7.1.4B	G			X	
	7.1.5	R			X	
	7.1.6	R			X	
	7.1.7	R			X	
	7.1.7A	G			X	
	7.1.7B	G			X	
	7.1.7C	G			X	
	7.1.8	G			X	
	7.1.9	R			X	
	7.1.10	R			X	
	7.1.11	R			X	
	7.1.12	R			X	

	7.1.13	R			X	
Table	8.1.1	R			X	
	8.1.1A	G			X	
	8.1.2	G			X	
	8.1.3	G			X	
	8.1.4	R			X	
	8.1.5	R			X	
	8.1.6	R			X	
	8.1.7	R			X	
	8.1.8	R			X	
	8.1.9	R			X	
	8.1.10	R			X	
	8.1.11	R			X	
	8.1.11A	G			X	
	8.1.12	G			X	
	8.1.13	R	X			
	8.1.14	G	X			
	8.2		X			
	8.3		X			
Table	9.1.1	R			X	
	9.1.2	R			X	
	9.1.3	R			X	
	9.1.4	G			X	
	9.1.5	G			X	
	9.1.6	G			X	
	9.1.7	G			X	
Table	10.1.1	R			X	
	10.1.2	R			X	
	10.1.3	R			X	
	10.1.4	R			X	
	10.1.4A	G			X	
	10.1.5	G			X	
	10.1.6	R			X	
	10.1.6A	G			X	
	10.1.7	R			X	
	10.1.8	R			X	
	10.1.8A	R			X	
	10.1.9	G			X	
	10.1.10	R			X	
	10.1.11	R			X	
	10.1.11A	R			X	
	10.1.12- 10.1.15	G			X	
	10.1.16	R	X			
	10.1.17	R	X			
	10.1.18	G	X			
	10.1.19	R	X			
	10.1.20	R	X			
	10.1.21	R	X			
	10.2.1	R	X			
	10.2.2	R	X			

	10.2.3	R	X			
	10.2.4	R	X			
	10.2.5	G	X			
2.1.1		R			X	
2.1.1A		G			X	
2.1.2		G			X	
2.1.3		R			X	
2.1.4		R			X	
2.1.5		G			X	
2.1.6		G			X	
2.2.1		R			X	
2.2.2		G			X	
2.2.3		G			X	
3.1.1		R			X	
3.1.1A		R				X
3.1.2		G			X	
3.1.2A		G			X	
3.1.3		G			X	
3.1.4		G	X			
3.1.5		G			X	
3.1.6		R			X	
3.1.7		R			X	
3.1.8		G	X			
3.1.9		G	X			
3.1.10		G			X	
3.2.1		G			X	
3.2.2		G			X	
3.2.3		G			X	
3.2.4		G			X	
3.2.5		G			X	
3.2.5A		R				X
3.2.5B		G				X
3.2.6		R	X			
3.2.6A		R	X			
3.2.6B		G	X			
3.2.6C		R	X			
3.2.6D		G	X			
3.2.6E		G	X			
3.2.6F		G	X			
3.2.6G		G	X			
3.2.6H		R	X			
3.2.6I		R	X			
3.2.6J		G	X			
3.2.6K		G	X			
3.2.7		G			X	
3.2.8		R	X			
3.2.9		G	X			
3.2.10		G			X	
3.2.11		G			X	
3.2.12		G			X	

3.2.13		G			X	
3.2.14		G			X	
3.2.15		G			X	
3.2.16		G			X	
3.2.17		G			X	
3.2.18		G			X	
3.2.19		G			X	
3.2.20		R			X	
3.2.21		G			X	
3.2.22		G			X	
3.2.23		R				X
3.2.24		R				X
3.2.25		R				X
3.2.26		R				X
3.2.27		R				X
3.2.28		R				X
3.2.29		R				X
3.2.30		R				X
3.2.31		R				X
3.2.32		R				X
3.2.33		R				X
3.2.34		R				X
3.2.35		R				X
3.2.36		R				X
4.1.1		R			X	
4.1.2		R			X	
4.1.2A		G			X	
4.1.2B		R	X			
4.1.2C		R	X			
4.1.3		R			X	
4.1.4		R			X	
4.1.4A		G			X	
4.1.5		R			X	
4.1.6		R			X	
4.1.7		R			X	
4.1.7A		G			X	
4.1.8		G			X	
4.1.9		R			X	
4.1.10		R			X	
4.1.10A		G			X	
4.1.11		G			X	
4.1.12		G				X
4.1.13		G			X	
4.1.14		G			X	
4.2.1		R			X	
4.2.1A		G			X	
4.2.2		R			X	
4.2.3		G			X	
4.2.4		G			X	
4.2.5		G			X	
4.2.6		R			X	

4.3.1		R			X	
4.3.2		R			X	
4.3.2A		G			X	
4.3.3		G			X	
4.3.4		G				X
4.4.1		R			X	
4.4.1A		R			X	
4.4.2		G			X	
4.4.3		R			X	
4.4.4		G			X	
4.4.5		R			X	
4.4.6		G			X	
5.1.1		R			X	
5.1.2		G			X	
5.1.3		G			X	
5.1.4		G	X			
5.1.4A		G			X	
5.1.5		G			X	
5.1.5A		G			X	
5.1.6		R			X	
5.1.7		R			X	
5.1.7A		G			X	
5.1.8		G			X	
5.1.9		G			X	
5.1.10		G			X	
5.1.11		G			X	
5.1.12		R			X	
5.1.12A		G			X	
5.1.13		R			X	
5.1.14		R			X	
5.1.15		G			X	
6.1.1		R			X	
6.1.1A		G	X			
6.1.2		R			X	
6.1.2A		G			X	
6.1.3		R			X	
6.1.3A		G			X	
6.1.4		R			X	
6.1.4-A		G			X	
6.1.4A		R	X			
6.1.5		R			X	
6.1.6		R			X	
6.1.7		R			X	
6.2.1		R			X	
6.2.1A		G			X	
6.2.2		G			X	
6.3.1		R	X			
6.3.2		G	X			
6.3.3		R	X			
6.3.4		G	X			
6.3.5		G	X			

6.3.6		G	X			
6.3.7		G	X			
6.3.8		R	X			
6.3.9		R	X			
6.3.10		G	X			
6.3.11		G	X			
7.1.1		G			X	
7.1.2		R			X	
7.1.2A		G			X	
7.1.2B		G	X			
7.1.3		R			X	
7.1.4		R			X	
7.1.4A		G			X	
7.1.4B		G			X	
7.1.5		R			X	
7.1.6		R			X	
7.1.7		R			X	
7.1.7A		G			X	
7.1.7B		G			X	
7.1.7C		G			X	
7.1.8		G			X	
7.1.9		R			X	
7.1.10		R			X	
7.1.11		R			X	
7.1.12		G			X	
7.1.13		R			X	
7.1.14		R			X	
7.1.15		R			X	
7.1.16		R			X	
7.1.16A		G			X	
7.1.16B		G			X	
8.1.1		R			X	
8.1.1A		G			X	
8.1.2		G			X	
8.1.3		G			X	
8.1.4		R			X	
8.1.5		R			X	
8.1.5A		G			X	
8.1.6		R			X	
8.1.7		R			X	
8.1.8		R			X	
8.1.9		R			X	
8.1.10		R			X	
8.1.11		R			X	
8.1.11A		G			X	
8.1.12		G			X	
8.1.13		R	X			
8.1.14		G	X			
8.2.1		R	X			
8.2.2		n/a	X			
8.2.3		G	X			

8.2.4		G	X			
8.2.5		G	X			
8.2.6		G	X			
8.2.7		G	X			
8.2.8		G	X			
8.2.9		G	X			
8.3.1		G	X			
8.3.2		G	X			
8.3.3		G	X			
8.3.4		G	X			
8.3.5		G	X			
8.3.6		G	X			
8.3.7		G	X			
9.1.-1		R				X
9.1.-2		R				X
9.1.1		R			X	
9.1.2		R			X	
9.1.3		R			X	
9.1.4		G			X	
9.1.5		G			X	
9.1.6		G			X	
9.1.7		G			X	
10.1.1		R			X	
10.1.2		G			X	
10.1.3		R			X	
10.1.4		R			X	
10.1.4A		G			X	
10.1.5		G			X	
10.1.6		R			X	
10.1.6A		G			X	
10.1.7		R			X	
10.1.8		R			X	
10.1.8A		R			X	
10.1.9		G			X	
10.1.10		R			X	
10.1.11		R			X	
10.1.11A		G			X	
10.1.12		G			X	
10.1.13		G	X			
10.1.14		G	X			
10.1.15		G	X			
10.1.16		R	X			
10.1.17		R	X			
10.1.18		G	X			
10.1.19		R	X			
10.1.20		R	X			
10.1.21		R	X			
10.2.1		R			X	
10.2.2		R			X	
10.2.3		G			X	
10.2.4		R			X	

10.2.5		G			X	
11.1.1		R		X		
11.1.2		R				X
11.1.3		R				X
11.1.4		R				X
11.1.5		G				X
11.1.6		R		X		
11.1.7		G		X		
11.1.8		G		X		
11.1.9		G		X		
11.1.10		G				X
11.1.11		R				X
11.1.12		R				X
11.1.13		G		X		
11.1.14		G				X
11.1.15		G				X
11.1.16		G				X
11.1.17		G		X		
11.1.18		G		X		
11.1.19		G		X		
11.1.20		G		X		
11.1.21		E		X		
11.1.22		G		X		
11.1.23		G		X		
11.1.24		E		X		
11.1.25		G		X		
11.1.26		G				X
11.1.27		G				X
11.1.28		G				X
11.1.29		G				X
11.1.30		G				X
11.1.31		G				X
11.1.32		G				X
12.1.1		R			X	
12.1.2		R			X	
12.1.3		R			X	
12.1.4		R			X	
12.1.5		G			X	
12.1.6		G			X	
12.1.7		G			X	
12.1.8		R			X	
12.1.9		G			X	
12.1.10		R			X	
12.1.11		R			X	
12.1.12		R			X	
12.1.13		R			X	
12.1.14		R			X	
12.1.15		R			X	
12.1.16		R		X		
12.1.17		G		X		
12.1.18		G			X	

12.1.19		G			X	
12.1.20		G			X	
12.1.21		G			X	
12.1.22		G			X	
13.1.1		G			X	
13.1.2		G			X	
13.1.3		G			X	
13.1.4		G			X	
13.2.1		G			X	
13.2.2		G			X	
13.2.3		G			X	
13.2.4		G			X	
13.3.1		G			X	
13.4.1		G			X	
13.4.2		G			X	
13.5.1		G			X	
13.6.1		G			X	
13.6.2		G			X	
13.6.3		G			X	
13.6.4		G			X	
13.7.1		G			X	
13.7.2		G			X	
13.7.3		G			X	
13.7.4		G			X	
13.7.5		G			X	
13.7.6		G			X	
13.7.7		G			X	
13.7.8		G			X	
13.7.9		G			X	
13.8.1		G			X	
13.8.2		G			X	
13.8.3		G			X	
13.8.4		G			X	
13.8.5		G			X	
13.8.6		G			X	
13.8.7		G			X	
13.8.8		G			X	
13.9.1		G			X	
13.9.2		G			X	
13.9.3		G			X	
13.9.4		G			X	
13.9.5		G			X	
13.9.6		G			X	
13.9.7		G			X	
13.9.8		G			X	
13.10.1		G			X	
13.10.2		G			X	
14.1.1		R			X	
14.1.2		R			X	
14.1.2A		R			X	
14.1.3		G		X		

14.1.4		G		X		
14.1.5		G		X		
14.1.6		G		X		
14.1.7		G		X		
14.1.8		G		X		
14.1.9		G		X		
14.1.10		G		X		
14.1.11		G		X		
14.1.12		G		X		
14.1.13		G		X		
14.1.14		G		X		
14.1.15		G		X		
14.1.16		G		X		
14.1.17		G		X		
14.1.18		R		X		
14.1.19		R		X		
14.1.20		G		X		
14.1.21		G		X		
14.1.22		G		X		
14.1.23		G		X		
14.1.24		G		X		
14.1.25		G		X		
14.1.26		G		X		
14.1.27		R			X	
14.1.28		G			X	
14.1.29		G			X	
14.1.30		G		X		
14.1.31		G		X		
14.1.32		G		X		
14.1.33		G		X		
14.1.34		G		X		
14.1.35		G		X		
14.1.36		G		X		
14.1.37		G		X		
14.1.38		G		X		
14.1.39		G		X		
14.1.40		G		X		
14.1.41		G		X		
14.1.42		G		X		
14.1.43		G		X		
14.1.44		G		X		
14.1.45		G		X		
14.1.46		G		X		
14.1.47		G		X		
14.1.48		G		X		
14.1.49		G		X		
14.1.50		G		X		
14.1.51		G		X		
14.1.52		G		X		
14.1.53		R		X		
14.1.54		G		X		

14.1.55		G		X		
14.1.56		G		X		
14.1.57		G		X		
14.1.58		G		X		
14.1.59		G		X		
14.1.60		R		X		
14.1.61		R		X		
14.1.62		G		X		
14.1.63		G		X		
14.1.64		G		X		
14.1.65		G		X		
15.1.1		G		X		
15.1.2		G		X		
15.1.2A		G		X		
15.1.3		G		X		
15.1.4		G		X		
15.1.5		G		X		
15.1.6		G		X		
15.1.7		G		X		
15.1.8		G		X		
15.1.9		G		X		
15.1.10		G		X		
15.1.11		G		X		
15.1.12		G		X		
15.1.13		G		X		
15.1.14		G		X		
15.1.15		G		X		
15.1.16		G		X		
15.1.17		G		X		
15.1.18		G		X		
15.1.19		G		X		
15.1.20		G		X		
15.1.21		G		X		
15.1.22		G		X		
15.1.23		G		X		
15.1.24		G		X		
15.1.25		G		X		
15.1.26		G		X		
15.1.27		G		X		
15.1.28		G		X		
15.1.29		G		X		
15.1.30		G		X		
15.1.31		G		X		
15.1.32		G		X		
15.1.33		G		X		
15.1.34		G		X		
15.1.35		G		X		
15.1.36		G		X		
15.1.37		G		X		
16.1.1		G		X		
16.1.2		G		X		

16.1.2A		G		X		
16.1.3		G		X		
16.1.4		G		X		
16.1.5		G		X		
16.1.6		G		X		
16.1.7		G		X		
16.1.8		G		X		
16.1.9		G		X		
16.1.10		G		X		
16.1.11		G		X		
16.1.12		G		X		
16.1.13		G		X		
16.1.14		G		X		
16.1.15		G		X		
16.1.16		G		X		
16.1.17		G		X		
16.1.18		G		X		
16.1.19		G		X		
16.1.20		G		X		
17.1.1		G		X		
17.1.2		G		X		
17.1.2A		G		X		
17.1.3		G		X		
17.1.4		G		X		
17.1.5		G		X		
17.1.6		G		X		
17.1.7		G		X		
17.1.8		G		X		
17.1.9		G		X		
17.1.10		G		X		
17.1.11		G		X		
17.1.12		G		X		
17.1.13		G		X		
17.1.14		G		X		
17.1.15		G		X		
17.1.16		G		X		
17.1.17		G		X		
17.1.18		G		X		
17.1.19		G		X		
17.1.20		G		X		
17.1.21		G		X		
17.1.22		G		X		
17.1.23		G		X		
17.1.24		G		X		
17.1.25		G		X		
17.1.26		G		X		
17.1.27		G		X		
17.1.28		G		X		
17.1.29		G		X		
17.1.30		G		X		
17.1.31		G		X		

17.1.32		G		X		
17.1.33		G		X		
17.1.34		G		X		
17.1.34A		G		X		
17.1.35		G		X		
17.1.36		G		X		
17.1.37		G		X		
17.1.38		G		X		
17.1.39		G		X		
18.1.1		G	X			
18.1.2		G	X			
18.1.3		G	X			
18.2.1		G	X			
18.2.2		G	X			
18.2.3		G	X			
19A.1.1		R			X	
19A.1.2		G			X	
19A.1.3		R			X	
19A.1.4		G			X	
19A.1.5		R			X	
19A.1.6		G			X	
19A.1.7		G			X	
19A.1.8		G	X			
19A.2.1		R			X	
19A.2.2		G			X	
19A.2.3		G			X	
19A.2.4		G			X	
19A.2.5		R			X	
19A.2.6		G			X	
19A.3.1		R			X	
19A.3.2		G			X	
19A.3.3		R			X	
19A.3.4		R			X	
19A.3.5		R			X	
19A.3.6		G			X	
19A.3.7		R			X	
19A.3.8		R			X	
19A.3.9		R			X	
19A.3.10		R			X	
19A.3.11		R			X	
19A.3.12		R			X	
19A.3.13		G			X	
19A.3.14		R			X	
19A.3.15		E			X	
19A.3.16		R			X	
19A.3.17		G			X	
19A.3.18		R			X	
19A.3.19		G			X	
19A.3.20		R			X	
19A.3.21		G			X	
19A.3.22		R			X	

19A.3.23		G			X	
19A.3.24		G			X	
19A.3.25		R			X	
19A.3.26		G			X	
19A.3.27		R			X	
19A.3.28		G			X	
19A.3.29		R			X	
19A.3.30		R			X	
19A.3.31		G			X	
19A.3.32		R			X	
19A.3.33		G			X	
19A.3.34		G			X	
19A.3.35		R			X	
19A.3.36		R			X	
19A.3.37		G			X	
19A.3.38		R			X	
19A.3.39		G			X	
19A.3.40		R			X	
19A.3.41		E			X	
19A.3.42		G			X	
19A.3.43		G			X	
19A.3.44		R			X	
19A.3.45		R			X	
19A.3.46		G			X	
19A.3.47		R			X	
19A.3.48		G			X	
19A.3.49		R			X	
19A.3.50		G			X	
19A.3.51		R			X	
19A.3.52		E			X	
19A.3.53		G			X	
19A.3.53A		R			X	
19A.3.54		R			X	
19A.3.55		G			X	
19A Annex 1	1	R			X	
19A Annex 1	1A	R			X	
19A Annex 1	2	R			X	
19A Annex 1	3	G			X	
19A Annex 1	3A	R			X	
19A Annex 1	4	R			X	
19A Annex 1	5	R			X	
19A Annex 1	5A	R			X	
19A Annex 1	6	G			X	
19A Annex 1	7	R			X	

1						
19A Annex 1	8	G			X	
20.1.1		R			X	
20.1.2		G			X	
20.1.3		G			X	
20.1.4		G			X	
20.2.1		R			X	
20.2.2		R			X	
20.2.3		R			X	
20.2.4		G			X	
20.2.5		G			X	
20.2.6		G			X	
20.2.7		G			X	
21.1.1		G			X	
21.1.2		G			X	
21.1.3		G			X	
21.1.4		G			X	
21.1.5		G			X	
21.1.6		G			X	
App 1						
TP 1	1.1	R				X
	1.2	R				X
	1.3	G				X
	1.4	G				X
	1.5	R				X
	1.6	R				X
	1.7	R				X
	1.8	G				X
	1.9	G				X
	1.10	R				X
TP 2	2.1	R			X	
TP 3	1	R				X
	2	R				X
	3	R				X
	4	G				X
	5	G				X
	6	R			X	
	6A	R			X	
	6B	G			X	
	7	G				X
TP 4	1	R				X
Sch 1	1.1	G			X	
	1.2	G			X	
	SYSC 2.2.1 R				X	
	SYSC 3.2.20 R				X	
	SYSC 9.1.1 R				X	
	SYSC 10.1.6 R				X	
	SYSC 14.1.53 R				X	

Sch 2	2.1	G			X	
Sch 3	3.1	G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
	5.4	G	X			
	SYSC 2 and SYSC 3		X			
	SYSC 4 to SYSC 10		X			
	SYSC 11 to SYSC 19A		X			
Sch 6	6.1	G			X	

Annex 3

Designation of the Fit and Proper test for Approved Persons sourcebook (FIT)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G			X	
1.1.2		G			X	
1.2.1		G			X	
1.2.2		G				X
1.2.3		G			X	
1.2.4		G			X	
1.2.4A		G			X	
1.3.1		G			X	
1.3.2		G			X	
1.3.3		G			X	
1.3.4		G			X	
1.3.5		G			X	
2.1.1		G			X	
2.1.2		G			X	
2.1.3		G			X	
2.2.1		G			X	
2.2.2		G			X	
2.2.3		G			X	
2.3.1		G			X	
2.3.2		G			X	
TP 1	1.1					
Sch 1	1.1				X	
Sch 2	2.1				X	
Sch 3	3.1				X	
Sch 4	4.1	G				X
Sch 5	5.1		X			
Sch 6	6.1				X	

**Annex 4**

**Designation of the Financial Stability and Market Confidence sourcebook (FINMAR)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		G		X		
1.1.2		G		X		
1.1.3		G		X		
1.1.4		G		X		
1.1.5		UK		X		
1.1.6		G		X		
1.2.1		G		X		
1.2.2		G		X		
1.2.3		G		X		
1.2.4		G		X		
1.2.5		G		X		
1.2.6		G		X		
1.2.7		G		X		
1.2.8		G		X		
1.2.9		G		X		
1.2.10		G		X		
1.3.1		G		X		
1.3.2		G		X		
1.3.3		G		X		
1.3.4		G		X		
1.3.5		G		X		

1.4.1		G		X		
1.4.2		G		X		
1.4.3		G		X		
1.5.1		G		X		
1.5.2		G		X		
1.5.3		G		X		
1.5.4		G		X		
1.5.5		G		X		
1.5.6		G		X		
1.5.7		G		X		
2.1.1		R				X
2.1.1A		G	X			
2.1.2		G	X			
2.2.1		R				X
2.2.2		G				X
2.2.3		R				X
2.2.4		G				X
2.3.1		G				X
2.3.2		R				X
2.3.3		R				X
2.3.4		R				X
2.3.5		R				X
2.3.6		R				X
2.3.7		R				X
2.3.8		G				X

2.4.1		R				X
2.4.2		G				X
2.4.3		R				X
2.4.4		R				X
2.4.5		R				X
2.4.6		G				X
2.4.7		R				X
2.4.8		R				X
2.4.9		G				X
2.5.1		G	X			
2.5.2		G	X			
2.5.3		G	X			
2.5.4		G	X			
2.5.5		G	X			
2.5.6		G	X			
2.5.7		G	X			
2.6.1		G	X			
2.6.2		G	X			
2.6.3		G	X			
2	Annex 1	G	X			
3.1.1		G				X
3.1.2		G				X
3.2.1		G				X
3.2.2		G				X
3.2.3		G				X

3.2.4		G				X
3.2.5		G				X
3.2.6		G				X
3.2.7		G				X
3.2.8		G				X
3.2.9		G				X
Sch 1	1.1	G			X	
Sch 2	2.1	G			X	
Sch 3	3.1	G			X	
Sch 4	4.1	G				X
Sch 5	5.1	G	X			
Sch 6	6.1	G		X		

**Annex 5**

**Designation of the Training and Competence sourcebook (TC)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		R	X			
1.1.2		R	X			
1.1.2A						X
1.1.3		G	X			
1.1.4		G	X			
1.2.1		R	X			
2.1.1		R	X			
2.1.2		R	X			
2.1.3		G	X			
2.1.4		G	X			
2.1.5		R	X			
2.1.6		R	X			
2.1.7		R	X			
2.1.8		G				X
2.1.8A		R	X			
2.1.9		R	X			
2.1.10		E	X			
2.1.10A		G	X			
2.1.10B		G	X			
2.1.11		G	X			

2.1.12		R	X			
2.1.13		G	X			
2.1.14		G	X			
2.1.15		R	X			
2.1.16		G	X			
2.1.17		R	X			
2.1.18		G	X			
2.1.19		G	X			
2.1.20		G	X			
2.1.21		G	X			
2.1.22		G	X			
2.1.23		G	X			
2.1.24		R	X			
2.1.25		R	X			
2.1.26		R	X			
2.1.27		R	X			
2.1.28		R	X			
2.1.29		G	X			
2.1.30		G	X			
2.1.31		R	X			
2.1.32		G	X			
2.1.33		G	X			
2.2A.1		R	X			
2.2A.2		R	X			
2.2A.3		R	X			

2.2A.4		G	X			
2.2A.5		G	X			
2.2A.6		R	X			
2.2B.1		R	X			
2.2B.2		G	X			
2.2B.3		R	X			
2.2B.4		R	X			
2.2B.5		R	X			
2.2B.6		R	X			
2.2B.7		R	X			
3.1.1		R	X			
App 1.1.1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			
	13A		X			

	13B		X			
	14		X			
	15		X			
	16		X			
	17		X			
	18		X			
	19		X			
	20		X			
	20A	R	X			
	21		X			
	21A	R	X			
	21B	R	X			
	22		X			
	23		X			
	24		X			
	25		X			
	26		X			
App 2.1.1		R	X			
App 3.1.1		R	X			
App 4.1.1		E	X			
App 5.1.1	1	G	X			
	2		X			
	3		X			
	4		X			
	5		X			

App 6.1.1	1	G	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			
	14		X			
	15		X			
	16		X			
	17		X			
	18		X			
	19		X			
	20		X			
	21		X			
App 7.1.1		G	X			
App 8.1.1		R	X			
TP 1	1.1	R	X			
	1.2	R	X			

TP 2	2.1	R	X			
	2.2	R	X			
	2.3	G	X			
TP 3	3.1	R	X			
	3.2	R	X			
TP 4	4.1	R	X			
	4.2	R	X			
	4.3	R	X			
TP 5	5.1	R	X			
	5.2	R	X			
	5.3	R	X			
TP 6	6.1	G	X			
TP 7	7.1	R	X			
TP 8	8.1	R	X			
	8.2	R	X			
Sch 1	-1.1	G	X			
	1.1	G	X			
Sch 2	2.1	G	X			
	TC 2.1.31 R		X			
	TC 2.2B.3 R		X			
Sch 3	3.1	G	X			
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			

	5.3	G	X			
	5.4	G	X			
Sch 6	6.1	G	X			

**Annex 6**

**Designation of the Fees Manual sourcebook (FEES)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		G			X	
1.1.1A		G	X			
1.1.2		R			X	
	(1)				X	
	(2)					
	(a)				X	
	(b)		X			
	(c)		X			
	(d)		X			
	(e)		X			
	(f)		X			
	(g)		X			
	(h)		X			
	(i)		X			
	(j)		X			
	(k)		X			
	(3)					
	(a)		X			
	(b)		X			
	(4)					

	(a)				X	
	(b)				X	
	(c)				X	
	(5)					
	(a)		X			
	(b)		X			
	(c)		X			
	(d)		X			
	(e)		X			
	(f)		X			
1.1.3		G	X			
1.1.4		G			X	
2.1.1		R			X	
2.1.1A		R	X			
2.1.2		R			X	
2.1.3		G			X	
2.1.4		G			X	
2.1.5		G			X	
2.1.5A		G	X			
2.1.6		G			X	
2.1.7		G			X	
2.1.8		G			X	
2.1.9		G			X	
2.1.10		G			X	
2.1.11		G	X			

2.2.1		R			X	
2.2.2		G			X	
2.2.3		G			X	
2.2.4		G			X	
2.3.1		R			X	
2.3.2		R			X	
2.3.2A		G			X	
2.3.2B		R			X	
2.3.3		G				X
2.4.1		R			X	
3.1.1		R			X	
3.1.1A		R	X			
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		G			X	
3.1.6		G			X	
3.1.6A		G	X			
3.1.6B		G	X			
3.1.7		G			X	
3.1.8		G			X	
3.2.1		R			X	
3.2.2		G			X	
3.2.3		R			X	
3.2.4		G	X			

3.2.5		G			X	
3.2.6		G			X	
3.2.7		R			X	
	(a)				X	
	(b)				X	
	(c)		X			
	(d) to (n)		X			
	(o)(i) &(ii)				X	
	(p) (1)				X	
	(p) (2)		X			
	(p) (3)			X		
	(p) (4)				X	
	(q) & (r)		X			
	(s)			X		
	(t) to (zd)		X			
	(ze)				X	
	(zf)			X		
	(zg) to (zl)		X			
	(zm) to (zn)		X			
	(zo)		X			
3 Annex 1	Part 1	R			X	
	Part 2				X	
	Part 4				X	
	Part 5				X	
	Part 6				X	

	Part 7		X			
3 Annex 2	Part 1	R	X			
	Part 2		X			
	Part 3		X			
3 Annex 3	Part 1	R	X			
	Part 2		X			
3 Annex 4	Part 1	R	X			
	Part 2		X			
	Part 3		X			
3 Annex 5	Part 1	R	X			
	Part 2		X			
3 Annex 6	Part 1	R			X	
	Part 2				X	
3 Annex 7		R	X			
3 Annex 8		R	X			
3 Annex 9	(1)	R			X	
	(2)	R			X	
	(3)	R			X	
	(4)	R			X	
	(5)	R			X	
	(6)	R			X	
	(7)	R			X	
	(8)	R			X	
	(9)	R			X	
	(10)	R			X	

	(11)	R			X	
	(12)	G			X	
	(13)	G			X	
	(14)	G			X	
3 Annex 10		R			X	
3 Annex 11		G			X	
4.1.1		R			X	
4.1.1A		R	X			
4.1.2		G			X	
4.1.3		G			X	
4.1.4		G	X			
4.1.5		G			X	
4.1.6		G			X	
4.1.7		G			X	
4.2.1		R			X	
4.2.2		G			X	
4.2.3		G			X	
4.2.4		R			X	
4.2.5		G	X			
4.2.6		R			X	
4.2.7		R			X	
4.2.7A		G			X	
4.2.7B		R			X	
4.2.7C		G			X	
4.2.8		R			X	

4.2.9		G			X	
4.2.10		R			X	
4.2.11		R			X	
4.3.1		R			X	
4.3.2		G			X	
4.3.3		R			X	
4.3.3A		R	X			
4.3.4		G			X	
4.3.5		R			X	
4.3.6		R			X	
	(1) & (2)				X	
	(3)				X	
	(4)				X	
	(4A)		X			
	(5)			X		
	(6)		X			
4.3.7		R			X	
4.3.8		G			X	
4.3.9		G			X	
4.3.10		G			X	
4.3.11		G			X	
4.3.12		R			X	
4.3.12A		R	X			
4.3.13		R			X	
4.3.14		G			X	

4.3.15		R			X	
4.3.16		R				
4.4.1		R			X	
4.4.2		R			X	
4.4.3		R			X	
4.4.4		G			X	
4.4.5		R			X	
4.4.6		R	X			
4.4.7		D	X			
4.4.8		D	X			
4.4.9		D	X		X	
4 Annex 1	Part 1	R			X	
	Part 2				X	
	Part 3				X	
4 Annex 2	Part 1	R			X	
	Part 1A				X	
	Part 2				X	
	Part 3				X	
	Part 4				X	
	Part 5				X	
4 Annex 4		R	X			
4 Annex 5		R	X			
4 Annex 6	Part 1	R	X			
	Part 2		X			
4 Annex 7		R	X			

4 Annex 8		R	X			
4 Annex 9		R	X			
4 Annex 10		R	X			
4 Annex 11	Part 1	R	X			
	Part 1A		X			
	Part 1B		X			
	Part 2		X			
	Part 2A		X			
	Part 3		X			
	Part 4		X			
	Part 5		X			
	Part 6		X			
	Part 7		X			
4 Annex 11A		R	X			
4 Annex 12		G			X	
5.1.1		R	X			
5.1.1-A		G	X			
5.1.1A		R	X			
5.1.1B		R	X			
5.1.2		G	X			
5.1.2A		G	X			
5.1.3		G				X
5.1.3A		G				X
5.1.4		R	X			
5.1.4A		R	X			

5.1.5		R	X			
5.1.6		R				X
5.1.6A		G	X			
5.1.7		G	X			
5.1.8		G	X			
5.2.1		G	X			
5.2.2		G	X			
5.2.2A		G	X			
5.2.2B		G	X			
5.2.3		G	X			
5.2.3A		G	X			
5.2.4		G	X			
5.2.5		G	X			
5.2.6		G	X			
5.2.7		G	X			
5.3.1		G	X			
5.3.2		G	X			
5.3.3		G	X			
5.3.4		G	X			
5.3.5		G	X			
5.3.6		R	X			
5.3.7		G	X			
5.3.8		R	X			
5.3.9		R	X			
5.3.10		R	X			

5.4.1		R	X			
5.4.1A		D	X			
5.4.2		G	X			
5.4.3		G	X			
5.4.4		G	X			
5.5						X
5.5A.1		R	X			
5.5A.2		G	X			
5.5A.3		R	X			
5.5A.4		G	X			
5.5A.5		R	X			
5.5A.6		R	X			
5.5A.7		R	X			
5.5A.8		G	X			
5.5A.9		G	X			
5.5A.10		R	X			
5.5A.11		R	X			
5.5A.12		G	X			
5.5A.13		R	X			
5.5A.14		R	X			
5.5A.15		R	X			
5.5A.16		R	X			
5.5A.17		R	X			
5.5A.18		R	X			
5.5A.19		G	X			

5.5A.20		R	X			
5.5A.21		R	X			
5.5A.22		R	X			
5.5A.23		G	X			
5.5A.24		R	X			
5.5A.25		G	X			
5.5A.26		R	X			
5.5A.27		R	X			
5.5A.28		R	X			
5.5A.29		R	X			
5.5A.30		R	X			
5.5A.31		R	X			
5.5A.32		R	X			
5.5A.33		G	X			
5.5A.34		G	X			
5.5A.35		R	X			
5.5A.36		G	X			
5.5A.37		R	X			
5.6.1		G				X
5.6.2		G				X
5.6.3		G				X
5.6.4		G				X
5.6.5		R				X
5.6.6		R				X
5.6.7		G				X

5.7.1		R	X			
5.7.2		R				X
5.7.2A		R				X
5.7.3		R				X
5.7.4		R	X			
5.8.1		R	X			
5.8.2		R	X			
5.8.3		G	X			
5.9.1		R				X
5.9.1A		R				X
5.9.2		G				X
5.9.3		G				X
5 Annex 1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			

	14		X			
	15		X			
	16		X			
	17		X			
	18		X			
5 Annex 2	1V	R	X			
	2V		X			
	3V		X			
	6V		X			
	7V		X			
	8V		X			
	9V		X			
	10V		X			
	12V		X			
5 Annex 3		R	X			
6.1.1		R			X	
6.1.2		G			X	
6.1.3		G			X	
6.1.4		G			X	
6.1.4A		G			X	
6.1.5		G			X	
6.1.6		G			X	
6.1.6A		G			X	
6.1.7		G			X	
6.1.8		G			X	

6.1.9		G			X	
6.1.10		G			X	
6.1.11		G			X	
6.1.12		G				X
6.1.13		G			X	
6.1.14		G			X	
6.1.15		G			X	
6.1.16		G			X	
6.1.16A		G				X
6.1.17		G			X	
6.2.1		R			X	
6.2.2		R	X			
6.2.3		G	X			
6.2.4		R			X	
6.2.5		G			X	
6.2.6		R			X	
6.2.7		G			X	
6.2.8		R			X	
6.3.1		R			X	
6.3.2		G			X	
6.3.2A		G			X	
6.3.3		G			X	
6.3.4		G			X	
6.3.4A		R			X	
6.3.5		R			X	

6.3.6		R				X
6.3.7		R				X
6.3.8		R				X
6.3.9		R				X
6.3.10		R			X	
6.3.11		R			X	
6.3.12		R			X	
6.3.13		R			X	
6.3.14		R			X	
6.3.15		R				X
6.3.15A		G				X
6.3.16		G				X
6.3.17		R			X	
6.3.18		G			X	
6.3.19		R			X	
6.3.20		R			X	
6.3.20A		G			X	
6.3.21		R			X	
6.3.22		R			X	
6.3.22A		R			X	
6.3.22B		G			X	
6.3.22C		R			X	
6.3.23		R			X	
6.3.24		R		X		
6.4.1		R			X	

6.4.2		R			X	
6.4.3		R			X	
6.4.4		R			X	
6.4.5		R			X	
6.4.5A		G			X	
6.4.6		R			X	
6.4.7		R			X	
6.4.8		R			X	
6.4.9		G				X
6.4.10		G			X	
6.4.10A		R			X	
6.4.10B		G			X	
6.4.11		R				x
6.4.12		R				x
6.4A.1		R			X	
6.4A.2		R			X	
6.4A.3		R			X	
6.5.1		R				X
6.5.2		R			X	
6.5.2A		G			X	
6.5.2B		G				X
6.5.2C		G				X
6.5.3		R			X	
6.5.4		R			X	
6.5.5		R			X	

6.5.6		R			X	
6.5.7		R			X	
6.5.8		G			X	
6.5.9		R			X	
6.5.9A		R			X	
6.5.9B		G			X	
6.5.10		R				X
6.5.11		R				X
6.5.12		G			X	
6.5.13		R			X	
6.5.13A		G			X	
6.5.14		R			X	
6.5.15		R		X		
6.5.16		R			X	
6.5.17		R				X
6.5A		R	X			
6.6.1		R			X	
6.7.1		R			X	
6.7.2		G			X	
6.7.3		R			X	
6.7.4		R			X	
6.7.5		R			X	
6.7.6		R			X	
6 Annex 1		R			X	
6 Annex 2		R			X	

6 Annex 3	Class A	R		X		
	Class B				X	
	Class C				X	
	Class D		X			
	Class E		X			
	Notes				X	
6 Annex 4	-1.1	G	X			
	1.1	G	X			
	1.2	G	X			
	1.3	G	X			
	2.1	G	X			
	2.2	G	X			
	3.1	G	X			
	4.1	G	X			
	4.2	G	X			
	4.3	G	X			
	4.4	G	X			
	4.5	G	X			
	4.6	G	X			
	5.1	G		X		
	5.2	G		X		
7.1.1		R	X			
7.1.2		G	X			
7.1.3		G	X			
7.1.4		G	X			

7.1.5		G	X			
7.1.6		G	X			
7.1.7		G	X			
7.1.8		G	X			
7.1.9		G	X			
7.1.10		G	X			
7.1.11		G	X			
7.2.1		R	X			
7.2.1A		R	X			
7.2.2		R	X			
7.2.3		R	X			
7.2.4		R	X			
7.2.5		R	X			
7.2.6		R	X			
7.2.7		G	X			
7.2.8		R	X			
7.2.9		R	X			
7.2.9A		D	X			
7.2.10		G	X			
7.2.11		G	X			
7.2.12		G	X			
7 Annex 1	Part 1	R	X			
	Part 2	R	X			
App	1		X			
	2	R				X

	3	R				X
	4	R				X
	5					X
	6					
	7	R	X			
TP 2	2.1.1	R			X	
	2.1.2	R			X	
	2.1.3	G			X	
	2.1.4	G			X	
	2.1.5	G			X	
	2.1.6	R			X	
	2.1.7	R			X	
	2.1.8	R			X	
	2.1.9	R			X	
	2.1.10	R			X	
	2.1.11	R			X	
	2.1.12	R			X	
	2.1.13	R			X	
	2.1.14	R			X	
	2.1.15	R			X	
	2.1.16	R			X	
	2.1.17	R			X	
	2.1.18	R			X	
	2.1.19	R			X	
	2.1.20	G			X	

	2.2.1	R	X			
	2.2.2	R	X			
	2.2.3	R	X			
	2.2.4	R	X			
	2.2.4A	G	X			
	2.2.5	R	X			
	2.2.6	R	X			
	2.2.7	R	X			
	2.3.1	R			X	
	2.3.2	R			X	
	2.3.3	R			X	
	2.4.1	R			X	
	2.4.2	R			X	
	2.5.1	R			X	
	2.5.2	R			X	
	2.5.3	R			X	
	2.5.4	G			X	
	2.6.1	G			X	
	2.7.1	R			X	
	2.8.1	R			X	
	2.8.2	G	X			
TP 3	3.1.1	R			X	
	3.2.1	R		X		
	3.2.2	R		X		
	3.2.3	R		X		

	3.3.1	R	X			
	3.3.2	R	X			
	3.3.3	R	X			
TP 4	4.1.1	R			X	
	4.1.2	R			X	
	4.1.3	R			X	
TP 5	5.1.1	R			X	
	5.1.2	R			X	
	5.1.3	G			X	
TP 6	6.1.1	G	X			
	6.2.1	G	X			
	6.2.2	G	X			
	6.2.3	G	X			
	6.3.1	G	X			
	6.3.2	G	X			
	6.3.3	R	X			
	6.3.4	R	X			
	6.3.5	R	X			
	6.3.6	G	X			
	6.3.7	R	X			
	6.3.8	G	X			
	6.3.9	R	X			
	6.4.1	R	X			
	6.5.1	R	X			
TP 7					X	

Sch 1					X	
Sch 2					X	
Sch 3					X	
Sch 4	4.1	G				x
	4.2	G				x
	4.3	G				x
	4.4	G				x
	4.5	G				x
Sch 5		n/a			X	
Sch 6		G			X	
5.5A.23AR		R	X			
5.5A.23BR		R	X			
5.5A.25AR		R	X			
5 Annex 3R		R	X			

**Annex 7**

**Designation of the General Prudential sourcebook (GENPRU)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		G			X	
1.1.2		G			X	
1.1.3		R			X	
1.2.1		R			X	
1.2.2		R				X
1.2.2A		R			X	
1.2.3		R				X
1.2.3A		G			X	
1.2.4		R				X
1.2.5		R				X
1.2.6		R		X		
1.2.7		G			X	
1.2.8		G				X
1.2.9		G				X
1.2.10		G		X		
1.2.11		G			X	
1.2.12		G			X	
1.2.13		G			X	
1.2.14		G			X	
1.2.15		G			X	
1.2.16		G			X	

1.2.17		G			X	
1.2.18		G			X	
1.2.19		G			X	
1.2.20		G			X	
1.2.21		G			X	
1.2.22		G			X	
1.2.23		G			X	
1.2.24		G			X	
1.2.25		G			X	
1.2.26		R			X	
1.2.26A		G			X	
1.2.27		G			X	
1.2.28		G			X	
1.2.29		G			X	
1.2.30		R			X	
1.2.31		R			X	
1.2.32		G			X	
1.2.33		R			X	
1.2.34		G			X	
1.2.35		R			X	
1.2.36		R			X	
1.2.37		R			X	
1.2.38		G			X	
1.2.39		R			X	
1.2.40		G			X	

1.2.41		G		X		
1.2.42		R			X	
1.2.42A		G			X	
1.2.42B		G			X	
1.2.42C		G		X		
1.2.42D		G			X	
1.2.42E		G			X	
1.2.42F		G			X	
1.2.43		G			X	
1.2.44		G			X	
1.2.45		R		X		
1.2.46		R			X	
1.2.47		R			X	
1.2.48		R			X	
1.2.49		R			X	
1.2.50		G			X	
1.2.51		R			X	
1.2.52		R			X	
1.2.53		R			X	
1.2.54		G			X	
1.2.55		G			X	
1.2.56		G			X	
1.2.57		R			X	
1.2.58		R			X	
1.2.59		R			X	

1.2.60		R			X	
1.2.61		R			X	
1.2.62		G			X	
1.2.63		G			X	
1.2.64		G			X	
1.2.65		G			X	
1.2.66		G			X	
1.2.67		G				X
1.2.68		G			X	
1.2.69		G			X	
1.2.70		G			X	
1.2.71		G			X	
1.2.72		G			X	
1.2.73		G				X
1.2.73A		G			X	
1.2.73B		G			X	
1.2.74		G			X	
1.2.75		G			X	
1.2.76		G			X	
1.2.77		G			X	
1.2.78		G			X	
1.2.79		G			X	
1.2.80		G			X	
1.2.81		G			X	
1.2.82		G			X	

1.2.83		G			X	
1.2.83A		G			X	
1.2.84		G			X	
1.2.85		G			X	
1.2.86		G			X	
1.2.87		G			X	
1.2.88		G			X	
1.2.89		G			X	
1.2.90		G			X	
1.2.91		G			X	
1.3.1		R			X	
1.3.2		G			X	
1.3.3		G			X	
1.3.4		R			X	
1.3.5		G			X	
1.3.6		G			X	
1.3.7		G		X		
1.3.8		G		X		
1.3.9		R			X	
1.3.10		R			X	
1.3.11		G			X	
1.3.12		G			X	
1.3.13		R			X	
1.3.14		R			X	
1.3.15		R			X	

1.3.16		R			X	
1.3.17		R			X	
1.3.18		R			X	
1.3.19		R			X	
1.3.20		R			X	
1.3.21		R			X	
1.3.22		R			X	
1.3.23		R			X	
1.3.24		R			X	
1.3.25		R			X	
1.3.26		R			X	
1.3.27		G			X	
1.3.28		R			X	
1.3.29		R			X	
1.3.30		R			X	
1.3.31		R			X	
1.3.32		R			X	
1.3.33		R			X	
1.3.34		R			X	
1.3.35		G			X	
1.3.35A		G			X	
1.3.36		R			X	
1.3.37		G			X	
1.3.38		R			X	
1.3.39		R			X	

1.3.40		R			X	
1.3.41		R		X		
1.3.42		R		X		
1.3.43		R		X		
1.3.44		G		X		
1.3.45		R		X		
1.3.46		R		X		
1.3.47		R		X		
1.3.48		R		X		
1.3.49		R		X		
1.3.50		R		X		
1.3.51		R		X		
1.3.52		G		X		
1.3.53		G		X		
1.3.54		G		X		
1.3.55		R		X		
1.3.56		G		X		
1.3.57		R		X		
1.4.1		R	X			
1.5.1		R		X		
1.5.2		R		X		
1.5.3		G		X		
1.5.4		G		X		
1.5.5		D		X		
1.5.6		G		X		

1.5.7		R		X		
1.5.8		G		X		
1.5.9		G		X		
1.5.10		R		X		
1.5.11		R		X		
1.5.12		R		X		
1.5.13		R		X		
1.5.14		R		X		
1.5.15		R		X		
1.5.16		R		X		
1.5.17		R		X		
1.5.18		R		X		
1.5.19		R		X		
1.5.20		G		X		
1.5.21		R		X		
1.5.22		R		X		
1.5.23		R		X		
1.5.24		G		X		
1.5.25		R		X		
1.5.26		G		X		
2.1.1		R			X	
2.1.2		G			X	
2.1.3		R			X	
2.1.4		G			X	
2.1.5		G			X	

2.1.6		G			X	
2.1.7		G			X	
2.1.8		G			X	
2.1.9		R			X	
2.1.10		G			X	
2.1.11		R			X	
2.1.12		G			X	
2.1.13		R		X		
2.1.14		R		X		
2.1.15		G		X		
2.1.16		G		X		
2.1.17		R		X		
2.1.18		R		X		
2.1.19		R		X		
2.1.20		R		X		
2.1.21		G		X		
2.1.22		G		X		
2.1.23		R		X		
2.1.24		R		X		
2.1.24A		R		X		
2.1.25		R		X		
2.1.26		R		X		
2.1.27		G		X		
2.1.28		G		X		
2.1.29		R		X		

2.1.30		R		X		
2.1.31		G		X		
2.1.32		G		X		
2.1.33		R		X		
2.1.34		R		X		
2.1.35		G		X		
2.1.36		R		X		
2.1.37		G		X		
2.1.38		R		X		
2.1.39		G		X		
2.1.40		R			X	
2.1.41		R			X	
2.1.42		R			X	
2.1.43		G			X	
2.1.44		G			X	
2.1.45		R			X	
2.1.46		R	X			
2.1.47		R			X	
2.1.48		R			X	
2.1.49		G			X	
2.1.50		G			X	
2.1.51		R			X	
2.1.52		R			X	
2.1.53		R	X			
2.1.54		R	X			

2.1.55		R	X			
2.1.56		R	X			
2.1.57		R	X			
2.1.58		G	X			
2.1.59		G	X			
2.1.60		R		X		
2.1.61		G		X		
2.1.62		R		X		
2.2.1		R			X	
2.2.2		G			X	
2.2.3		G		X		
2.2.4		G			X	
2.2.5		G			X	
2.2.6		G			X	
2.2.7		G			X	
2.2.8		G			X	
2.2.9		G			X	
2.2.10		G			X	
2.2.11		G			X	
2.2.12		G			X	
2.2.13		G			X	
2.2.14		G			X	
2.2.15		G			X	
2.2.16		G			X	
2.2.17		R			X	

2.2.18		R			X	
2.2.19		R			X	
2.2.20		G			X	
2.2.21		G			X	
2.2.22		G		X		
2.2.23		G		X		
2.2.24		G			X	
2.2.25		R			X	
2.2.26		R			X	
2.2.26A		R			X	
2.2.27		R				X
2.2.28		R			X	
2.2.29		R		X		
2.2.30		R		X		
2.2.30A		R			X	
2.2.31		G			X	
2.2.32		R		X		
2.2.33		R		X		
2.2.34		R		X		
2.2.34A		R		X		
2.2.35		R		X		
2.2.36		G		X		
2.2.37		R		X		
2.2.38		R		X		
2.2.39		G		X		

2.2.40		G		X		
2.2.41		R		X		
2.2.42		R				X
2.2.43		G				X
2.2.44		R			X	
2.2.45		R			X	
2.2.46		R			X	
2.2.47		R			X	
2.2.48		R			X	
2.2.49		R			X	
2.2.50		R			X	
2.2.51		G			X	
2.2.52		G			X	
2.2.53		G				X
2.2.54		G			X	
2.2.55		G			X	
2.2.56		G			X	
2.2.57		G			X	
2.2.58		G			X	
2.2.59		G			X	
2.2.60		R			X	
2.2.61		G			X	
2.2.61A		R			X	
2.2.61B		R			X	
2.2.61C		R			X	

2.2.61D		R			X	
2.2.61E		R			X	
2.2.61F		R			X	
2.2.61G		G			X	
2.2.61H		G			X	
2.2.62		R			X	
2.2.63		R			X	
2.2.64		R			X	
2.2.65		R			X	
2.2.66		G			X	
2.2.67		G			X	
2.2.67A		G			X	
2.2.68		G			X	
2.2.68A		R			X	
2.2.68B		G			X	
2.2.69		G			X	
2.2.69A		R			X	
2.2.69B		R			X	
2.2.69C		R			X	
2.2.69D		G			X	
2.2.69E		R			X	
2.2.69F		G			X	
2.2.70		R			X	
2.2.70A		G			X	
2.2.71		R			X	

2.2.72		R			X	
2.2.73		G			X	
2.2.74		R			X	
2.2.74A		G			X	
2.2.74B		R			X	
2.2.75		R			X	
2.2.76		R		X		
2.2.77		R			X	
2.2.78		R			X	
2.2.79		G			X	
2.2.79A		R			X	
2.2.79B		G			X	
2.2.79C		R			X	
2.2.79D		R			X	
2.2.79E		G			X	
2.2.79F		R			X	
2.2.79G		R			X	
2.2.79H		G			X	
2.2.79I		R			X	
2.2.79J		R			X	
2.2.79K		R			X	
2.2.79L		G			X	
2.2.80		R			X	
2.2.81		R			X	
2.2.82		G			X	

2.2.83		R			X	
2.2.83A		R			X	
2.2.83B		R			X	
2.2.83C		R			X	
2.2.83D		G			X	
2.2.83E		R		X		
2.2.83F		R		X		
2.2.83G		G		X		
2.2.83H		G		X		
2.2.84		G			X	
2.2.84A		G			X	
2.2.85		R			X	
2.2.86		R			X	
2.2.87		R			X	
2.2.87A		G			X	
2.2.88		R			X	
2.2.89		G			X	
2.2.90		R			X	
2.2.91		G			X	
2.2.92		G			X	
2.2.93		R			X	
2.2.94		R			X	
2.2.95		R			X	
2.2.96		G			X	
2.2.97		R			X	

2.2.98		R			X	
2.2.99		G			X	
2.2.100		R			X	
2.2.101		R			X	
2.2.102		R			X	
2.2.103		G			X	
2.2.104		R		X		
2.2.105		R		X		
2.2.106		G		X		
2.2.107		R		X		
2.2.108		R		X		
2.2.108A		R		X		
2.2.108B		G		X		
2.2.109		R		X		
2.2.110		G		X		
2.2.111		R				X
2.2.112		G				X
2.2.113		R		X		
2.2.114		R		X		
2.2.115		G		X		
2.2.115A		R			X	
2.2.115B		G			X	
2.2.115C		G			X	
2.2.115D		R			X	
2.2.115E		G			X	

2.2.115F		R			X	
2.2.115G		G			X	
2.2.116		R		X		
2.2.116A		R			X	
2.2.117		G			X	
2.2.117A		R			X	
2.2.117B		R			X	
2.2.117C		G			X	
2.2.118		R			X	
2.2.118A		G			X	
2.2.119		G			X	
2.2.120		R		X		
2.2.121		R		X		
2.2.122		G		X		
2.2.123		R			X	
2.2.124		R			X	
2.2.125		R			X	
2.2.126		R			X	
2.2.127		R			X	
2.2.128		G			X	
2.2.128A		R			X	
2.2.128B		R			X	
2.2.129		R			X	
2.2.130		R			X	
2.2.131		R			X	

2.2.131A		G			X	
2.2.132		R			X	
2.2.133		R			X	
2.2.134		G			X	
2.2.135		R			X	
2.2.136		G			X	
2.2.137		R			X	
2.2.138		R			X	
2.2.139		R			X	
2.2.140		R			X	
2.2.141		R			X	
2.2.142		R			X	
2.2.143		G			X	
2.2.144		G			X	
2.2.145		R			X	
2.2.146		R			X	
2.2.147		R			X	
2.2.148		G			X	
2.2.149		G			X	
2.2.150		G			X	
2.2.151		R			X	
2.2.152		R			X	
2.2.153		R			X	
2.2.154		G			X	
2.2.155		R			X	

2.2.156		G			X	
2.2.157		G			X	
2.2.158		G			X	
2.2.159		R			X	
2.2.160		R		X		
2.2.161		R			X	
2.2.162		G			X	
2.2.163		R			X	
2.2.164		G			X	
2.2.165		G			X	
2.2.166		G			X	
2.2.167		G			X	
2.2.168		G			X	
2.2.169		R			X	
2.2.170		G			X	
2.2.171		R			X	
2.2.172		R			X	
2.2.173		R			X	
2.2.174		R			X	
2.2.175		G			X	
2.2.176		G			X	
2.2.177		R			X	
2.2.178		R			X	
2.2.179		G			X	
2.2.180		R			X	

2.2.181		R			X	
2.2.182		G			X	
2.2.183		G			X	
2.2.184		G			X	
2.2.185		R			X	
2.2.186		G			X	
2.2.187		R			X	
2.2.188		R			X	
2.2.189		R			X	
2.2.190		R			X	
2.2.191		R			X	
2.2.192		R			X	
2.2.193		R			X	
2.2.194		R			X	
2.2.195		G			X	
2.2.196		R			X	
2.2.197		G			X	
2.2.198		R			X	
2.2.199		R			X	
2.2.200		R			X	
2.2.201		R			X	
2.2.202		R		X		
2.2.203		R		X		
2.2.204		R		X		
2.2.205		R		X		

2.2.206		R		X		
2.2.207		R		X		
2.2.208		R			X	
2.2.209		R			X	
2.2.210		G			X	
2.2.211		R			X	
2.2.212		R			X	
2.2.213		R			X	
2.2.214		R			X	
2.2.215		R			X	
2.2.216		G			X	
2.2.216A		G		X		
2.2.217		R			X	
2.2.218		R			X	
2.2.219		R			X	
2.2.220		R			X	
2.2.221		R		X		
2.2.222		R		X		
2.2.223		R		X		
2.2.224		R		X		
2.2.225		R		X		
2.2.226		G		X		
2.2.227		R		X		
2.2.228		R		X		
2.2.229		R		X		

2.2.230		G		X		
2.2.231		R		X		
2.2.232		R		X		
2.2.233		R		X		
2.2.234		G		X		
2.2.235		G		X		
2.2.236		R			X	
2.2.237		R			X	
2.2.238		R			X	
2.2.239		R			X	
2.2.240		G			X	
2.2.241		R			X	
2.2.242		R			X	
2.2.243		R			X	
2.2.244		R			X	
2.2.245		R			X	
2.2.246		R			X	
2.2.247		R			X	
2.2.248		R			X	
2.2.249		R			X	
2.2.250		R		X		
2.2.251		R		X		
2.2.252		G		X		
2.2.253		G		X		
2.2.254		R		X		

2.2.255		R		X		
2.2.256		R		X		
2.2.257		G		X		
2.2.258		G		X		
2.2.259		R			X	
2.2.260		R			X	
2.2.261		G			X	
2.2.262		G			X	
2.2.263		R		X		
2.2.264		R		X		
2.2.265		R		X		
2.2.266		G		X		
2.2.267		G		X		
2.2.268		G		X		
2.2.269		G		X		
2.2.270		R			X	
2.2.271		R			X	
2.2.272		G			X	
2.2.273		G		X		
2.2.274		G			X	
2.2.275		G		X		
2.2.276		R			X	
2.3.1		R		X		
2.3.2		R		X		
2.3.3		G		X		

2.3.4		G		X		
2.3.5		R		X		
2.3.6		R		X		
2.3.7		R		X		
2.3.8		R		X		
2.3.9		R		X		
2.3.10		R		X		
2.3.11		R		X		
2.3.12		G		X		
2.3.13		R		X		
2.3.14		G		X		
2.3.15		R		X		
2.3.16		R		X		
2.3.17		G		X		
2.3.18		R		X		
2.3.19		R		X		
2.3.20		R		X		
2.3.21		R		X		
2.3.22		R		X		
2.3.23		G		X		
2.3.24		R		X		
2.3.25		R		X		
2.3.26		R		X		
2.3.27		R		X		
2.3.28		R		X		

2.3.29		R		X		
2.3.30		R		X		
2.3.31		R		X		
2.3.32		R		X		
2.3.33		R		X		
2.3.34		R		X		
2.3.35		G		X		
2 Annex 1		R		X		
2 Annex 2		R		X		
2 Annex 3		R		X		
2 Annex 4		R			X	
2 Annex 5		R			X	
2 Annex 6		R	X			
2 Annex 7	1	R		X		
	2			X		
	3			X		
2 Annex 8	1	G		X		
	2			X		
	3			X		
	4			X		
	5			X		
	6			X		
	7			X		
	8			X		
	9			X		

	10			X		
	11			X		
	12			X		
	13			X		
	14			X		
	15			X		
	16			X		
	17			X		
	18			X		
	19			X		
	20			X		
	21			X		
	22			X		
	23			X		
	24			X		
	25			X		
	26			X		
	27			X		
	28			X		
	29			X		
	30			X		
	31			X		
	32			X		
	33			X		
	34			X		

	35			X		
	36			X		
	37			X		
	38			X		
	39			X		
	40			X		
	41			X		
	42			X		
	43			X		
	44			X		
	45			X		
3.1.1		R			X	
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		R			X	
3.1.6		R			X	
3.1.7		R			X	
3.1.8		R			X	
3.1.9		R			X	
3.1.10		R			X	
3.1.11		R			X	
3.1.12		R			X	
3.1.13		G			X	
3.1.14		G			X	

3.1.15		G			X	
3.1.16		G			X	
3.1.17		G			X	
3.1.18		G			X	
3.1.19		G			X	
3.1.20		G			X	
3.1.21		G			X	
3.1.22		G			X	
3.1.23		G			X	
3.1.24		G			X	
3.1.25		R			X	
3.1.26		R			X	
3.1.27		R			X	
3.1.28		R			X	
3.1.29		R			X	
3.1.30		R			X	
3.1.31		R			X	
3.1.32		G			X	
3.1.33		G			X	
3.1.34		R			X	
3.1.35		R			X	
3.1.36		R			X	
3.1.37		R			X	
3.1.38		R			X	
3.1.39		R			X	

3.2.1		R			X	
3.2.2		G			X	
3.2.3		G			X	
3.2.4		G			X	
3.2.5		G			X	
3.2.6		G			X	
3.2.7		G			X	
3.2.8		R			X	
3.2.9		R			X	
3 Annex 1	1.1	R			X	
	1.2				X	
	1.3				X	
	1.4				X	
	1.5				X	
	2.1				X	
	2.2				X	
	2.3				X	
	2.4				X	
	2.5				X	
	2.6				X	
	3.1				X	
	3.2				X	
	3.3				X	
	3.4				X	
	3.5				X	

	3.6				X	
	4.1				X	
	4.2				X	
	4.3				X	
	4.4				X	
	5.1				X	
	5.2				X	
	5.3				X	
	5.4				X	
	5.5				X	
	5.6				X	
	5.7				X	
	6.1				X	
	6.2				X	
	6.3				X	
	6.4				X	
	6.5				X	
	6.6				X	
	6.7				X	
	6.8				X	
	6.9				X	
	6.10				X	
3 Annex 2	1.1	R			X	
	1.2				X	
	1.3				X	

	1.4				X	
	1.5				X	
	2.1				X	
	2.2				X	
	2.3				X	
	2.4				X	
	2.5				X	
	2.6				X	
	3.1				X	
3 Annex 3		G			X	
3 Annex 4		R			X	
TP 1	1.1	R		X		
	1.2	G		X		
	1.3	R		X		
TP 2	2.1	R		X		
	2.2	R		X		
	2.3	R		X		
	2.4	R		X		
	2.5	R		X		
TP 3	3.1	R		X		
	1.3.47	R		X		
	2.1.13	R		X		
	2.1.24	R		X		
	2.1.25	R		X		
	2.1.34	R		X		

	2.2.107	R		X		
	2.2.251	R		X		
TP 4	4.1	R		X		
	4.2	R		X		
	4.3	R		X		
	4.4	R		X		
	4.5	R		X		
	4.6	R		X		
	4.7	R		X		
TP 5	5.1	R		X		
	5.2	R		X		
	5.3	R		X		
	5.4	R		X		
	5.5	R		X		
TP 6	6.1	R		X		
	6.2	R		X		
	6.3	R		X		
	6.4	R		X		
	6.5	R		X		
TP 7	7.1	R			X	
	7.2	G			X	
	7.3	R			X	
	7.4	R			X	
TP 8	8.1	R			X	
	8.2	R			X	

	8.3	R			X	
	8.4	R		X		
	8.5	R		X		
	8.6	R		X		
	8.7	R			X	
	8.8	R		X		
	8.9	R			X	
	8.10	R		X		
	8.11	R			X	
	8.12	R			X	
	8.13	R			X	
	8.14	R			X	
	8.15	G			X	
	8.16	G			X	
	8.17	G			X	
TP 8A	8A.1	R			X	
	8A.2	R			X	
	8A.3	R			X	
	8A.4	R			X	
	8A.5	R			X	
	8A.6	R			X	
	8A.7	R			X	
TP 8B	8B.1	R			X	
	8B.2	R			X	
	8B.3	R			X	

	8B.4	R			X	
	8B.5	R			X	
TP 9	9.1	G		X		
	9.2	G		X		
	9.3	G		X		
	9.4	G		X		
	9.5	G		X		
	9.6	G		X		
	9.7	G		X		
	9.8	G		X		
	9.9	G		X		
	9.10	G		X		
	9.11	G		X		
	9.12	G		X		
	9.13	G		X		
	9.14	G		X		
TP 10	10.1	R		X		
	10.2	R		X		
	10.3	R		X		
TP 11	11.1	R		X		
	11.2	R		X		
	11.3	R		X		
	11.4	R		X		
	11.5	R		X		
	11.6	R		X		

	11.7	R		X		
TP 12	12.1	R		X		
	1.2.1R(2)			X		
	1.2.2R(1)			X		
	1.2.2R(2)			X		
	1.2.6R			X		
	1.3.4R			X		
	2.1			X		
	2.1.3R			X		
	2.1.13R			X		
	2.1.17R			X		
	2.1.24R			X		
	2.1.25R			X		
	2.1.29R			X		
	2.1.30R			X		
	2.1.30R			X		
	2.1.34R			X		
	2.1.38R			X		
	2.2			X		
	2 Ann 1R			X		
	2.2.32R			X		
	2.2.33R			X		
	2.2.34R			X		
	2.2.118R			X		
	2.2.64R(2)			X		

	2.2.159R(7)			X		
	2.2.159R(8)			X		
	2.2.159R(9)			X		
	2.2.159R(10)			X		
	2.2.159R(12)			X		
	2.2.181R			X		
	2.2.255R			X		
TP 13	13.1	R		X		
	13.2	R		X		
	13.3	R		X		
TP 14	14.1	R	X			
	14.2	R	X			
	14.3	R	X			
	14.4	R	X			
	14.5	G	X			
	14.6	G	X			
TP 15	15.1	R				X
	15.2	R				X
	15.3	R				X
Sch 1	GENPRU 1.2.60 R - GENPRU 1.2.61 R	G			X	
	GENPRU 1.3.22 R				X	
Sch 2	GENPRU 1.5.19 R	G		X		
	GENPRU 2.1.11 R				X	
	GENPRU 2.2.19 R				X	
	GENPRU 2.2.61B R				X	

	GENPRU 2.2.61C R				X	
	GENPRU 2.2.61D R				X	
	GENPRU 2.2.61F R				X	
	GENPRU 2.2.74 R				X	
	GENPRU 2.2.79G R				X	
	GENPRU 2.2.83B R				X	
	GENPRU 2.2.83F R			X		
	GENPRU 2.2.135 R				X	
	GENPRU 2.2.171 R				X	
	GENPRU 2.2.174 R				X	
	GENPRU 2.2.243 R				X	
	GENPRU 2.2.245 R				X	
Sch 3		G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5		G	X			
Sch 6		G			X	

**Annex 8**

**Designation of the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		G			X	
1.1.2		R			X	
1.1.3		G			X	
1.1.4		G			X	
1.1.5		G			X	
1.1.6		R			X	
1.1.7		R			X	
1.1.8		R			X	
1.1.9		G			X	
1.1.10		G			X	
1.1.11		R			X	
1.1.12		R			X	
1.1.13		R			X	
1.1.14		R			X	
1.1.15		G			X	
1.1.16		R			X	
1.1.17		R			X	
1.1.18		R			X	
1.1.19		R			X	
1.1.20		R			X	

1.1.21		R			X	
1.1.22		R			X	
1.1.23		R			X	
1.1.24		R			X	
1.1.25		R			X	
1.1.26		R			X	
1.2.1		R			X	
1.2.2		G			X	
1.2.3		R			X	
1.2.4		R			X	
1.2.5		G			X	
1.2.6		R			X	
1.2.6A		G			X	
1.2.7		R			X	
1.2.8		R			X	
1.2.9		G			X	
1.2.10		R			X	
1.2.11		R			X	
1.2.12		R			X	
1.2.13		R			X	
1.2.14		R			X	
1.2.15		R			X	
1.2.16		R			X	
1.2.17		R			X	
1.2.18		R			X	

1.2.19		R			X	
1.2.20		G			X	
1.2.21		R			X	
1.2.22		R			X	
1.2.23		R			X	
1.2.24		R			X	
1.2.25		R			X	
1.2.26		R			X	
1.2.27		R			X	
1.2.28		G			X	
1.2.29		R			X	
1.2.30		R			X	
1.2.31		G			X	
1.2.32		G			X	
1.2.33		G			X	
1.2.34		G			X	
1.2.35		G			X	
1.2.36		G			X	
1.3.1		R			X	
1.3.2		G			X	
1.3.3		G			X	
1.3.4		G			X	
1.3.5		G			X	
1.3.6		G			X	
1.3.7		D			X	

1.3.8		D			X	
1.3.9		D			X	
1.3.10		G			X	
1.3.11		G			X	
1.3.12		G			X	
1.3.13		D			X	
1.3.14		D			X	
1.3.15		D			X	
1.3.16		D			X	
1.3.17		D			X	
1.3.18		D			X	
1.3.19		G			X	
1.3.20		D			X	
1.3.21		G			X	
1.4.1		R			X	
1 Annex 1		D			X	
1 Annex 2		D			X	
1 Annex 3		D			X	
2.1.1		R			X	
2.1.2		G			X	
2.1.3		G			X	
2.1.4		G			X	
2.1.5		G			X	
2.1.6		G			X	
2.1.7		R			X	

2.1.8		R			X	
2.1.9		R			X	
2.1.10		R			X	
2.1.11		R			X	
2.1.12		R			X	
2.1.13		R			X	
2.1.14		G			X	
2.1.15		R			X	
2.1.16		R			X	
2.1.17		G			X	
2.1.18		R			X	
2.1.19		R			X	
2.1.20		R			X	
2.1.21		R			X	
2.1.22		R			X	
2.1.23		R			X	
2.1.24		R			X	
2.1.25		G			X	
2.1.26		G			X	
2.1.27		G			X	
2.1.28		G			X	
2.2.1		G			X	
2.2.2		G			X	
2.2.3		G			X	
2.2.4		G			X	

2.2.5		G			X	
2.2.6		G			X	
2.2.7		G			X	
2.2.8		G			X	
2.2.9		G			X	
2.2.10		G			X	
2.2.11		G			X	
2.2.12		G			X	
2.2.12A		G			X	
2.2.12B		G			X	
2.2.12C		G			X	
2.2.13		G			X	
2.2.13A		G			X	
2.2.14		G			X	
2.2.15		G			X	
2.2.16		G			X	
2.2.17		G			X	
2.2.18		G			X	
2.2.19		G			X	
2.2.19A		G			X	
2.2.19B		G			X	
2.2.20		G			X	
2.2.21		G			X	
2.2.22		G			X	
2.2.23		G			X	

2.2.23A		G			X	
2.2.23B		G			X	
2.2.23C		G			X	
2.2.23D		G			X	
2.2.23E		G			X	
2.2.23F		G			X	
2.2.24		G			X	
2.2.25		G			X	
2.2.26		G			X	
2.2.27		G			X	
2.2.28		G			X	
2.2.29		G			X	
2.2.30		G			X	
2.2.31		G			X	
2.2.32		G			X	
2.2.33		G			X	
2.2.34		G			X	
2.2.35		G			X	
2.2.36		G			X	
2.2.37		G			X	
2.2.38		G			X	
2.2.39		G			X	
2.2.40		G			X	
2.2.41		R			X	
2.2.42		R			X	

2.2.43		R			X	
2.2.44		G			X	
2.2.45		G			X	
2.2.46		G			X	
2.2.47		G			X	
2.2.48		G			X	
2.2.49		G		X		
2.2.50		G		X		
2.2.51		G		X		
2.2.52		G		X		
2.2.53		G		X		
2.2.54		G		X		
2.2.55		G		X		
2.2.56		G		X		
2.2.57		G		X		
2.2.58		G		X		
2.2.59		G		X		
2.2.60		G		X		
2.2.61		G	X			
2.2.62		G	X			
2.2.63		G	X			
2.2.64		G	X			
2.2.65		G	X			
2.2.66		G	X			
2.2.67		G	X			

2.2.68		G	X			
2.2.69		G	X			
2.2.70		G	X			
2.2.71		G			X	
2.2.72		G			X	
2.2.73		G			X	
2.2.74		G			X	
2.2.75		G			X	
2.2.76		G			X	
2.2.77		G			X	
2.2.78		G			X	
2.3.1		R			X	
2.3.2		G			X	
2.3.3		G			X	
2.3.4		G			X	
2.3.5		G			X	
2.3.6		G			X	
2.3.7		R			X	
2.3.8		G			X	
2.3.9		G			X	
2.3.10		G			X	
2.3.11		G			X	
2.3.12		R			X	
2.3.13		R			X	
3.1.1		R			X	

3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		R			X	
3.1.6		R			X	
3.2.1		R			X	
3.2.2		R			X	
3.2.3		R			X	
3.2.4		G			X	
3.2.5		G			X	
3.2.6		G			X	
3.2.7		G			X	
3.2.8		G			X	
3.2.9		R			X	
3.2.10		R			X	
3.2.11		R			X	
3.2.12		R			X	
3.2.13		R			X	
3.2.14		G			X	
3.2.15		G			X	
3.2.16		G			X	
3.2.17		G			X	
3.2.18		G			X	
3.2.19		G			X	
3.2.20		R			X	

3.2.21		R			X	
3.2.22		R			X	
3.2.23		R			X	
3.2.24		R			X	
3.2.25		R			X	
3.2.25A		G			X	
3.2.26		R			X	
3.2.27		R				X
3.2.27A		R			X	
3.2.28		G			X	
3.2.29		G			X	
3.2.29A		G			X	
3.2.30		G			X	
3.2.31		G			X	
3.2.32		G			X	
3.2.33		G			X	
3.2.34		G			X	
3.2.35		R			X	
3.2.36		G				X
3.2.37		G			X	
3.2.38		R			X	
3.3.1		R			X	
3.3.2		G			X	
3.3.3		G			X	
3.3.4		G			X	

3.3.5		G			X	
3.3.6		G			X	
3.3.7		G			X	
3.3.8		R			X	
3.3.9		G			X	
3.4.1		R			X	
3.4.2		R			X	
3.4.3		R			X	
3.4.4		R			X	
3.4.5		R			X	
3.4.6		R			X	
3.4.7		R			X	
3.4.8		R			X	
3.4.9		R			X	
3.4.10		R			X	
3.4.11		R			X	
3.4.12		R			X	
3.4.13		R			X	
3.4.14		R			X	
3.4.15		R			X	
3.4.16		G			X	
3.4.17		R			X	
3.4.18		R			X	
3.4.19		R			X	
3.4.19A		R			X	

3.4.20		R			X	
3.4.21		R			X	
3.4.22		R			X	
3.4.23		R			X	
3.4.24		R			X	
3.4.25		R			X	
3.4.26		R			X	
3.4.27		R			X	
3.4.28		R			X	
3.4.29		R			X	
3.4.30		R			X	
3.4.31		R			X	
3.4.32		R			X	
3.4.33		R			X	
3.4.34		R			X	
3.4.35		R			X	
3.4.36		R			X	
3.4.37		R			X	
3.4.38		R			X	
3.4.39		R			X	
3.4.40		R			X	
3.4.41		R			X	
3.4.42		R			X	
3.4.43		G			X	
3.4.44		R			X	

3.4.45		R			X	
3.4.46		R			X	
3.4.47		R			X	
3.4.48		R			X	
3.4.49		G			X	
3.4.50		R			X	
3.4.51		R			X	
3.4.52		R			X	
3.4.53		R			X	
3.4.54		R			X	
3.4.55		R			X	
3.4.56		R			X	
3.4.56A		R			X	
3.4.56B		G			X	
3.4.57		R			X	
3.4.58		R			X	
3.4.59		G			X	
3.4.60		R			X	
3.4.61		R			X	
3.4.62		G			X	
3.4.63		R			X	
3.4.64		R			X	
3.4.65		G			X	
3.4.66		R			X	
3.4.67		G			X	

3.4.68		G			X	
3.4.69		G			X	
3.4.70		G			X	
3.4.71		G			X	
3.4.72		R			X	
3.4.73		R			X	
3.4.74		G			X	
3.4.75		G			X	
3.4.76		R			X	
3.4.77		R			X	
3.4.78		R			X	
3.4.79		R			X	
3.4.80		R			X	
3.4.81		R			X	
3.4.82		G			X	
3.4.83		R			X	
3.4.84		R			X	
3.4.85		R			X	
3.4.86		G			X	
3.4.87		G			X	
3.4.88		G			X	
3.4.89		R			X	
3.4.90		R			X	
3.4.91		R			X	
3.4.92		R			X	

3.4.93		R			X	
3.4.94		R			X	
3.4.95		G			X	
3.4.96		R			X	
3.4.97		R			X	
3.4.98		G			X	
3.4.99		R			X	
3.4.100		G			X	
3.4.101		R			X	
3.4.102		R			X	
3.4.103		R			X	
3.4.104		R			X	
3.4.105		G			X	
3.4.106		R			X	
3.4.107		R			X	
3.4.108		R			X	
3.4.109		R			X	
3.4.110		R			X	
3.4.111		R			X	
3.4.112		R			X	
3.4.113		R			X	
3.4.114		R			X	
3.4.115		R			X	
3.4.116		R			X	
3.4.117		R			X	

3.4.118		R			X	
3.4.119		G			X	
3.4.120		G			X	
3.4.121		R			X	
3.4.122		R			X	
3.4.123		R			X	
3.4.124		R			X	
3.4.125		R			X	
3.4.126		R			X	
3.4.127		R			X	
3.4.128		R			X	
3.4.129		R			X	
3.4.130		R			X	
3.4.131		R			X	
3.4.132		R			X	
3.4.133		R			X	
3.4.134		R			X	
3.5.1		G			X	
3.5.2		G			X	
3.5.3		G			X	
3.5.4		G			X	
3.5.5		G			X	
3.5.6		G			X	
3.5.7		G			X	
3.5.8		R			X	

3.6.1		R			X	
3.6.2		R			X	
3.6.3		G			X	
3.6.4		R			X	
3.6.5		R			X	
3.6.6		R			X	
3.6.7		R			X	
3.6.8		R			X	
3.6.9		R			X	
3.6.10		R			X	
3.6.11		R			X	
3.6.12		R			X	
3.6.13		R			X	
3.6.14		R			X	
3.6.15		R			X	
3.6.16		R			X	
3.6.17		R			X	
3.6.18		R			X	
3.6.19		R			X	
3.6.20		R			X	
3.6.21		R			X	
3.7.1		R			X	
3.7.2		R			X	
3 Annex 1		G			X	
3 Annex 2		R			X	

3 Annex 3	(1)	R			X	
	(2)				X	
3 Annex 4		G			X	
4.1.1		R			X	
4.1.2		G			X	
4.1.3		G			X	
4.1.4		G			X	
4.1.5		G			X	
4.1.6		G			X	
4.1.7		G			X	
4.1.8		G			X	
4.1.9		G			X	
4.1.10		G			X	
4.1.11		G			X	
4.1.12		G			X	
4.1.13		G			X	
4.1.14		G			X	
4.1.15		G			X	
4.1.16		R			X	
4.1.17		G			X	
4.1.18		G			X	
4.1.19		G			X	
4.1.20		G			X	
4.1.21		R			X	
4.1.22		R			X	

4.1.23		R			X	
4.1.24		G			X	
4.1.25		R			X	
4.1.26		G			X	
4.1.27		G			X	
4.2.1		R			X	
4.2.2		R			X	
4.2.3		R			X	
4.2.4		G			X	
4.2.5		G			X	
4.2.6		R			X	
4.2.7		G			X	
4.2.8		G			X	
4.2.9		G			X	
4.2.10		G			X	
4.2.11		R			X	
4.2.12		G			X	
4.2.13		R			X	
4.2.14		G			X	
4.2.15		G			X	
4.2.16		R			X	
4.2.17		R			X	
4.2.18		R			X	
4.2.19		R			X	
4.2.20		R			X	

4.2.21		G			X	
4.2.22		R			X	
4.2.23		R			X	
4.2.24		R			X	
4.2.25		G			X	
4.2.26		R			X	
4.2.27		G			X	
4.2.28		G			X	
4.2.29		R			X	
4.2.30		R			X	
4.2.31		R			X	
4.2.32		G			X	
4.2.33		G			X	
4.2.34		G			X	
4.2.35		G			X	
4.3.1		R			X	
4.3.2		R			X	
4.3.3		R			X	
4.3.4		R			X	
4.3.5		R			X	
4.3.6		R			X	
4.3.7		R			X	
4.3.8		R			X	
4.3.9		R			X	
4.3.10		G			X	

4.3.11		R			X	
4.3.12		G			X	
4.3.13		R			X	
4.3.14		R			X	
4.3.15		R			X	
4.3.16		R			X	
4.3.17		R			X	
4.3.18		R			X	
4.3.19		R			X	
4.3.20		R			X	
4.3.21		R			X	
4.3.22		R			X	
4.3.23		G			X	
4.3.24		R			X	
4.3.25		R			X	
4.3.26		R			X	
4.3.27		R			X	
4.3.28		R			X	
4.3.29		R			X	
4.3.30		R			X	
4.3.31		G			X	
4.3.32		G			X	
4.3.33		R			X	
4.3.34		G			X	
4.3.35		R			X	

4.3.36		R			X	
4.3.37		R			X	
4.3.38		R			X	
4.3.39		R			X	
4.3.39A		G			X	
4.3.40		R			X	
4.3.41		G			X	
4.3.42		G			X	
4.3.43		R			X	
4.3.44		R			X	
4.3.45		G			X	
4.3.46		R			X	
4.3.47		R			X	
4.3.48		R			X	
4.3.49		G			X	
4.3.50		R			X	
4.3.51		R			X	
4.3.52		G			X	
4.3.53		G			X	
4.3.54		R			X	
4.3.55		G			X	
4.3.56		R			X	
4.3.57		R			X	
4.3.58		R			X	
4.3.59		R			X	

4.3.60		G			X	
4.3.61		G			X	
4.3.62		G			X	
4.3.63		R			X	
4.3.64		G			X	
4.3.65		G			X	
4.3.66		G			X	
4.3.67		G			X	
4.3.68		G			X	
4.3.69		G			X	
4.3.70		R			X	
4.3.71		R			X	
4.3.72		G			X	
4.3.73		R			X	
4.3.74		R			X	
4.3.75		G			X	
4.3.76		R			X	
4.3.77		G			X	
4.3.78		G			X	
4.3.79		G			X	
4.3.80		R			X	
4.3.81		R			X	
4.3.82		G			X	
4.3.83		R			X	
4.3.84		R			X	

4.3.85		R			X	
4.3.86		G			X	
4.3.87		G			X	
4.3.88		R			X	
4.3.89		G			X	
4.3.90		R			X	
4.3.91		G			X	
4.3.92		R			X	
4.3.93		G			X	
4.3.94		R			X	
4.3.95		R			X	
4.3.96		G			X	
4.3.97		G			X	
4.3.98		R			X	
4.3.99		R			X	
4.3.100		R			X	
4.3.101		R			X	
4.3.102		G			X	
4.3.103		R			X	
4.3.104		R			X	
4.3.105		G			X	
4.3.106		G			X	
4.3.107		G			X	
4.3.108		G			X	
4.3.109		R			X	

4.3.110		G			X	
4.3.111		R			X	
4.3.112		G			X	
4.3.113		R			X	
4.3.114		G			X	
4.3.115		G			X	
4.3.116		R			X	
4.3.117		R			X	
4.3.118		R			X	
4.3.119		G			X	
4.3.120		R			X	
4.3.121		R			X	
4.3.122		R			X	
4.3.123		R			X	
4.3.124		R			X	
4.3.125		R			X	
4.3.126		G			X	
4.3.127		R			X	
4.3.128		R			X	
4.3.129		R			X	
4.3.130		R			X	
4.3.131		R			X	
4.3.132		G			X	
4.4.1		R			X	
4.4.2		R			X	

4.4.3		R			X	
4.4.4		R			X	
4.4.5		R			X	
4.4.6		R			X	
4.4.7		R			X	
4.4.8		R			X	
4.4.9		R			X	
4.4.10		G			X	
4.4.11		R			X	
4.4.12		R			X	
4.4.13		R			X	
4.4.14		G			X	
4.4.15		R			X	
4.4.16		R			X	
4.4.17		G			X	
4.4.18		R			X	
4.4.19		G			X	
4.4.20		G			X	
4.4.21		R			X	
4.4.22		R			X	
4.4.23		R			X	
4.4.24		R			X	
4.4.25		R			X	
4.4.26		G			X	
4.4.27		R			X	

4.4.28		R			X	
4.4.29		G			X	
4.4.30		R			X	
4.4.31		R			X	
4.4.32		R			X	
4.4.33		R			X	
4.4.34		R			X	
4.4.35		R				X
4.4.36		R			X	
4.4.37		R			X	
4.4.38		R			X	
4.4.39		R			X	
4.4.40		R			X	
4.4.41		R			X	
4.4.42		R			X	
4.4.43		R			X	
4.4.44		G			X	
4.4.45		R			X	
4.4.46		G			X	
4.4.47		R			X	
4.4.48		R			X	
4.4.49		R			X	
4.4.50		R			X	
4.4.51		R			X	
4.4.52		G			X	

4.4.53		R			X	
4.4.54		R			X	
4.4.55		R			X	
4.4.56		R			X	
4.4.57		R			X	
4.4.58		R			X	
4.4.59		R			X	
4.4.60		R			X	
4.4.61		R			X	
4.4.62		R			X	
4.4.63		R			X	
4.4.64		R			X	
4.4.65		R			X	
4.4.66		R			X	
4.4.67		R			X	
4.4.68		R			X	
4.4.69		G			X	
4.4.70		R			X	
4.4.71		R			X	
4.4.72		R			X	
4.4.73		R			X	
4.4.74		R			X	
4.4.75		R			X	
4.4.76		R			X	
4.4.77		R			X	

4.4.78		R			X	
4.4.79		R			X	
4.4.80		R			X	
4.4.81		R			X	
4.4.82		R			X	
4.4.83		R			X	
4.4.84		R			X	
4.4.85		R			X	
4.5.1		R			X	
4.5.2		R			X	
4.5.3		R			X	
4.5.4		R			X	
4.5.5		R			X	
4.5.6		R			X	
4.5.7		R			X	
4.5.8		R			X	
4.5.9		R			X	
4.5.10		R			X	
4.5.11		G			X	
4.5.12		R			X	
4.5.13		R			X	
4.5.14		R			X	
4.6.1		R			X	
4.6.2		R			X	
4.6.3		R			X	

4.6.4		G			X	
4.6.5		G			X	
4.6.6		R			X	
4.6.7		R			X	
4.6.8		G			X	
4.6.9		R			X	
4.6.10		G			X	
4.6.11		R			X	
4.6.12		R			X	
4.6.13		G			X	
4.6.14		R			X	
4.6.15		G			X	
4.6.16		G			X	
4.6.17		G			X	
4.6.18		R			X	
4.6.19		G			X	
4.6.20		R			X	
4.6.21		R			X	
4.6.22		G			X	
4.6.23		G			X	
4.6.24		R			X	
4.6.25		R			X	
4.6.26		R			X	
4.6.27		R			X	
4.6.28		R			X	

4.6.29		R			X	
4.6.30		R			X	
4.6.31		R			X	
4.6.32		R			X	
4.6.33		R			X	
4.6.34		R			X	
4.6.35		G			X	
4.6.36		G			X	
4.6.37		R			X	
4.6.38		R			X	
4.6.39		R			X	
4.6.40		G			X	
4.6.41		R			X	
4.6.42		R			X	
4.6.43		R			X	
4.6.44		R			X	
4.6.45		G			X	
4.6.46		G			X	
4.6.47		R			X	
4.6.48		R			X	
4.6.49		R			X	
4.6.50		R			X	
4.6.51		R			X	
4.6.52		R			X	
4.6.53		R			X	

4.6.54		R			X	
4.6.55		R			X	
4.6.56		R			X	
4.6.57		R			X	
4.6.58		R			X	
4.7.1		R			X	
4.7.2		R			X	
4.7.3		R			X	
4.7.4		R			X	
4.7.5		R			X	
4.7.6		R			X	
4.7.7		R			X	
4.7.8		R			X	
4.7.9		R			X	
4.7.10		R			X	
4.7.11		R			X	
4.7.12		R			X	
4.7.13		R			X	
4.7.14		R			X	
4.7.15		R			X	
4.7.16		R			X	
4.7.17		R			X	
4.7.18		R			X	
4.7.19		R			X	
4.7.20		R			X	

4.7.21		R			X	
4.7.22		R			X	
4.7.23		R			X	
4.7.24		R			X	
4.7.25		R			X	
4.7.26		R			X	
4.7.27		R			X	
4.7.28		R			X	
4.7.29		R			X	
4.7.30		R			X	
4.7.31		R			X	
4.7.32		R			X	
4.7.33		R			X	
4.7.34		R			X	
4.7.35		R			X	
4.8.1		R			X	
4.8.2		G			X	
4.8.3		R			X	
4.8.4		G			X	
4.8.5		R			X	
4.8.6		R			X	
4.8.7		R			X	
4.8.8		R			X	
4.8.9		R			X	
4.8.10		R			X	

4.8.11		R			X	
4.8.12		R			X	
4.8.13		R			X	
4.8.14		R			X	
4.8.15		R			X	
4.8.16		R			X	
4.8.17		R			X	
4.8.18		R			X	
4.8.19		R			X	
4.8.20		R			X	
4.8.21		R			X	
4.8.22		R			X	
4.8.23		R			X	
4.8.24		R			X	
4.8.25		R			X	
4.8.26		R			X	
4.8.27		R			X	
4.8.28		R			X	
4.8.29		R			X	
4.8.30		R			X	
4.9.1		R			X	
4.9.2		R			X	
4.9.3		R			X	
4.9.4		R			X	
4.9.5		R			X	

4.9.6		R			X	
4.9.7		G			X	
4.9.8		R			X	
4.9.9		R			X	
4.9.10		R			X	
4.9.11		R			X	
4.9.12		R			X	
4.9.13		G			X	
4.9.14		G			X	
4.9.15		R			X	
4.10.1		G			X	
4.10.2		G			X	
4.10.3		R			X	
4.10.4		R			X	
4.10.5		R			X	
4.10.6		R			X	
4.10.7		R			X	
4.10.8		G			X	
4.10.9		R			X	
4.10.10		R			X	
4.10.11		R			X	
4.10.12		R			X	
4.10.13		R			X	
4.10.14		R			X	
4.10.15		R			X	

4.10.16		R			X	
4.10.17		G			X	
4.10.18		R			X	
4.10.19		R			X	
4.10.20		R			X	
4.10.21		R			X	
4.10.22		R			X	
4.10.23		R			X	
4.10.24		R			X	
4.10.25		R			X	
4.10.26		R			X	
4.10.27		R			X	
4.10.28		R			X	
4.10.29		R			X	
4.10.30		R			X	
4.10.31		R			X	
4.10.32		R			X	
4.10.33		R			X	
4.10.34		R			X	
4.10.35		R			X	
4.10.36		R			X	
4.10.37		R			X	
4.10.38		R			X	
4.10.39		R			X	
4.10.40		R			X	

4.10.41		R			X	
4.10.42		R			X	
4.10.43		R			X	
4.10.44		R			X	
4.10.45		R			X	
4.10.46		R			X	
4.10.47		R			X	
4.10.48		R			X	
4.10.49		R			X	
4.10.50		R			X	
4.10.51		R			X	
4 Annex 1		R			X	
5.1.1		R			X	
5.1.2		G			X	
5.1.3		G			X	
5.1.4		G			X	
5.1.5		G			X	
5.2.1		R			X	
5.2.2		R			X	
5.2.3		R			X	
5.2.4		R			X	
5.2.5		R			X	
5.2.6		G			X	
5.2.7		R			X	
5.2.8		R			X	

5.2.9		R			X	
5.2.10		R			X	
5.2.11		R			X	
5.2.12		R			X	
5.2.13		R			X	
5.2.14		R			X	
5.2.15		R			X	
5.3.1		R			X	
5.3.2		R			X	
5.3.3		R			X	
5.3.4		R			X	
5.4.1		R			X	
5.4.2		R			X	
5.4.3		R			X	
5.4.4		R			X	
5.4.5		R			X	
5.4.6		R			X	
5.4.7		R			X	
5.4.8		R			X	
5.4.9		R			X	
5.4.10		R			X	
5.4.11		R			X	
5.4.12		R			X	
5.4.13		R			X	
5.4.14		R			X	

5.4.15		R			X	
5.4.16		R			X	
5.4.17		R			X	
5.4.18		R			X	
5.4.19		R			X	
5.4.20		R			X	
5.4.21		R			X	
5.4.22		R			X	
5.4.23		R			X	
5.4.24		R			X	
5.4.25		R			X	
5.4.26		R			X	
5.4.27		R			X	
5.4.28		R			X	
5.4.29		R			X	
5.4.30		R			X	
5.4.31		R			X	
5.4.32		R			X	
5.4.33		R			X	
5.4.34		R			X	
5.4.35		R			X	
5.4.36		R			X	
5.4.37		R			X	
5.4.38		R			X	
5.4.39		R			X	

5.4.40		R			X	
5.4.41		R			X	
5.4.42		R			X	
5.4.43		R			X	
5.4.44		R			X	
5.4.45		R			X	
5.4.46		R			X	
5.4.47		R			X	
5.4.48		R			X	
5.4.49		R			X	
5.4.50		R			X	
5.4.51		R			X	
5.4.52		R			X	
5.4.53		R			X	
5.4.54		R			X	
5.4.55		G			X	
5.4.56		R			X	
5.4.57		R			X	
5.4.58		R			X	
5.4.59		R			X	
5.4.60		R			X	
5.4.61		R			X	
5.4.62		R			X	
5.4.63		R			X	
5.4.64		R			X	

5.4.65		R			X	
5.4.66		R			X	
5.5.1		R			X	
5.5.2		R			X	
5.5.3		R			X	
5.5.4		R			X	
5.5.5		R			X	
5.5.6		R			X	
5.5.7		R			X	
5.5.8		R			X	
5.5.9		R			X	
5.5.10		R			X	
5.5.11		R			X	
5.6.1		R			X	
5.6.2		R			X	
5.6.3		R			X	
5.6.4		R			X	
5.6.5		R			X	
5.6.6		R			X	
5.6.7		R			X	
5.6.8		R			X	
5.6.9		R			X	
5.6.10		R			X	
5.6.11		R			X	
5.6.12		R			X	

5.6.13		G			X	
5.6.14		G			X	
5.6.15		G			X	
5.6.16		R			X	
5.6.17		R			X	
5.6.18		R			X	
5.6.19		R			X	
5.6.19A		G			X	
5.6.20		R			X	
5.6.21		R			X	
5.6.22		R			X	
5.6.23		G			X	
5.6.24		R			X	
5.6.25		R			X	
5.6.26		G			X	
5.6.27		G			X	
5.6.28		G			X	
5.6.29		R			X	
5.7.1		R			X	
5.7.2		R			X	
5.7.3		R			X	
5.7.4		R			X	
5.7.5		R			X	
5.7.6		R			X	
5.7.7		G			X	

5.7.8		R			X	
5.7.9		R			X	
5.7.10		R			X	
5.7.11		R			X	
5.7.12		R			X	
5.7.13		R			X	
5.7.14		R			X	
5.7.15		R			X	
5.7.16		R			X	
5.7.17		R			X	
5.7.18		R			X	
5.7.19		R			X	
5.7.20		R			X	
5.7.21		R			X	
5.7.22		R			X	
5.7.23		R			X	
5.7.24		R			X	
5.7.25		R			X	
5.7.26		R			X	
5.7.27		R			X	
5.7.28		R			X	
5.8.1		R			X	
5.8.2		R			X	
5.8.3		R			X	
5.8.4		R			X	

5.8.5		R			X	
5.8.6		R			X	
5.8.7		R			X	
5.8.8		R			X	
5.8.9		R			X	
5.8.10		R			X	
5.8.11		R			X	
5.9.1		R			X	
5.9.2		R			X	
6.1.1		R			X	
6.1.2		G			X	
6.1.3		G			X	
6.1.4		G			X	
6.2.1		R			X	
6.2.2		G			X	
6.2.3		G			X	
6.2.4					X	
6.2.5		R			X	
6.2.6		G			X	
6.2.7		R			X	
6.2.8		G			X	
6.2.9		R			X	
6.2.10		G			X	
6.2.11		R			X	
6.2.12		R			X	

6.2.13		G			X	
6.3.1		R			X	
6.3.2		R			X	
6.3.3		G			X	
6.3.4		G			X	
6.3.5		R			X	
6.3.6		R			X	
6.3.7		G			X	
6.3.8		G			X	
6.3.9		G			X	
6.3.10		R			X	
6.3.11		G			X	
6.3.12		R			X	
6.3.13		R			X	
6.3.14		R			X	
6.3.15		R			X	
6.3.16		G			X	
6.4.1		R			X	
6.4.1A		G			X	
6.4.2		R			X	
6.4.3		R			X	
6.4.4		G			X	
6.4.5		R			X	
6.4.6		R			X	
6.4.7		R			X	

6.4.8		G			X	
6.4.9		R			X	
6.4.10		R			X	
6.4.11		R			X	
6.4.12		G			X	
6.4.13		G			X	
6.4.14		R			X	
6.4.15		R			X	
6.4.16		G			X	
6.4.17		R			X	
6.4.18		G			X	
6.4.19		R			X	
6.4.20		R			X	
6.4.21		R			X	
6.5.1		R			X	
6.5.2		G			X	
6.5.3		G			X	
6.5.4		G			X	
6.5.5		R			X	
6.5.5A		G			X	
6.5.5B		G			X	
6.5.6		R			X	
6.5.7		G			X	
6.5.8		G			X	
6.5.9		G			X	

6.5.10		G			X	
6.5.11		G			X	
6.5.12		R			X	
6.5.13		R			X	
6.5.14		G			X	
6.5.15		G			X	
6.5.16		G			X	
6.5.17		G			X	
6.5.18		G			X	
6.5.19		G			X	
6.5.20		G			X	
6.5.21		R			X	
6.5.22		R			X	
6.5.23		R			X	
6.5.24		R			X	
6.5.25		R			X	
6.5.26		R			X	
6.5.27		R			X	
6.5.28		G			X	
6.5.29		G			X	
6.5.30		R			X	
6.5.30A		G			X	
6.5.31		R			X	
6.5.32		G			X	
7.1.1		R			X	

7.1.2		G			X	
7.1.3		R			X	
7.1.4		R			X	
7.1.5		G			X	
7.1.6		R			X	
7.1.7		G			X	
7.1.8		G			X	
7.1.9		R			X	
7.1.10		R			X	
7.1.11		G			X	
7.1.12		R			X	
7.1.13		R			X	
7.1.14		R			X	
7.1.15		R			X	
7.1.16		E			X	
7.1.17		R			X	
7.1.17A		G			X	
7.1.18		R			X	
7.1.19		G			X	
7.1.20		G			X	
7.2.1		R			X	
7.2.2		G			X	
7.2.3		R			X	
7.2.4		R			X	
7.2.5		G			X	

7.2.6		G			X	
7.2.7		G			X	
7.2.8		G			X	
7.2.9		G			X	
7.2.10		G			X	
7.2.11		R			X	
7.2.12		R			X	
7.2.13		R			X	
7.2.14		R			X	
7.2.15		G			X	
7.2.16		R			X	
7.2.17		G			X	
7.2.18		R			X	
7.2.19		R			X	
7.2.20		G			X	
7.2.21		R			X	
7.2.22		R			X	
7.2.23		G			X	
7.2.24		R			X	
7.2.25		R			X	
7.2.26		G			X	
7.2.27		R			X	
7.2.28		G			X	
7.2.29		G			X	
7.2.30		R			X	

7.2.31		R			X	
7.2.32		R			X	
7.2.33		R			X	
7.2.34		R			X	
7.2.35		R			X	
7.2.36		R			X	
7.2.37		R			X	
7.2.38		R			X	
7.2.39		R			X	
7.2.40		R			X	
7.2.41		R			X	
7.2.42		G			X	
7.2.42A		R			X	
7.2.42B		R			X	
7.2.42C		R			X	
7.2.42D		R			X	
7.2.43		R			X	
7.2.44		R			X	
7.2.45		R			X	
7.2.46		R			X	
7.2.46A		G			X	
7.2.47		R				X
7.2.47A		G				X
7.2.47B		G				X
7.2.47C		G				X

7.2.48		G				X
7.2.48A		R			X	
7.2.48B		R			X	
7.2.48C		R			X	
7.2.48D		R			X	
7.2.48E		R			X	
7.2.48F		R			X	
7.2.48G		R			X	
7.2.48H		G			X	
7.2.48I		G			X	
7.2.48J		G			X	
7.2.48K		R			X	
7.2.48L		R			X	
7.2.49		R			X	
7.2.50		R			X	
7.2.51		G			X	
7.2.52		R			X	
7.2.53		R			X	
7.2.54		R			X	
7.2.55		G			X	
7.2.56		R			X	
7.2.57		R			X	
7.2.58		G			X	
7.2.59		R			X	
7.2.60		G			X	

7.2.61		G			X	
7.2.62		G			X	
7.2.63		R			X	
7.2.64		R			X	
7.2.65		R			X	
7.2.66		R			X	
7.3.1		R			X	
7.3.2		R			X	
7.3.3		R			X	
7.3.4		G			X	
7.3.5		G			X	
7.3.6		G			X	
7.3.7		G			X	
7.3.8		G			X	
7.3.9		G			X	
7.3.10		R			X	
7.3.11		G			X	
7.3.12		R			X	
7.3.13		R			X	
7.3.14		R			X	
7.3.15		R			X	
7.3.16		R			X	
7.3.17		G			X	
7.3.18		R			X	
7.3.19		R			X	

7.3.20		G			X	
7.3.21		R			X	
7.3.22		R			X	
7.3.23		R			X	
7.3.24		R			X	
7.3.25		G			X	
7.3.26		G			X	
7.3.27		R			X	
7.3.28		G			X	
7.3.29		R			X	
7.3.30		R			X	
7.3.31		G			X	
7.3.32		R			X	
7.3.33		R			X	
7.3.34		R			X	
7.3.35		R				X
7.3.36		G				X
7.3.37		G				X
7.3.38		R			X	
7.3.39		R			X	
7.3.40		R			X	
7.3.41		R			X	
7.3.42		R			X	
7.3.43		G			X	
7.3.44		G			X	

7.3.45		R			X	
7.3.46		G			X	
7.3.47		R			X	
7.3.48		R			X	
7.4.1		R			X	
7.4.2		R			X	
7.4.3		R			X	
7.4.4		R			X	
7.4.5		G			X	
7.4.6		G			X	
7.4.7		G			X	
7.4.8		R			X	
7.4.9		G			X	
7.4.10		R			X	
7.4.11		G			X	
7.4.12		G			X	
7.4.13		R			X	
7.4.14		R			X	
7.4.15		G			X	
7.4.16		R			X	
7.4.17		R			X	
7.4.18		G			X	
7.4.19		G			X	
7.4.20		R			X	
7.4.21		R			X	

7.4.22		R			X	
7.4.23		R			X	
7.4.24		R			X	
7.4.25		R			X	
7.4.26		R			X	
7.4.27		G			X	
7.4.28		R			X	
7.4.29		G			X	
7.4.30		G			X	
7.4.31		R			X	
7.4.32		R			X	
7.4.33		R			X	
7.4.34		G			X	
7.4.35		G			X	
7.4.36		R			X	
7.4.37		G			X	
7.4.38		R			X	
7.4.39		G			X	
7.4.40		R			X	
7.4.41		R			X	
7.5.1		R			X	
7.5.2		G			X	
7.5.3		R			X	
7.5.4		R			X	
7.5.5		R			X	

7.5.6		G			X	
7.5.7		R			X	
7.5.8		G			X	
7.5.9		R			X	
7.5.10		G			X	
7.5.11		R			X	
7.5.12		G			X	
7.5.13		R			X	
7.5.14		G			X	
7.5.15		R			X	
7.5.16		R			X	
7.5.17		R			X	
7.5.18		R			X	
7.5.19		R			X	
7.5.20		R			X	
7.6.1		R			X	
7.6.2		G			X	
7.6.3		R			X	
7.6.4		G			X	
7.6.5		R			X	
7.6.6		R			X	
7.6.7		R			X	
7.6.8		R			X	
7.6.9		R			X	
7.6.10		R			X	

7.6.11		R			X	
7.6.12		R			X	
7.6.13		R			X	
7.6.14		R			X	
7.6.15		R			X	
7.6.16		R			X	
7.6.17		R			X	
7.6.18		R			X	
7.6.19		G			X	
7.6.20		R			X	
7.6.21		R			X	
7.6.22		R			X	
7.6.23		G			X	
7.6.24		R			X	
7.6.25		R			X	
7.6.26		R			X	
7.6.27		R			X	
7.6.28		R			X	
7.6.29		R			X	
7.6.30		R			X	
7.6.31		R			X	
7.6.32		G			X	
7.6.33		G			X	
7.6.34		R			X	
7.6.35		R			X	

7.6.36		G			X	
7.6.37		G			X	
7.7.1		R			X	
7.7.2		R			X	
7.7.3		R			X	
7.7.4		R			X	
7.7.5		R			X	
7.7.6		R			X	
7.7.7		R			X	
7.7.8		R			X	
7.7.9		R			X	
7.7.10		R			X	
7.7.11		R			X	
7.7.12		R			X	
7.7.13		G			X	
7.7.14		G			X	
7.8.1		G			X	
7.8.2		R			X	
7.8.3		R			X	
7.8.4		R			X	
7.8.5		G			X	
7.8.6		G			X	
7.8.7		G			X	
7.8.8		R			X	
7.8.9		G			X	

7.8.10		R			X	
7.8.11		G			X	
7.8.12		R			X	
7.8.13		R			X	
7.8.14		R			X	
7.8.15		G			X	
7.8.16		G			X	
7.8.17		R			X	
7.8.18		R			X	
7.8.19		R			X	
7.8.20		G			X	
7.8.21		R			X	
7.8.22		R			X	
7.8.23		R			X	
7.8.24		G			X	
7.8.25		G			X	
7.8.26		G			X	
7.8.27		R			X	
7.8.28		R			X	
7.8.29		G			X	
7.8.30		G			X	
7.8.31		R			X	
7.8.32		R			X	
7.8.33		R			X	
7.8.34		R			X	

7.8.35		R			X	
7.8.36		G			X	
7.8.37		R			X	
7.8.38		R			X	
7.8.39		G			X	
7.9.1		G			X	
7.9.2		G			X	
7.9.3		G			X	
7.9.4		G			X	
7.9.5		G			X	
7.9.6		G			X	
7.9.7		G			X	
7.9.8		G			X	
7.9.9		G			X	
7.9.10		G			X	
7.9.11		G			X	
7.9.12		G			X	
7.9.13		G			X	
7.9.14		G			X	
7.9.15		G			X	
7.9.16		G			X	
7.9.17		G			X	
7.9.18		G			X	
7.9.19		G			X	
7.9.20		G			X	

7.9.21		G			X	
7.9.22		G			X	
7.9.23		G			X	
7.9.24		G			X	
7.9.25		G			X	
7.9.26		G			X	
7.9.27		G			X	
7.9.28		G			X	
7.9.29		G			X	
7.9.30		G			X	
7.9.31		G			X	
7.9.32		G			X	
7.9.33		G			X	
7.9.34		G			X	
7.9.35		G			X	
7.9.36		G			X	
7.9.37		G			X	
7.9.38		G			X	
7.9.39		G			X	
7.9.40		G			X	
7.9.41		G			X	
7.9.42		G			X	
7.9.43		G			X	
7.9.44		G			X	
7.9.45		G			X	

7.9.46		G			X	
7.9.47		G			X	
7.9.48		G			X	
7.9.49		G			X	
7.9.50		G			X	
7.9.51		G			X	
7.9.52		G			X	
7.9.53		G			X	
7.10.1		R			X	
7.10.2		G			X	
7.10.3		G			X	
7.10.4		G			X	
7.10.5		G			X	
7.10.6		G			X	
7.10.7		G			X	
7.10.8		G			X	
7.10.9		G			X	
7.10.10		G			X	
7.10.11		G			X	
7.10.12		G			X	
7.10.13		G			X	
7.10.14		G			X	
7.10.15		G			X	
7.10.16		G			X	
7.10.17		G			X	

7.10.18		R			X	
7.10.19		G			X	
7.10.20		G			X	
7.10.21		G			X	
7.10.22		G			X	
7.10.23		G			X	
7.10.24		R			X	
7.10.25		G			X	
7.10.26		R			X	
7.10.27		G			X	
7.10.27A		R			X	
7.10.28		R			X	
7.10.29		G			X	
7.10.30		R			X	
7.10.30A		R			X	
7.10.30B		R			X	
7.10.31		R			X	
7.10.32		G			X	
7.10.33		R			X	
7.10.34		R			X	
7.10.35		G			X	
7.10.36		R			X	
7.10.37		R			X	
7.10.38		G			X	
7.10.39		R			X	

7.10.39A		R			X	
7.10.39B		R			X	
7.10.40		R			X	
7.10.41		R			X	
7.10.42		R			X	
7.10.43		R			X	
7.10.44		R			X	
7.10.45		G			X	
7.10.46		R			X	
7.10.47		G			X	
7.10.48		R			X	
7.10.49		R			X	
7.10.50		R			X	
7.10.51		R			X	
7.10.52		R			X	
7.10.53		R			X	
7.10.54		G			X	
7.10.55		G			X	
7.10.55A		R			X	
7.10.55B		R			X	
7.10.55C		R			X	
7.10.55D		R			X	
7.10.55E		R			X	
7.10.55F		R			X	
7.10.55G		R			X	

7.10.55H		R			X	
7.10.55I		R			X	
7.10.55J		R			X	
7.10.55K		R			X	
7.10.55L		R			X	
7.10.55M		R			X	
7.10.55N		R			X	
7.10.55O		R			X	
7.10.55P		R			X	
7.10.55Q		R			X	
7.10.55R		R			X	
7.10.55S		G			X	
7.10.55T		R			X	
7.10.55U		R			X	
7.10.55V		R			X	
7.10.55W		R			X	
7.10.55X		R			X	
7.10.55Y		R			X	
7.10.55Z		R			X	
7.10.55ZA		R			X	
7.10.55ZB		G			X	
7.10.55ZC		G			X	
7.10.56		G			X	
7.10.57		G			X	
7.10.58		R			X	

7.10.59		R			X	
7.10.60		R			X	
7.10.61		G			X	
7.10.62		R			X	
7.10.63		R			X	
7.10.64		G			X	
7.10.65		R			X	
7.10.66		R			X	
7.10.67		R			X	
7.10.68		G			X	
7.10.69		R			X	
7.10.70		R			X	
7.10.71		G			X	
7.10.72		R			X	
7.10.73		G			X	
7.10.73A		G			X	
7.10.74		R			X	
7.10.75		R			X	
7.10.76		G			X	
7.10.77		G			X	
7.10.78		R			X	
7.10.79		G			X	
7.10.80		G			X	
7.10.81		G			X	
7.10.82		R			X	

7.10.83		R			X	
7.10.84		G			X	
7.10.85		R			X	
7.10.86		R			X	
7.10.87		R			X	
7.10.88		R			X	
7.10.89		R			X	
7.10.90		G			X	
7.10.90A		R			X	
7.10.91		G			X	
7.10.92		G			X	
7.10.93		G			X	
7.10.94		R			X	
7.10.94A		R			X	
7.10.95		G			X	
7.10.96		R			X	
7.10.97		G			X	
7.10.98		R			X	
7.10.99		G			X	
7.10.100		R			X	
7.10.101		G			X	
7.10.102		G			X	
7.10.103		R			X	
7.10.104		R			X	
7.10.105		G			X	

7.10.106		G			X	
7.10.107		R			X	
7.10.108		G			X	
7.10.109		R			X	
7.10.110		G			X	
7.10.111		R			X	
7.10.112		G			X	
7.10.112A		G			X	
7.10.113		R			X	
7.10.114		R			X	
7.10.115		R			X	
7.10.116		R			X	
7.10.116A		R			X	
7.10.117		G			X	
7.10.118		R			X	
7.10.119		R			X	
7.10.120		G			X	
7.10.121		R			X	
7.10.122		G			X	
7.10.123		G			X	
7.10.124		R			X	
7.10.125		R			X	
7.10.126		G			X	
7.10.127		G			X	
7.10.128		G			X	

7.10.129		R			X	
7.10.130		R			X	
7.10.131		G			X	
7.10.132		G			X	
7.10.133		G			X	
7.10.134		G			X	
7.10.135		R			X	
7.10.136		R			X	
7.10.136A		R			X	
7.10.137		R			X	
7.10.138		R			X	
7.10.139		G			X	
7.10.140		R			X	
7.10.141		G			X	
7.10.142		R			X	
7.10.143		R			X	
7.10.144		R			X	
7.10.145		R			X	
7.10.146		R			X	
7.10.147		G			X	
7.10.148		R			X	
7.10.149		R			X	
7.11.1		R			X	
7.11.2		R			X	
7.11.3		R			X	

7.11.4		R			X	
7.11.5		R			X	
7.11.6		R			X	
7.11.7		R			X	
7.11.8		R			X	
7.11.9		R			X	
7.11.10		R			X	
7.11.11		R			X	
7.11.12		R			X	
7.11.12A		R			X	
7.11.12B		R			X	
7.11.12C		R			X	
7.11.13		R			X	
7.11.14		R			X	
7.11.15		R			X	
7.11.16		R			X	
7.11.17		R			X	
7.11.18		R				X
7.11.19		R				X
7.11.20		R				X
7.11.21		R				X
7.11.22		R				X
7.11.23		R				X
7.11.24		R				X
7.11.25		R				X

7.11.26		R				X
7.11.27		R				X
7.11.28		R				X
7.11.29		R				X
7.11.30		R				X
7.11.31		R				X
7.11.32		R				X
7.11.33		R				X
7.11.34		R				X
7.11.35		R				X
7.11.36		R				X
7.11.37		R				X
7.11.38		R				X
7.11.39		R				X
7.11.40		R				X
7.11.41		R				X
7.11.42		R				X
7.11.43		R				X
7.11.44		R				X
7.11.45		R				X
7.11.46		R				X
7.11.47		G				X
7.11.48		R				X
7.11.49		R				X
7.11.50		R				X

7.11.51		R				X
7.11.52		R				X
7.11.53		R				X
7.11.54		R				X
7.11.55		R				X
7.11.56		R				X
7.11.57		R				X
7.11.58		R				X
7.11.59		G			X	
7.11.60		R			X	
7.11.61		G			X	
7.11.62		G			X	
7.11.63		G			X	
7.11.64		G				X
8.1.1		R			X	
8.1.2		R			X	
8.1.3		G			X	
8.1.4		G			X	
8.1.5		G			X	
8.1.6		G			X	
8.1.7		G			X	
8.1.8		G			X	
8.1.9		G			X	
8.1.10		G			X	
8.1.11		G			X	

8.1.12		G			X	
8.1.13		G			X	
8.1.14		G			X	
8.1.15		G			X	
8.1.16		G			X	
8.2.1		R			X	
8.2.2		R			X	
8.2.3		G			X	
8.2.4		R			X	
8.2.5		R			X	
8.2.6		G			X	
8.2.7		G			X	
8.3.1		R			X	
8.3.2		R			X	
8.3.3		G			X	
8.3.4		G			X	
8.3.5		G			X	
8.3.6		G			X	
8.3.7		G			X	
8.3.8		G			X	
8.3.9		G			X	
8.3.10		G			X	
8.3.11		G			X	
8.3.12		G			X	
8.3.13		G			X	

8.3.14		G			X	
8.3.15		G			X	
8.3.16		G			X	
8.3.17		G			X	
8.3.18		G			X	
8.3.19		G			X	
8.3.20		G			X	
8.3.21		G			X	
8.3.22		G			X	
8.3.23		G			X	
8.3.24		G			X	
8.4.1		R	X			
8.4.2		G	X			
8.4.3		G	X			
8.4.4		G	X			
8.4.5		G	X			
8.4.6		G	X			
8.4.7		R	X			
8.4.8		G	X			
8.4.9		R	X			
8.4.10		G	X			
8.4.11		R	X			
8.4.12		R	X			
8.4.13		R	X			
8.4.14		R	X			

8.4.15		G	X			
8.4.16		R	X			
8.4.17		R	X			
8.4.18		R	X			
8.4.19		G	X			
8.5.1		R			X	
8.5.2		G			X	
8.5.3		G			X	
8.5.4		R			X	
8.5.5		R			X	
8.5.6		R			X	
8.5.7		R			X	
8.5.8		G			X	
8.5.9		R			X	
8.5.10		R			X	
8.5.11		G			X	
8.5.12		G			X	
8.5.13		G			X	
8.5.14		G			X	
8.6.1		R			X	
8.6.1A		R			X	
8.6.1B		R			X	
8.6.1C		R			X	
8.6.1D		R			X	
8.6.1E		R			X	

8.6.1F		R			X	
8.6.2		R			X	
8.6.3		G			X	
8.6.4		G			X	
8.6.5		G			X	
8.6.6		R			X	
8.6.7		R			X	
8.6.8		R			X	
8.6.9		R			X	
8.6.10		R			X	
8.6.11		R			X	
8.6.12		R			X	
8.6.13		R			X	
8.6.14		R			X	
8.6.15		R			X	
8.6.16		R			X	
8.6.17		R			X	
8.6.18		R			X	
8.6.19		R			X	
8.6.20		R			X	
8.6.21		R			X	
8.7.1		G			X	
8.7.2		G			X	
8.7.3		G			X	
8.7.4		G			X	

8.7.5		G			X	
8.7.6		G			X	
8.7.7		G			X	
8.7.8		G			X	
8.7.9		G			X	
8.7.10		R			X	
8.7.11		R			X	
8.7.12		R			X	
8.7.13		R			X	
8.7.14		G			X	
8.7.15		G			X	
8.7.16		R			X	
8.7.17		R			X	
8.7.18		G			X	
8.7.19		G			X	
8.7.20		R			X	
8.7.21		R			X	
8.7.22		R			X	
8.7.23		R			X	
8.7.24		R			X	
8.7.25		R			X	
8.7.26		R			X	
8.7.27		R			X	
8.7.28		G			X	
8.7.29		R			X	

8.7.30		R			X	
8.7.31		G			X	
8.7.32		G			X	
8.7.33		G			X	
8.7.34		R			X	
8.7.37		R			X	
8.7.38A		R			X	
8.7.39		G			X	
8.8.1		R			X	
8.8.2		G			X	
8.8.3		R			X	
8.8.4		R			X	
8.8.5		R			X	
8.8.6		G			X	
8.8.7		G			X	
8.8.8		G			X	
8.8.9		G			X	
8.9A.1		R			X	
8.9A.2		G			X	
8.9A.3		R			X	
8 Annex 1		R			X	
8 Annex 2		G			X	
8 Annex 3		G			X	
8 Annex 4		G			X	
8 Annex 5		R			X	

8 Annex 6	Part 1	R			X	
	Part 2				X	
9.1.1		R			X	
9.1.2		G			X	
9.1.3		R			X	
9.1.4		G			X	
9.1.5		G			X	
9.1.6		R			X	
9.1.7		G			X	
9.1.8		G			X	
9.1.8A		G			X	
9.1.9		G			X	
9.1.10		G			X	
9.2.1		R			X	
9.3.1		R			X	
9.3.1A		R			X	
9.3.2		G		X		
9.3.3		G				X
9.3.4		G				X
9.3.5		G				X
9.3.6		G			X	
9.3.7		R			X	
9.3.8		R			X	
9.3.9		G			X	
9.3.10		G			X	

9.3.11		D			X	
9.3.12		G			X	
9.3.13		G			X	
9.3.14		G			X	
9.3.15		R		X		
9.3.16		R		X		
9.3.17		R		X		
9.3.18		R		X		
9.3.19		R		X		
9.3.20		R		X		
9.3.21		G			X	
9.3.22		G			X	
9.4.1		R			X	
9.4.2		R			X	
9.4.3		R			X	
9.4.4		G			X	
9.4.5		R			X	
9.4.6		R			X	
9.4.7		R			X	
9.4.8		R			X	
9.4.9		R			X	
9.4.10		R			X	
9.4.11		R			X	
9.4.12		R			X	
9.4.13		G			X	

9.4.14		G			X	
9.4.15		D			X	
9.4.16		G			X	
9.4.17		G			X	
9.4.18		G			X	
9.5.1		R			X	
9.5.1A		G			X	
9.5.1B		D			X	
9.5.1C		G			X	
9.5.1D		G			X	
9.5.1E		G			X	
9.5.1F		G			X	
9.5.2		R			X	
9.5.3		R			X	
9.5.4		R			X	
9.5.5		R			X	
9.5.6		R			X	
9.5.7		R			X	
9.5.8		R			X	
9.6.1		R			X	
9.6.1A		R			X	
9.6.2		R			X	
9.6.3		G			X	
9.6.4		G			X	
9.6.5		G			X	

9.6.6		G			X	
9.6.7		G			X	
9.6.8		G			X	
9.7.1		R			X	
9.7.2		R			X	
9.7.2A		G			X	
9.7.3		G			X	
9.7.4		G			X	
9.8.1		R			X	
9.8.2		R			X	
9.8.3		R			X	
9.8.4		R			X	
9.8.5		R			X	
9.8.6		R			X	
9.8.7		R			X	
9.9.1		R			X	
9.9.2		R			X	
9.9.3		R			X	
9.9.4		R			X	
9.9.5		R			X	
9.9.6		R			X	
9.9.7		R			X	
9.9.8		R			X	
9.9.9		R			X	
9.9.10		G			X	

9.10.1		R			X	
9.10.2		R			X	
9.10.3		R			X	
9.10.4		R			X	
9.10.5		R			X	
9.10.6		R			X	
9.10.7		R			X	
9.11.1		R			X	
9.11.2		R			X	
9.11.3		R				X
9.11.4		R			X	
9.11.5		R			X	
9.11.6		R			X	
9.11.7		G			X	
9.11.8		R			X	
9.11.9		R			X	
9.11.10		R			X	
9.11.11		R				X
9.11.12		R			X	
9.11.13		R			X	
9.12.1		R			X	
9.12.2		R			X	
9.12.3		R			X	
9.12.4		G			X	
9.12.5		R			X	

9.12.6		R			X	
9.12.7		R			X	
9.12.8		R			X	
9.12.9		R			X	
9.12.10		R			X	
9.12.11		R			X	
9.12.12		R				X
9.12.13		R			X	
9.12.14		R			X	
9.12.15		G			X	
9.12.16		R				X
9.12.17		R			X	
9.12.18		R				X
9.12.19		R				X
9.12.20		R			X	
9.12.21		R			X	
9.12.22		R			X	
9.12.23		R			X	
9.12.24		G			X	
9.12.25		R			X	
9.12.26		R				X
9.12.27		R			X	
9.12.28		G			X	
9.13.1		R			X	
9.13.2		R			X	

9.13.3		R			X	
9.13.4		R			X	
9.13.5		R			X	
9.13.6		R			X	
9.13.7		R			X	
9.13.8		R			X	
9.13.9		R			X	
9.13.10		R			X	
9.13.11		R			X	
9.13.12		R			X	
9.13.13		R			X	
9.13.14		R			X	
9.13.15		R			X	
9.13.16		R			X	
9.13.17		R			X	
9.13.18		G			X	
9.13.19		R			X	
9.13.20		R			X	
9.13.21		R			X	
9.14.1		R			X	
9.14.2		R			X	
9.14.3		R			X	
9.14.4		R			X	
9.14.5		R			X	
9.14.6		R			X	

9.14.7		R			X	
9.14.8		R			X	
9.14.9		R			X	
9.14.10		R			X	
9.14.11		R			X	
9.14.12		R			X	
9.14.13		R			X	
9.15.1		R		X		
9.15.1A		R		X		
9.15.1B		G		X		
9.15.2		G		X		
9.15.3		R		X		
9.15.4		R		X		
9.15.5		R		X		
9.15.6		R		X		
9.15.7		R		X		
9.15.8		R		X		
9.15.9		R		X		
9.15.10		R		X		
9.15.11		R		X		
9.15.12		R		X		
9.15.13		R		X		
9.15.14		R		X		
9.15.15		R		X		
9.15.16		R		X		

9.15.16A		R		X		
9.15.16B		R		X		
9.15.16C		G		X		
9.15.16D		G		X		
9.15.16E		G		X		
9.15.17		G		X		
9.15.18		G		X		
10.1.1		R			X	
10.1.2		G			X	
10.1.3		G			X	
10.1.4		G			X	
10.1.5		R				X
10.2.1		R			X	
10.2.2		R			X	
10.2.2A		G			X	
10.2.3		G				X
10.2.3A		G			X	
10.2.4		G				X
10.2.5		R			X	
10.2.6		R			X	
10.2.7		R			X	
10.2.8		R			X	
10.2.9		R			X	
10.2.10		R			X	
10.2.11		G			X	

10.2.12		R			X	
10.2.13		G			X	
10.2.14		R			X	
10.2.15		G			X	
10.2.16		R			X	
10.2.17		G			X	
10.2.18		R			X	
10.2.19		R			X	
10.2.20		R			X	
10.2.21		R			X	
10.2.22		R			X	
10.2.23		R			X	
10.2.24		G			X	
10.3.1		R			X	
10.3.2		G			X	
10.3.3		R			X	
10.3.4		G			X	
10.3.5		R			X	
10.3.5A		R			X	
10.3.5B		G			X	
10.3.6		G			X	
10.3.7		G			X	
10.3.8		R				X
10.3.8A		G			X	
10.3.9		R			X	

10.3.10		R			X	
10.3.11		R				X
10.3.12		G			X	
10.3.13		G			X	
10.3.14		G			X	
10.3.15		R			X	
10.3.16		G			X	
10.4						X
10.5.1		R			X	
10.5.2		R			X	
10.5.3		R			X	
10.5.4		R			X	
10.5.5		R			X	
10.5.6		R			X	
10.5.7		G				X
10.5.8		R				X
10.5.9		R				X
10.5.10		G				X
10.5.11		R				X
10.5.12		R				X
10.5.13		R				X
10.5.14		R				X
10.5.15		G				X
10.5.16		G				X
10.5.17		R				X

10.5.18		R				X
10.5.19		G				X
10.5.20		R				X
10.5.21		R				X
10.5.22		R				X
10.5.23		G				X
10.5.24		G				X
10.6.1		G			X	
10.6.2		R			X	
10.6.3		R			X	
10.6.4		R			X	
10.6.5		R				X
10.6.6		R				X
10.6.7		R				X
10.6.8		G				X
10.6.9		R				X
10.6.10		R				X
10.6.11		R				X
10.6.12		R				X
10.6.13		G				X
10.6.14		R				X
10.6.15		R				X
10.6.16		R				X
10.6.17		R				X
10.6.18		G				X

10.6.19		R				X
10.6.20		R				X
10.6.21		R				X
10.6.22		R				X
10.6.23		R				X
10.6.24		R				X
10.6.25		R				X
10.6.26		R				X
10.6.27		G				X
10.6.28		R			X	
10.6.29		G			X	
10.6.30		R			X	
10.6.31		G			X	
10.6.32		R			X	
10.6.33		G			X	
10.6.34		R			X	
10.6.35		R			X	
10.6.36		R			X	
10.6.37		G			X	
10.7						X
10.8						X
10.8A.1		R			X	
10.8A.2		R			X	
10.8A.3		G			X	
10.8A.4		G			X	

10.8A.5		R			X	
10.8A.6		G			X	
10.8A.7		G			X	
10.8A.8		R			X	
10.8A.9		G			X	
10.8A.10		R			X	
10.8A.11		G			X	
10.8A.12		R			X	
10.9						X
10.9A.1		R			X	
10.9A.2		G				X
10.9A.3		R			X	
10.9A.4		R			X	
10.9A.5		R			X	
10.9A.6		R			X	
10.9A.7		R			X	
10.9A.8		R			X	
10.9A.9		R			X	
10.9A.10		R			X	
10.9A.11		G			X	
10.9A.12		R			X	
10.10						X
10.10A.1		R			X	
10.10A.1A		G			X	
10.10A.2		R			X	

10.10A.2A		G			X	
10.10A.3		R			X	
10.10A.4		G			X	
10.10A.5		R			X	
10.10A.6		R			X	
10.10A.7		G			X	
10.10A.8		R			X	
10.10A.9		R			X	
10.10A.10		R			X	
10.10A.11		R			X	
10.10A.12		R			X	
10.10A.13		G			X	
10.10A.14		G			X	
10.11		R				X
10.12.1		R			X	
10.12.2		R			X	
10.12.3		R			X	
10.12.4		R			X	
10.12.5		R			X	
10.12.6		R			X	
10 Annex 1						X
10 Annex 2		G			X	
11.1.1		R			X	
11.1.2		G			X	
11.2.1		R			X	

11.2.2		R			X	
11.2.3		R			X	
11.2.4		R			X	
11.2.5		R			X	
11.2.6		G			X	
11.2.7		G			X	
11.3.1		R			X	
11.3.2		R			X	
11.3.3		R			X	
11.3.4		R			X	
11.3.5		R			X	
11.3.6		R			X	
11.3.7		R			X	
11.3.8		R			X	
11.3.9		R			X	
11.3.10		R			X	
11.4.1		R			X	
11.4.2		R			X	
11.4.3		R			X	
11.4.4		R			X	
11.4.5		R			X	
11.5.1		R			X	
11.5.2		R			X	
11.5.3		R			X	
11.5.4		R			X	

11.5.5		R			X	
11.5.6		R			X	
11.5.7		R			X	
11.5.8		R			X	
11.5.9		R			X	
11.5.10		R			X	
11.5.11		R			X	
11.5.12		R			X	
11.5.13		R			X	
11.5.14		R			X	
11.5.15		R			X	
11.5.16		R			X	
11.5.17		R			X	
11.5.18		R			X	
11.5.19		G			X	
11.5.20		R			X	
11.5.21		G			X	
11.6.1		R			X	
11.6.2		R			X	
11.6.3		R			X	
11.6.4		R			X	
11.6.5		R			X	
11.6.6		R			X	
12.1.1		R			x	
12.1.2		R			X	

12.1.3		G			X	
12.1.4		R			X	
12.1.5		G			X	
12.1.6		G			X	
12.1.7		R			X	
12.2.1		R			X	
12.2.2		G			X	
12.2.3		R			X	
12.2.4		G			X	
12.2.5		G			X	
12.2.6		G			X	
12.2.7		G			X	
12.2.8		R			X	
12.2.9		G			X	
12.2.10		G			X	
12.2.11		R			X	
12.2.12		G			X	
12.2.13		G			X	
12.2.14		G			X	
12.2.15		G			X	
12.2.16		G			X	
12.2.17		G			X	
12.2.18		G			X	
12.2.19		G			X	
12.3.1		G			X	

12.3.2		G			X	
12.3.3		G			X	
12.3.4		R			X	
12.3.4A		G			X	
12.3.5		R			X	
12.3.6		E			X	
12.3.7		G			X	
12.3.8		R			X	
12.3.9		G			X	
12.3.10		R			X	
12.3.11		R			X	
12.3.12		R			X	
12.3.13		G			X	
12.3.14		G			X	
12.3.15		E			X	
12.3.16		G			X	
12.3.17		R			X	
12.3.18		G			X	
12.3.19		R			X	
12.3.20		G			X	
12.3.21		E			X	
12.3.22		R			X	
12.3.22A		R			X	
12.3.22B		R			X	
12.3.23		R			X	

12.3.24		G			X	
12.3.25		E			X	
12.3.26		R			X	
12.3.27		R			X	
12.3.28		G			X	
12.3.29		R			X	
12.3.30		R			X	
12.3.31		G			X	
12.3.32		E			X	
12.4.-2		R			X	
12.4.-1		R			X	
12.4.1		R			X	
12.4.2		R			X	
12.4.3		G			X	
12.4.4		G			X	
12.4.5		E				X
12.4.5A		R			X	
12.4.6		G			X	
12.4.7		G			X	
12.4.8		E			X	
12.4.9		R			X	
12.4.10		R			X	
12.4.11		R			X	
12.4.12		G			X	
12.4.13		R			X	

12.4.14		E			X	
12.4.15		G			X	
12.4.16		G			X	
12.5.1		R			X	
12.5.2		R			X	
12.5.3		G			X	
12.5.4		R			X	
12.5.5		G			X	
12.5.6		R			X	
12.5.7		G			X	
12.5.8		R			X	
12.5.9		R			X	
12.5.10		G			X	
12.5.11		R			X	
12.5.12		R			X	
12.5.13		R			X	
12.5.14		R			X	
12.5.15		R			X	
12.5.16		R			X	
12.5.17		G			X	
12.5.18		G			X	
12.5.19		R			X	
12.5.20		R			X	
12.5.21		R			X	
12.5.22		G			X	

12.5.23		G			X	
12.5.24		G			X	
12.5.25		G			X	
12.5.26		R			X	
12.5.27		G			X	
12.5.28		G			X	
12.5.29		R			X	
12.5.30		G			X	
12.5.31		R			X	
12.5.32		G			X	
12.5.33		R			X	
12.5.34		R			X	
12.5.35		G			X	
12.5.36		R			X	
12.5.37		G			X	
12.5.38		R			X	
12.5.39		G			X	
12.5.40		R			X	
12.5.41		R			X	
12.5.42		R			X	
12.5.43		R			X	
12.5.44		R			X	
12.5.45		G			X	
12.5.46		G			X	
12.5.47		G			X	

12.5.48		G			X	
12.5.49		G			X	
12.5.50		G			X	
12.5.51		G			X	
12.5.52		R			X	
12.5.53		G			X	
12.5.54		G			X	
12.5.55		G			X	
12.5.56		R			X	
12.5.57		G			X	
12.5.58		G			X	
12.5.59		G			X	
12.5.60		G			X	
12.5.61		G			X	
12.5.62		R			X	
12.5.63		R			X	
12.5.64		G			X	
12.5.65		G			X	
12.5.66		G			X	
12.5.67		R			X	
12.5.68		G			X	
12.5.69		G			X	
12.5.70		G			X	
12.5.71		G			X	
12.5.72		R			X	

12.5.73		G			X	
12.5.74		G			X	
12.5.75		R			X	
12.5.76		G			X	
12.5.77		G			X	
12.6.1		G			X	
12.6.2		R			X	
12.6.3		G			X	
12.6.4		R			X	
12.6.5		G			X	
12.6.6		R			X	
12.6.6A		R			X	
12.6.7		R			X	
12.6.8		R			X	
12.6.9		R			X	
12.6.10		R			X	
12.6.11		R			X	
12.6.12		G			X	
12.6.13		R			X	
12.6.14		G			X	
12.6.15		R			X	
12.6.16		R			X	
12.6.17		G			X	
12.6.18		R			X	
12.6.19		G			X	

12.6.20		G			X	
12.6.21		R			X	
12.6.22		G			X	
12.7.1		G			X	
12.7.2		R			X	
12.7.3		R			X	
12.7.4		R			X	
12.7.5		R			X	
12.7.6		R			X	
12.7.6A					X	
12.7.7		G			X	
12.7.8		G			X	
12.7.9		R			X	
12.7.9A		R			X	
12.7.10		G			X	
12.7.11		R			X	
12.7.12		G			X	
12.8.1		G			X	
12.8.2		G			X	
12.8.3		G			X	
12.8.4		G			X	
12.8.5		G			X	
12.8.6		G			X	
12.8.7		G			X	
12.8.8		G			X	

12.8.9		G			X	
12.8.10		G			X	
12.8.11		G			X	
12.8.12		G			X	
12.8.13		G			X	
12.8.14		G			X	
12.8.15		G			X	
12.8.16		G			X	
12.8.17		G			X	
12.8.18		G			X	
12.8.19		G			X	
12.8.20		G			X	
12.8.21		G			X	
12.8.22		G			X	
12.8.23		G			X	
12.8.24		G			X	
12.8.25		G			X	
12.8.26		G			X	
12.8.27		G			X	
12.8.28		G			X	
12.8.29		G			X	
12.8.30		G			X	
12.9.1		G			X	
12.9.2		G			X	
12.9.3		G			X	

12.9.4		G			X	
12.9.5		G			X	
12.9.6		G			X	
12.9.7		G			X	
12.9.8		G			X	
12.9.9		G			X	
12.9.10		G			X	
12.9.11		G			X	
12.9.12		G			X	
12.9.12A		G			X	
12.9.13		R			X	
12.9.14		R			X	
12.9.15		G			X	
12.9.16		G			X	
12.9.17		R			X	
12.9.18		R			X	
12.9.19		G			X	
12.9.20		G			X	
12.9.21		G			X	
12.9.22		G			X	
12.9.23		G			X	
12.9.24		R			X	
12.9.25		R			X	
12.9.26		G			X	
12.9.27		G			X	

13.1.1		R			X	
13.1.2		R			X	
13.1.3		G			X	
13.1.4		G			X	
13.1.5		G			X	
13.1.6		G			X	
13.2.1		R			X	
13.2.2		R			X	
13.2.3		R			X	
13.2.4		R			X	
13.2.5		G			X	
13.3.1		R			X	
13.3.2		R			X	
13.3.3		R			X	
13.3.4		R			X	
13.3.5		R			X	
13.3.6		R			X	
13.3.7		G			X	
13.3.8		R			X	
13.3.9		R			X	
13.3.10		R			X	
13.3.11		G			X	
13.3.12		R			X	
13.3.13		R			X	
13.3.14		R			X	

13.3.15		R			X	
13.3.16		R			X	
13.4.1		R			X	
13.4.2		R			X	
13.4.3		R			X	
13.4.4		R			X	
13.4.5		R			X	
13.4.6		R			X	
13.4.7		R			X	
13.4.8		R			X	
13.4.9		R			X	
13.4.10		R			X	
13.4.11		R			X	
13.4.12		R			X	
13.4.13		G			X	
13.4.14		G			X	
13.4.15		R			X	
13.4.16		R			X	
13.4.17		R			X	
13.4.18		R			X	
13.4.19		R			X	
13.5.1		R			X	
13.5.2		R			X	
13.5.3		R			X	
13.5.4		R			X	

13.5.5		R			X	
13.5.6		R			X	
13.5.7		R			X	
13.5.8		R			X	
13.5.9		R			X	
13.5.10		R			X	
13.5.11		R			X	
13.5.12		R			X	
13.5.13		R			X	
13.5.14		R			X	
13.5.15		R			X	
13.5.16		R			X	
13.5.17		R			X	
13.5.18		R			X	
13.5.19		R			X	
13.5.20		R			X	
13.5.21		R			X	
13.5.22		R			X	
13.5.23		R			X	
13.5.24		R			X	
13.5.25		R			X	
13.5.26		R			X	
13.5.27		R			X	
13.5.28		G			X	
13.6.1		R			X	

13.6.2		R			X	
13.6.3		G			X	
13.6.4		G			X	
13.6.5		R			X	
13.6.6		R			X	
13.6.7		R			X	
13.6.8		R			X	
13.6.9		G			X	
13.6.10		R			X	
13.6.11		R			X	
13.6.12		R			X	
13.6.13		R			X	
13.6.14		G			X	
13.6.15		G			X	
13.6.16		G			X	
13.6.17		R			X	
13.6.18		G			X	
13.6.19		G			X	
13.6.20		R			X	
13.6.21		G			X	
13.6.22		R			X	
13.6.23		R			X	
13.6.24		R			X	
13.6.25		R			X	
13.6.26		R			X	

13.6.27		R			X	
13.6.28		R			X	
13.6.29		R			X	
13.6.31		R			X	
13.6.32		G			X	
13.6.33		R			X	
13.6.34		R			X	
13.6.35		R			X	
13.6.35A		R			X	
13.6.36		G			X	
13.6.37		G			X	
13.6.38		R			X	
13.6.39		G			X	
13.6.40		R			X	
13.6.41		R			X	
13.6.42		R			X	
13.6.43		R			X	
13.6.44		R			X	
13.6.45		R			X	
13.6.46		R			X	
13.6.47		R			X	
13.6.48		R			X	
13.6.49		R			X	
13.6.50		R			X	
13.6.51		R			X	

13.6.52		R			X	
13.6.53		R			X	
13.6.54		R			X	
13.6.55		R			X	
13.6.56		R			X	
13.6.57		R			X	
13.6.58		R			X	
13.6.59		R			X	
13.6.60		R			X	
13.6.61		R			X	
13.6.62		R			X	
13.6.63		R			X	
13.6.64		R			X	
13.6.65		R			X	
13.6.66		R			X	
13.6.67		R			X	
13.6.68		G			X	
13.7.1		R			X	
13.7.2		R			X	
13.7.3		R			X	
13.7.4		R			X	
13.7.5		R			X	
13.7.6		R			X	
13.7.7		R			X	
13.7.8		R			X	

13.7.9		R			X	
13.7.10		R			X	
13.7.11		R			X	
13.8.1		G			X	
13.8.2		R			X	
13.8.3		R			X	
13.8.4		R			X	
13.8.5		G			X	
13.8.6		G			X	
13.8.7		R			X	
13.8.8		R			X	
13 Annex 1		G			X	
14.1.1		R			X	
14.1.2		G			X	
14.1.3		G			X	
14.2.1		R			X	
14.2.2		R			X	
14.2.3		R			X	
14.2.4		R			X	
14.2.5		R			X	
14.2.6		R			X	
14.2.7		G			X	
14.2.8		R			X	
14.2.9		G			X	
14.2.10		R			X	

14.2.11		R			X	
14.2.12		G			X	
14.2.13		R			X	
14.2.14		R			X	
14.2.15		R			X	
14.2.16		R			X	
14.2.17		R			X	
14.2.18		R			X	
14.2.19		R			X	
14.2.20		R			X	
14.2.21		R			X	
14.2.22		R			X	
14.2.23		R			X	
14.2.24		G			X	
14.3.1		R			X	
14.3.2		G			X	
14.3.3		R			X	
14.3.4		R			X	
14.3.5		R			X	
14.3.5		G			X	
14.4.1		R			X	
14.4.2		R			X	
14.4.3		R			X	
14.4.4		R			X	
14.4.5		R			X	

14.4.6		R			X	
14.4.7		G			X	
TP 1	1.1	R			X	
	1.2	R			X	
	1.3	R			X	
	1.4	R			X	
	1.5	R			X	
	1.6	G			X	
	1.7	R			X	
TP 2	2.1	R			X	
	2.2	R			X	
	2.3	G			X	
	2.4	G			X	
	2.5	G			X	
	2.6	G			X	
	2.7	G			X	
	2.8	R			X	
	2.9	R			X	
	2.10	R			X	
	2.11	R			X	
	2.11A	G			X	
	2.11B	R			X	
	2.12	G			X	
	2.13	G			X	
	2.14	R			X	

	2.15	G			X	
	2.16	R			X	
	2.17	G			X	
	2.18	R			X	
	2.19	G			X	
	2.20	R			X	
	2.21	G			X	
	2.22	R			X	
	2.23	R			X	
	2.24	G			X	
	2.25	G			X	
	2.26	R			X	
	2.27	G			X	
	2.28	R			X	
	2.29	R			X	
	2.30	R			X	
	2.31	R			X	
	2.32	R			X	
	2.33	G			X	
	2.34	G			X	
TP 3	3.1	R				X
	3.2	G				X
	3.3	R				X
	3.4	R				X
	3.5	R				X

	3.6	G				X
	3.7	G				X
	3.8	R				X
	3.9	G				X
	3.10	R				X
	3.11	G				X
	3.12	G				X
	3.13	R				X
	3.14	G				X
	3.15	R				X
	3.16	R				X
	3.17	G				X
	3.18	R				X
	3.19	R				X
	3.20	R				X
	3.21	R				X
TP 4	4.1	R				X
	4.2	G				X
	4.3	R				X
	4.4	G				X
	4.5	G				X
	4.6	G				X
	4.7	R				X
	4.8	R				X
	4.9	G				X

	4.10	G				X
	4.11	G				X
	4.12	G				X
	4.13	G				X
	4.14	G				X
	4.15	G				X
	4.16	G				X
	4.17	G				X
	4.18	G				X
	4.19	G				X
	4.20	G				X
	4.21	G				X
	4.22	G				X
	4.23	G				X
	4.24	G				X
	4.25	G				X
	4.26	G				X
	4.27	G				X
	4.28	G				X
	4.29	G				X
	4.30	G				X
	4.31	G				X
	4.32	G				X
	4.33	G				X
	4.34	G				X

	4.35	G				X
	4.36	G				X
	4.37	G				X
	4.38	G				X
	4.39	G				X
	4.40	G				X
	4.41	G				X
	4.42	G				X
	4.43	G				X
TP 5	5.1	R				X
	5.2	G				X
	5.3	R				X
	5.4	G				X
	5.5	G				X
	5.6	G				X
	5.7	G				X
	5.8	G				X
	5.9	G				X
	5.10	R				X
	5.11	G				X
	5.12	G				X
	5.13	G				X
	5.14	G				X
	5.15	G				X
	5.16	R				X

	5.17	G				X
	5.18	G				X
	5.19	G				X
	5.20	G				X
	5.21	G				X
	5.22	G				X
	5.23	G				X
	5.24	G				X
	5.25	G				X
	5.26	G				X
	5.27	G				X
	5.28	G				X
	5.29	G				X
	5.30	G				X
	5.31	G				X
	5.32	G				X
	5.33	G				X
	5.34	G				X
	5.35	G				X
	5.36	R				X
	5.37	G				X
	5.38	R				X
TP 6	6.1	R				X
	6.2	G				X
	6.3	R				X

	6.4	G				X
	6.5	G				X
	6.6	G				X
	6.7	G				X
	6.8	G				X
	6.9	R				X
	6.10	G				X
	6.11	R				X
	6.12	R				X
	6.13	R				X
	6.14	R				X
	6.15	G				X
	6.16	G				X
	6.17	R				X
	6.18	R				X
	6.19	G				X
	6.20	R				X
	6.21	R				X
	6.22	R				X
	6.23	R				X
	6.24	R				X
	6.25	G				X
	6.26	R				X
	6.27	R				X
	6.28	G				X

	6.29	G				X
	6.30	G				X
	6.31	R				X
	6.32	G				X
	6.33	R				X
	6.34	R				X
TP 7	7.1	R				X
	7.2	G				X
	7.3	R				X
	7.4	G				X
	7.5	R				X
	7.6	G				X
	7.7	R				X
	7.8	R				X
TP 8	8.1	R				X
	8.2	G				X
	8.3	R				X
	8.4	G				X
	8.5	G				X
	8.6	G				X
	8.7	G				X
	8.8	G				X
	8.9	R				X
	8.10	G				X
	8.11	R				X

	8.12	R				X
	8.13	R				X
	8.14	R				X
	8.15	G				X
	8.16	R				X
	8.17	G				X
	8.18	R				X
	8.19	G				X
	8.20	R				X
	8.21	G				X
	8.22	R				X
	8.23	R				X
	8.24	G				X
	8.25	R				X
	8.26	R				X
	8.27	R				X
	8.28	R				X
	8.29	R				X
	8.30	R				X
	8.31	G				X
	8.32	R				X
	8.33	G				X
	8.34	G				X
	8.35	R				X
	8.36	G				X

	8.37	R				X
	8.38	R				X
TP 9	9.1	R				X
	9.2	G				X
	9.3	G				X
	9.4	G				X
	9.5	R				X
	9.6	G				X
	9.7	G				X
	9.8	G				X
	9.9	G				X
	9.10	G				X
	9.11	G				X
	9.12	G				X
	9.13	G				X
	9.14	G				X
	9.15	G				X
	9.16	G				X
	9.17	G				X
	9.18	G				X
	9.19	R				X
	9.20	G				X
	9.21	R				X
	9.22	R				X
	9.23	R				X

	9.24	R				X
	9.25	R				X
	9.26	G				X
	9.27	G				X
	9.28	R				X
	9.29	R				X
	9.30	R				X
	9.31	G				X
	9.32	R				X
	9.33	R				X
	9.34	R				X
	9.35	R				X
	9.36	R				X
	9.37	R				X
	9.38	R				X
	9.39	G				X
	9.40	G				X
	9.41	R				X
	9.42	G				X
	9.43	R				X
	9.44	R				X
	9.45	R				X
TP 10	10.1	R				X
	10.2	G				X
	10.3	R				X

	10.4	R				X
	10.5	R				X
	10.6	G				X
	10.7	G				X
	10.8	G				X
	10.9	G				X
	10.10	G				X
	10.11	G				X
	10.12	G				X
	10.13	R				X
	10.14	R				X
	10.15	R				X
TP 11	11.1	R			X	
	11.2	G			X	
	11.3	R				x
	11.4	R				X
	11.5	G				X
	11.6	R			X	
	11.7	R			X	
TP 12	12.1	R				x
	12.2	R				x
	12.3	G				X
	12.4	R				X
	12.5	R				X
	12.6	R				X

	12.7	G				X
	12.8	R				X
	12.9	R				X
	12.10	R				X
	12.11	R				X
	12.12	R				X
	12.13	R				X
	12.14	G				X
TP 13	13.1	R			X	
	13.2	G			X	
	13.3	R			X	
	13.4	G				X
	13.5	R				X
TP 14	14.1	R				X
	14.2	G				X
	14.3	R				X
	14.4	R				X
TP 15	15.1	R	X			
	15.2	R	X			
	15.3	G	X			
	15.4	R	X			
	15.5	G	X			
	15.6	R	X			
	15.7	G	X			
	15.8	G	X			

	15.9	G	X			
	15.10	G	X			
	15.11	G	X			
	15.12	R	X			
	15.13	R	X			
	15.14	G	X			
TP 16			X			
TP 17						X
TP 18						X
TP 19						X
TP 20	20.1	R			X	
	20.2	R				X
	20.3	R				X
	20.4	G				X
	20.5	R			X	
	20.6	R			X	
	20.7	R			X	
	20.8	G			X	
TP 21	21.1	R			X	
	21.2	R			X	
	21.3	R			X	
	21.4	G			X	
TP 22	22.1	R				X
	22.2	R				X
	22.3	R				X

	22.4	R				X
	22.5	R				X
	22.6	R				X
	22.7	R				X
	22.8	R				X
	22.9	G				X
TP 23	23.1	R				X
	23.2	R				X
	23.3	R				X
	23.4	R				X
	23.5	R				X
TP 24	24.1	R				X
	24.2	R				X
	24.3	R				X
TP 25	25.1	R			X	
	25.2	R			X	
	25.3	R				X
	25.4	R				X
	25.5	R				X
	25.6	R				X
	25.7	R				X
	25.8	R			X	
TP 26	26.1	R				X
	26.2 1	R				X
	26.2 2	R				X

	26.2 3	R				X
	26.2 4	R				X
	26.2 5	R				X
	26.2 6	R				X
	26.2 7	R				X
	26.2 8	R				X
	26.3	G				X
TP 27	27.1	R				X
	27.2 1	R				X
	27.2 2	R				X
	27.3	R				X
	27.4 1	R				X
	27.4 2	R				X
	27.4 3	R				X
	27.4 4	R				X
	27.4 5	R				X
	27.4 6	R				X
	27.4 7	R				X
	27.5	G				X
TP 28	28.1	R				X
	28.2	R				X
	28.3 1	R				X
TP 29	29.1	R				X
	29.2	R				X
	29.3	R				X

	29.4	G				X
	29.5	G				X
TP 30	30.1	R		X		
	30.2	R		X		
	30.3	R		X		
	30.4	R		X		
	30.5	G		X		
TP 31	31.1	R				X
	31.2	G				X
	31.3 1	R				X
	31.3 2	R				X
	31.3 3	R				X
	31.3 4	R				X
	31.3 5	R				X
	31.3 6	R				X
	31.3 7	R				X
	31.3 8	R				X
TP 32	32.1	R				X
	32.2 1	R				X
TP 33	33.1	R			X	
	33.2	R			X	
	33.3	R			X	
	33.4	R			X	
	33.5	G			X	
	33.6	G			X	

	33.7	R			X	
	33.8	G			X	
	33.9	R			X	
	33.10	R			X	
TP 34	34.1	R				X
	34.2	G				X
	34.3	R				X
	34.4	R				X
	34.5	R				X
	34.6	G				X
Sch 1	BIPRU 2.2.5 G	G			X	
	BIPRU 5.2.3 R, BIPRU 5.4.11 R (2), BIPRU 9.5.1 R (5)				X	
	BIPRU 5.2.9 R				X	
	BIPRU 5.4.12 R				X	
	BIPRU 5.4.59 R, BIPRU 5.4.60 R				X	
	BIPRU 5.7.8 R				X	
	BIPRU 7.10.53 R, BIPRU 7.10.54 G				X	
	BIPRU 9.4.3 R				X	
	BIPRU 9.13.12 R (1)				X	
	BIPRU 9.13.21 R				X	
	BIPRU 12.3.8 R (1)				X	
	BIPRU 12.4.13 R				X	

	BIPRU 12.5.4 R (2)				X	
	BIPRU 12.5.13 R (2)				X	
	BIPRU 12.5.13 R (3)				X	
	BIPRU 12.6.13 R				X	
	BIPRU 12.6.21 R				X	
	BIPRU 12.7.11 R				X	
	BIPRU 13.6.48 R				X	
	BIPRU 13.7.6 R (2)				X	
Sch 2	BIPRU 1.2.30 R	G			X	
	BIPRU 3.2.35 R(5)				X	
Schedule 2: Notification and reporting requirements.	BIPRU 7.2.48B BIPRU 7.10.55G ZA BIPRU 7.10.130R	G			X	
	BIPRU 7.4.23 R				X	
	BIPRU 7.5.4 R				X	
	BIPRU 7.10.104 R				X	
	BIPRU 7.10.129 R				X	
	BIPRU 7.10.130 R				X	
	BIPRU 8.4.18 R(2)				X	
	BIPRU 8.4.18 R (3)				X	
	BIPRU 8.4.18 R (4)				X	
	BIPRU 8.5.9 R				X	
	8.6.1BR				X	
	8.6.1CR				X	

	8.6.1DR				X	
	8.6.1FR				X	
	BIPRU 8.7.16 R				X	
	BIPRU 9.6.2 R				X	
	BIPRU 10.8A.12 R				X	
	BIPRU 10.9A.8 R (2)				X	
	BIPRU 10.9A.12 R				X	
	BIPRU 10.12.6 R				X	
	BIPRU 12.4.9 R				X	
	BIPRU 12.6.13 R (2)				X	
	BIPRU 12.9.13 R				X	
	BIPRU 12.9.18 R				X	
	BIPRU 13.2.2 R				X	
	BIPRU 13.6.20 R				X	
Sch 3		G			X	
Sch 4	4.1	G				X
	4.2	G				X
	4.3	G				X
Sch 5		G	X			
Sch 6		G			X	

**Annex 9**

**Designation of the Prudential sourcebook for Insurers (INSPRU)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		R			X	
1.1.2		R			X	
1.1.3		R			X	
1.1.4		R			X	
1.1.5		R			X	
1.1.6		G			X	
1.1.7		G		X		
1.1.8		G		X		
1.1.9		G		X		
1.1.10		G		X		
1.1.11		G		X		
1.1.12		R		X		
1.1.13		G		X		
1.1.14		G		X		
1.1.15		G		X		
1.1.16		R		X		
1.1.17		G		X		
1.1.18		G		X		
1.1.19		G		X		
1.1.19A		R		X		
1.1.19B		R		X		
1.1.19C		G		X		
1.1.19D		G		X		

1.1.19E		G		X		
1.1.19F		G		X		
1.1.20		R		X		
1.1.21		R		X		
1.1.22		G		X		
1.1.23		G		X		
1.1.24		G		X		
1.1.25		R		X		
1.1.26		G		X		
1.1.27		R			X	
1.1.28		R			X	
1.1.29		G			X	
1.1.30		R		X		
1.1.31		G		X		
1.1.32		R		X		
1.1.33		R		X		
1.1.34		R		X		
1.1.34A		G		X		
1.1.35		G		X		
1.1.36		G		X		
1.1.37		G		X		
1.1.38		G		X		
1.1.39		G		X		
1.1.40		G		X		
1.1.41		R		X		
1.1.42		G		X		
1.1.43		G		X		
1.1.44		G		X		

1.1.45		R		X		
1.1.46		G		X		
1.1.47		R		X		
1.1.48		G		X		
1.1.49		G		X		
1.1.50		R		X		
1.1.51		R		X		
1.1.52		G		X		
1.1.53		G				X
1.1.54		R		X		
1.1.54A		G		X		
1.1.55		G		X		
1.1.56		R		X		
1.1.57		G		X		
1.1.58		G		X		
1.1.59		G		X		
1.1.60		R		X		
1.1.61		G		X		
1.1.62		R		X		
1.1.63		R		X		
1.1.64		G		X		
1.1.65		G		X		
1.1.66		R		X		
1.1.67		G		X		
1.1.68		G		X		
1.1.69		G		X		
1.1.70		G		X		
1.1.71		R		X		

1.1.72		R		X		
1.1.72A		G		X		
1.1.72B		R		X		
1.1.72C		R		X		
1.1.72D		G		X		
1.1.73		G				X
1.1.74		G				X
1.1.75		G				X
1.1.76		R		X		
1.1.77		R		X		
1.1.78		R		X		
1.1.79		R		X		
1.1.80		G		X		
1.1.81		R		X		
1.1.81A		R		X		
1.1.82		R		X		
1.1.83		R		X		
1.1.83A		R		X		
1.1.84		G		X		
1.1.84A		G		X		
1.1.85		R		X		
1.1.86		R		X		
1.1.87		G		X		
1.1.88		R		X		
1.1.88A		R		X		
1.1.89		R		X		
1.1.89A		R		X		
1.1.90		R		X		

1.1.91		R		X		
1.1.92		G		X		
1.1.92A		R		X		
1.1.92B		G		X		
1.1.93		R		X		
1.1.94		R		X		
1.1.95		R		X		
1.1.96		R		X		
1.2.1		R			X	
1.2.2		G		X		
1.2.3		G		X		
1.2.4		G		X		
1.2.5		G		X		
1.2.6		G			X	
1.2.7		R		X		
1.2.8		G		X		
1.2.9		R		X		
1.2.10		R			X	
1.2.11		G			X	
1.2.12		G		X		
1.2.13		R		X		
1.2.14		G		X		
1.2.15		G		X		
1.2.16		G		X		
1.2.17		G		X		
1.2.18		G		X		
1.2.19		G		X		
1.2.20		R			X	

1.2.21		G			X	
1.2.22		R		X		
1.2.23		G		X		
1.2.24		R		X		
1.2.25		G		X		
1.2.25A		G		X		
1.2.26		R		X		
1.2.27		G		X		
1.2.28		R			X	
1.2.28A		G			X	
1.2.29		R			X	
1.2.30		G			X	
1.2.31		G			X	
1.2.32		G		X		
1.2.33		R		X		
1.2.34		G		X		
1.2.35		G		X		
1.2.36		G		X		
1.2.37		R		X		
1.2.38		R		X		
1.2.39		G		X		
1.2.40		R		X		
1.2.41		R		X		
1.2.42		G		X		
1.2.43		R		X		
1.2.44		G		X		
1.2.45		G		X		
1.2.46		R		X		

1.2.47		G		X		
1.2.48		R		X		
1.2.49		G		X		
1.2.50		R		X		
1.2.51		G		X		
1.2.52		G		X		
1.2.53		G		X		
1.2.54		G		X		
1.2.54A		G		X		
1.2.54B		G		X		
1.2.55		R		X		
1.2.56		G		X		
1.2.57		G		X		
1.2.58		G		X		
1.2.59		R			X	
1.2.60		G			X	
1.2.61		G			X	
1.2.62		R			X	
1.2.62A		G			X	
1.2.63		G			X	
1.2.64		G			X	
1.2.65		G			X	
1.2.66		G			X	
1.2.67		G			X	
1.2.68		G			X	
1.2.69		G			X	
1.2.70		R			X	
1.2.71		R			X	

1.2.72		G			X	
1.2.73		G				X
1.2.74		R				X
1.2.75		G				X
1.2.76		R		X		
1.2.77		G		X		
1.2.77A		R		X		
1.2.78		G		X		
1.2.79		R		X		
1.2.79A		R		X		
1.2.79B		G		X		
1.2.80		G		X		
1.2.81		G		X		
1.2.82		G		X		
1.2.83		G		X		
1.2.84		G		X		
1.2.85		R		X		
1.2.86		R			X	
1.2.87		G		X		
1.2.88		G		X		
1.2.89		G		X		
1.2.90		R				X
1.2.91		G				X
1.2.92		R			X	
1.2.93		R		X		
1.3.1		R			X	
1.3.2		G			X	
1.3.3		G		X		

1.3.4		G		X		
1.3.5		G		X		
1.3.6		R		X		
1.3.7		R		X		
1.3.7A		G		X		
1.3.8		G		X		
1.3.9		G			X	
1.3.10		R		X		
1.3.11		R		X		
1.3.12		R		X		
1.3.13		R			X	
1.3.14		G			X	
1.3.15		G			X	
1.3.16		G			X	
1.3.17		R			X	
1.3.18		G			X	
1.3.19		R			X	
1.3.20		G	X			
1.3.21		R		X		
1.3.22		R		X		
1.3.23		R		X		
1.3.24		R		X		
1.3.25		R		X		
1.3.26		R		X		
1.3.27		G				X
1.3.28		G		X		
1.3.29		R		X		
1.3.30		R		X		

1.3.31		G		X		
1.3.32		R		X		
1.3.33		R		X		
1.3.34		G		X		
1.3.35		G		X		
1.3.36		R		X		
1.3.37		R		X		
1.3.38		G		X		
1.3.39		G		X		
1.3.39A		G		X		
1.3.39B		G		X		
1.3.40		R		X		
1.3.41		G		X		
1.3.42		G		X		
1.3.43		R		X		
1.3.44		R		X		
1.3.45		R		X		
1.3.46		R		X		
1.3.47		G		X		
1.3.48		G		X		
1.3.49		G		X		
1.3.50		G		X		
1.3.51		G		X		
1.3.51A		G		X		
1.3.52		R			X	
1.3.53		R			X	
1.3.54		G			X	
1.3.55		G			X	

1.3.56		G			X	
1.3.57		G			X	
1.3.58		R			X	
1.3.59		R			X	
1.3.60		G			X	
1.3.61		G			X	
1.3.62		R		X		
1.3.63		R		X		
1.3.63A		G		X		
1.3.64		G		X		
1.3.65		G		X		
1.3.66		G				X
1.3.67		G		X		
1.3.68		R		X		
1.3.69		R		X		
1.3.70		G		X		
1.3.71		R		X		
1.3.72		R		X		
1.3.73		R		X		
1.3.74		R		X		
1.3.75		G		X		
1.3.76		G		X		
1.3.77		G		X		
1.3.78		R		X		
1.3.79		R		X		
1.3.80		G		X		
1.3.81		R		X		
1.3.82		G		X		

1.3.83		R		X		
1.3.84		R		X		
1.3.85		R		X		
1.3.86		G		X		
1.3.87		R		X		
1.3.88		G		X		
1.3.89		R		X		
1.3.90		R		X		
1.3.91		G		X		
1.3.92		R		X		
1.3.93		R		X		
1.3.94		R		X		
1.3.95		G		X		
1.3.96		G		X		
1.3.97		G		X		
1.3.98		R		X		
1.3.99		G		X		
1.3.100		R		X		
1.3.101		R		X		
1.3.102		R		X		
1.3.103		G		X		
1.3.104		G		X		
1.3.105		R		X		
1.3.106		G		X		
1.3.107		G		X		
1.3.108		G				X
1.3.109		R		X		
1.3.110		R		X		

1.3.111		G		X		
1.3.112		G		X		
1.3.113		G		X		
1.3.114		G		X		
1.3.115		G		X		
1.3.116		R		X		
1.3.117		R		X		
1.3.118		R		X		
1.3.119		R		X		
1.3.120		G		X		
1.3.121		G		X		
1.3.122		R		X		
1.3.123		R		X		
1.3.124		G		X		
1.3.125		G		X		
1.3.126		G		X		
1.3.127		G		X		
1.3.128		R		X		
1.3.129		R		X		
1.3.130		R		X		
1.3.131		G		X		
1.3.132		G		X		
1.3.133		G		X		
1.3.134		R		X		
1.3.135		G		X		
1.3.136		G		X		
1.3.137		R		X		
1.3.138		G		X		

1.3.139		R		X		
1.3.140		G		X		
1.3.141		R		X		
1.3.142		G		X		
1.3.143		G		X		
1.3.144		R		X		
1.3.145		G		X		
1.3.146		R		X		
1.3.147		G		X		
1.3.148		R		X		
1.3.149		R		X		
1.3.150		G		X		
1.3.151		G		X		
1.3.152		G		X		
1.3.153		G		X		
1.3.154		R			X	
1.3.155		G			X	
1.3.156		G		X		
1.3.157		G		X		
1.3.158		R		X		
1.3.159		R		X		
1.3.160		R		X		
1.3.161		G		X		
1.3.162		R		X		
1.3.163		G		X		
1.3.164		G		X		
1.3.165		R		X		
1.3.166		G		X		

1.3.167		G		X		
1.3.168		G		X		
1.3.169		R		X		
1.3.170		R		X		
1.3.171		G		X		
1.3.172		G		X		
1.3.173		G		X		
1.3.174		G		X		
1.3.175		G		X		
1.3.176		G		X		
1.3.177		G		X		
1.3.178		G		X		
1.3.179		G		X		
1.3.180		G		X		
1.3.181		R		X		
1.3.182		G		X		
1.3.183		G		X		
1.3.184		G		X		
1.3.185		R		X		
1.3.186		G		X		
1.3.187		R		X		
1.3.188		R		X		
1.3.189		G		X		
1.3.190		R		X		
1.3.191		R		X		
1.4.1		R		X		
1.4.2		G		X		
1.4.3		G		X		

1.4.4		G		X		
1.4.5		G		X		
1.4.6		G		X		
1.4.7		G		X		
1.4.8		G		X		
1.4.9		G		X		
1.4.10		G		X		
1.4.11		R		X		
1.4.12		R		X		
1.4.13		R		X		
1.4.14		R		X		
1.4.15		G		X		
1.4.16		G		X		
1.4.17		R		X		
1.4.18		R		X		
1.4.19		G		X		
1.4.20		R		X		
1.4.21		G		X		
1.4.22		R		X		
1.4.23		G		X		
1.4.24		R		X		
1.4.25		R		X		
1.4.26		R		X		
1.4.27		R		X		
1.4.28		G		X		
1.4.29		R		X		
1.4.30		R		X		
1.4.31		R		X		

1.4.32		R		X		
1.4.33		R		X		
1.4.34		R		X		
1.4.35		G		X		
1.4.36		G		X		
1.4.37		G		X		
1.4.38		R		X		
1.4.39		R		X		
1.4.40		R		X		
1.4.41		G		X		
1.4.42		G		X		
1.4.43		R		X		
1.4.44		R		X		
1.4.45		R		X		
1.4.46		R		X		
1.4.47		G		X		
1.4.48		R		X		
1.4.49		R		X		
1.4.50		R		X		
1.4.51		R		X		
1.5.1		R			X	
1.5.2		R			X	
1.5.3		G			X	
1.5.4		R			X	
1.5.5		R			X	
1.5.6		G		X		
1.5.7		G			X	
1.5.8		G			X	

1.5.9		G			X	
1.5.10		G			X	
1.5.11		G			X	
1.5.12		G			X	
1.5.13		R			X	
1.5.13A		R			X	
1.5.13B		G			X	
1.5.14		R		X		
1.5.15		G		X		
1.5.16		G			X	
1.5.17		G			X	
1.5.18		R			X	
1.5.19		G			X	
1.5.20		G			X	
1.5.21		R			X	
1.5.22		R			X	
1.5.23		R			X	
1.5.24		G			X	
1.5.25		G			X	
1.5.26		G			X	
1.5.27		R			X	
1.5.28		G			X	
1.5.29		G			X	
1.5.30		R			X	
1.5.31		R			X	
1.5.32		G			X	
1.5.33		R			X	
1.5.34		G	X			

1.5.35		G			X	
1.5.36		R	X			
1.5.37		G	X			
1.5.38		G		X		
1.5.39		G		X		
1.5.40		G		X		
1.5.41		R		X		
1.5.42		R		X		
1.5.43		R		X		
1.5.44		R		X		
1.5.45		R		X		
1.5.46		R		X		
1.5.47		R		X		
1.5.48		R		X		
1.5.49		R		X		
1.5.50		R		X		
1.5.51		G		X		
1.5.52		R		X		
1.5.53		G		X		
1.5.54		R		X		
1.5.55		G		X		
1.5.56		R		X		
1.5.57		R		X		
1.5.58		R			X	
1.5.59		R			X	
1.5.60		R		X		
1.6.1		R		X		
1.6.2		G		X		

1.6.3		G		X		
1.6.4		G		X		
1.6.5		R		X		
1.6.5A		G		X		
1.6.6		G		X		
1.6.7		R		X		
1.6.8		R		X		
1.6.9		R		X		
1.6.10		G		X		
1.6.11		R		X		
1.6.12		R		X		
1.6.13		G		X		
1.6.14		G		X		
1.6.15		G		X		
1.6.16		G		X		
1.6.17		G		X		
1.6.18		G		X		
1 Annex 1		G		X		
2.1.1		R		X		
2.1.2		R		X		
2.1.3		G		X		
2.1.4		R		X		
2.1.5		G		X		
2.1.6		G		X		
2.1.7		G		X		
2.1.8		R		X		
2.1.9		R		X		
2.1.10		G		X		

2.1.11		G		X		
2.1.12		G		X		
2.1.13		G		X		
2.1.14		G		X		
2.1.15		G		X		
2.1.16		R		X		
2.1.17		G		X		
2.1.18		R		X		
2.1.19		G		X		
2.1.20		R		X		
2.1.21		G		X		
2.1.22		R		X		
2.1.22A		R		X		
2.1.23		R		X		
2.1.24		R		X		
2.1.25		R		X		
2.1.26		R		X		
2.1.27		G		X		
2.1.28		E		X		
2.1.29		R		X		
2.1.30		R		X		
2.1.31		G		X		
2.1.32		G		X		
2.1.33		R		X		
2.1.34		R		X		
2.1.35		R		X		
2.1.36		R		X		
2.1.37		R		X		

2.1.38		G		X		
2.1.39		R		X		
2.1.39A		G		X		
2.1.40		R		X		
2.1.41		R		X		
2.1.41A		R		X		
2.1.42		R		X		
2.1.43		R		X		
2.1.44		G		X		
2.1.45		R		X		
2.1.46		R		X		
2.1.47		R		X		
2.1.48		R		X		
2.1.49		R		X		
2.2.1		R		X		
2.2.2		G		X		
2.2.3		R		X		
2.2.4		G		X		
2.2.5		G		X		
2.2.6		G		X		
2.2.7		G		X		
2.2.8		G		X		
2.2.9		G		X		
2.2.10		R		X		
2.2.11		R		X		
2.2.12		G		X		
2.2.13		G		X		
2.2.14		R		X		

2.2.15		R		X		
2.2.16		R		X		
2.2.17		R		X		
2.2.18		R		X		
3.1.1		R			X	
3.1.2		G		X		
3.1.3		R		X		
3.1.4		G		X		
3.1.5		G		X		
3.1.6		G		X		
3.1.7		G			X	
3.1.8		R		X		
3.1.9		G		X		
3.1.10		R		X		
3.1.10A		R		X		
3.1.11		G		X		
3.1.12		G		X		
3.1.13		G		X		
3.1.13A		G		X		
3.1.13B		G		X		
3.1.14		G				X
3.1.15		G		X		
3.1.16		R		X		
3.1.17		R		X		
3.1.18		G		X		
3.1.19		R		X		
3.1.20		R		X		
3.1.21		R		X		

3.1.22		G		X		
3.1.23		R		X		
3.1.24		R		X		
3.1.25		G		X		
3.1.26		R			X	
3.1.27		G		X		
3.1.28		R		X		
3.1.29		R		X		
3.1.29A		G		X		
3.1.30		R		X		
3.1.31		G		X		
3.1.32		G		X		
3.1.33		R		X		
3.1.34		R		X		
3.1.35		R		X		
3.1.36		R		X		
3.1.37		R		X		
3.1.38		R		X		
3.1.39		R		X		
3.1.40		G		X		
3.1.41		R		X		
3.1.42		G		X		
3.1.43		G		X		
3.1.44		R		X		
3.1.45		R		X		
3.1.46		R		X		
3.1.47		R		X		
3.1.47A		R		X		

3.1.48		G		X		
3.1.49		G		X		
3.1.50		R		X		
3.1.51		G		X		
3.1.52		G		X		
3.1.53		R		X		
3.1.53A		G		X		
3.1.54		R		X		
3.1.55		R		X		
3.1.56		G		X		
3.1.57		R			X	
3.1.58		R			X	
3.1.58A		R		X		
3.1.59		G			X	
3.1.60		G			X	
3.1.61		G			X	
3.1.61-A		G			X	
3.1.61A		R			X	
3.1.62		R			X	
3.1.63		R		X		
3.1.64		R		X		
3.1.65		R		X		
3.1.66		R		X		
3.2.1		R			X	
3.2.2		G			X	
3.2.3		R			X	
3.2.4		G			X	
3.2.5		R			X	

3.2.5A		G			X	
3.2.6		R			X	
3.2.7		R			X	
3.2.8		R			X	
3.2.9		R			X	
3.2.10		G			X	
3.2.11		G			X	
3.2.12		R			X	
3.2.13		G			X	
3.2.14		R			X	
3.2.15		R			X	
3.2.16		R			X	
3.2.17		R			X	
3.2.18		R			X	
3.2.19		G			X	
3.2.20		G			X	
3.2.21		G			X	
3.2.22		G			X	
3.2.23		G			X	
3.2.24		R			X	
3.2.25		R			X	
3.2.26		R			X	
3.2.27		R			X	
3.2.28		R			X	
3.2.29		R			X	
3.2.30		R			X	
3.2.31		G			X	
3.2.32		G			X	

3.2.33		G			X	
3.2.34		R			X	
3.2.34A		G			X	
3.2.35		R			X	
3.2.35A		G			X	
3.2.36		R			X	
3.2.36A		R			X	
3.2.37		G			X	
3.2.38		R			X	
3.2.38A		R			X	
3.2.39		G			X	
3.2.40		R			X	
3.2.41		R			X	
3.2.42		G			X	
3.2.43		R		X		
4.1.1		R		X		
4.1.2		R		X		
4.1.3		R		X		
4.1.4		R		X		
4.1.5		G		X		
4.1.6		G		X		
4.1.7		G		X		
4.1.8		G		X		
4.1.9		G		X		
4.1.10		G		X		
4.1.11		G		X		
4.1.12		G		X		
4.1.13		G		X		

4.1.14		G		X		
4.1.15		G		X		
4.1.16		G		X		
4.1.17		G		X		
4.1.18		G		X		
4.1.19		G		X		
4.1.20		G		X		
4.1.21		G		X		
4.1.22		G		X		
4.1.23		G		X		
4.1.24		G		X		
4.1.25		G		X		
4.1.26		G		X		
4.1.27		G		X		
4.1.28		G		X		
4.1.29		G		X		
4.1.30		G		X		
4.1.31		G		X		
4.1.32		G		X		
4.1.33		G		X		
4.1.34		G		X		
4.1.35		G		X		
4.1.36		G		X		
4.1.37		G		X		
4.1.38		G		X		
4.1.39		G		X		
4.1.40		G		X		
4.1.41		G		X		

4.1.42		G		X		
4.1.43		G		X		
4.1.44		G		X		
4.1.45		G		X		
4.1.46		G		X		
4.1.47		G		X		
4.1.48		G		X		
4.1.49		G		X		
4.1.50		G		X		
4.1.51		G		X		
4.1.52		G		X		
4.1.53		G		X		
4.1.54		G		X		
4.1.55		G		X		
4.1.56		G		X		
4.1.57		G		X		
4.1.58		G		X		
4.1.59		G		X		
4.1.60		G		X		
4.1.61		G		X		
4.1.62		G		X		
4.1.63		E		X		
4.1.64		G		X		
4.1.65		G		X		
4.1.66		G		X		
4.1.67		G		X		
4.1.68		G		X		
4.1.69		G		X		

4.1.70		G		X		
5.1.1		G		X		
5.1.2		G		X		
5.1.3		G		X		
5.1.4		G		X		
5.1.5		G		X		
5.1.6		G		X		
5.1.7		G		X		
5.1.8		G		X		
5.1.9		G		X		
5.1.10		G		X		
5.1.11		G		X		
5.1.12		G		X		
5.1.13		G		X		
5.1.14		G		X		
5.1.15		G		X		
5.1.16		G		X		
5.1.17		G		X		
5.1.18		G		X		
5.1.19		G		X		
5.1.20		G		X		
5.1.21		G		X		
5.1.22		G		X		
5.1.23		G		X		
5.1.24		G		X		
5.1.25		G		X		
6.1.1		R		X		
6.1.2		R		X		

6.1.3		G		X		
6.1.4		G		X		
6.1.5		G		X		
6.1.6		G		X		
6.1.6A		G		X		
6.1.7		G		X		
6.1.8		R		X		
6.1.9		R		X		
6.1.10		R		X		
6.1.11		R		X		
6.1.12		G		X		
6.1.13		G		X		
6.1.14		G		X		
6.1.15		R		X		
6.1.16		G		X		
6.1.17		R		X		
6.1.18		G		X		
6.1.19		G		X		
6.1.20		G		X		
6.1.21		G		X		
6.1.22		G		X		
6.1.23		R		X		
6.1.24		G		X		
6.1.25		R		X		
6.1.26		R		X		
6.1.27		R		X		
6.1.28		R		X		
6.1.29		R		X		

6.1.30		R		X		
6.1.31		R		X		
6.1.32		R		X		
6.1.33		R		X		
6.1.34		R		X		
6.1.34A		G		X		
6.1.35		G		X		
6.1.36		R		X		
6.1.37		R		X		
6.1.38		R		X		
6.1.39		R		X		
6.1.40		R		X		
6.1.41		R		X		
6.1.42		G		X		
6.1.42A		R		X		
6.1.42B		G		X		
6.1.43		R		X		
6.1.43A		R		X		
6.1.43B		R		X		
6.1.43C		R		X		
6.1.43D		R		X		
6.1.43E		R		X		
6.1.43F		R		X		
6.1.44		G		X		
6.1.45		R		X		
6.1.46		G		X		
6.1.47		R		X		
6.1.48		R		X		

6.1.49		R		X		
6.1.50		R		X		
6.1.51		R		X		
6.1.52		G		X		
6.1.53		R		X		
6.1.54		R		X		
6.1.55		R		X		
6.1.56		R		X		
6.1.57		R		X		
6.1.58		R		X		
6.1.59		R		X		
6.1.60		R		X		
6.1.61		R		X		
6.1.62		R		X		
6.1.63		R		X		
6.1.64		R		X		
6.1.65		R		X		
6.1.66		G		X		
6.1.67		R		X		
6.1.68		R		X		
6.1.69		G		X		
6.1.70		R		X		
6.1.70A		R		X		
6.1.71		G		X		
6.1.72		R		X		
6.1.73		R		X		
6.1.74		R		X		
6.1.74A		R		X		

6.1.75		R		X		
6.1.76		R		X		
6.1.77		R		X		
6.1.78		R		X		
7.1.1		R		X		
7.1.2		R		X		
7.1.3		R		X		
7.1.4		G			X	
7.1.5		G			X	
7.1.6		G			X	
7.1.7		G			X	
7.1.8		G			X	
7.1.9		G			X	
7.1.9A		G			X	
7.1.9B		G			X	
7.1.10		G			X	
7.1.11		G			X	
7.1.12		G			X	
7.1.13		G			X	
7.1.14		G			X	
7.1.15		R			X	
7.1.16		G			X	
7.1.17		G			X	
7.1.18		G			X	
7.1.19		G			X	
7.1.20		G			X	
7.1.21		G			X	
7.1.22		G		X		

7.1.23		G		X		
7.1.24		G		X		
7.1.25		G			X	
7.1.26		G			X	
7.1.27		G			X	
7.1.28		G		X		
7.1.29		G			X	
7.1.30		G			X	
7.1.31		G			X	
7.1.32		G			X	
7.1.33		G			X	
7.1.34		G			X	
7.1.35		G			X	
7.1.36		G			X	
7.1.37		G			X	
7.1.38		G			X	
7.1.39		G			X	
7.1.40		G			X	
7.1.41		G			X	
7.1.42		R			X	
7.1.43		G			X	
7.1.44		G			X	
7.1.45		G			X	
7.1.46		G			X	
7.1.47		G			X	
7.1.48		G			X	
7.1.49		G			X	
7.1.50		G		X		

7.1.51		G		X		
7.1.52		G		X		
7.1.53		G		X		
7.1.54		G		X		
7.1.55		G		X		
7.1.56		G		X		
7.1.57		G		X		
7.1.58		G		X		
7.1.59		G		X		
7.1.60		G		X		
7.1.61		G		X		
7.1.62		G		X		
7.1.63		G		X		
7.1.64		G		X		
7.1.65		G		X		
7.1.66		G		X		
7.1.67		G		X		
7.1.68		G		X		
7.1.69		G		X		
7.1.70		G		X		
7.1.71		G		X		
7.1.72		G		X		
7.1.73		G		X		
7.1.74		G		X		
7.1.75		R		X		
7.1.76		R		X		
7.1.77		R		X		
7.1.78		G		X		

7.1.79		G		X		
7.1.80		G		X		
7.1.81		G		X		
7.1.82		G		X		
7.1.83		R		X		
7.1.84		R		X		
7.1.85		R		X		
7.1.86		G		X		
7.1.87		G		X		
7.1.88		G		X		
7.1.89		R		X		
7.1.90		R		X		
7.1.91		G			X	
7.1.92		G			X	
7.1.93		G			X	
7.1.94		G			X	
7.1.95		G			X	
7.1.96		G			X	
7.1.97		G			X	
7.1.98		G			X	
7.1.99		G			X	
8.1.1		R			X	
8.1.2		R			X	
8.1.3		G			X	
8.1.4		R			X	
8.1.5		G			X	
8.1.6		G		X		
8.1.7		G		X		

8.1.8		G		X		
8.1.9		G		X		
8.2.1		R		X		
8.2.2		R			X	
8.2.3		R		X		
8.2.4		R		X		
8.2.5		R		X		
8.2.6		R		X		
8.2.7		G		X		
8.2.8		R		X		
8.2.9		R		X		
8.2.10		G		X		
8.2.11		R			X	
8.2.12		R			X	
8.2.13		R			X	
8.2.14		G		X		
8.2.15		G		X		
8.2.16		R		X		
8.2.17		R			X	
8.2.18		R			X	
8.2.19		R			X	
8.2.20		R			X	
8.2.21		R			X	
8.2.22		R			X	
8.2.23		R			X	
8.2.24		R			X	
8.2.25		R			X	
8.2.26		R			X	

8.2.27		G			X	
8.2.28		R			X	
8.2.29		G			X	
8.3.1		R		X		
8.3.2		G		X		
8.3.3		D		X		
8.3.4		D		X		
8.3.5		G		X		
8.3.6		G		X		
8.3.7		D		X		
8.4.1		R			X	
8.4.2		G			X	
8.4.3		R			X	
8.4.4		G			X	
8.4.5		G			X	
8.4.6		G			X	
8.4.7		G			X	
8.5.1		R		X		
8.5.2		G		X		
8.5.3		R		X		
8.5.4		R		X		
8.6.1		R		X		
8.6.2		R		X		
8.6.3		R		X		
8.6.4		R		X		
8.6.5		R		X		
9.1.1		R	X			
TP	1.1	R			X	

	1.2	R			X	
	1.3	R			X	
	1.4	R			X	
	1.5	R			X	
	1.6	R			X	
	1.7	R			X	
	2.1.22			X		
	3.1.34			X		
	3.1.39			X		
	3.1.58				X	
	1.1.51			X		
	1.1.56			X		
	1.1.66			X		
	1.2.40			X		
	1.2.41			X		
	1.2.43			X		
	1.2.74					X
	6.1.17			X		
	6.1.23			X		
3.1		R			X	
3.2		R			X	
3.3		R			X	
3.4		R			X	
3.5		R			X	
3.6		R			X	
3.7		R			X	
4.1		R				X
4.2		R				X

4.3		R				X
5.1		R				X
5.2		R				X
5.3		R				X
6.1		R				X
6.2		R				X
6.3		R				X
7.1		R		X		
7.2		R		X		
7.3		R		X		
Sch 1	1.1	G			X	
	1.2	G			X	
	1.3	G			X	
	INSPRU 1.2.20 R				X	
	INSPRU 1.3.17 R, INSPRU 1.3.19 R				X	
	INSPRU 1.5.23 R				X	
	INSPRU 1.5.56 R, INSPRU 1.5.57 R			X		
Sch 2	2.1	G			X	
	2.2	G			X	
	2.3	G			X	
	INSPRU 2.1.23 R			X		
	INSPRU 2.1.29 R			X		
	INSPRU 3.1.65 R			X		
	INSPRU 7.1.83 R			X		
	INSPRU 7.1.89 R			X		
	INSPRU 8.2.17 R			X		
	INSPRU 8.2.23 R				X	

	INSPRU 8.2.24 R				X	
	INSPRU 8.2.25 R				X	
Sch 3	3.1	G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
Sch 6	6.1	G			X	

Annex 10

Designation of the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G			X	
1.2.1		R	X			
2.1.1		R			X	
2.1.2		G			X	
2.2.1		R			X	
2.2.2		R			X	
2.2.3		G			X	
2.2.4		G	X			
2.2.5		G	X			
2.3.1		R			X	
2.3.2		G			X	
2.3.3		R			X	
2.3.4		G			X	
2.3.5		G			X	
3.1.1		R			X	
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		G			X	
3.1.6		G			X	
3.2.1		R			X	
3.2.2		G			X	

3.2.3		G			X	
3.2.4		R			X	
3.2.5		G			X	
3.2.6		G			X	
3.2.7		R			X	
3.2.7A		G			X	
3.2.8		R			X	
3.2.9		R			X	
3.2.10		R			X	
3.2.11		R			X	
3.2.12		R			X	
3.2.13		R			X	
3.2.14		R			X	
3.2.15		R			X	
4.1.1		R			X	
4.1.2		G			X	
4.1.3		G			X	
4.1.4		R			X	
4.1.5		G			X	
4.1.6		R			X	
4.1.7		G			X	
4.1.8		R		X		
4.1.9		G		X		
4.1.10		R	X			
4.1.11		R		X		
4.1.12		G		X		
4.1.13		G	X			
4.1.14		G			X	

4.1.15		G			X	
4.1.16		G			X	
4.1.17		G			X	
4.1.18		G	X			
4.1.19		G	X			
4.2-1		G			X	
4.2.1		R			X	
4.2.1A		G			X	
4.2.2		R			X	
4.2.3		R			X	
4.2.4		R			X	
4.2.5		R			X	
4.2.6		R		X		
4.2.7		R	X			
4.2.8		G	X			
4.2.9		R			X	
4.2.10		R			X	
4.2.10A		G			X	
4.2.11		R			X	
4.2.12		R			X	
4.2.13		G			X	
4.2.14		R			X	
4.2.15		E			X	
4.2.16		G			X	
4.2.17		E			X	
4.2.18		R			X	
4.2.19		R			X	
4.2.20		R			X	

4.2.21		R			X	
4.2.22		R			X	
4.2.23		R			X	
4.2A.1		R			X	
4.2A.2		G			X	
4.2A.3		G			X	
4.2A.4		R			X	
4.2A.5		R			X	
4.2A.5A		G			X	
4.2A.6		R			X	
4.2A.7		R			X	
4.2A.8		R			X	
4.2A.9		R			X	
4.2A.10		R			X	
4.2A.11		R			X	
4.2A.12		R			X	
4.2A.13		R			X	
4.2A.14		G			X	
4.2A.15		R			X	
4.2A.16		R			X	
4.2A.17		R			X	
4.2A.18		G			X	
4.2B.1		R			X	
4.2B.2		G			X	
4.2B.3		R			X	
4.2B.4		R			X	
4.2B.5		G			X	
4.2B.6		G			X	

4.2B.7		G			X	
4.2B.8		G			X	
4.2C.1		R			X	
4.2C.2		G			X	
4.2C.3		R			X	
4.2C.4		R			X	
4.2D.1		R			X	
4.2D.2		R			X	
4.2D.3		G			X	
4.2D.4		R			X	
4.2D.5		R			X	
4.2D.6		R			X	
4.2D.7		R			X	
4.2D.8		R			X	
4.2D.9		R			X	
4.2D.10		R			X	
4.2D.11		G			X	
4.2D.12		R			X	
4.2D.13		R			X	
4.2D.14		G			X	
4.3.1		R			X	
4.3.2		R			X	
4.3.3		R			X	
4.3.4		G			X	
4.3.5		R			X	
4.3.6		G			X	
4.3.7		R			X	
4.3.8		R			X	

4.3.9		R			X	
4.4.1		R			X	
4.4.2		R			X	
4.4.3		G			X	
4.4.4		R			X	
4.4.5		R			X	
4.4.6		G			X	
4.4.7		R			X	
4.4.8		R			X	
4.4.9		G			X	
4.4.10		R			X	
4.4.11		G			X	
4.4.12		R			X	
4.4.13		G			X	
5.1.1		R	X			
5.1.2		G	X			
5.1.3		G	X			
5.2.1		R			X	
5.2.1A		G			X	
5.2.2		R			X	
5.2.3		E			X	
5.2.4		R				X
5.2.5		R				X
5.2.6		G			X	
TP 1.1	1	R				X
	2	R			X	
	3	R				X
Sch 1	1.1	G			X	

Sch 2	2.1	G			X	
Sch 3	3.1	G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
Sch 6	6.1	G			X	

**Annex 4**

**Designation of the Prudential sourcebook for UCITS Firm (UPRU)**

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedules)</b>	<b>Status letter</b>	<b>FCA only</b>	<b>PRA only</b>	<b>FCA and PRA</b>	<b>Neither</b>
1.1.1		R	X			
1.1.2		G	X			
1.1.3		G	X			
1.2.1		G	X			
2.1.1		R	X			
2.1.2		R	X			
2.1.3		R	X			
2.1.4		G	X			
2.2.1		R	X			
2.3.1		R	X			
2.4.1		R	X			
TP						X
Sch 1	1.1	G	X			
	UPRU 2.4.1 R					
Sch 2	2.1	G				X
Sch 3	3.1	G				X
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
Sch 6	6.1	G	X			



Annex 12

Designation of the Interim Prudential sourcebook for Friendly Societies IPRU(FSOC)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
Initial guidance	1	G		X		
	2	G		X		
	3	G		X		
	4	G		X		
	5	G		X		
	6	G		X		
	7	G		X		
	8	G		X		
	9	G		X		
	10	G		X		
	11	G		X		
	12	G		X		
	13	G		X		
	14	G		X		
	15	G		X		
1.1		R			X	
1.1A		R			X	
1.2		R			X	
1.3						X
2.1		R			X	

2.2		R			X	
2.3		R			X	
3.1		R			X	
3.2						X
4.1		R		X		
4.2		R		X		
4.3		R		X		
4.4		R		X		
4.5		R		X		
4.6		R		X		
4.7		R		X		
4.8		R		X		
4.9		R		X		
4.10		R		X		
4.11		R			X	
4.12		R			X	
4.13						X
4.14						X
4.15						X
4.16						X
4.17						X
4.18						X
4.19						X
4.20		R			X	
4.21						X

4.22						X
4.23						X
4.24		R		X		
5.1		R		X		
5.1A		R		X		
5.2		R		X		
5.3		R		X		
5.4				X		
5.5		R		X		
5.6		R		X		
5.7		R		X		
5.8		R		X		
5.9		R		X		
5.10		R		X		
5.11		R		X		
5.12		R		X		
5.13		R		X		
5.14		R		X		
5.15		R		X		
5.16		R		X		
5.17		R		X		
5.18		R		X		
5.19		R		X		
5.20		R		X		
5.21		R		X		

5.22		R		X		
5.23		R		X		
5.24		R		X		
5.25		R		X		
5.26						X
6						X
7.1		R			X	
7.2		R			X	
7.3		R			X	
7.4		R			X	
7.5		R			X	
7.6		R			X	
Classes Of Long-Term Insurance Business		R			X	
Classes Of General Insurance Business		R			X	
8 – TP	Initial guidance	G			X	
	2	G		X		
	3	R				X
	4	R				X
	5	R				X
	Table 2	R				X
8.6						X
App 1	1	R		X		

	2	R		X		
	3	R		X		
	4	R		X		
App 2	1	R		X		
	1A	R		X		
	2	R		X		
	3	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		
	11	R		X		
	12	R		X		
	13	R		X		
	14	R		X		
	15	R		X		
	16	R		X		
	17	R		X		
	18	R		X		
	19	R		X		
	20	R		X		
	21	R		X		

	22	R		X		
	23	R		X		
App 3						X
App 4	1	R		X		
	2	R		X		
	3	R		X		
	4A	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		
	11	R		X		
	12	R		X		
	13	R		X		
	14	R		X		
	15	R		X		
	Annex A					X
	Annex B - B1					X
	B2					X
	B3					X
	B4	R		X		
	B5	R		X		

	B6	R		X		
	B7	R		X		
	B8	R		X		
	B9	R		X		
	B10	R		X		
	B11	R		X		
	B11A	R		X		
	B11B	R		X		
	B11C	R		X		
	B12	R		X		
	B13	R		X		
	B14	R		X		
	B15	R		X		
	B15A	R		X		
	B15B	R		X		
	B16	R		X		
	B17	R		X		
	B18	R		X		
	B19	R		X		
	B20	R		X		
	B21	R		X		
	B22	R		X		
	B23	R		X		
	B24	R		X		
	B25	R		X		

	B26	R		X		
	B27	R		X		
	B28	R		X		
	B29	R		X		
	B30	R		X		
	B31	R		X		
	B31A	R		X		
	B32	R		X		
	B33	R		X		
	B34	R		X		
	B35	R		X		
	B36	R		X		
	B37	R		X		
App 5	1	R		X		
	2	R		X		
	3	R		X		
	3A	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		
	11	R		X		

	12	R		X		
	13	R		X		
	14	R		X		
	15	R		X		
	16	R		X		
App 6	1	R		X		
	2	R		X		
	3	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		
App 7	1	R		X		
	2	R		X		
	3	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		

	11	R		X		
	12	R		X		
	13	R		X		
App 8	1	R		X		
	2	R		X		
	3	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		
	10	R		X		
	11	R		X		
	12	R		X		
	13	R		X		
App 9	1	R		X		
	2	R		X		
	3	R		X		
	4	R		X		
	5	R		X		
	6	R		X		
	7	R		X		
	8	R		X		
	9	R		X		

	10	R		X		
	11	R		X		
	12	R		X		
	13	R		X		
	14	R		X		
	15	R		X		
	16	R		X		
	17	R		X		
	18	R		X		
	19	R		X		
	20	R		X		
	21	R		X		
	22	R		X		
	23	R		X		
	24	R		X		
App 10	FSC1 Return	R		X		
	FSC 1 – FORM 9	R		X		
	FSC 1 – Notes to Form 9	R		X		
	FSC1 – FORM 9A					X
	FSC1 – Notes to Form 9A					X
	FSC 1 – FORM 13	R		X		
	FSC 1 – Notes to Form 13	R		X		
	FSC 1 – FORM 14	R		X		
	FSC 1 – Notes to	R		X		

	Form 14					
	FSC 1 – FORM 15	R		X		
	FSC 1 – FORM 17	R		X		
	FSC 1 – FORM 40	R		X		
	FSC 1 – FORM 40A	R		X		
	FSC 1 – FORM 40B	R		X		
	FSC 1 – FORM 40C	R		X		
	FSC 1 – FORM 41	R		X		
	FSC 1 – FORM 42	R		X		
	FSC 1 – FORM 43	R		X		
	FSC 1 – FORM 44	R		X		
	FSC 1 – FORM 45	R		X		
	FSC 1 – FORM 46	R		X		
	FSC 1 – FORM 47	R		X		
	FSC 1 – FORM 48	R		X		
	FSC 1 – Notes to Forms 48 and 49	R		X		
	FSC 1 – FORM 49	R		X		
	FSC 1 – FORM 51	R		X		
	FSC 1 – FORM 52	R		X		
	FSC 1 – FORM 53	R		X		
	FSC 1 – FORM 54	R		X		
	FSC 1 – FORM 55	R		X		
	FSC 1 – FORM 56	R		X		
	FSC 1 – FORM 57	R		X		
	FSC 1 – FORM 58	R		X		

	FSC 1 – FORM 60	R		X		
	FSC 1 – FORM 61A	R		X		
	FSC 1 – FORM 61B	R		X		
	FSC 1 – FORM 61C	R		X		
	FSC 1 – FORM 61D					X
	FSC 2 - RETURN	R		X		
	FSC 2 – FORM 9	R		X		
	FSC 2 – FORM 9A	R		X		
	FSC 2 – FORM 9B	R		X		
	FSC 2 – FORM 9C	R		X		
	FSC 3 - RETURN	R		X		
	FSC 3 – FORM 9	R		X		
	FSC 3 – Notes to Form 9	R		X		
	FSC 3 – FORM 11	R		X		
	FSC 3 – FORM 12	R		X		
	FSC 3 – FORM 13	R		X		
	FSC 3 – Notes to Form 13	R		X		
	FSC 3 – FORM 14	R		X		
	FSC 3 – FORM 15	R		X		
	FSC 3 – FORM 17	R		X		
	FSC 3 – FORM 20	R		X		
	FSC 3 – FORM 21	R		X		
	FSC 3 – FORM 22	R		X		
	FSC 3 - FORM 23	R		X		

	FSC 3 – Notes to Form 23	R		X		
	FSC 3 – FORM 23A	R		X		
	FSC 3 – FORM 23B	R		X		
	FSC 3 – FORM 23C	R		X		
	FSC 3 – FORM 23D	R		X		
	FORM FSC4	R		X		
Annx 1	1	G			X	
	2	G			X	
	3	G			X	
Annx 2	1	G		X		
	2	G		X		
	3	G			X	
	4	G		X		
	5	G			X	
	6	G		X		
	7	G		X		
	8	G		X		
	9	G		X		
Annx 3	Part I - 1	G			X	
	1A					X
	2	G		X		
	3	G		X		
	4	G		X		
	5	G			X	
	6	G		X		

	7	G		X		
	8	G		X		
	9	G		X		
	10	G			X	
	11	G			X	
	12	G			X	
	13	G		X		
	14	G		X		
	15	G		X		
	16	G		X		
	17	G			X	
	18	G			X(a only)	
	19	G			X (except a)	
	20	G			X	
	21	G		X		
	22	G		X		
	23	G		X		
	24	G		X		
	25					X
	26					X
	27	G		X		
	28	G		X		
	29	G		X		
	30	G		X		
	31	G		X		

	32	G		X		
	33					X
	34	G		X		
	35	G		X		
	36	G		X		
	37	G		X		
	38					X
	39	G		X		
	40	G		X		
	Part II - 1	G		X		
	2	G		X		
	3	G		X		
	4	G		X		
	5	G		X		
	6	G		X		
	7	G		X		
	8					X
	9	G		X		
	10	G		X		
	11	G		X		
	12	G		X		
	13					X
	14	G		X		
	15	G		X		
	16	G		X		

	17	G		X		
	18	G		X		
	19	G		X		
	20	G		X		
	21	G		X		
	22	G		X		
	23	G		X		
	24	G		X		
	25	G		X		
	26	G		X		
	27	G		X		
	28	G		X		
	29					X
	30	G		X		
	31	G		X		
	32	G		X		
	Attachment A - A1	G		X		
	A2	G		X		
	A3	G		X		
	A4	G		X		
	A5	G		X		
	A6	G		X		
	A7	G		X		
	A8	G		X		
	A9	G		X		

	Attachment B - B1	G		X		
	B2	G		X		
	B3	G		X		
	B4	G		X		
	B5	G		X		
	B6	G		X		
	Attachment C - C1	G		X		
	C2	G		X		
	C3	G		X		
	C4	G		X		
	C5	G		X		
	C6	G		X		
	Attachment D	G		X		
Annex 4	1	G		X		
	2	G		X		
	3	G		X		
	4	G				X
	4A	G		X		
	4B					X
	4C					X
	5	G		X		
	6	G		X		
	7	G		X		
	8	G		X		
	9	G		X		

	10	G		X		
	11.1	G		X		
	11.2					X
	11.3					X
	11.4	G		X		
	11.5	G		X		
	11.6	G		X		
	12.1	G		X		
	12.2	G		X		
	12.3					X
	12.4					X
	12.5					X
	12.6	G		X		
	12.7	G		X		
	13					X
Annex 5	1	G		X		
	2	G		X		
	3	G		X		
	4	G		X		
	5	G		X		
	6	G		X		
	7	G		X		
	Attachment	G		X		
Annex 6						X
Annex 7	1	G		X		

	2	G		X		
	3	G		X		
	4	G		X		
	5	G		X		
Annex 8						X

Annex 13

Designation of the Interim Prudential sourcebook for Insurers (IPRU(INS))

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1					X	
1.2						X
1.3						X
2						X
3.1						X
3.2				X		
3.3						X
3.4						X
3.5			X			
3.5A						X
3.6						X
3.7						X
4						X
5						X
6						X
7						X
8.1						X
8.2						X
8.3					X	
8.4						X
8.5						X

9.1				X		
9.2				X		
9.3				X		
9.3A				X		
9.4				X		
9.5				X		
9.6				X		
9.7				X		
9.8						X
9.9						X
9.10				X		
9.11				X		
9.12				X		
9.13				X		
9.14				X		
9.14A				X		
9.14B				X		
9.15				X		
9.16						X
9.17				X		
9.18						X
9.19				X		
9.20				X		
9.20A				X		
9.21				X		

9.22				X		
9.23				X		
9.24				X		
9.25				X		
9.26				X		
9.27				X		
9.28				X		
9.29				X		
9.30				X		
9.31				X		
9.32				X		
9.32A				X		
9.32B		G		X		
9.33				X		
9.34				X		
9.35				X		
9.36				X		
9.36A				X		
9.36B				X		
9.36C				X		
9.36D				X		
9.36E				X		
9.37				X		
9.38				X		
9.39				X		

9.40				X		
9.41				X		
9.42				X		
9.42A				X		
9.42B				X		
9.42C				X		
9.42D				X		
9.43		G		X		
9.44				X		
9.45		G		X		
9.46		G		X		
9.47					X	
9.48				X		
9.49				X		
9.50				X		
9.51				X		
9.52				X		
9.53				X		
9.54				X		
9.55				X		
9.56				X		
9.57				X		
9.58				X		
9.59				X		
9.60				X		

9.61				X		
9.62			X			
9.63				X		
9.64				X		
9.65				X		
9.66				X		
9.67				X		
9.68				X		
9.69				X		
9.70				X		
9.71				X		
9.72						X
10						X
11.1					X	
11.2				X		
11.3					X	
11.4					X	
11.5					X	
11.6					X	
11.7					X	
11.8				X		
Annex 11.1					X	
Annex 11.2	Part I				X	
	Part II				X	
Annex 11.3	Part I			X		

	Part II			X		
12.1				X		
12.2						X
12.3						X
12.4						X
12.5	2005 Return Transitional Table A			X		
	Instructions to Table A			X		
	2005 Return Transitional Table B			X		
	Instructions to Table B			X		
	2005 Return Transitional Table C			X		
	Instructions to Table C			X		
	2005 Return Transitional Table D			X		
	Instructions to Table D			X		
12.5A						X
12.6		G		X		
12.7		G				X
12.8						X
12.9						X
12.10						X
App 2.1						X
App 2.2						X

App 2.3						X
App 3.1						X
App 3.2						X
App 4.1						X
App 4.2						X
App 5.1						X
App 6.1						X
App 6.2						X
App 9.1	1			X		
	2					X
	3			X		
	4			X		
	5			X		
	6			X		
	7			X		
	8			X		
	9			X		
	10			X		
	11			X		
	12			X		
	13			X		
	14					X
	15			X		
	16			X		
	17			X		

	Statement of solvency - general insurance business - Form 1			X		
	Instructions for completion of Form 1			X		
	Statement of solvency - long term insurance business - Form 2			X		
	Instructions for completion of Form 2			X		
	Components of capital resources - Form 3			X		
	Instructions for completion of Form 3			X		
	Statement of net assets - Form 10			X		
	Instructions for completion of Form 10			X		
	Calculation of general insurance capital requirement—premiums amount and brought forward amount - Form 11			X		
	Calculation of general insurance capital requirement—claims amount and result - Form 12			X		

	Instructions for completion of Forms 11 and 12			X		
	Instruction for completion of Form 12			X		
	Analysis of admissible assets - Form 13			X		
	Instructions for completion of Form 13			X		
	Long term insurance business liabilities and margins - Form 14			X		
	Instructions for completion of Form 14			X		
	Liabilities (other than long term insurance business) - Form 15			X		
	Instructions for completion of Form 15			X		
	Profit and loss account (non-technical account) Form 16			X		
	Instructions for completion of Form 16			X		
	Analysis of derivative contracts			X		

	- Form 17					
	Instructions for completion of Form 17			X		
	With-profits insurance capital component for the fund - Form 18			X		
	Instructions for completion of Form 18			X		
	Realistic balance sheet - Form 19			X		
	Instructions for completion of Form 19			X		
App 9.2	1			X		
	2			X		
	2A			X		
	2B			X		
	2C			X		
	3			X		
	4			X		
	5					X
	6					X
	7			X		
	8					X
	8A			X		
	8B			X		

	9			X		
	10			X		
	11			X		
	12			X		
	13			X		
	14			X		
	15			X		
	16			X		
	17			X		
	18			X		
	19			X		
	20			X		
	21			X		
	22			X		
	23			X		
	24			X		
	25			X		
	26			X		
	27			X		
	28			X		
	29					X
	30			X		
	31			X		
	32			X		
	General insurance business – summary of business carried			X		

	on - Form 20A					
	Instructions for completion of Form 20A			X		
	General insurance business : Technical account (excluding equalisation provisions) - Form 20			X		
	Instructions for completion of Form 20			X		
	General insurance business (accident year accounting): Analysis of premiums - Form 21			X		
	Instructions for completion of Form 21			X		
	General insurance business (accident year accounting) : Analysis of claims, expenses and technical provisions - Form 22			X		
	Instructions for completion of Form 22			X		
	General insurance business (accident year accounting): Analysis of net claims and premiums - Form 23			X		

	Instructions for completion of Form 23			X		
	General insurance business (underwriting year accounting): Analysis of premiums, claims and expenses - Form 24			X		
	Instructions for completion of Form 24			X		
	General insurance business (underwriting year accounting): Analysis of technical provisions - Form 25			X		
	Instructions for completion of Form 25			X		
	General insurance business (accident year accounting): Analysis of net claims and premiums by risk category for treaty reinsurance - Form 26			X		
	Instructions for completion of Form 26			X		
	General insurance business (accident			X		

	year accounting): Analysis of gross claims and premiums by risk category for treaty reinsurance - Form 27					
	Instructions for completion of Form 27			X		
	General insurance business (underwriting year accounting): Analysis of premiums, claims and expenses by risk category for treaty reinsurance - Form 28			X		
	Instructions for completion of Form 28			X		
	General insurance business (underwriting year accounting): Analysis of technical provisions by risk category for treaty reinsurance - Form 29			X		
	Instructions for completion of Form 29			X		
	General insurance business : Expected income and yield from admissible			X		

	assets covering discounted provisions - Form 30					
	Instructions for completion of Form 30			X		
	General insurance business (accident year accounting): Analysis of gross claims and premiums by risk category for direct insurance and facultative reinsurance - Form 31			X		
	Instructions for completion of Form 31			X		
	General insurance business (accident year accounting): Analysis of gross claims and premiums for motor vehicle direct insurance and facultative reinsurance - Form 32			X		
	Instructions for completion of Form 32			X		
	Form 33					X
	General insurance business			X		

	(underwriting year accounting): Analysis of gross claims and premiums by risk category for direct insurance and facultative reinsurance - Form 34					
	Instructions for completion of Form 34			X		
	Form 35					X
	Currency rates - Form 36			X		
	Instructions for completion of Form 36			X		
	Equalisation provisions - Form 37			X		
	Instructions for completion of Form 37			X		
	Equalisation provisions technical account: Accident year accounting - Form 38			X		
	Instructions for completion of Form 38			X		
	Equalisation provisions technical account: Underwriting year			X		

	accounting - Form 39					
	Instructions for completion of Form 39			X		
App 9.3	1			X		
	2			X		
	2A			X		
	3			X		
	4			X		
	5			X		
	6			X		
	7			X		
	8			X		
	Long-term insurance business: Revenue account - Form 40			X		
	Instructions for completion of Form 40			X		
	Long-term insurance business: Analysis of premiums - Form 41			X		
	Instructions for completion of Form 41			X		
	Long-term insurance business: Analysis of claims - Form 42			X		
	Instructions for completion of Form			X		

	42					
	Long-term insurance business: Analysis of expenses - Form 43			X		
	Instructions for completion of Form 43			X		
	Long-term insurance business: Linked funds balance sheet - Form 44			X		
	Instructions for completion of Form 44			X		
	Long-term insurance business: revenue account for internal linked funds - Form 45			X		
	Instructions for completion of Form 45			X		
	Long-term insurance business: Summary of new business - Form 46			X		
	Instructions for completion of Form 46			X		
	Long-term insurance business: Analysis of new business - Form 47			X		
	Instructions for completion of Form			X		

	47					
	Long-term insurance business: Assets not held to match linked liabilities - Form 48			X		
	Instructions for completion of Form 48			X		
	Long-term insurance business: Fixed and variable interest assets - Form 49			X		
	Instructions for completion of Form 49			X		
	Long-term insurance business: Summary of mathematical reserves - Form 50			X		
	Instructions for completion of Form 50			X		
	Long-term insurance business: Valuation summary of non-linked contracts (other than accumulating with profits contracts) - Form 51			X		
	Long-term insurance business: Valuation summary of accumulating with profits contracts - Form 52			X		

	Long-term insurance business: Valuation summary of property linked contracts - Form 53			X		
	Long-term insurance business: Valuation summary of index linked contracts - Form 54			X		
	Instructions for completion of Forms 51, 52, 53 and 54			X		
	Long-term insurance business: Unit prices for internal linked funds - Form 55			X		
	Instructions for completion of Form 55			X		
	Long-term insurance business: index linked business - Form 56			X		
	Instructions for completion of Form 56			X		
	Long-term insurance business – analysis of valuation interest - Form 57			X		
	Instructions for completion of Form 57			X		
	Long-term insurance business: distribution of			X		

	surplus - Form 58					
	Instructions for completion of Form 58			X		
	Long-term insurance business: With profits payouts on maturity (normal retirement) - Form 59A			X		
	Long-term insurance business: With profits payouts on surrender - Form 59B			X		
	Instructions for completion of Forms 59A and 59B			X		
	Long-term insurance capital requirement - Form 60			X		
	Instructions for completion of Form 60			X		
App 9.4	1			X		
	2			X		
	3			X		
	4			X		
	5			X		
	6			X		
	7			X		
	8			X		

	9			X		
	10			X		
App 9.4A	1			X		
	2			X		
	3			X		
	4			X		
	5			X		
	6			X		
	7			X		
	8			X		
	9			X		
	10			X		
	11			X		
	12			X		
	13			X		
	14			X		
App 9.5	1			X		
	2			X		
	3			X		
	4			X		
	5			X		
App 9.6	1			X		
	2			X		
	3			X		
	3A			X		

	3B			X		
	3C			X		
	4			X		
	5					X
	6					X
	7					X
	8					X
	9					X
	9					X
	10					X
	11					X
	12			X		
App 9.7	General insurance business : Analysis of financial particulars branches - Form 91			X		
	Instruction for completion of Form 91			X		
	General insurance business : Analysis of financial particulars provision of services - Form 92			X		
	Instruction for completion of Form 92			X		
	Long term insurance business : Analysis of financial			X		

	particulars branches Form 93					
	Instruction for completion of Form 93			X		
	Long term insurance business : Analysis of financial particulars provision of services - Form 94			X		
	Instruction for completion of Form 94			X		
App 9.8	1			X		
	1A			X		
	2			X		
	3					X
	4			X		
	5			X		
	Marine mutuals : Revenue account - Form M1			X		
	Instruction for completion of Form M1			X		
	Marine mutuals : Statement of assets and liabilities - Form M2			X		
	Instruction for completion of Form M2			X		

	Marine Mutuels: Analysis of admissible assets Form M3			X		
	Instruction for completion of Form M3			X		
	Marine mutuels : Annual analysis of calls, premiums and claims - Form M4			X		
	Instruction for completion of Form M4			X		
	Marine mutuels : Analysis of derivative contracts - Form M5			X		
	Instruction for completion of Form M5			X		
App 9.9	Form 95: INSURANCE GROUP CAPITAL ADEQUACY REPORTING FORM			X		
App 9.10	ECR Calculation Summary - Form ECR1			X		
	Asset-Related Capital Requirement (Category of assets 1 only) - Form ECR1			X		
	Instruction for completion of Form			X		

	ERC1					
App 9.11	1			X		
App 9.12	1			X		
	2			X		
	3			X		
	4			X		
	5			X		
	6			X		
App 9.13	1			X		
	2			X		
	3			X		
App 9.14	1			X		
	2			X		
App 9.15	1			X		
	2			X		
	3			X		
	4			X		
App 9.16	1			X		
App 9.17	1			X		
App 9.18	1			X		
	2			X		
	3					X
Guidance	Guidance Note P1					X
	Guidance Note P2					X
	Guidance Note P3					X

	Guidance Note 2.1					X
	Guidance Note 2.2					X
	Guidance Note 2.3					X
	Guidance Note 4.1					X
	Guidance Note 4.2					X
	Guidance Note 4.4					X
	Guidance Note 5.1					X
	Guidance Note 9.1					X
	Guidance Note 9.2					X
	Guidance Note 10.1					X
	GUIDANCE: FSA 'DEAR DIRECTOR' LETTERS - DD1					X
	OTHER MATERIAL: 'DEAR APPOINTED ACTUARY' LETTERS - DAA8					X
	OTHER MATERIAL: DEAR APPOINTED ACTUARY LETTERS - DAA9					X
	OTHER MATERIAL: 'DEAR APPOINTED ACTUARY' LETTERS - DAA11					X
	OTHER					X

	MATERIAL: 'DEAR APPOINTED ACTUARY' LETTERS - DAA13					
	OTHER MATERIAL: 'DEAR APPOINTED ACTUARY' LETTERS - DAA14					X
	OTHER MATERIAL: 'DEAR APPOINTED ACTUARY' LETTERS - DAA15					X
TP 1	1					X
	2					X
	3	R				X
	4					X
	5	R	X			
	6	R	X			

Annex 14

Designation of the Interim Prudential sourcebook for Investment Businesses  
(IPRU-INV)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
TP 1	1					X
	2					X
	3	R				X
	4					X
	5	R	X			
	6	R	X			
1.1.1		G			X	
1.1.2		G			X	
1.1.3		G			X	
1.1.3A		G			X	
1.1.4		G			X	
1.1.5		G			X	
1.1.6		G			X	
1.2.1		R			X	
1.2.2		R			X	
1.2.3		G			X	
1.2.3A		R				X
1.2.3B		R				X
1.2.4		R			X	
1.2.5		R			X	

1.2.6		G			X	
1.2.7		R			X	
1.2.8		G			X	
2.1.1		R	X			
2.1.2		R	X			
2.1.3		R	X			
2.1.4		R	X			
2.1.5		G	X			
2.1.6		G	X			
2.2.1		R	X			
2.2.2		G	X			
2.3.1		R	X			
2.3.2		G	X			
2.4.1		R	X			
2.4.2		R	X			
2.4.3		R	X			
2.4.4		G	X			
2.4.5		G	X			
3-A		R	X			
3-1		R	X			
		G	X			
3-1A		R	X			
		G	X			
3-1B		R	X			
		G	X			

3-1C		G	X			
3-1D		G	X			
3-2		R	X			
3-5		R	X			
3-6		G				X
3-10						X
3-10(1)		R				X
3-10(2)		R				X
3-10(3)						X
		G				X
3-11						X
3-11(1)		R				X
3-11(2)						X
3-11(3)						X
3-12						X
3-12(1)		R				X
3-12(2)		R				X
3-13						X
3-13(1)		R				X
3-13(3)						X
3-13(3)		R				X
3-13(4)		R				X
3-13(5)		R				X
3-41(9)		R	X			
		G	X			

		G	X			
3-60(1)		R	X			
3-60(2)		R	X			
3-60(3)		R	X			
3-60(3A)		R	X			
3-60(4)		R	X			
3-60(4A)		R	X			
3-60(5)		R	X			
3-60(5A)		R	X			
3-60(6)		R	X			
3-60(7)		R	X			
3-60(8)		R	X			
3-60(9)		G	X			
3-61(1)		R	X			
3-61(2)		R	X			
	Table 3-61	R	X			
3-62(1)		R	X			
3-62(2)		R	X			
3-62(3)		R	X			
3-62(4)		R	X			
		G	X			
3-62(5)		R	X			
3-62(6)		R	X			
3-62(7)		G	X			
3-62(8)		R	X			

3-63(1)		R	X			
3-63(2)		R	X			
		G	X			
		G	X			
3-63(3)		R	X			
		G	X			
3-63(4)		R	X			
3-63(5)		R	X			
3-63(6)		R	X			
3-63(7)		R	X			
3-63(8)		R	X			
3-63(9)		R	X			
		G	X			
3-70		R	X			
3-71		R	X			
3-72		R	X			
3-73(1)		R	X			
3-73(2)		R	X			
3-73(3)		R	X			
3-73(4)		R	X			
		G	X			
		G	X			
		G	X			
3-73(5)		R	X			
3-74(1)		R	X			

3-74(2)		R	X			
3-74(3)		R	X			
3-75(1)		R	X			
3-75(2)		R	X			
3-75(3)		R	X			
3-75(4)		R	X			
3-75(5)		R	X			
3-75(6)		R	X			
3-75(7)		R	X			
3-75(8)		R	X			
3-75(9)		R	X			
3-75(10)		R	X			
3-75(11)		R	X			
3-75(12)		R	X			
3-75(13)		R	X			
3-76		R	X			
3-77		R	X			
3-78		R	X			
3-79(1)		R	X			
3-79(2)			X			
		G	X			
3-80(1)		R	X			
3-80(2)		R	X			
		G	X			
3-80(3)		R	X			

3-80(4)		R	X			
3-80(4A)		R	X			
3-80(5)		R	X			
3-80(6)		R	X			
3-80(6A)		E	X			
3-80(7)		R	X			
3-80(8)		R	X			
3-80(9)		R	X			
3-80(10)		G	X			
		G	X			
3-150		R	X			
3-151(1)		R	X			
3-151(2)		R	X			
3-151(3)		R	X			
3-152(1)		G	X			
3-152(2)		R	X			
3-152(3)		R	X			
3-152(4)		R	X			
3-152(5)		R	X			
3-153(1)		R	X			
3-153(2)		R	X			
3-154(1)		R	X			
3-154(2)		R	X			
3-154(3)		R	X			
3-166(1)		R	X			

		G	X			
3-166(2)		R	X			
		G	X			
3-166(3)		R	X			
		G	X			
3-167(1)		R	X			
3-167(2)		R	X			
3-167(3)		R	X			
3-168(1)		R	X			
3-168(2)		R	X			
		G	X			
3-169		R	X			
3-169A		G	X			
		G	X			
3-169B(1)		G	X			
		G	X			
3-169B(2)		R	X			
3-169B(3)		R	X			
		G	X			
3-170(1)		R	X			
3-170(2)		R	X			
	Table 3-170(2)	R	X			
3-170(3)		R	X			
3-170(4)		R	X			
3-170(5)		R	X			

3-170(5A)		E	X			
3-170(6)		R	X			
3-170(7)		R	X			
3-170(8)		R	X			
3-170(9)		R	X			
3-170(10)		R	X			
3-170(11)		R	X			
		G	X			
		G	X			
		G	X			
3-171(1)		R	X			
	Table 3-171(1)	R	X			
3-171(2)		R	X			
3-171(2A)		R	X			
3-171(3)		R	X			
3-173(1)		R	X			
3-173(2)		R	X			
	Table 3-173(2)A	R	X			
	Table 3-173(2)B	R	X			
3-173(2A)		R	X			
3-173(3)		R	X			
3-173(4)		R	X			
3-173A(1)		R	X			
3-173A(2)		R	X			
	Table 3-173A(2A)	R	X			

		R	X			
	Table 3-173A(2B)	R	X			
3-173A(3)		R	X			
	Table 3-173A(3)		X			
3-173A(4)		R	X			
	Table 3-173A(4A)		X			
	Table 3-173A(4B)		X			
3-173A(5)		R	X			
3-173A(6)		R	X			
3-173A(7)		R	X			
3-173A(8)		R	X			
3-173A(9)		R	X			
3-173B(1)		R	X			
3-173B(2)		R	X			
3-173B(3)		R	X			
	Table 3-173B(3A)	R	X			
	Table 3-173B(3B)	R	X			
3-173B(4)		R	X			
3-173B(4A)		R	X			
3-173B(5)		R	X			
	Table 3-173B(5)	R	X			
3-173B(6)		R	X			
	Table 3-173B(6)		X			
3-173B(7)		R	X			
3-173B(8)		R	X			

3-175(1)		R	X			
	Table 3-175(1)		X			
3-175(2)		R	X			
3-175(3)		R	X			
3-176		R	X			
3-176(1)		R	X			
	3-176(1)		X			
3-176(2)		R	X			
	Table 3-176(2)	R	X			
3-176(3)		R	X			
3-176(4)		R	X			
3-176(5)		R	X			
3-176(6)		R	X			
3-176(7)		R	X			
3-176(8)		R	X			
3-176(9)		R	X			
3-176(10)		R	X			
3-176(11)		R	X			
3-177(1)		R	X			
3-177(2)		R	X			
3-177(3)		R	X			
3-177(5)		R	X			
3-178(1)		R	X			
3-178(2)		R	X			
3-178(3)		R	X			

3-180(1)		R	X			
	Table 3-180(1)	R	X			
3-180(2)		R	X			
3-180(2A)		R	X			
3-180(3)		R	X			
3-181(1)		R	X			
3-181(2)		R	X			
3-182(1)		R	X			
3-182(2)		R	X			
3-182(3)		R	X			
3-182(4)		R	X			
3-182(4A)		R	X			
3-182(5)		R	X			
3-190(1)		R				X
3-190(2)		R				X
		G				X
3-190(3)		R				X
3-190(4)		R				X
		G				X
3-191(1)		R				X
3-192(2)		G				X
		G				X
3-192(2)		R				X
3-192(4)		R				X
		G				X

3-193(1)		R				X
3-193(2)		R				X
3-193(3)		R				X
3-193(4)		R				X
		G				X
3-194		R				X
3-195		R				X
3-300(1)		R	X			
3-300(2)		R	X			
3-300(3)		R	X			
3-300(4)		E	X			
		G	X			
		G	X			
		G				X
		G				X
App 1			X			
App 20	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			

	10		X			
	11		X			
	12		X			
App 21	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
App 26	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
App 33			X			
App 34	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
App 35	Part 1		X			
	Part 2		X			

App 37	1		X			
	2		X			
	3		X			
	4		X			
App 43	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			
	14		X			
	15		X			
	16		X			
	17		X			
	18		X			
App 46			X			
App 47	Table 1		X			
	Table 2		X			

	Table 3		X			
App 56	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	Additional guidance		X			
App 62	1		X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			
	14		X			

	15		X			
	16		X			
	17		X			
	18		X			
	19		X			
4.1.1		R			X	
4.1.2		R	X			
4.1.3		D			X	
4.2.1		G			X	
4.2.2		G			X	
4.2.3		G			X	
4.2.4		G			X	
4.3.1		D			X	
4.4.1		D			X	
4.4.2		D			X	
4.4.3		D			X	
4.4.4		D			X	
4.4.5		D			X	
4.4.5A		D			X	
4.4.6		R	X			
4.5.1		D			X	
4.5.2		R	X			
5.1.1(1)(a)		R	X			
5.1.1(1)(b)		R				X
5.1.1(1)(c)		R	X			

5.2.1(1)		R	X			
5.2.1(2)		R	X			
5.2.1(3)		R	X			
5.2.2(1)		R	X			
5.2.2(2)		R	X			
5.2.3(1)(a)		R	X			
5.2.3(1)(b)		R				X
5.2.3(1)(c)		R				X
5.2.3(2)		R	X			
5.2.3(3)(a)		R	X			
5.2.3(3)(b)		R				X
5.2.3(4)(a)		R	X			
5.2.3(4)(b)		R				X
5.2.3(4)(c)		R				X
5.2.3(5)		R	X			
5.2.3(6)		G	X			
5.2.4(1)		R	X			
5.2.4(2)		G	X			
5.2.4(3)		R				X
5.2.5(1)		R	X			
5.2.5(2)		R	X			
5.2.5(3)(a)		R	X			
5.2.5(3)(b)		R	X			
5.2.5(4)		R	X			
5.2.5(5)		G	X			

5.2.5(6)		R	X			
5.2.5(7)		R	X			
5.2.6(1)		R	X			
5.2.6(2)		G	X			
5.2.6(3)		R	X			
5.2.7(1)		G				X
5.2.7(2)		R				X
5.2.7(3)		R				X
5.2.7(4)		R				X
5.2.7(5)		R				X
	Table 5.2.2(1)		X			
	Table 5.2.3(3)(b)					X
	Table 5.2.3(5)(a)		Y			
	Table 5.2.3(5)(b)		Y			
	Table 5.2.3(5)(c)		Y			
	Table 5.2.3(5)(c)(i)		Y			
	Table 5.2.3(5)(c)(ii)		Y			
	Table 5.2.3(5)(c)(iii)		Y			
	Table 5.2.3(5)(d)		Y			
	Table 5.2.3(5)(e)		Y			
5.3.1(1)		R				X
5.3.1(2)		G				X
5.3.1(3)		R				X
5.3.1(4)		R				X
5.3.1(5)		G				X

5.3.1(6)		R				X
5.5.1(1)		R				X
5.7.1						X
5.7.2						X
5.7.3						X
5.7.4						X
5.7.5						X
App 1			X			
6.1.1		R	X			
6.1.2		R	X			
7						X
8.1.1		R		X		
8.1.2		R		X		
8.1.3		G		X		
8.1.4		G		X		
8.1.5		R		X		
8.1.6		R		X		
8.1.7		R		X		
8.1.8		G		X		
8.1.9		E		X		
8.1.10		G		X		
8.1.11		G		X		
8.1.12		R		X		
8.1.13		G		X		
8.1.14		E		X		

8.1.15		E		X		
8.1.16		E		X		
8.1.17		G		X		
8.1.18		G		X		
8.1.19		R		X		
8.1.20		R		X		
8.1.21		R		X		
8.1.22		G		X		
8.1.23		G		X		
8.1.24		R		X		
8.2.1		R		X		
8.2.2		R		X		
8.2.3		R		X		
9.1.1		R	X			
9.2.1		G	X			
9.2.2		R	X			
9.2.3		R	X			
9.2.4		R	X			
9.2.5		R	X			
9.2.5A		G	X			
9.2.6		G	X			
9.2.7		R	X			
9.2.8		R	X			
9.2.9		R	X			
9.3.1		R	X			

9.3.2		R	X			
9.3.3		R	X			
9.3.4		R	X			
9.3.5		R	X			
9.3.6		R	X			
9.3.7		G	X			
9.4.1		R	X			
9.4.2		R	X			
9.4.3		R	X			
9.4.4		R	X			
9.5.1		R	X			
9.5.2		R	X			
9.5.3		R	X			
9.5.4		R	X			
9.5.5		R	X			
9.5.6		R	X			
9.5.7		R	X			
9.5.8		R	X			
9.6.1		R	X			
9.6.2		G	X			
9.6.3		R	X			
App 9(1)			X			
10						X
13.1.1		R	X			
13.1.2		G	X			

13.1.3		G	X			
13.1.4		R	X			
13.1.5		R	X			
13.1.6		R	X			
13.1.7		R	X			
13.1.8		R	X			
13.1.9		R	X			
13.1.10		R	X			
13.1.11		R	X			
13.1.12		R	X			
13.1.13		R	X			
13.1.14		G	X			
13.1.15		R	X			
13.1.16		G	X			
13.1.17		G	X			
13.1.18		R	X			
13.1.19		R	X			
13.1.20		R	X			
13.1.21		R	X			
13.1.22		G	X			
13.1.23		R	X			
13.1.24		G	X			
13.1.25		R	X			
13.1.26		R	X			
13.1.27		R	X			

13.1.28		R	X			
13.1.29		G	X			
13.1A.1		R	X			
13.1A.2		R	X			
13.1A.3		R	X			
13.1A.4		R	X			
13.1A.5		G	X			
13.1A.6		R	X			
13.1A.7		R	X			
13.1A.8		R	X			
13.1A.9		R	X			
13.1A.10		R	X			
13.1A.11		R	X			
13.1A.12		R	X			
13.1A.13		R	X			
13.1A.14		R	X			
13.1A.15		R	X			
13.1A.16		R	X			
13.1A.17		R	X			
13.2.1		R	X			
13.2.2		G	X			
13.2.3		G	X			
13.3.1		R	X			
13.3.1A		G				X
13.3.2		R	X			

13.3.2A		R				X
13.3.2B		G				X
13.3.3		R	X			
13.3.3A		R				X
13.3.3B		R				X
13.3.4		G	X			
13.3.5		R	X			
13.3.6		R	X			
13.3.7		R	X			
13.3.8		G	X			
13.3.9		R	X			
13.3.10		R	X			
	Table 13.3.10R	R	X			
13.3.11		R	X			
13.3.12		R	X			
13.3.13		R	X			
13.3.14		R	X			
13.4.1		R	X			
13.4.2		R	X			
13.5.1		R				X
13.5.1A		R				X
13.5.1B		R	X			
13.5.1C		R				X
13.5.1D		R	X			
13.5.2		R	X			

13.5.2A		G	X			
13.5.3		R	X			
13.5.3A		G	X			
13.5.4		R	X			
13.5.4A		R				X
	Table 13.5.4(2) Part I		X			
	Table 13.5.4(2) Part II		X			
	Table 13.5.4A		X			
	Table 13.5.4B		X			
	Table 13.5.4C		X			
	Table 13.5.4D		X			
	Table 13.5.4E		X			
13.5.5		R	X			
13.5.5A		R	X			
13.5.5B		R				X
13.5.5C		R	X			
13.6						X
13.7						X
13.7.2B		R	X			
13.8						X
13.9.1		R	X			
13.9.1A		G	X			
13.10.1		R	X			
13.10.2		R	X			

13.10.2A		R	X			
13.10.2B		G	X			
13.10.3		R	X			
13.11.1		R	X			
13.11.2		R	X			
13.11.3		R	X			
13.12.1A		R	X			
13.12.1B		R	X			
13.12.1C		R	X			
13.12.1D		R	X			
13.12.1E		R	X			
13.12.1F		R	X			
13.12.1G		R	X			
13.12.2		R	X			
13.12.2A		R	X			
13.12.2B		R	X			
13.12.2C		R	X			
13.12.2D		G	X			
	Table 13.12.2		X			
13.12.3		R	X			
	Table 13.12.3(1) Part I		X			
	Table 13.12.3(1) Part II		X			
	Table 13.12.3(2) Part I		X			
	Table 13.12.3(2)		X			

	Part II					
	Table 13.12.3A		X			
	Table 13.12.3B		X			
	Table 13.12.3C		X			
	Table 13.12.3D		X			
13.12.4		R	X			
13.12.4A		R	X			
13.12.5		R	X			
13.12.5A		R	X			
App 13(1)			X			
14.1.1		R	X			
14.1.2		R	X			
14.1.3		G	X			
14.1.4		R	X			
14.1.5		R	X			
14.1.6		G	X			
14.2.1		R	X			
14.2.2		R	X			
14.2.3		G	X			
14.2.4		G	X			
14.2.4(2)		G	X			
14.2.4(3)		G	X			
14.2.5		R	X			
14.2.6		G	X			
14.3.1		R	X			

14.3.2		R	X			
14.4.1		R	X			
14.4.2		R	X			
14.4.3		R	X			
14.4.4		G	X			
14.4.5		G	X			
14.5.1		R	X			
14.5.2		R	X			
14.5.3		G	X			
14.5.4		G	X			
App 14			X			
Annex A	1.1	R	X			
	1.2	R	X			
	1.3	G	X			
	1.4	G	X			
	1.5	G	X			
	2.1	R	X			
	2.2	R	X			
	2.3	R	X			
	2.4	G	X			
	2.5	R	X			
Annex D	2.1 FORM OF BOND FOR AUTHORISED PROFESSIONAL FIRMS (SEE IPRU(INV) 2)		X			

	3.1 Approved Form of Subordinated Loan Agreement		X			
	3.2 FORM OF DEED OF TERMINATION		X			
	3.3 FORM OF DEED OF VARIATION		X			
	3.4 FORM OF GUARANTOR UNDERTAKING		X			
	3.5 Guidance Notes on Completion of Agreements		X			
	3.6 FORM OF APPROVED BANK BOND "A"		X			
	3.7 APPROVED FORM OF UNDERTAKING		X			
	5.1 PRESCRIBED SUBORDINATED LOAN AGREEMENT		X			
	5.2 PRESCRIBED APPROVED UNDERTAKING		X			
	9.1 Approved Form of Long-Term Subordinated Loan Agreement		X			
	10.2 [deleted]					X
	9.3 FORM OF DEED OF		X			

	TERMINATION					
	9.4 FORM OF DEED OF VARIATION		X			
	9.5 FORM OF GUARANTOR UNDERTAKING		X			
	10.6 [deleted]					X
	10.7 [deleted]					X
	9.8 Guidance Notes on Completion of Agreements		X			
	13.1 FORM OF SUBORDINATED LOAN AGREEMENT FOR PERSONAL INVESTMENT FIRMS (SEE IPRU (INV) 13)		X			

Annex 15

Designation of the Conduct of Business sourcebook (COBS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R			X	
1.1.1A		R	X			
1.1.1B		R	X			
1.1.1C		R	X			
1.1.2		R			X	
1.1.3		R			X	
1.1.4		G			X	
1 Annex 1	1.1	R	X			
Part 1	2.1	R	X			
	3.1	R	X			
	4.1	R	X			
	5.1	R	X			
	5.2	G	X			
	6.1	R	X			
Part 2	1.1	R			X	
	1.2	R			X	
	2.1	G			X	
	2.2	G			X	
Part 3	1.1	G			X	
	1.2	G			X	
	2.1	G			X	
	2.2	G			X	
	2.3	G			X	
	3.1	G	X			
	3.2	G	X			
	3.3	G	X			
	3.4	G	X			
	3.5	G	X			
	4.1	G	X			
	4.2	G	X			
	5.1	G	X			
	5.2	G	X			
	6.1	G	X			
	6.2	G	X			
	6.3	G	X			
	6.4	G	X			
	6.5	G	X			
	7.1	G	X			
	7.2	G	X			
	7.3	G	X			
	7.4	G	X			

	7.5	G	X			
	8.1	G	X			
	9.1	G	X			
	9.1A	G	X			
	9.1B	G	X			
	9.1C	G	X			
	9.1D	G	X			
	9.2	G				X
	9.3	G	X			
Annex SUP	16.3.8 (1)	R				X
	16.3.9 (4)	R				X
	16.3.9 (5)	R				X
	16.3.9 (7)	R				X
2.1.1		R	X			
2.1.2		R	X			
2.1.3		G	X			
2.2.-1		R	X			
2.2.1		R	X			
2.2.2		G	X			
2.2.3		R	X			
2.3.-1		R	X			
2.3.1		R	X			
2.3.1A		R	X			
2.3.2		R	X			
2.3.2A		R	X			
2.3.3		G	X			
2.3.4		G	X			
2.3.5		G	X			
2.3.6		G	X			
2.3.6A		G	X			
2.3.7		G	X			
2.3.8		G	X			
2.3.9		G	X			
2.3.10		E	X			
2.3.11		G	X			
2.3.11A		G	X			
2.3.12		E	X			
2.3.12A		G	X			
2.3.13		G	X			
2.3.14		G	X			
2.3.15		G	X			
2.3.16		G	X			
2.3.16A		G	X			
2.3.17		R	X			
2.4.1		R	X			
2.4.2		G	X			
2.4.3		R	X			
2.4.4		R	X			
2.4.5		G	X			
2.4.6		R	X			

2.4.7		E	X			
2.4.8		G	X			
2.4.9		R	X			
2.4.10		R	X			
3.1.1		R	X			
3.1.1		R	X			
3.1.2		G	X			
3.1.3		R	X			
3.1.4		R	X			
3.1.5		G	X			
3.2.1		R	X			
3.2.2		G	X			
3.2.3		R	X			
3.3.1		R	X			
3.3.2		G	X			
3.4.1		R	X			
3.4.2		R	X			
3.5.1		R	X			
3.5.2		R	X			
3.5.2A		R	X			
3.5.3		R	X			
3.5.4		R	X			
3.5.5		G	X			
3.5.6		R	X			
3.5.7		G	X			
3.5.8		G	X			
3.5.9		R	X			
3.6.1		R	X			
3.6.2		R	X			
3.6.3		G	X			
3.6.4		R	X			
3.6.5		G	X			
3.6.6		R	X			
3.6.7		R	X			
3.7.1		R	X			
3.7.2		G	X			
3.7.3		R	X			
3.7.4		R	X			
3.7.5		R	X			
3.7.6		G	X			
3.7.7		G	X			
3.7.8		G	X			
3.8.1		R	X			
3.8.2		R	X			
3.8.3		G	X			
4.1.1		R	X			
4.1.1A		R	X			
4.1.2		G	X			
4.1.3		G	X			
4.1.4		G	X			
4.1.5		G	X			

4.1.6		G	X			
4.1.7		G	X			
4.1.8		R	X			
4.1.9		G	X			
4.1.10		G	X			
4.2.1		R	X			
4.2.2		G	X			
4.2.3		G	X			
4.2.4		G	X			
4.2.5		G				X
4.2.6		R	X			
4.3.1		R	X			
4.4.1		R	X			
4.4.2		G				X
4.4.3		R	X			
4.5.1		R	X			
4.5.2		R	X			
4.5.3		G	X			
4.5.4		G	X			
4.5.5		G	X			
4.5.6		R	X			
4.5.7		R	X			
4.5.8		R	X			
4.6.1		R	X			
4.6.2		R	X			
4.6.3		G	X			
4.6.4		G	X			
4.6.4A		G	X			
4.6.4B		G	X			
4.6.5		G	X			
4.6.6		R	X			
4.6.7		R	X			
4.6.8		G	X			
4.6.9		R	X			
4.7.1		R	X			
4.7.2		G	X			
4.7.3		G	X			
4.7.4		G	X			
4.7.5		G				X
4.7.5A		G	X			
4.7.6		R	X			
4.8.1		R	X			
4.8.2		R	X			
4.8.3		R	X			
4.9.1		R	X			
4.9.2		G	X			
4.9.3		R	X			
4.9.4		R	X			
4.9.5		R	X			
4.9.6		R	X			
4.9.7		R	X			

4.10.1		G	X		
4.10.2		R	X		
4.10.3		G	X		
4.10.4		R	X		
4.10.5		R	X		
4.10.6		G	X		
4.10.7		G	X		
4.10.8		G	X		
4.10.9		G	X		
4.10.10		R	X		
4.10.11		G	X		
4.11.1		R	X		
4.11.2		G	X		
4.11.3		G	X		
4.12.1		R	X		
4.12.2		G	X		
4.13.1		R	X		
4.13.2		R	X		
4.13.3		R	X		
5.1.-1		R	X		
5.1.1		R	X		
5.1.2		R	X		
5.1.3		R	X		
5.1.3A		R	X		
5.1.3B		G	X		
5.1.4		R	X		
5.1.5		R	X		
5.1.6		G	X		
5.1.7		R	X		
5.1.8		R	X		
5.1.9		R	X		
5.1.10		G	X		
5.1.11		G	X		
5.1.12		R	X		
5.1.13		R	X		
5.1.13A		R	X		
5.1.13B		G	X		
5.1.14		R	X		
5.1.15		R	X		
5.1.16		R	X		
5.1.17		R	X		
5.2.1		R	X		
5.2.2		R	X		
5.2.3		R	X		
5.2.4		R	X		
5.2.5		R	X		
5.2.6		R	X		
5.2.7		R	X		
5.2.8		R	X		
5.2.9		R	X		
5 Annex 1		R	X		

5 Annex 2		R	X			
6.1.1		R	X			
6.1.2		R	X			
6.1.3		G	X			
6.1.4		R	X			
6.1.5		G	X			
6.1.6		R	X			
6.1.7		R	X			
6.1.8		G				X
6.1.9		R	X			
6.1.10		G	X			
6.1.11		R	X			
6.1.12		G	X			
6.1.13		R	X			
6.1.14		R	X			
6.1.15		G	X			
6.1.16		R	X			
6.1.17		G	X			
6.1A.1		R	X			
6.1A.2		R	X			
6.1A.2A		R	X			
6.1A.3		R	X			
6.1A.4		R	X			
6.1A.4A		R	X			
6.1A.4AA		G	X			
6.1A.4B		R	X			
6.1A.5		G	X			
6.1A.6		G	X			
6.1A.7		G	X			
6.1A.8		G	X			
6.1A.9		R	X			
6.1A.10		G	X			
6.1A.11		R	X			
6.1A.12		G	X			
6.1A.13		G	X			
6.1A.14		R	X			
6.1A.15		G	X			
6.1A.16		G	X			
6.1A.17		R	X			
6.1A.18		G	X			
6.1A.19		G	X			
6.1A.20		G	X			
6.1A.21		G	X			
6.1A.22		R	X			
6.1A.22A		G	X			
6.1A.22B		R	X			
6.1A.23		R	X			
6.1A.24		R	X			
6.1A.24A		G	X			
6.1A.25		G	X			
6.1A.26		G	X			

6.1A.27		R	X		
6.1B.1		R	X		
6.1B.1A		G	X		
6.1B.2		R	X		
6.1B.2A		R	X		
6.1B.3		G	X		
6.1B.4		R	X		
6.1B.5		R	X		
6.1B.5A		R	X		
6.1B.5B		G	X		
6.1B.6		G	X		
6.1B.7		R	X		
6.1B.8		G	X		
6.1B.9		R	X		
6.1B.9A		G	X		
6.1B.10		G	X		
6.1B.11		G	X		
6.1C.1		R	X		
6.1C.2		R	X		
6.1C.3		R	X		
6.1C.4		G	X		
6.1C.5		R	X		
6.1C.5A		R	X		
6.1C.5B		R	X		
6.1C.6		G	X		
6.1C.7		G	X		
6.1C.8		G	X		
6.1C.9		R	X		
6.1C.10		G	X		
6.1C.11		R	X		
6.1C.12		G	X		
6.1C.13		G	X		
6.1C.14		R	X		
6.1C.15		G	X		
6.1C.16		R	X		
6.1C.17		G	X		
6.1C.18		R	X		
6.1C.19		G	X		
6.1C.20		R	X		
6.1C.21		R	X		
6.1D.1		R	X		
6.1D.2		R	X		
6.1D.3		R	X		
6.1D.4		R	X		
6.1D.5		G	X		
6.1D.6		R	X		
6.1D.6A			X		
6.1D.7		R	X		
6.1D.8		G	X		
6.1D.9		R	X		
6.1D.9A		G	X		

6.1D.9B		G	X			
6.1D.10		G	X			
6.1D.11		R	X			
6.1D.12		G	X			
6.1D.13		G	X			
6.1E.1		R	X			
6.1E.2		G	X			
6.1F.1		R	X			
6.1F.2		G	X			
6.1G.1		R	X			
6.1G.2		R	X			
6.2A.1		R	X			
6.2A.1A		R	X			
6.2A.2		R	X			
6.2A.3		R	X			
6.2A.4		G	X			
6.2A.4A		R	X			
6.2A.4B		G	X			
6.2A.5		R	X			
6.2A.6		R	X			
6.2A.7		R	X			
6.2A.8		G	X			
6.2A.9		R	X			
6.2A.10		G	X			
6.2A.11		G	X			
6.2A.12		G	X			
6.2A.13		G	X			
6.2A.14		G	X			
6.2A.15		G	X			
6.2A.16		G	X			
6.2A.17		G	X			
6.2A.18		G	X			
6.2A.19		G	X			
6.2A.20		G	X			
6.2A.21		G	X			
6.2A.22		G	X			
6.3.1		R	X			
6.3.1A		R	X			
6.3.1B		G	X			
6.3.2		R	X			
6.3.3		G	X			
6.3.4		R	X			
6.3.5		G	X			
6.3.6		G	X			
6.3.7		G	X			
6.3.8		G	X			
6.3.9		G	X			
6.3.10		G				X
6.3.11		R				X
6.3.12		G				X
6.3.13		G				X

6.3.14		G	X			
6.3.15		G				X
6.3.16		G				X
6.3.17		G				X
6.3.18		G				X
6.3.19		G	X			
6.3.20		G	X			
6.3.21		R	X			
6.3.22		G				X
6.4.1		R	X			
6.4.2		G	X			
6.4.3		R	X			
6.4.4		G	X			
6.4.4A		R	X			
6.4.4B		R	X			
6.4.4C		G	X			
6.4.5		R	X			
6.4.6		E	X			
6.4.7		R	X			
6.4.8		G	X			
6.4.9		G	X			
6.4.10		G	X			
6.4.11		G	X			
6 Annex 1		G	X			
6 Annex 2		n/a	X			
6 Annex 3		G				X
6 Annex 4		G				X
6 Annex 5		G				X
6 Annex 6		E	X			
7.1.1		R	X			
7.2.1		R	X			
7.2.2		G	X			
7.2.2A		R				X
7.2.2B		G	X			
7.2.3		R	X			
7.2.4		R	X			
7.2.5		G	X			
7.2.6		R	X			
7.2.7		R	X			
7.2.8		R	X			
8.1.1		R	X			
8.1.2		R	X			
8.1.3		R	X			
8.1.4		R	X			
8.1.5		R	X			
8.1.6		G	X			
9.1.1		R	X			
9.1.2		R	X			
9.1.3		R	X			
9.1.4		R	X			
9.1.5		R	X			

9.1.6		G	X			
9.1.7		G	X			
9.1.8		G	X			
9.1.9		G	X			
9.2.1		R	X			
9.2.2		R	X			
9.2.3		R	X			
9.2.4		R	X			
9.2.5		R	X			
9.2.6		R	X			
9.2.7		G	X			
9.2.8		R	X			
9.2.9		R	X			
9.3.1		G	X			
9.3.2		G	X			
9.3.3		G	X			
9.3.4		G	X			
9.4.1		R	X			
9.4.2		R	X			
9.4.3		R	X			
9.4.4		R	X			
9.4.5		R	X			
9.4.6		R	X			
9.4.7		R	X			
9.4.8		G	X			
9.4.9		R	X			
9.4.10		G	X			
9.5.1		G	X			
9.5.2		R	X			
9.5.3		R	X			
9.6.1		G	X			
9.6.2		R	X			
9.6.3		R	X			
9.6.4		R	X			
9.6.5		R	X			
9.6.6		G	X			
9.6.6A		G	X			
9.6.7		R	X			
9.6.8		R	X			
9.6.9		R	X			
9.6.10		R	X			
9.6.11		R	X			
9.6.12		R	X			
9.6.13		G	X			
9.6.14		R	X			
9.6.15		R	X			
9.6.16		R	X			
9.6.17		R	X			
9.6.18		R	X			
9.6.19		R	X			
9.6.20		R	X			

9 Annex 1		R	X			
9 Annex 2		G	X			
10.1.1		R	X			
10.1.2		R	X			
10.1.3		R	X			
10.1.4		G	X			
10.2.1		R	X			
10.2.2		R	X			
10.2.3		R	X			
10.2.4		R	X			
10.2.5		G	X			
10.2.6		G	X			
10.2.7		G	X			
10.2.8		G	X			
10.3.1		R	X			
10.3.2		R	X			
10.3.3		G	X			
12.4.6		R				
12.4.7		R				
12.4.8		G				
12.4.9		R				
12.4.10		R				
12.4.11		G				
12.4.12		G				
12.4.13		G				
12.4.14		G				
12.4.15		R				
12.4.16		R				
12.4.17		R				
11.1.1		R	X			
11.1.2		R	X			
11.1.3		R	X			
11.1.4		R	X			
11.1.5		G	X			
11.1.6		R	X			
11.1.7		R	X			
11.2.1		R	X			
11.2.1A		R	X			
11.2.2		G	X			
11.2.3		G	X			
11.2.4		G	X			
11.2.5		G	X			
11.2.5A		G	X			
11.2.6		R	X			
11.2.7		R	X			
11.2.8		G	X			
11.2.9		G	X			
11.2.10		R	X			
11.2.11		G	X			
11.2.12		R	X			
11.2.13		G	X			

11.2.14		R	X			
11.2.15		R	X			
11.2.16		G	X			
11.2.17		G	X			
11.2.18		G	X			
11.2.19		R	X			
11.2.20		G	X			
11.2.21		G	X			
11.2.22		R	X			
11.2.23		R	X			
11.2.23A		R	X			
11.2.24		R	X			
11.2.25		R	X			
11.2.26		R	X			
11.2.27		R	X			
11.2.28		R	X			
11.2.29		R	X			
11.2.30		R	X			
11.2.31		R	X			
11.2.32		R	X			
11.2.32A		R	X			
11.2.33		G	X			
11.2.34		R	X			
11.3.1		R	X			
11.3.2		R	X			
11.3.3		G	X			
11.3.4		R	X			
11.3.5		R	X			
11.3.6		G	X			
11.3.7		R	X			
11.3.8		R	X			
11.3.9		R	X			
11.3.10		R	X			
11.3.11		R	X			
11.3.12		G	X			
11.3.13		G	X			
11.4.1		R	X			
11.4.2		G	X			
11.4.3		EU	X			
11.4.4		G	X			
11.4.5		R	X			
11.4.6		G	X			
11.5.1		EU	X			
11.5.2		EU	X			
11.5.3		EU	X			
11.5.4		EU	X			
11.6.1		G	X			
11.6.2		R	X			
11.6.3		R	X			
11.6.4		E	X			
11.6.5		E	X			

11.6.6		G	X			
11.6.7		G	X			
11.6.8		G	X			
11.6.9		G	X			
11.6.10		G	X			
11.6.11		G	X			
11.6.12		R	X			
11.6.13		G	X			
11.6.14		G	X			
11.6.15		R	X			
11.6.16		R	X			
11.6.17		G	X			
11.6.18		E	X			
11.6.19		R	X			
11.7.1		R	X			
11.7.2		R	X			
11.7.2A		G	X			
11.7.3		G	X			
11.7.4		R	X			
11.7.5		R	X			
11.7.6		R	X			
11.7.7		R	X			
11.8.1		R	X			
11.8.2		R	X			
11.8.3		R	X			
11.8.4		R	X			
11.8.5		R	X			
11.8.5A		R	X			
11.8.6		R	X			
11.8.7		G	X			
11.8.8		R	X			
11.8.9		G	X			
11.8.10		R	X			
12.1.1		G	X			
12.1.2		R	X			
12.1.3		G	X			
12.2.1		R	X			
12.2.2		G	X			
12.2.3		R	X			
12.2.4		G	X			
12.2.5		R	X			
12.2.5A		G	X			
12.2.6		G	X			
12.2.7		G	X			
12.2.8		G	X			
12.2.9		G	X			
12.2.10		R	X			
12.2.11		G	X			
12.2.12		G	X			
12.2.13		G	X			
12.3.1		R	X			

12.3.2		R	X			
12.3.3		R	X			
12.3.4		G	X			
12.4.1		R	X			
12.4.2		G	X			
12.4.3		G	X			
12.4.4		R	X			
12.4.5		R	X			
12.4.6		R	X			
12.4.7		R	X			
12.4.8		G	X			
12.4.9		R	X			
12.4.10		R	X			
12.4.11		G	X			
12.4.12		G	X			
12.4.13		G	X			
12.4.14		G	X			
12.4.15		R	X			
12.4.16		R	X			
12.4.17		R	X			
13.1.1		R	X			
13.1.2		R	X			
13.1.3		R	X			
13.1.4		R	X			
13.2.1		G	X			
13.2.2		R	X			
13.2.3		G	X			
13.2.4		R	X			
13.3.1		R	X			
13.3.2		R	X			
13.3.3		R	X			
13.3.4		R	X			
13.3.5		G	X			
13.4.1		R	X			
13.4.2		R	X			
13.4.3		G	X			
13.4.4		R	X			
13.4.5		G	X			
13.5.1		R	X			
13.5.2		R	X			
13.5.3		R	X			
13.5.4		G	X			
13.6.1		R	X			
13 Annex 1		R	X			
13 Annex 2	1.1	R	X			
	1.2	R	X			
	1.3	R	X			
	1.4	G	X			
	1.5	R	X			
	1.6	G	X			

	1.7	R	X		
	1.8	R	X		
	1.9	R	X		
	1.10	R	X		
	2.1	R	X		
	2.2	R	X		
	2.3	R	X		
	2.4	R	X		
	2.5	R	X		
	2.6	R	X		
	2.7	G	X		
	2.8	R	X		
	2.9	R	X		
	3.1	R	X		
	3.1A	R	X		
	3.2	R	X		
	4.1	R	X		
	4.2	R	X		
	5.1	R	X		
	5.2	R	X		
13 Annex 3	1	R	X		
	1.2A	R	X		
	1.3 (3)	R			X
	1.3 1A (d)	R			X
			X		
	2.1	R	X		
	2.2	R	X		
	2.3	R	X		
	2.4	G	X		
	3	R	X		
13 Annex 4	1.1 - 3.4	R	X		
14.1.1		R	X		
14.2.1		R	X		
14.2.1A		R	X		
14.2.1B		R	X		
14.2.1C		R	X		
14.2.2		R	X		
14.2.3		R	X		
14.2.4		R	X		
14.2.5		R	X		
14.2.6		R	X		
14.2.7		R	X		
14.2.8		R	X		
14.2.9		R	X		
14.2.9A		R	X		
14.2.10		G	X		
14.2.11		R	X		
14.2.12		R	X		
14.2.13		R	X		
14.2.14		R	X		

14.2.15		R	X			
14.2.16		R	X			
14.2.17		R	X			
14.3.1		R	X			
14.3.2		R	X			
14.3.3		R	X			
14.3.4		R	X			
14.3.5		R	X			
14.3.6		G	X			
14.3.7		G	X			
14.3.8		R	X			
14.3.9		R	X			
14.3.10		R	X			
14.3.11		R	X			
14.3.12		G	X			
14.4.1		R	X			
14.4.2		R	X			
14.4.3		G	X			
14.4.4		R	X			
14.4.5		R	X			
14.4.6		R	X			
14.4.7		R	X			
14.4.8		R	X			
14.4.9		R	X			
14.4.10		R	X			
14.4.11		G	X			
14.4.12		G	X			
15.1.1		G	X			
15.2.1		R	X			
15.2.2		G	X			
15.2.3		R	X			
15.2.4		G	X			
15.2.5		R	X			
15.3.1		R	X			
15.3.2		R	X			
15.3.3		G	X			
15.3.4		R	X			
15.4.1		R	X			
15.4.2		R	X			
15.4.3		R	X			
15.4.4		R	X			
15.4.5		R	X			
15.4.6		R	X			
15.5.1		R	X			
15.5.2		R	X			
15.5.3		G	X			
15.5.4		G	X			
15.5.5		G	X			
15.5.6		G	X			
15 Annex 1	1.1	R	X			

	1.2	G	X		
	1.3	R	X		
	1.4	G	X		
	1.5	R	X		
	1.6	R	X		
	1.7	R	X		
	1.8	R	X		
	1.9	R	X		
	1.10	R	X		
	1.11	R	X		
16.1.1		R	X		
16.2.1		R	X		
16.2.2		G	X		
16.2.3		R	X		
16.2.3A		G	X		
16.2.4		G	X		
16.2.5		G	X		
16.2.6		R	X		
16.2.7		R	X		
16.3.1		R	X		
16.3.2		R	X		
16.3.3		R	X		
16.3.4		G	X		
16.3.5		R	X		
16.3.6		R	X		
16.3.7		R	X		
16.3.8		R	X		
16.3.9		G	X		
16.3.10		R	X		
16.3.11		R	X		
16.4.1		R	X		
16.4.2		R	X		
16.4.3		R	X		
16.4.4		R	X		
16.4.5		G	X		
16.5.1		R	X		
16.6.1		R	X		
16.6.2		R	X		
16.6.3		R	X		
16.6.4		R	X		
16.6.5		R	X		
16.6.6		R	X		
16.6.7		R	X		
16.6.8		R	X		
16 Annex 1		R	X		
16 Annex 2		R	X		
17.1.1		R	X		
17.1.2		R	X		
17.1.3		R	X		
18.1.1		R	X		

18.1.2		R	X			
18.1.3		G	X			
18.1.4		G	X			
18.1.5		G	X			
18.1.6		G	X			
18.2.1		R	X			
18.2.2		G	X			
18.2.3		R	X			
18.2.4		R	X			
18.2.5		R	X			
18.2.6		R	X			
18.2.7		R	X			
18.2.8		R	X			
18.2.9		E	X			
18.3.1		R	X			
18.3.2		G	X			
18.3.3		R	X			
18.3.4		G	X			
18.4.1		R	X			
18.4.2		G	X			
18.5.1		R	X			
18.5.2		R	X			
18.5.2A		R	X			
18.5.3		R	X			
18.5.4		R	X			
18.5.5		R	X			
18.5.6		G	X			
18.5.7		G	X			
18.5.8		R	X			
18.5.9		G	X			
18.5.10		E	X			
18.5.11		R	X			
18.5.12		E	X			
18.5.13		R	X			
18.5.14		R	X			
18.5.15		E	X			
18.5.16		G	X			
18.5.17		E	X			
18.5.18		E	X			
18.6.1		R	X			
18.6.2		R	X			
18.6.3		G	X			
18.6.4		R	X			
18.6.5		G	X			
18.7.1		R	X			
18.8.1		R	X			
18.8.2		R	X			
18.8.3		R	X			
18.9.1		R	X			
18.9.2		G	X			
18.10.1		R	X			

18.11.1		R	X			
18.11.2		R	X			
18.11.3		R	X			
18.11.4		G	X			
18.1.1		R	X			
18.1.2		R	X			
18.1.3		G	X			
18.1.4		G	X			
18.1.5		G	X			
18.1.6		G	X			
18.2.1		R	X			
18.2.2		G	X			
18.2.3		R	X			
18.2.4		R	X			
18.2.5		R	X			
18.2.6		R	X			
18.2.7		R	X			
18.2.8		R	X			
18.2.9		E	X			
18.3.1		R	X			
18.3.2		G	X			
18.3.3		R	X			
18.3.4		G	X			
18.4.1		R	X			
18.4.2		G	X			
18.5.1		R	X			
18.5.2		R	X			
18.5.2A		R	X			
18.5.3		R	X			
18.5.4		R	X			
18.5.5		R	X			
18.5.6		G	X			
18.5.7		G	X			
18.5.8		R	X			
18.5.9		G	X			
18.5.10		E	X			
18.5.11		R	X			
18.5.12		E	X			
18.5.13		R	X			
18.5.14		R	X			
18.5.15		E	X			
18.5.16		G	X			
18.5.17		E	X			
18.5.18		E	X			
18.6.1		R	X			
18.6.2		R	X			
18.6.3		G	X			
18.6.4		R	X			
18.6.5		G	X			
18.7.1		R	X			
18.8.1		R	X			

18.8.2		R	X		
18.8.3		R	X		
18.9.1		R	X		
18.9.2		G	X		
18.10.1		R	X		
18.11.1		R	X		
18.11.2		R	X		
18.11.3		R	X		
18.11.4		G	X		
19.1.1		R	X		
19.1.2		R	X		
19.1.3		G	X		
19.1.4		R	X		
19.1.4A		E	X		
19.1.4B		R	X		
19.1.5		R	X		
19.1.6		G	X		
19.1.7		G	X		
19.1.7A		G	X		
19.1.7B		G	X		
19.1.8		G	X		
19.1.9		G	X		
19.2.1		G	X		
19.2.2		R	X		
19.2.3		R	X		
19.3.1		R	X		
19.4.1		R	X		
19.4.2		R	X		
19.4.3		R	X		
19.4.4		R	X		
20.1.1		R			X
20.1.2		R			X
20.1.3		R			X
20.1.4		R	X		
20.1.5		R			X
20.2.1		G	X		
20.2.1A		R	X		
20.2.1B		G	X		
20.2.1C		G	X		
20.2.1D		G	X		
20.2.2		R	X		
20.2.3		R	X		
20.2.4		G	X		
20.2.5		R	X		
20.2.6		R	X		
20.2.7		G	X		
20.2.8		R	X		
20.2.9		R	X		
20.2.10		R	X		
20.2.11		G	X		
20.2.12		R	X		

20.2.13		R	X		
20.2.14		G	X		
20.2.15		G	X		
20.2.16		R	X		
20.2.16A		G	X		
20.2.17		R		X	
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20.2.17B		R	X		
20.2.18		R		X	
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20.2.21		R	X		
20.2.22		E	X		
20.2.23		R	X		
20.2.24		R	X		
20.2.25		R	X		
20.2.25A		R	X		
20.2.25B		R	X		
20.2.25C		G	X		
20.2.25D		G	X		
20.2.26		R	X		
20.2.27		R	X		
20.2.28		R	X		
20.2.28A		G	X		
20.2.29		G	X		
20.2.30		G	X		
20.2.31		G	X		
20.2.32		R	X		
20.2.33		G		X	
20.2.34		G		X	
20.2.35		G		X	
20.2.36		G	X		
20.2.36A		R	X		
20.2.36B		G	X		
20.2.37		G	X		
20.2.38		G	X		
20.2.39		R	X		
20.2.40		R	X		
20.2.41		G	X		
20.2.41A		R	X		
20.2.41B		G	X		
20.2.42		R		X	
20.2.43		G	X		
20.2.44		G	X		
20.2.45		R	X		
20.2.46		G	X		
20.2.47		R		X	
20.2.48		G		X	
20.2.49		R	X		
20.2.50		R	X		
20.2.51		R	X		

20.2.52		G	X			
20.2.53		R			X	
20.2.54		R			X	
20.2.55		R	X			
20.2.56		R	X			
20.2.57		G	X			
20.2.58		G	X			
20.2.59		G	X			
20.2.60		G	X			
20.3.1		R	X			
20.3.2		G				X
20.3.3		G				X
20.3.4		R	X			
20.3.5		R	X			
20.3.6		R	X			
20.3.7		G	X			
20.3.8		G	X			
20.4.1		R	X			
20.4.2		R	X			
20.4.3		R	X			
20.4.4		R	X			
20.4.5		R	X			
20.4.6		G	X			
20.4.7		R	X			
20.4.8		G	X			
20.4.9		G	X			
20.4.10		G	X			
20.5.1		R	X			
20.5.2		G	X			
20.5.3		R	X			
20.5.4		G	X			
20.5.5		R	X			
20.5.6		G	X			
20.5.7		G	X			
20.5.8		G	X			
21.1.1		R			X	
21.1.2		R			X	
21.2.1		R			X	
21.2.2		R			X	
21.2.3		R			X	
21.2.4		R	X			
21.2.5		R			X	
21.2.6		R			X	
21.2.7		R			X	
21.2.8		R			X	
21.2.9		G	X			
21.3.1		R	X			
21.3.2		G	X			
21.3.3		R	X			
21.3.4		G	X			
21.3.5		R			X	

TP 1	1.1	G	X			
	1.2	R	X			
	1.3	G	X			
	1.4	G	X			
	1.5	R	X			
	1.6	R	X			
	1.7	G	X			
	1.8	R	X			
	1.9	R	X			
TP 2	2.-1	R				X
	2.1	G	X			
	2.2	G	X			
	2.2A	R/G				X
	2.2B-1	R				X
	2.2B	R				X
	2.2C	G				X
	2.3	R				X
	2.4	G				X
	2.4A	R				X
	2.4B	G				X
	2.4C	R				X
	2.4D	R				X
	2.4E	R				X
	2.4F	G				X
	2.4G	R				X
	2.5	R				X
	2.5A		X			
	2.5B	R	X			
	2.5C	R	X			
	2.6	R				X
	2.6A	n/a	X			
	2.7	R				X
	2.8E	R	X			
	2.8A	R				X
	2.8B	G				X
	2.8C	R				X
	2.8D	G				X
	2.8E	R				X
	2.9	R	X			
	2.9A	R	X			
	2.10	R	X			
	2.11	G	X			
	2.12	R				
	2.13	R				
	2.14	R	X			
	2.15	R				X
	2.16	R	X			
	2.17	G	X			
Sch 1	1.1	G	X			
	1.2	G	X			
	1.3	G	X			

Sch 2.1		G	X			
Sch 3		R	X			
Sch 3.1		G	X			
Sch 4		R				X
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 5.3		G	X			
Sch 5.4		G	X			
Sch 6		R	X			
Sch 6.1		G	X			

Annex 16

Designation of the Insurance: Conduct of Business sourcebook (ICOBS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.1.2		R	X			
1.1.3		R	X			
1.1.4		G	X			
1 Annex 1			X			
Part 1	1.1	R	X			
	2.1	R	X			
	3.1	R	X			
	3.2	G	X			
	4.1	R	X			
	4.2	G	X			
	5.1	R	X			
	6.1	R	X			
Part 2	1.1	R	X			
	2.1	R	X			
	2.2	G	X			
	3.1	R	X			
	4.1	R	X			
Part 3	1.1	R	X			
	1.2	R	X			
	2.1	R	X			
	3.1	R	X			
Part 4	1.1	G	X			

	1.2	G	X			
	2.1	G	X			
	2.2	G	X			
	2.3	G	X			
	3.1	G	X			
	3.2	G	X			
	3.3	G	X			
	4.1	G	X			
	4.2	G	X			
	4.3	G	X			
	4.4	G	X			
	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
	5.4	G	X			
	6.1	G	X			
	6.2	G	X			
	6.3	G	X			
	7.1	G	X			
	7.2	G	X			
	7.3	G	X			
	7.4	G	X			
	7.5	G	X			
	8.1	G	X			
	8.2	G	X			
	8.3	G	X			
	8.4	G	X			
	8.5	G	X			

	8.6	G	X			
	8.7	G	X			
2.1.1		G	X			
2.1.2		R	X			
2.1.3		G	X			
2.1.4		G	X			
2.2.1		R	X			
2.2.2		R	X			
2.2.3		R	X			
2.2.4		G	X			
2.3.1		G	X			
2.4.1		G	X			
2.5.1		R	X			
2.5.2		G	X			
2.5.3		G	X			
3.1.1		R	X			
3.1.2		G	X			
3.1.3		R	X			
3.1.4		G	X			
3.1.5		R	X			
3.1.6		R	X			
3.1.7		R	X			
3.1.8		R	X			
3.1.9		G	X			
3.1.10		R	X			
3.1.11		R	X			
3.1.12		R	X			
3.1.13		R	X			

3.1.14		R	X			
3.1.15		R	X			
3.1.16		R	X			
3.1.17		R	X			
3.1.18		R	X			
3.1.19		R	X			
3.2.1		R	X			
3.2.2		R	X			
3.2.3		R	X			
3.2.4		R	X			
3.2.5		R	X			
3.2.6		R	X			
3.2.7		R	X			
3.2.8		R	X			
3 Annex 1		G	X			
3 Annex 2		R	X			
3 Annex 3		R	X			
4.1.1		R	X			
4.1.2		R	X			
4.1.3		R	X			
4.1.4		G	X			
4.1.5		R	X			
4.1.6		R	X			
4.1.7		R	X			
4.1.8		G	X			
4.1.9		R	X			
4.2.1		R	X			
4.2.2		G	X			

4.2.3		G	X			
4.2.4		R	X			
4.2.5		R	X			
4.2.6		G	X			
4.3.1		R	X			
4.3.2		G	X			
4.4.1		R	X			
4.4.2		G	X			
4.4.3		G	X			
4.5.1		G	X			
4.6.1		G	X			
4.6.2		R	X			
4.6.3		G	X			
4.6.4		G	X			
4.6.5		R	X			
4 Annex 1		G	X			
5.1.1		G	X			
5.1.2		R	X			
5.1.3		G	X			
5.1.3A		R	X			
5.1.3B		R	X			
5.1.3C		R	X			
5.1.4		G	X			
5.2.1		R	X			
5.2.2		R	X			
5.2.3		R	X			
5.2.3B		R	X			
5.2.4		G	X			

5.3.1		R	X			
5.3.2		G	X			
5.3.3		R	X			
6.1.1		R	X			
6.1.2		R	X			
6.1.3		R	X			
6.1.4		R	X			
6.1.5		R	X			
6.1.6		G	X			
6.1.7		G	X			
6.1.8		G	X			
6.1.9		G	X			
6.1.10		G	X			
6.1.11		G	X			
6.1.12		G	X			
6.1.13		R	X			
6.1.14		R	X			
6.2.1		R	X			
6.2.2		R	X			
6.2.3		R	X			
6.2.4		R	X			
6.2.5		R	X			
6.3.1		R	X			
6.3.2		G	X			
6.3.3		R	X			
6.4.1		R	X			
6.4.2		R	X			
6.4.3		G	X			

6.4.4		R	X			
6.4.5		R	X			
6.4.6		R	X			
6.4.7		G	X			
6.4.8		G	X			
6.4.9		R	X			
6.4.10		G	X			
6.4.11		R	X			
6.4.12		G	X			
6 Annex 1		R	X			
6 Annex 2	1.1	R	X			
	1.2	G	X			
	2.1	R	X			
	2.2	G	X			
	3.1	G	X			
	4.1	R	X			
7.1.1		R	X			
7.1.2		G	X			
7.1.3		R	X			
7.1.4		G	X			
7.1.5		R	X			
7.1.6		R	X			
7.2.1		R	X			
7.2.2		R	X			
7.2.3		G	X			
7.2.4		G	X			
7.2.5		G	X			
7.2.6		R	X			

7.2.7		R	X			
7.2.8		G	X			
7.2.9		R	X			
7.2.10		G	X			
8.1.1		R	X			
8.1.2		R	X			
8.2.1		R	X			
8.2.2		G	X			
8.2.3		R	X			
8.2.4		G	X			
8.2.5		R	X			
8.2.6		R	X			
8.2.7		R	X			
8.2.8		R	X			
8.2.9		R	X			
8.2.10		R	X			
8.2.11		G	X			
8.3.1		G	X			
8.3.2		G	X			
8.3.3		G	X			
8.3.4		G	X			
8.4.1		R	X			
8.4.2		G	X			
8.4.3		G	X			
8.4.4		R	X			
8.4.4A		R	X			
8.4.4B		G	X			
8.4.4C		R	X			

8.4.5		G	X			
8.4.6		R	X			
8.4.6A		R	X			
8.4.7		R	X			
8.4.8		E	X			
8.4.9		R	X			
8.4.9A		R	X			
8.4.10		G	X			
8.4.11		R	X			
8.4.12		G	X			
8.4.12A		R	X			
8.4.13		R	X			
8 Annex 1	1.1	R	X			
	1.1A	R	X			
	1.1B	R	X			
	1.2	R	X			
	2.1	R	X			
	2.1A	R	X			
	2.1B	R	X			
	2.2	G	X			
TP 1	1	R	X			
TP 1	2	R				X
TP 1	3	R				X
TP 1	4	G				X
TP 1	5	R				X
TP 1	6	R	X			
TP 1	7	R				X
TP1	8	R				X

TP 1	8A	R				X
TP 1	8B	R	X			
TP 1	8C	G	X			
TP 1	9	G				X
TP 1	9A	R	X			
TP 1	9B	G	X			
TP 1	10	R				X
TP 1	10A	R				X
TP 1	11	E				X
TP 1	12	R				X
TP 2	13	R	X			
Sch 1		G	X			
Sch 1		G	X			
Sch 2		G	X			
Sch 2.1		G	X			
Sch 3.1		G	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 5.3		G	X			
Sch 5.4		G	X			
Sch 6.1		G	X			

Annex 17

**Designation of the Mortgages and Home Finance: Conduct of Business sourcebook  
(MCOB)**

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		R	X			
1.2.1A		G	X			
1.2.2		G	X			
1.2.3		R	X			
1.2.3A		R	X			
1.2.3B		R	X			
1.2.4		G	X			
1.2.4A		G	X			
1.2.4B		G	X			
1.2.5		G	X			
1.2.6		G	X			
1.2.7		R	X			
1.2.8		G	X			
1.2.9		G	X			
1.2.9A		G	X			
1.2.9B		G	X			
1.2.9C		R	X			
1.2.9D		R	X			
1.2.9E		R	X			
1.2.9F		R	X			
1.2.10		R	X			
1.2.11		G	X			
1.2.12		R	X			
1.2.13		G	X			
1.2.14		G				X
1.3.1		R	X			
1.3.2		R	X			
1.3.3		R	X			
1.3.4		R	X			
1.3.5		G	X			
1.3.6		G	X			
1.4						X
1.5.1		G	X			
1.6.1		G	X			
1.6.2		G	X			
1.6.3		R	X			

1.6.4		R	X			
1.6.5		G	X			
1 Annex 1		G				X
1 Annex 2		G				X
1 Annex 3		G				X
1 Annex 4		G				X
2.1.1		R	X			
2.1.2		R	X			
2.1.3		R	X			
2.2.1		G	X			
2.2.2		G	X			
2.2.3		R	X			
2.2.4		R				X
2.2.5		G	X			
2.2.6		R	X			
2.2.6A		R	X			
2.2.7		G	X			
2.2.8		G	X			
2.2.8A		R	X			
2.2.8B		G	X			
2.2.9		G	X			
2.3.1		G	X			
2.3.2		R	X			
2.3.3		G	X			
2.3.4		G	X			
2.3.5		G	X			
2.3.6		R	X			
2.3.7		R	X			
2.3.8		G	X			
2.4.1		G	X			
2.4.2		G	X			
2.4.3		G	X			
2.5.1		G	X			
2.5A.1		R	X			
2.5.2		R	X			
2.5.3		E	X			
2.5.4		R	X			
2.6.1		G	X			
2.6.2		R	X			
2.6.3		R	X			
2.6A.-1		R	X			
2.6A.1		R	X			
2.6A.2		G	X			
2.6A.3		G	X			
2.6A.4		G	X			
2.6A.5		R	X			
2.6A.5A		R	X			
2.6A.5B		R	X			
2.6A.5C		G	X			
2.6A.6		G	X			
2.6A.7		G	X			

2.6A.8		R	X			
2.6A.9		G	X			
2.6A.10		G	X			
2.6A.11		G	X			
2.6A.12		R	X			
2.6A.12A		R	X			
2.6A.13		E	X			
2.6A.13A		G	X			
2.6A.14		G	X			
2.6A.15		R	X			
2.6A.16		G	X			
2.6A.17		R	X			
2.6A.17A		R	X			
2.6A.18		G	X			
2.7.1		G	X			
2.7.2		G	X			
2.7.3		G	X			
2.7.4		R	X			
2.7.5		R	X			
2.7.6		R	X			
2.7A.1		R	X			
2.7A.2		R	X			
2.7A.3		R	X			
2.7A.4		R	X			
2.7A.5		R	X			
2.7A.6		R	X			
2.7A.7		R	X			
2.7A.8		R	X			
2.8.1		G	X			
2.8.2		R	X			
2.8.3		G	X			
2.8.4		G	X			
2.8.5		G	X			
2.8.6		G	X			
2 Annex 1G		G	X			
3.1.1		R	X			
3.1.2		G	X			
3.1.3		G	X			
3.1.4		G	X			
3.1.5		G	X			
3.1.6		R				X
3.1.7		G	X			
3.1.8		G	X			
3.1.9		R	X			
3.1.10		G	X			
3.1.11		G	X			
3.1.12		G	X			
3.2.-3		R	X			
3.2.-2		R	X			
3.2.-2A		R	X			

3.2.-1		G	X			
3.2.1		G	X			
3.2.2		G	X			
3.2.3		G	X			
3.2.4		R	X			
3.2.4A		R	X			
3.2.5		R	X			
3.2.6		G	X			
3.2.7		R	X			
3.2.8		G	X			
3.2.9		G	X			
3.3.1		R	X			
3.3.2		G	X			
3.3.3		R	X			
3.3.4		G	X			
3.3.5		R	X			
3.3.6		R	X			
3.3.7		R	X			
3.4.1		G	X			
3.4.2		G	X			
3.5.1		G				X
3.5.2		G				X
3.5.3		G	X			
3.5.4		G	X			
3.5.5		R	X			
3.5.6		R	X			
3.6.1		R	X			
3.6.2		G	X			
3.6.3		R	X			
3.6.4		E	X			
3.6.5		G	X			
3.6.6		G	X			
3.6.7		G	X			
3.6.8		R	X			
3.6.9		R	X			
3.6.10		G	X			
3.6.11		R	X			
3.6.12		G	X			
3.6.13		R	X			
3.6.14		G	X			
3.6.15		R	X			
3.6.16		G	X			
3.6.17		R	X			
3.6.18		G	X			
3.6.19		G	X			
3.6.20		G	X			
3.6.21		G	X			
3.6.22		R	X			
3.6.23		R	X			
3.6.24		G	X			
3.6.25		R	X			

3.6.26		R	X			
3.6.27		R	X			
3.6.28		G	X			
3.6.29		G	X			
3.6.30		G	X			
3.7.1		R	X			
3.7.2		G	X			
3.7.3		R	X			
3.7.4		G	X			
3.8.1		G	X			
3.8.2		R	X			
3.8.3		G	X			
3.8.4		G	X			
3.8.5		G	X			
3.8.6		G	X			
3.8A.1		R	X			
3.8A.2		G	X			
3.8A.3		R	X			
3.8A.4		E	X			
3.8A.5		G	X			
3.8A.6		R	X			
3.8A.7		G	X			
3.8B.1		R	X			
3.8B.2		G	X			
3.8B.3		R	X			
3.8B.4		R	X			
3.8B.5		R	X			
3.8B.6		E	X			
3.8B.7		G	X			
3.8B.8		R	X			
3.8B.9		R	X			
3.8B.10		G	X			
3.9.1		R	X			
3.9.2		G	X			
3.9.3		R	X			
3.9.4		G	X			
3.9.5		R	X			
3.10.1		R	X			
3.10.2		G	X			
3.10.3		G	X			
3.10.4		G	X			
3.11.1		G	X			
3.11.2		R	X			
3.11.3		R	X			
3.11.4		G	X			
3.11.5		R	X			
3.12.1		G	X			
3.12.2		G	X			
3.12.3		G	X			
3.12.4		G	X			
3.12.5		G	X			

3 Annex 1		G	X			
4.1.1		R	X			
4.1.2		R	X			
4.1.2A		R	X			
4.1.2B		R	X			
4.1.2C		G	X			
4.1.2D		G	X			
4.1.3		R	X			
4.1.4		R	X			
4.1.5		R	X			
4.1.6		G	X			
4.1.7		G	X			
4.1.8		G	X			
4.2.1		G	X			
4.3.1		R	X			
4.3.2		R	X			
4.3.3		G	X			
4.3.4		R	X			
4.3.4A		R	X			
4.3.5		G	X			
4.3.6		G	X			
4.3.7		R	X			
4.3.8		G	X			
4.3.9		G	X			
4.3.10		R	X			
4.4.1		R	X			
4.4.2		G	X			
4.4.3		G	X			
4.4.4		G	X			
4.4.5		R	X			
4.4.6		R	X			
4.4.7		R	X			
4.4.8		G	X			
4.4A.1		R	X			
4.4A.2		R	X			
4.4A.3		G	X			
4.4A.4		R	X			
4.4A.5		G	X			
4.4A.6		G	X			
4.4A.7		G	X			
4.4A.8		R	X			
4.4A.9		R	X			
4.4A.10		G	X			
4.4A.11		G	X			
4.4A.12		R	X			
4.4A.13		G	X			
4.4A.14		G	X			
4.4A.15		R	X			
4.4A.16		G	X			
4.4A.17		R	X			
4.4A.18		R	X			

4.4A.19		G	X			
4.4A.20		G	X			
4.4A.21		R	X			
4.4A.22		R	X			
4.4A.23		G	X			
4.5.1		G	X			
4.5.2		R	X			
4.5.3		G	X			
4.5.4		R				X
4.5.5		R				X
4.6.1		G	X			
4.6.2		G	X			
4.6.3		G	X			
4.6.4		R	X			
4.6.5		R	X			
4.6.6		R	X			
4.6.7		G	X			
4.6.8		R	X			
4.6.9		G	X			
4.6.10		R	X			
4.6.11		R	X			
4.6A.1		R	X			
4.6A.2		R	X			
4.7.1		G	X			
4.7.2		R	X			
4.7.3		R	X			
4.7.4		R	X			
4.7.5		R	X			
4.7.6		R	X			
4.7.7		E	X			
4.7.8		G	X			
4.7.9		G	X			
4.7.10		G	X			
4.7.11		E	X			
4.7.12		G	X			
4.7.13		E	X			
4.7.14		G	X			
4.7.15		R	X			
4.7.16		G	X			
4.7.17		R	X			
4.7A.1		G	X			
4.7A.2		R	X			
4.7A.3		R	X			
4.7A.4		G	X			
4.7A.5		R	X			
4.7A.6		R	X			
4.7A.7		G	X			
4.7A.8		G	X			
4.7A.9		R	X			
4.7A.10		G	X			
4.7A.11		R	X			

4.7A.12		R	X			
4.7A.13		R	X			
4.7A.14		E	X			
4.7A.15		R	X			
4.7A.16		E	X			
4.7A.17		R	X			
4.7A.18		G	X			
4.7A.19		R	X			
4.7A.20		G	X			
4.7A.21		G	X			
4.7A.22		G	X			
4.7A.23		G	X			
4.7A.24		R	X			
4.7A.25		R	X			
4.8.1		R	X			
4.8.2		G	X			
4.8.3		R	X			
4.8.4		R	X			
4.8.5		G	X			
4.8.6		G	X			
4.8.7		R	X			
4.8A.1		G	X			
4.8A.2		G	X			
4.8A.3		G	X			
4.8A.4		G	X			
4.8A.5		R	X			
4.8A.6		G	X			
4.8A.7		R	X			
4.8A.8		E	X			
4.8A.9		R	X			
4.8A.10		R	X			
4.8A.11		G	X			
4.8A.12		R	X			
4.8A.13		G	X			
4.8A.14		R	X			
4.8A.15		R	X			
4.8A.16		G	X			
4.8A.17		R	X			
4.8A.18		R	X			
4.8A.19		R	X			
4.9.1		R	X			
4.9.1A		G	X			
4.9.2		G	X			
4.9.3		G	X			
4.9.4		G	X			
4.9.5		R	X			
4.10.1		R	X			
4.10.2		R	X			
4.10.3		G	X			
4.10.3A		R	X			
4.10.3B		R	X			

4.10.4		G	X		
4.10.5		G	X		
4.10.5A		R	X		
4.10.5B		R	X		
4.10.5C		G	X		
4.10.5D		R	X		
4.10.6		R	X		
4.10.6A		G	X		
4.10.7		G	X		
4.10.8		R	X		
4.10.9		G	X		
4.10.9A		R	X		
4.10.9B		R	X		
4.10.9C		G	X		
4.10.9D		R	X		
4.10.10		R	X		
4.10.11		R	X		
4.10.12		R	X		
4.10.13		R	X		
4.10.14		G	X		
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4.11.2		R	X		
4.11.3		R	X		
4.11.3A		R	X		
4.11.3B		G	X		
4.11.3C		R	X		
4.11.4		E	X		
4.11.4A		R	X		
4.11.4B		E	X		
4.11.4C		G	X		
4.11.5		E	X		
4.11.6		G	X		
4.11.7		G	X		
4.11.8		R	X		
4.11.9		R	X		
4.11.10		G	X		
4 Annex 1		R	X		
4 Annex 2			X		
4 Annex 3		R	X		
5.1.1		R	X		
5.1.2		R	X		
5.1.3		R	X		
5.1.4		G	X		
5.1.5		G	X		
5.1.6		R	X		
5.1.7		G	X		
5.1.8		G	X		
5.1.9		G	X		
5.1.10		G	X		
5.2.1		G	X		
5.3.1		R	X		

5.3.2		G	X			
5.4.1		R	X			
5.4.2		R	X			
5.4.3		R	X			
5.4.4		G	X			
5.4.5		G	X			
5.4.6		G	X			
5.4.7		G	X			
5.4.8		R	X			
5.4.9		G	X			
5.4.10		R	X			
5.4.11		G	X			
5.4.12		R	X			
5.4.13		R	X			
5.4.13A		G	X			
5.4.14		R	X			
5.4.15		R	X			
5.4.16		G	X			
5.4.17		G	X			
5.4.18		R	X			
5.4.18A		R	X			
5.4.18B		R	X			
5.4.18C		G	X			
5.4.19		R	X			
5.4.20		R	X			
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5.4.22		G	X			
5.4.23		R	X			
5.4.24		G	X			
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5.5.1B		R	X			
5.5.1C		R	X			
5.5.1D		G	X			
5.5.1E		G	X			
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5.5.3		G	X			
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5.5.5		G	X			
5.5.6		G	X			
5.5.7		R	X			
5.5.8		R	X			
5.5.9		G	X			
5.5.10		G	X			
5.5.11		R	X			
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5.5.14		G	X			
5.5.15		R	X			
5.5.16		R	X			
5.5.17		G	X			

5.5.18		R	X			
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5.6.2		R	X			
5.6.3		R	X			
5.6.4		G	X			
5.6.5		R	X			
5.6.6		R	X			
5.6.7		G	X			
5.6.8		G	X			
5.6.9		R	X			
5.6.10		G	X			
5.6.11		G	X			
5.6.12		G	X			
5.6.13		R	X			
5.6.14		G	X			
5.6.15		R	X			
5.6.16		R	X			
5.6.17		R	X			
5.6.18		R	X			
5.6.19		R	X			
5.6.20		R	X			
5.6.21		R	X			
5.6.22		R	X			
5.6.23		G	X			
5.6.24		G	X			
5.6.25		R	X			
5.6.26		R	X			
5.6.27		R	X			
5.6.28		R	X			
5.6.29		R	X			
5.6.30		G	X			
5.6.31		R	X			
5.6.32		R	X			
5.6.33		G	X			
5.6.34		R	X			
5.6.35		R	X			
5.6.36		G	X			
5.6.37		R	X			
5.6.38		G	X			
5.6.39		R	X			
5.6.40		R	X			
5.6.41		R	X			
5.6.42		R	X			
5.6.43		R	X			
5.6.44		G	X			
5.6.45		G	X			
5.6.46		R	X			
5.6.47		G	X			
5.6.48		R	X			
5.6.49		R	X			
5.6.50		R	X			

5.6.51		R	X			
5.6.52		R	X			
5.6.53		G	X			
5.6.54		R	X			
5.6.55		R	X			
5.6.56		R	X			
5.6.57		G	X			
5.6.58		R	X			
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5.6.63		R	X			
5.6.64		G	X			
5.6.65		R	X			
5.6.66		R	X			
5.6.67		G	X			
5.6.68		R	X			
5.6.69		R	X			
5.6.70		R	X			
5.6.71		G	X			
5.6.72		R	X			
5.6.73		R	X			
5.6.74		R	X			
5.6.75		G	X			
5.6.76		R	X			
5.6.77		R	X			
5.6.78		G	X			
5.6.79		G	X			
5.6.80		R	X			
5.6.81		R	X			
5.6.82		R	X			
5.6.83		G	X			
5.6.84		R	X			
5.6.85		G	X			
5.6.86		R	X			
5.6.87		G	X			
5.6.88		R	X			
5.6.89		R	X			
5.6.90		R	X			
5.6.91		G	X			
5.6.92		R	X			
5.6.93		R	X			
5.6.94		R	X			
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5.6.98		R	X			
5.6.99		R	X			
5.6.100		R	X			
5.6.101		R	X			

5.6.102		R	X			
5.6.103		R	X			
5.6.104		R	X			
5.6.105		G	X			
5.6.106		R	X			
5.6.107		R	X			
5.6.108		G	X			
5.6.109		R	X			
5.6.110		R	X			
5.6.111		G	X			
5.6.112		G	X			
5.6.113		R	X			
5.6.114		R	X			
5.6.115		R	X			
5.6.116		R	X			
5.6.117		R	X			
5.6.118		G	X			
5.6.119		G	X			
5.6.120		R	X			
5.6.121		R	X			
5.6.122		R	X			
5.6.123		G	X			
5.6.124		R	X			
5.6.125		G	X			
5.6.126		G	X			
5.6.127		R	X			
5.6.128		R	X			
5.6.129		R	X			
5.6.130		G	X			
5.6.131		R	X			
5.6.132		R	X			
5.6.133		R	X			
5.6.134		R	X			
5.6.135		R	X			
5.6.136		R	X			
5.6.137		G	X			
5.6.138		G	X			
5.6.139		R	X			
5.6.140		R	X			
5.6.141		R	X			
5.6.142		R	X			
5.6.143		R	X			
5.6.144		G	X			
5.6.145		R	X			
5.7.1		R	X			
5.7.1A		G	X			
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5.7.3		G	X			
5.7.4		R	X			
5.7.5		R	X			
5.7.6		R	X			

5.7.7		G	X			
5.8.1		R	X			
5.8.1A		R	X			
5.8.1B		R	X			
5.8.2		G	X			
5.8.3		G	X			
5.8.4		R	X			
5.8.5		R	X			
5.8.6		G	X			
5.8.7		R	X			
5.8.8		R	X			
5.8.9		G	X			
5.8.10		G	X			
5.8.11		R	X			
5.8.12		R	X			
5.8.13		R	X			
5.9.1		R	X			
5.9.1A		G	X			
5.9.1B		R	X			
5.9.1C		R	X			
5.9.1D		G	X			
5.9.1E		G	X			
5.9.1F		R	X			
5.9.1G		G	X			
5.9.2		R	X			
5.9.3		R	X			
5.9.4		R	X			
5.9.5		G	X			
5.9.6		R	X			
5.9.7		G	X			
5.9.8		R	X			
5 Annex 1		R	X			
6.1.1		R	X			
6.1.2		R	X			
6.1.3		R	X			
6.1.4		R	X			
6.1.5		R	X			
6.1.6		G	X			
6.2.1		G	X			
6.3.1		G	X			
6.3.2		R	X			
6.4.1		R	X			
6.4.2		G	X			
6.4.3		R	X			
6.4.4		R	X			
6.4.5		G	X			
6.4.6		R	X			
6.4.7		R	X			
6.4.8		G	X			
6.4.9		R	X			
6.4.10		G	X			

6.4.11		R	X			
6.4.11A		R	X			
6.4.12		G	X			
6.4.13		R	X			
6.4.14		G	X			
6.4.15		G	X			
6.4.16		R	X			
6.4.17		R	X			
6.4.18		G	X			
6.5.1		R	X			
6.5.2		R	X			
6.5.3		G	X			
6.5.4		R	X			
6.5.5		G	X			
6.5.6		R	X			
6.6.1		R	X			
6.7.1		R	X			
6.7.1A		G	X			
6.7.2		G	X			
6.7.3		G	X			
6.8.1		R	X			
6.8.2		G	X			
6.8.3		G	X			
6.8.4		R	X			
6.8.5		R	X			
6.8.6		G	X			
6.9.1		R	X			
6.9.2		R	X			
6.9.3		R	X			
6.9.4		R	X			
6.9.5		R	X			
6.9.6		R	X			
6.9.7		R	X			
6.9.8		R	X			
6.9.9		G	X			
6.9.10		R	X			
6.9.11		R	X			
6 Annex 1	1.1	R	X			
	1.2	G	X			
6 Annex 2		R	X			
6 Annex 3		R	X			
7.1.1		R	X			
7.1.2		R	X			
7.1.3		R	X			
7.1.4		R	X			
7.1.5		R	X			
7.1.6		R	X			
7.1.7		G				X
7.1.8		R	X			
7.2.1		G	X			
7.3.1		G	X			

7.3.2		R	X			
7.3.3		R	X			
7.4.1		R	X			
7.4.2		R	X			
7.4.3		G	X			
7.4.4		R	X			
7.5.1		R	X			
7.5.2		R	X			
7.5.3		R	X			
7.5.3A		R	X			
7.5.4		R	X			
7.5.5		R	X			
7.5.6		G	X			
7.5.7		R				X
7.5.8		G	X			
7.5.9		G	X			
7.5.10		R	X			
7.6.1		R	X			
7.6.2		R	X			
7.6.3		R	X			
7.6.4		G	X			
7.6.5		R	X			
7.6.6		G	X			
7.6.7		R	X			
7.6.8		G	X			
7.6.9		R	X			
7.6.10		G	X			
7.6.11		G	X			
7.6.12		G	X			
7.6.13		R	X			
7.6.14		R	X			
7.6.15		G	X			
7.6.16		R	X			
7.6.17		R	X			
7.6.18		R	X			
7.6.19		G	X			
7.6.20		R	X			
7.6.21		G	X			
7.6.22		R	X			
7.6.23		G	X			
7.6.24		G	X			
7.6.25		R	X			
7.6.26		G	X			
7.6.27		R				X
7.6.28		R	X			
7.6.28A		R	X			
7.6.29		G	X			
7.6.30		G	X			
7.6.31		R	X			
7.6.32		R	X			
7.6.33		G	X			

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7.7.1A		G	X			
7.7.2		G	X			
7.7.3		R	X			
7.7.4		R	X			
7.7.5		R	X			
7.8.1		R	X			
7.8.2		G	X			
7.8.3		R	X			
7.8.4		G	X			
7.8.5		G	X			
7.8.6		R	X			
7.8.7		G	X			
7.9.1		R	X			
7 Annex 1		G	X			
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8.1.2A		R	X			
8.1.2B		G	X			
8.1.3		R	X			
8.1.4		R	X			
8.1.5		G	X			
8.2.1		G	X			
8.2.2		G	X			
8.3.1		R	X			
8.3.1A		G	X			
8.3.1B		G	X			
8.3.2		R	X			
8.3.2A		G	X			
8.3.2B		R	X			
8.3.2C		G	X			
8.3.3		R	X			
8.3.4		R	X			
8.4.1		R				X
8.5.1		G	X			
8.5.2		R	X			
8.5.3		R	X			
8.5.4		R	X			
8.5.5		R	X			
8.5.6		E	X			
8.5.7		R	X			
8.5.8		R	X			
8.5.9		G	X			
8.5.10		R	X			
8.5.11		R	X			
8.5.12		E	X			
8.5.13		G	X			
8.5.14		G	X			
8.5.15		G	X			
8.5.16		G	X			
8.5.16A		G	X			

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8.5.21		G	X			
8.5.22		R	X			
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8.5A.2		R	X			
8.5A.3		R	X			
8.5A.4		G	X			
8.5A.5		R	X			
8.5A.6		R	X			
8.5A.7		G	X			
8.5A.8		R	X			
8.5A.9		E	X			
8.5A.10		R	X			
8.5A.11		R	X			
8.5A.12		E	X			
8.5A.13		R	X			
8.5A.14		G	X			
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8.5A.16		G	X			
8.5A.17		G	X			
8.5A.18		G	X			
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8.6.1		R	X			
8.6.2		G	X			
8.6.3		G	X			
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8.6A.2		G	X			
8.6A.3		R	X			
8.6A.4		R	X			
8.6A.5		R	X			
8.6A.6		G	X			
8.6A.7		R	X			
8.6A.8		G	X			
8.6A.9		R	X			
8.6A.10		R	X			
8.7.1		R	X			
8 Annex 1		R	X			
8 Annex 2		R				X
9.1.1		R	X			
9.1.2		R	X			
9.1.2A		G	X			
9.1.3		R	X			
9.1.4		R	X			
9.1.5		R	X			
9.1.6		R	X			
9.2.1		G	X			
9.3.1		R	X			
9.3.1A		G	X			

9.3.2		R	X			
9.3.3		R	X			
9.3.4		R	X			
9.3.5		R	X			
9.3.6		R	X			
9.3.6A		R	X			
9.3.7		G	X			
9.3.8		G	X			
9.3.9		G	X			
9.3.10		G	X			
9.3.11		R	X			
9.3.12		R	X			
9.4.1		G	X			
9.4.2		R	X			
9.4.3		G	X			
9.4.4		R	X			
9.4.5		R	X			
9.4.6		R	X			
9.4.7		G	X			
9.4.8		G	X			
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9.4.14		G	X			
9.4.15		R	X			
9.4.16		G	X			
9.4.17		R	X			
9.4.17A		R	X			
9.4.18		R	X			
9.4.19		R	X			
9.4.20		R	X			
9.4.21		R	X			
9.4.22		R	X			
9.4.23		G	X			
9.4.24		R	X			
9.4.25		G	X			
9.4.26		R	X			
9.4.27		R	X			
9.4.28		R	X			
9.4.29		R	X			
9.4.30		G	X			
9.4.31		R	X			
9.4.32		G	X			
9.4.33		R	X			
9.4.34		G	X			
9.4.35		R	X			
9.4.36		G	X			
9.4.37		R	X			
9.4.38		R	X			

9.4.39		R	X			
9.4.40		G	X			
9.4.41		G	X			
9.4.42		G	X			
9.4.43		R	X			
9.4.44		G	X			
9.4.45		R	X			
9.4.46		R	X			
9.4.47		R	X			
9.4.48		R	X			
9.4.49		G	X			
9.4.50		R	X			
9.4.51		R	X			
9.4.52		G	X			
9.4.53		R	X			
9.4.54		R	X			
9.4.55		R	X			
9.4.56		G	X			
9.4.57		R	X			
9.4.58		R	X			
9.4.59		R	X			
9.4.60		R	X			
9.4.61		G	X			
9.4.62		R	X			
9.4.63		R	X			
9.4.64		R	X			
9.4.65		R	X			
9.4.66		G	X			
9.4.67		R	X			
9.4.68		R	X			
9.4.69		R	X			
9.4.70		G	X			
9.4.71		R	X			
9.4.72		R	X			
9.4.73		R	X			
9.4.74		G	X			
9.4.75		R	X			
9.4.76		R	X			
9.4.77		G	X			
9.4.78		G	X			
9.4.79		R	X			
9.4.80		R	X			
9.4.81		R	X			
9.4.82		G	X			
9.4.83		R	X			
9.4.84		G	X			
9.4.85		G	X			
9.4.86		R	X			
9.4.87		G	X			
9.4.88		R	X			
9.4.89		R	X			

9.4.90		R	X			
9.4.91		R	X			
9.4.92		R	X			
9.4.93		R	X			
9.4.94		R	X			
9.4.95		G	X			
9.4.96		R	X			
9.4.97		R	X			
9.4.98		R	X			
9.4.99		R	X			
9.4.100		R	X			
9.4.101		R	X			
9.4.102		R	X			
9.4.103		R	X			
9.4.104		R	X			
9.4.105		G	X			
9.4.106		R	X			
9.4.107		R	X			
9.4.108		G	X			
9.4.109		R	X			
9.4.110		R	X			
9.4.111		R	X			
9.4.112		G	X			
9.4.113		R	X			
9.4.114		R	X			
9.4.115		G	X			
9.4.116		R	X			
9.4.117		G	X			
9.4.118		G	X			
9.4.119		R	X			
9.4.120		R	X			
9.4.121		R	X			
9.4.122		R	X			
9.4.123		R	X			
9.4.124		G	X			
9.4.125		G	X			
9.4.126		R	X			
9.4.127		G	X			
9.4.128		R	X			
9.4.129		R	X			
9.4.130		R	X			
9.4.131		G	X			
9.4.132		R	X			
9.4.133		R	X			
9.4.134		R	X			
9.4.135		R	X			
9.4.136		R	X			
9.4.137		R	X			
9.4.138		G	X			
9.4.139		R	X			
9.4.140		R	X			

9.4.141		G	X			
9.4.142		R	X			
9.4.143		G	X			
9.4.144		G	X			
9.4.145		R	X			
9.4.146		G	X			
9.4.147		R	X			
9.4.148		R	X			
9.4.149		R	X			
9.4.150		R	X			
9.4.151		R	X			
9.4.152		R	X			
9.4.153		G	X			
9.4.154		R	X			
9.4.155		R	X			
9.4.156		R	X			
9.4.157		G	X			
9.4.158		R	X			
9.4.159		R	X			
9.4.160		R	X			
9.4.161		G	X			
9.4.162		R	X			
9.4.163		R	X			
9.4.164		R	X			
9.4.165		R	X			
9.4.166		G	X			
9.4.167		R	X			
9.4.168		R	X			
9.4.169		R	X			
9.4.170		R	X			
9.4.171		R	X			
9.4.172		R	X			
9.4.173		G	X			
9.4.174		G	X			
9.4.175		R	X			
9.4.176		G	X			
9.5.1		R	X			
9.5.2		R	X			
9.5.3		R	X			
9.5.4		R	X			
9.5.5		R	X			
9.6.1		R	X			
9.6.2		R	X			
9.6.3		R	X			
9.6.4		R	X			
9.7.1		G	X			
9.7.2		R	X			
9.7.3		R	X			
9.7.4		R	X			
9.7.5		R	X			
9.7.6		R	X			

9.7.7		R	X			
9.7.8		R	X			
9.7.9		R	X			
9.7.10		R	X			
9.8.1		R	X			
9.8.2		R	X			
9.8.3		R	X			
9.8.4		G	X			
9.8.5		R	X			
9.8.6		G	X			
9.8.7		R	X			
9.8.8		R				X
9.8.9		R	X			
9.8.10		R	X			
9.9.1		R	X			
9.9.2		R	X			
9.9.3		R	X			
9.9.4		R	X			
9.9.5		R	X			
9.9.6		R	X			
9.9.7		R	X			
9.9.8		R	X			
9 Annex 1		R	X			
9 Annex 2		R	X			
10.1.1		R	X			
10.2.1		G	X			
10.3.1		R	X			
10.3.1A		R	X			
10.3.1B		R	X			
10.3.2		G	X			
10.3.3		R	X			
10.3.4		R	X			
10.3.5		R	X			
10.3.6		R	X			
10.3.7		R	X			
10.3.8		R	X			
10.3.9		R	X			
10.3.10		R	X			
10.3.11		R	X			
10.3.12		R	X			
10.3.13		R	X			
10.4.1		R	X			
10.4.2		R	X			
10.4.3		G	X			
10.4.4		R	X			
10 Annex 1		G	X			
11.1.1		R	X			
11.1.2		R	X			
11.1.3		R	X			
11.2.1		G	X			

11.3.1		R	X			
11.3.2		R	X			
11.3.3		G	X			
11.3.4		R	X			
11.3.5		G	X			
11.3.6		G	X			
11.3.7		G	X			
11.3.8		G	X			
11.4.1		R	X			
11.4.2		R	X			
11.4.3		R	X			
11.5.1		G	X			
11.6.1		G	X			
11.6.2		R	X			
11.6.3		R	X			
11.6.4		E	X			
11.6.5		R	X			
11.6.6		R	X			
11.6.7		G	X			
11.6.8		R	X			
11.6.9		G	X			
11.6.10		R	X			
11.6.11		G	X			
11.6.12		R	X			
11.6.13		G	X			
11.6.14		R	X			
11.6.15		G	X			
11.6.16		R	X			
11.6.17		G	X			
11.6.18		R	X			
11.6.19		G	X			
11.6.20		R	X			
11.6.21		G	X			
11.6.22		R	X			
11.6.23		G	X			
11.6.24		R	X			
11.6.25		R	X			
11.6.26		R	X			
11.6.27		R	X			
11.6.28		R	X			
11.6.29		R	X			
11.6.30		G	X			
11.6.31		R	X			
11.6.32		R	X			
11.6.33		R	X			
11.6.34		R	X			
11.6.35		R	X			
11.6.36		R	X			
11.6.37		R	X			
11.6.38		R	X			
11.6.39		R	X			

11.6.40		G	X			
11.6.41		R	X			
11.6.42		G	X			
11.6.43		R	X			
11.6.44		G	X			
11.6.45		G	X			
11.6.46		E	X			
11.6.47		G	X			
11.6.48		R	X			
11.6.49		R	X			
11.6.50		R	X			
11.6.51		G	X			
11.6.52		G	X			
11.6.53		E	X			
11.6.54		G	X			
11.6.55		R	X			
11.6.56		G	X			
11.6.57		R	X			
11.6.58		R	X			
11.6.59		G	X			
11.6.60		R	X			
11.6.61		G	X			
11.7.1		R	X			
11.7.2		R	X			
11.7.3		R	X			
11.7.4		G	X			
11.7.5		G	X			
11.8.1		E	X			
12.1.1		R	X			
12.1.2		R	X			
12.1.3		R	X			
12.1.4		R	X			
12.1.5		G	X			
12.1.6		R	X			
12.2.1		G	X			
12.3.1		R	X			
12.3.2		G	X			
12.3.3		G	X			
12.3.4		R	X			
12.4.1		R	X			
12.4.1A		E	X			
12.4.1B		R	X			
12.4.2		G	X			
12.4.3		G	X			
12.4.4		R	X			
12.4.5		R	X			
12.4.6		G	X			
12.4.7		G	X			
12.4.8		R	X			
12.5.1		R	X			
12.5.2		R	X			

12.5.3		G	X			
12.5.4		G	X			
12.6.1		G	X			
12.6.2		G	X			
12.7.1		G	X			
13.1.1		R	X			
13.1.2		R	X			
13.1.3		R	X			
13.1.4		R	X			
13.1.5		G	X			
13.1.6		G	X			
13.1.7		G	X			
13.2.1		G	X			
13.2.2		G	X			
13.3.1		R	X			
13.3.1A		R	X			
13.3.1B		G	X			
13.3.2		E				X
13.3.2A		R	X			
13.3.3		G	X			
13.3.3A		R	X			
13.3.4		G				X
13.3.4A		R	X			
13.3.4AA		R	X			
13.3.4B		R	X			
13.3.4C		G	X			
13.3.4D		G	X			
13.3.5		G				X
13.3.6		G	X			
13.3.7		G	X			
13.3.8		G	X			
13.3.9		R	X			
13.3.10		G	X			
13.3.11		G	X			
13.4.1		R	X			
13.4.2		G	X			
13.4.3		G	X			
13.4.4		R	X			
13.4.5		R	X			
13.5.1		R	X			
13.5.2		G	X			
13.5.3		R	X			
13.5.4		G	X			
13.5.5		G	X			
13.5.6		G	X			
13.6.1		R	X			
13.6.2		G	X			
13.6.3		R	X			
13.6.4		R	X			
13.6.5		G	X			
13.6.6		R	X			

13.7.1		R	X			
13.7.2		G	X			
13.8.1		R	X			
13.8.2		G	X			
TP 1.1	1	R				X
	2	G				X
	3	G				X
	4	R				X
	5	G				X
	6	R				X
	7	G				X
	8	R				X
	9	R	X			
	10	R	X			
	11	R	X			
	12	R	X			
	13	R	X			
	14	R	X			
	15	R	X			
	16	R	X			
TP 2.1	1	R				X
	2	G				X
	3	G				X
	4	R				X
	5	R				X
	6	R				X
TP 3.1	1	R				X
	2	G				X
	3	G				X
	4	R				X
Sch 1.1		G	X			
Sch 1.2		G	X			
Sch 1.3		G	X			
Sch 2.1		G	X			
Sch 3.1		G	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 6.1		G	X			

Annex 18

Designation of the Banking: Conduct of Business sourcebook (BCOBS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.1.2		R	X			
1.1.3		R	X			
1.1.4		R	X			
1.1.5		R	X			
1.1.6		R	X			
1.1.7		G	X			
2.1.1		G	X			
2.1.2		R	X			
2.1.3		R	X			
2.2.1		R	X			
2.2.2		G	X			
2.2.3		G	X			
2.2.4		G	X			
2.2.5		G	X			
2.3.1		R	X			
2.3.2		G	X			
2.3.3		G	X			
2.3.4		G	X			
2.3.5		G	X			
2.3.6		G	X			
2.3.7		R	X			
2.3.8		R	X			
2.3.9		G	X			
2.4.1		G	X			
2.4.2		G	X			
3.1.1		R	X			
3.1.2		R	X			
3.1.3		R	X			
3.1.4		R	X			
3.1.5		R	X			
3.1.6		R	X			
3.1.7		G	X			
3.1.8		R	X			
3.1.9		R	X			
3.1.10		R	X			
3.1.11		R	X			
3.1.12		R	X			
3.1.13		G	X			
3.1.14		R	X			
3.1.15		R	X			

3.1.16		R	X		
3.1.17		R	X		
3.2.1		R	X		
3.2.2		R	X		
3.2.3		R	X		
3.2.4		R	X		
3.2.5		R	X		
3.2.6		R	X		
3.2.7		R	X		
3.2.8		R	X		
3.2.9		R	X		
3 Annex 1		R	X		
3 Annex 2		R	X		
4.1.1		R	X		
4.1.2		G	X		
4.1.3		R	X		
4.1.4		G	X		
4.1.4A		G	X		
4.1.5		G	X		
4.1.6		G	X		
4.1.7		G	X		
4.2.1		R	X		
4.2.2		G	X		
5.1.1		R	X		
5.1.2		G	X		
5.1.3		G	X		
5.1.3A		G	X		
5.1.3B		G	X		
5.1.4		G	X		
5.1.5		R	X		
5.1.6		G	X		
5.1.7		G	X		
5.1.8		G	X		
5.1.9		R	X		
5.1.10		R	X		
5.1.11		R	X		
5.1.12		R	X		
5.1.13		R	X		
5.1.14		R	X		
5.1.15		R	X		
5.1.16		R	X		
5.1.17		R	X		
5.1.18		R	X		
5.1.19		R	X		
6.1.1		R	X		
6.1.2		R	X		
6.1.3		G	X		
6.1.4		R	X		
6.1.5		R	X		
6.2.1		R	X		
6.2.2		G	X		

6.2.3		R	X			
6.3.1		R	X			
6.3.2		R	X			
6.4.1		R	X			
6.4.2		R	X			
6.4.3		R	X			
6.5.1		R	X			
	1	R				X
	2	R				X
	3	G				X
	4	R				X
	5	R				X
	6	R				X
	7	R				X
Sch 1		n/a	X			
Sch 2		n/a	X			
Sch 3		n/a	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5		n/a	X			
Sch 6		n/a	X			

Annex 19

Designation of the Client Assets Sourcebook (CASS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		G	X			
1.2.2		R	X			
1.2.3		R	X			
1.2.4		R	X			
1.2.5		R	X			
1.2.6		G				X
1.2.7		G	X			
1.2.8		G	X			
1.2.9		G				X
1.2.10		R				X
1.2.11		R	X			
1.2.12		G	X			
1.2.13		G	X			
1.3.1		G	X			
1.3.2		R	X			
1.3.3		R	X			
1.3.4		R	X			
1.4.1		R	X			
1.4.2		G	X			
1.4.3		G	X			
1.4.4		G	X			
1.4.5		G	X			
1.4.6		R	X			
1.4.7		R	X			
1.4.8		R	X			
1.4.9		R	X			
1.4.10		R	X			
1.4.11		G	X			
1.4.12		G	X			
1.4.13		R	X			
1.4.14		R	X			
1.5.1		G	X			
1.5.2		G	X			
1.5.3		G	X			
1.5.4		G				X
1A.1.1		R	X			
1A.2.1		G	X			
1A.2.2		R	X			
1A.2.3		R	X			

1A.2.4		G	X			
1A.2.5		R	X			
1A.2.6		G	X			
1A.2.7		R	X			
1A.2.8		R				X
1A.2.8A		R				X
1A.2.9		R	X			
1A.2.10		R	X			
1A.2.11		G	X			
1A.2.12		R	x			
1A.2.13		G	x			
1A.3.1		R	X			
1A.3.1A		R	X			
1A.3.1B		G	X			
1A.3.1C		R	x			
1A.3.2		R	X			
1A.3.3		R	X			
2						X
3.1.1		R	X			
3.1.2		G	X			
3.1.3		R	X			
3.1.4		G	X			
3.1.5		G	X			
3.1.6		G	X			
3.1.7		G	X			
3.1.8		G	X			
3.2.1		R				X
3.2.2		R	X			
3.2.3		G	X			
3.2.4		G	X			
4						X
5.1.1		R	X			
5.1.2		G	X			
5.1.3		R	X			
5.1.4		R	X			
5.1.4A		R	X			
5.1.5		R	X			
5.1.5A		R	X			
5.1.6		R	X			
5.1.7		G	X			
5.1.8		G	X			
5.1.9		G	X			
5.2.1		G	X			
5.2.2		G	X			
5.2.3		R	X			
5.2.4		G	X			
5.2.5		G	X			
5.2.6		G	X			
5.2.7		G	X			
5.3.1		G	X			
5.3.2		R	X			

5.3.3		G	X		
5.4.1		G	X		
5.4.2		R	X		
5.4.3		R	X		
5.4.4		R	X		
5.4.5		G	X		
5.4.6		R	X		
5.4.7		R	X		
5.4.8		R	X		
5.5.1		R	X		
5.5.2		G	X		
5.5.3		R	X		
5.5.4		R	X		
5.5.5		R	X		
5.5.6		G	X		
5.5.7		G	X		
5.5.8		R	X		
5.5.9		R	X		
5.5.10		R	X		
5.5.11		R	X		
5.5.11A		G	X		
5.5.12		R	X		
5.5.13		G	X		
5.5.14		R	X		
5.5.15		G	X		
5.5.16		R	X		
5.5.17		G	X		
5.5.18		R	X		
5.5.19		R	X		
5.5.20		G	X		
5.5.21		R	X		
5.5.22		G	X		
5.5.23		R	X		
5.5.24		G	X		
5.5.25		G	X		
5.5.26		R	X		
5.5.27		G	X		
5.5.28		R	X		
5.5.29		R	X		
5.5.30		R	X		
5.5.31		G	X		
5.5.32		G	X		
5.5.33		G	X		
5.5.34		R	X		
5.5.35		G	X		
5.5.36		G	X		
5.5.37		G	X		
5.5.38		R	X		
5.5.39		R	X		
5.5.40		G	X		
5.5.41		R	X		

5.5.42		G	X			
5.5.43		R	X			
5.5.44		G	X			
5.5.45		G	X			
5.5.46		G	X			
5.5.47		R	X			
5.5.48		R	X			
5.5.49		R	X			
5.5.50		R	X			
5.5.51		R	X			
5.5.52		G	X			
5.5.53		R	X			
5.5.54		G	X			
5.5.55		G	X			
5.5.56		R	X			
5.5.57		G	X			
5.5.58		R	X			
5.5.59		G	X			
5.5.60		R	X			
5.5.61		R	X			
5.5.62		G	X			
5.5.63		R	X			
5.5.64		R	X			
5.5.65		R	X			
5.5.66		R	X			
5.5.67		R	X			
5.5.68		R	X			
5.5.69		R	X			
5.5.70		R				X
5.5.71		G				X
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5.5.73		R				X
5.5.74		R				X
5.5.75		R				X
5.5.76		R	X			
5.5.77		R	X			
5.5.78		R				X
5.5.79		G	X			
5.5.80		R	X			
5.5.81		G	X			
5.5.82		R	X			
5.5.83		R	X			
5.5.84		R	X			
5.6.1		R	X			
5.6.2		G	X			
5.6.3		G	X			
5.6.4		G	X			
5.6.5		R	X			
5.6.6		R	X			
5.6.7		R	X			
5.6.8		G	X			

5.6.9		R	X			
5.6.10		G	X			
5.6.11		R	X			
5.6.12		G	X			
5.6.13		R	X			
5.6.14		R	X			
5.6.15		R	X			
5.6.16		G	X			
5.6.17		G	X			
5.6.18		G	X			
5.6.19		G	X			
5.6.20		R	X			
5.6.21		R	X			
5.6.22		R	X			
5.6.23		G	X			
5.6.24		R	X			
5.6.25		R	X			
5.6.26		R	X			
5.6.27		R	X			
5.6.28		G	X			
5.6.29		R	X			
5.6.30		R	X			
5.6.31		R	X			
5.6.32		R	X			
5.7.1		R				X
5.7.2		R				X
5.7.3		G				X
5.7.4		G				X
5.7.5		G				X
5.7.6		R				X
5.8.1		R	X			
5.8.2		G	X			
5.8.3		R	X			
5 Annex 1		R	X			
6.1.1		R	X			
6.1.1A		G	X			
6.1.1B		R	X			
6.1.1C		G	X			
6.1.2		G	X			
6.1.3		G				X
6.1.4		R	X			
6.1.5		G	X			
6.1.6		R	X			
6.1.6A		R	X			
6.1.7		G	X			
6.1.8		G	X			
6.1.9		G	X			
6.1.9A		G	X			
6.1.10		G	X			
6.1.10A		G	X			
6.1.11		G				X

6.1.12		R	X			
6.1.13		G				X
6.1.14		G				X
6.1.15		G	X			
6.1.16		G	X			
6.1.16A		R	X			
6.1.16B		R	X			
6.1.16C		R	X			
6.1.16D		G	X			
6.1.16E		R	X			
6.1.16F		R	X			
6.1.16G		G	X			
6.1.16H		R	X			
6.1.16I		G	X			
6.1.16J		R	X			
6.1.16K		R	X			
6.1.17		R				X
6.1.18		G				X
6.1.19		G				X
6.1.20		G				X
6.1.20A		G				X
6.1.21		R				X
6.1.22		G	X			
6.1.23		G	X			
6.1.24		G	X			
6.2.1		R	X			
6.2.2		R	X			
6.2.3		R	X			
6.2.4		R	X			
6.2.5		R	X			
6.2.6		G	X			
6.2.7		R	X			
6.3.1		R	X			
6.3.2		G	X			
6.3.3		G	X			
6.3.4		R	X			
6.3.5		R	X			
6.3.6		R	X			
6.3.7		G	X			
6.3.8		R	X			
6.3.9		R	X			
6.4.1		R	X			
6.4.2		G	X			
6.4.3		R	X			
6.5.1		R	X			
6.5.2		R	X			
6.5.2A		R	X			
6.5.3		R	X			
6.5.4		G	X			
6.5.5		R	X			
6.5.6		R	X			

6.5.7		G	X			
6.5.8		G	X			
6.5.9		G	X			
6.5.10		R	X			
6.5.11		G	X			
6.5.12		G	X			
6.5.13		R	X			
6.5.14		G	X			
6.5.15		G	X			
7.1.1		R	X			
7.1.2		G				X
7.1.3		R	X			
7.1.4		G	X			
7.1.5		G	X			
7.1.6		G	X			
7.1.7		G				X
7.1.7A		G				X
7.1.7B		R	X			
7.1.7C		G	X			
7.1.7D		R	X			
7.1.7E		G	X			
7.1.7F		R	X			
7.1.7G		G	X			
7.1.7H		R	X			
7.1.7I		G	X			
7.1.8		R	X			
7.1.9		G	X			
7.1.10		G	X			
7.1.11		G	X			
7.1.11A		R	X			
7.1.12		G	X			
7.1.12A		R	X			
7.1.13		G				X
7.1.14		R	X			
7.1.15		R	X			
7.1.15A		R	X			
7.1.15B		R	X			
7.1.15C		R	X			
7.1.15D		G	X			
7.1.15E		R	X			
7.1.15F		R	X			
7.1.16		G	X			
7.2.1		R				X
7.2.2		R				X
7.2.3		R	X			
7.2.3A		R	X			
7.2.4		G	X			
7.2.5		G	X			
7.2.6		G	X			
7.2.7		G	X			
7.2.8		R	X			

7.2.8A		G	X		
7.2.8B		R	X		
7.2.9		R	X		
7.2.10		G	X		
7.2.10A		G	X		
7.2.11		G	X		
7.2.12		G	X		
7.2.13		G	X		
7.2.14		R	X		
7.2.15		R	X		
7.2.15A		R	X		
7.2.15B		R	X		
7.2.16		G	X		
7.2.17		R	X		
7.2.18		G	X		
7.2.19		R	X		
7.2.20		E	X		
7.2.21		G	X		
7.3.1		R	X		
7.3.2		R	X		
7.4.1		R	X		
7.4.2		G	X		
7.4.3		G	X		
7.4.4		G	X		
7.4.5		R	X		
7.4.6		G	X		
7.4.7		R	X		
7.4.8		R	X		
7.4.9		G	X		
7.4.9A		R	X		
7.4.9B		R	X		
7.4.9C		G	X		
7.4.10		R	X		
7.4.11		R	X		
7.4.12		G	X		
7.4.13		G	X		
7.4.14		G	X		
7.4.15		R	X		
7.4.16		G	X		
7.4.17		G	X		
7.4.18		G	X		
7.4.19		G	X		
7.4.20		G	X		
7.4.21		R	X		
7.4.22		G	X		
7.4.23		G	X		
7.4.24		G	X		
7.4.25		G	X		
7.4.26		G	X		
7.4.27		G	X		
7.4.28		G	X		

7.4.29		G	X		
7.4.30		R	X		
7.4.31		G	X		
7.4.32		G	X		
7.4.33		G	X		
7.4.34		R	X		
7.4.35		R	X		
7.5.1		G	X		
7.5.2		R	X		
7.5.3		G	X		
7.6.1		R	X		
7.6.2		R	X		
7.6.3		G	X		
7.6.4		R	X		
7.6.5		G	X		
7.6.6		G	X		
7.6.7		R	X		
7.6.8		R	X		
7.6.9		R	X		
7.6.10		G	X		
7.6.11		G	X		
7.6.12		R	X		
7.6.13		R	X		
7.6.14		R	X		
7.6.15		R	X		
7.6.16		R	X		
7.6.17		G	X		
7.6.18		G	X		
7.6.19		G	X		
7.7.1		G	X		
7.7.2		R	X		
7.7.3		R	X		
7.7.4		G	X		
7.8.1		R	X		
7.8.2		R	X		
7 Annex 1		G	X		
7A.1.1		R	X		
7A.1.2		G	X		
7A.2.1		G	X		
7A.2.2		R	X		
7A.2.3		R	X		
7A.2.4		R	X		
7A.2.4A		G	X		
7A.2.5		R	X		
7A.2.6		G			X
7A.2.7		R	X		
7A.2.8		G	X		
7A.2.9		R	X		
7A.2.10		G	X		
7A.2.11		R	X		
7A.3.1		R	X		

7A.3.2		R	X			
7A.3.3		G	X			
7A.3.4		G	X			
7A.3.5		G	X			
7A.3.6		R	X			
7A.3.7		R	X			
7A.3.8		R	X			
7A.3.9		G	X			
7A.3.10		R	X			
7A.3.11		R	X			
7A.3.12		R	X			
7A.3.13		R	X			
7A.3.14		R	X			
7A.3.15		G	X			
7A.3.16		R	X			
7A.3.17		R	X			
7A.3.18		R	X			
7A.3.19		R	X			
8.1.1		R	X			
8.1.2		G				X
8.1.2A		R	X			
8.1.2B		G	X			
8.1.3		G	X			
8.1.4		G	X			
8.1.4A		G	X			
8.1.5		R				X
8.2.1		R	X			
8.2.2		G	X			
8.2.3		G	X			
8.2.4		G	X			
8.2.5		G	X			
8.2.6		G	X			
8.2.7		G	X			
8.3.1		R	X			
8.3.2		R	X			
8.3.3		G	X			
9.1.1		R	X			
9.2.1		R	X			
9.3.1		R	X			
9.3.2		G	X			
10.1.1		R	X			
10.1.2		G	X			
10.1.3		R	X			
10.1.4		G	X			
10.1.5		G	X			
10.1.6		R	X			
10.1.7		R	X			
10.1.8		R	X			
10.1.9		E	X			
10.1.10		G	X			
10.1.11		R	X			

10.1.12		G	X			
10.1.13		G	X			
10.1.14		R	X			
10.1.15		G	X			
10.1.16		R	X			
10.2.1		R	X			
10.2.2		G	X			
10.2.3		R	X			
10.3.1		R	X			
10.3.2		G	X			
TP 1.1	1	R				X
	2	R/G				X
	2A	G				X
	3	R	X			
	4	R				X
	5	R				X
	6	R				X
	7	R				X
	8	R	X			
	8A	R/G	X			
	9	R/G	X			
	10	R/G	X			
Sch 1.1		G	X			
Sch 1.2		G	X			
Sch 1.3		G	X			
Sch 2.1		G	X			
Sch 3.1		G	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 6.1		G	X			

Annex 20

Designation of the Market Conduct sourcebook (MAR)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.1.3		G	X			
1.1.4		G	X			
1.1.5		G	X			
1.1.6		G	X			
1.1.7		G	X			
1.1.8		G	X			
1.2.1		G	X			
1.2.2		UK	X			
1.2.3		G	X			
1.2.4		G	X			
1.2.5		E	X			
1.2.6		E	X			
1.2.7		UK	X			
1.2.8		E	X			
1.2.9		G	X			
1.2.10		UK	X			
1.2.11		G	X			
1.2.12		E	X			
1.2.13		E	X			
1.2.14		G	X			
1.2.15		UK	X			
1.2.16		E	X			
1.2.17		G	X			
1.2.18		UK	X			
1.2.19		UK	X			
1.2.20		G	X			
1.2.21		G	X			
1.2.22		UK	X			
1.2.23		G	X			
1.3.1		UK	X			
1.3.2		E	X			
1.3.3		E	X			
1.3.4		E				X
1.3.5		E	X			
1.3.6		C	X			
1.3.7		C	X			
1.3.8		G	X			
1.3.9		E	X			
1.3.10		E	X			

1.3.11		E	X			
1.3.12		C	X			
1.3.13		G	X			
1.3.14		E	X			
1.3.15		E	X			
1.3.16		G	X			
1.3.17		C	X			
1.3.18		G	X			
1.3.19		E	X			
1.3.20		G	X			
1.3.21		G	X			
1.3.22		G	X			
1.3.23		G	X			
1.4.1		UK	X			
1.4.2		E	X			
1.4.3		C	X			
1.4.4		C	X			
1.4.4A		Code	X			
1.4.5		E	X			
1.4.5A		G	X			
1.4.6		G	X			
1.4.7		G	X			
1.5.1		UK	X			
1.5.2		E	X			
1.5.3		G	X			
1.5.4		E	X			
1.5.5		E	X			
1.5.6		E	X			
1.5.7		E	X			
1.5.8		G	X			
1.5.9		C	X			
1.5.10		E	X			
1.6.1		UK	X			
1.6.1A		UK	X			
1.6.2		E	X			
1.6.3		G	X			
1.6.4		E	X			
1.6.5		E	X			
1.6.6		E	X			
1.6.7		G	X			
1.6.8		G	X			
1.6.9		E	X			
1.6.10		E	X			
1.6.11		E	X			
1.6.12		G	X			
1.6.13		G	X			
1.6.14		E				X
1.6.15		E	X			
1.6.16		E	X			
1.7.1		UK	X			
1.7.2		E	X			

1.7.3		E	X			
1.8.1		UK	X			
1.8.2		UK	X			
1.8.3		G	X			
1.8.4		E	X			
1.8.5		E	X			
1.8.6		G	X			
1.9.1		E	X			
1.9.1A		UK	X			
1.9.2		G	X			
1.9.2A		E				X
1.9.2B		R				X
1.9.2C		E				X
1.9.2D		E				X
1.9.2E		G				X
1.9.3		C				X
1.9.4		E	X			
1.9.5		E	X			
1.10.1		G	X			
1.10.2		G	X			
1.10.3		G	X			
1.10.4		C	X			
1.10.5		C	X			
1.10.6		C	X			
1 Annex 1.1	1.1.1	G	X			
	1.1.2	G	X			
	1.1.3	EU	X			
	1.1.4	EU	X			
	1.1.5	EU	X			
	1.1.6	G	X			
	1.1.7	G	X			
	1.1.8	G	X			
	1.1.9	EU	X			
	1.1.10	EU	X			
	1.1.11	G	X			
	1.1.12	EU	X			
	1.1.13	G	X			
	1.1.14	G	X			
1 Annex 2	1	G	X			
	2	G	X			
1 Annex 3		G				X
1 Annex 4		G				X
2.1.1		R	X			
2.1.2		G	X			
2.1.3		R	X			
2.1.4		G	X			
2.1.5		G	X			
2.1.6		G	X			
2.2.1		R	X			
2.2.2		G	X			

2.2.3		R	X			
2.2.4		G	X			
2.2.5		G	X			
2.2.6		G	X			
2.2.7		G	X			
2.2.8		G	X			
2.2.9		R	X			
2.3.1		EU	X			
2.3.2		G	X			
2.3.3		R	X			
2.3.4		EU	X			
2.3.5		EU	X			
2.3.6		G	X			
2.3.7		G	X			
2.3.8		G	X			
2.3.9		G	X			
2.3.10		EU	X			
2.3.11		EU	X			
2.3.12		G	X			
2.3.13		G	X			
2.4.1		R	X			
2.4.2		R	X			
2.4.3		R	X			
2.4.4		R	X			
2.4.5		R	X			
2.4.6		R	X			
2.4.7		R	X			
2.5.1		R	X			
2.5.2		R	X			
2 Annex 1		R	X			
2 Annex 2		G	X			
2 Annex 3		G	X			
3						X
4.1.1		R	X			
4.1.2		G	X			
4.1.3		G				X
4.1.4		G				X
4.2						X
4.3.1		R	X			
4.3.2		G	X			
4.3.3		G	X			
4.3.4		G	X			
4.3.5		R	X			
4.3.6		G	X			
4.3.7		G	X			
4.4.1		R	X			
5.1.1		R	X			
5.1.2		R	X			
5.1.3		G				X
5.2.1		G	X			
5.3.1		R	X			

5.3.2		G	X			
5.3.3		G	X			
5.3.4		G	X			
5.3.5		G	X			
5.3.6		G	X			
5.3.7		G	X			
5.3.8		R	X			
5.4.1		R	X			
5.4.2		G				X
5.4.3		G				X
5.4.4		G				X
5.4.5		G				X
5.4.6		G				X
5.4.7		G				X
5.4.8		G				X
5.5.1		R	X			
5.5.2		G				X
5.5.3		G				X
5.6.1		R	X			
5.7.1		R	X			
5.7.2		EU	X			
5.7.3		EU	X			
5.7.4		EU	X			
5.7.5		EU	X			
5.7.6		G	X			
5.7.7		EU	X			
5.7.8		EU	X			
5.7.9		EU	X			
5.7.10		EU	X			
5.7.11		EU	X			
5.7.12		G	X			
5.8.1		EU	X			
5.8.2		EU	X			
5.8.3		G	X			
5.8.4		G	X			
5.9.1		R	X			
5.9.2		EU	X			
5.9.3		EU	X			
5.9.4		EU	X			
5.9.5		EU	X			
5.9.6		EU	X			
5.9.6A		G	X			
5.9.7		R	X			
6.1.1		R	X			
6.1.2		R	X			
6.1.3		R	X			
6.2.1		G	X			
6.3.1		EU	X			
6.3.2		EU	X			
6.4.1		R	X			
6.4.2		G	X			

6.5.1		R	X			
6.5.2		R	X			
6.5.3		R	X			
6.6.1		R	X			
6.6.2		R	X			
6.6.3		G	X			
6.7.1		R	X			
6.7.2		EU	X			
6.8.1		G	X			
6.8.2		G	X			
6.8.3		EU	X			
6.8.4		EU	X			
6.8.5		EU	X			
6.8.6		EU	X			
6.8.7		EU	X			
6.8.8		G	X			
6.9.1		R	X			
6.9.2		EU	X			
6.9.3		EU	X			
6.9.4		EU	X			
6.9.5		EU	X			
6.9.6		G	X			
6.10.1		R	X			
6.11.1		R	X			
6.11.2		EU	X			
6.11.3		EU	X			
6.12.1		R	X			
6.12.2		R	X			
6.13.1		R	X			
6.13.2		G	X			
6.14.1		R	X			
6.14.2		R	X			
6.14.3		EU	X			
7.1.1		R	X			
7.1.2		R	X			
7.1.3		R	X			
7.1.4		G	X			
7.1.5		R	X			
7.2.1		R	X			
7.2.2		EU	X			
7.2.3		EU	X			
7.2.4		EU	X			
7.2.5		EU	X			
7.2.6		EU	X			
7.2.6A		G	X			
7.2.7		EU	X			
7.2.8		EU	X			
7.2.9		EU	X			
7.2.10		EU	X			
7.2.11		EU	X			
7.2.12		EU	X			

7.2.12A		G	X			
7.2.13		G	X			
7.2.14		G	X			
7 Annex 1		EU	X			
TP 1.1		n/a	X			
TP 1.2	1	R				X
	2	R				X
Sch 1.1		G	X			
Sch 2.1		G	X			
Sch 3.1		G	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 6.1		G	X			

Annex 21

Designation of the Supervision sourcebook (SUP)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
2.1.1		R			X	
2.1.2		G	X			
2.1.3		G	X			
2.1.4		G	X			
2.1.5		G	X			
2.1.6		G	X			
2.1.7		G	X			
2.1.8		G	X			
2.1.9		G	X			
2.2.1		G			X	
2.2.2		G			X	
2.2.3		G			X	
2.2.4		G			X	
2.2.5		G			X	
2.3.1		G				X
2.3.2		G			X	
2.3.3		G			X	
2.3.4		G			X	
2.3.5		R			X	
2.3.6		G			X	
2.3.7		R			X	
2.3.8		G			X	
2.3.9		G			X	

2.3.10		G			X	
2.3.11		G			X	
2.3.12		G			X	
2.4.1		G	X			
2.4.2		G	X			
2.4.3		G	X			
2.4.4		G	X			
2.4.5		G	X			
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3.1.2		R			X	
3.1.2A		G			X	
3.1.3		R			X	
3.1.4		G			X	
3.1.5		R			X	
3.1.6		G			X	
3.1.7		G	X			
3.1.8		G				X
3.1.9		G			X	
3.1.10		G			X	
3.1.11		G		X		
3.1.12		G		X		
3.1.13		D		X		
3.1.14		G		X		
3.1.15		G		X		
3.1.16		G		X		
3.1.17		G		X		
3.1.18		G		X		

3.2.1		G			X	
3.2.2		G			X	
3.2.3		G				X
3.2.4		G				X
3.2.5		G	X			
3.2.6		G			X	
3.3.1		G			X	
3.3.2		R			X	
3.3.3		G			X	
3.3.4		D				X
3.3.5		R				X
3.3.6		G				X
3.3.7		R			X	
3.3.8		G		X		
3.3.9		G			X	
3.3.10		R			X	
3.4.1		G			X	
3.4.2		R			X	
3.4.3		G		X		
3.4.4		G			X	
3.4.5		R			X	
3.4.6		G			X	
3.4.7		R			X	
3.4.8		G			X	
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3.5.2		R			X	
3.5.3		R			X	
3.5.4		G			X	

3.5.5		G		X		
3.6.1		R			X	
3.6.2		G			X	
3.6.3		G			X	
3.6.4		G			X	
3.6.5		G			X	
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3.6.7		G			X	
3.6.8		G			X	
3.6.9		G			X	
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3.7.2		G			X	
3.7.3		G				X
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3.8.2		R			X	
3.8.3		G			X	
3.8.4		R			X	
3.8.5		R			X	
3.8.6		R			X	
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3.8.8		G			X	
3.8.9		G			X	
3.8.10		G			X	
3.8.11		R			X	
3.8.12		R			X	
3.8.13		R				X
3.8.14		G				X
3.9						X

3.10.1		R				X
3.10.2		R	X			
3.10.3		R	X			
3.10.4		R	X			
3.10.4A		R	X			
3.10.5		R	X			
3.10.5A		R	X			
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3.10.5C		R	X			
3.10.6		R	X			
3.10.7		R	X			
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3.10.8A		R	X			
3.10.8B		G	X			
3.10.8C		G	X			
3.10.8D		R	X			
3.10.9		R	X			
3.10.9A		R	X			
3.10.9B		R	X			
3.10.9C		G	X			
3.10.10		R	X			
3.10.11		G				X
3.10.12		R	X			
3.10.13		G	X			
3.11.1		G	X			
3.11.2		R	X			
3.11.3		G	X			

3.11.4		G	X			
3 Annex 1		R	X			
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4.1.2		G			X	
4.1.3		R			X	
4.2.1		G			X	
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4.2.4		G			X	
4.2.5		G			X	
4.2.6		G			X	
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4.3.2		G			X	
4.3.3		R		X		
4.3.4		G		X		
4.3.5		G		X		
4.3.6		R		X		
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4.3.11		R			X	
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4.3.15		G			X	

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4.3.16C		G	X			
4.3.16D		G	X			
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4.3.19		G				X
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4.3.21		G				X
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4.4.2		R		X		
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4.4.4		R			X	
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4.5.2		G			X	
4.5.3		R			X	
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4.5.6		G			X	
4.5.7		G			X	
4.5.8		G			X	
4.5.9		R			X	

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4.5.11		G			X	
4.5.12		G			X	
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4.5.14		G			X	
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4.6.2		G		X		
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4.6.5		R		X		
4.6.6		G		X		
4.6.7		R		X		
4.6.8		R		X		
4.6.9		R		X		
4.6.10		G		X		
4.6.11		R		X		
4.6.12		G		X		
4.6.13		R		X		
4.6.14		G		X		
4.6.15		R		X		
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4.6.17		R		X		
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9.1.2		G	X			
9.1.3		G	X			
9.1.4		G	X			

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9.2.2		G	X			
9.2.3		G	X			
9.2.4		G	X			
9.2.4A		G				X
9.2.5		G	X			
9.2.6		G	X			
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9.3.2		G	X			
9.3.3		G	X			
9.3.4		G	X			
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9.4.2		G	X			
9.4.3		G	X			
9.4.4		G	X			
9.5.1		G	X			
9.5.2		G	X			
9.5.3		G	X			
9.5.4		G	X			
9.5.5		G	X			
9.5.6		G	X			
9.5.7		G	X			
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12.1.4		G	X			
12.1.5		G	X			
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12.2.2		G	X			

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12.2.5		G				X
12.2.6		G	X			
12.2.7		G	X			
12.2.8		G	X			
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12.2.11		G	X			
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12.2.14		G	X			
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12.4.5A		G	X			

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12.4.5C		R	X			
12.4.5D		G	X			
12.4.5E		G	X			
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12.4.5G		G	X			
12.4.6		R	X			
12.4.7		G	X			
12.4.8		G	X			
12.4.8A		R	X			
12.4.8B		G	X			
12.4.9		G	X			
12.4.10		G	X			
12.4.11		R	X			
12.4.12		G	X			
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12.5.4		G	X			
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12.5.6		G	X			
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12.5.6B		G	X			
12.5.6C		G	X			
12.5.7		R	X			
12.5.8		R	X			
12.5.9		G	X			

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12.6.1A		R	X			
12.6.2		G	X			
12.6.3		G	X			
12.6.4		G	X			
12.6.5		R	X			
12.6.5A		G	X			
12.6.6		R	X			
12.6.7		G	X			
12.6.8		G	X			
12.6.9		G	X			
12.6.10		G	X			
12.6.11		G	X			
12.6.11A		R	X			
12.6.12		R				X
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12.6.14		R	X			
12.6.15		R	X			
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12.7.1A		R	X			
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12.7.3		G	X			
12.7.3A		G	X			
12.7.4		G				X
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12.7.6		G				X
12.7.7		R	X			
12.7.8		R	X			

12.7.8A		R	X			
12.7.9		R	X			
12.7.10		G	X			
12.7.11		G	X			
12.8.1		R	X			
12.8.1A		R	X			
12.8.1B		G	X			
12.8.1C		G	X			
12.8.2		G	X			
12.8.3		R	X			
12.8.4		G	X			
12.8.5		G	X			
12.8.6		R	X			
12.9.1		R	X			
12.9.2		R	X			
12.9.3		G	X			
12.9.4		G	X			
12.9.5		R	X			
12 Annex 1		G	X			
12 Annex 2		G	X			
12 Annex 3		R	X			
12 Annex 4		R	X			
12 Annex 5		R	X			
17.1.1		R	X			
17.1.2		G	X			
17.1.3		G	X			
17.1.3A		G	X			
17.1.4		R	X			

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17.1.6		R	X			
17.1.7		G	X			
17.2.1		R	X			
17.2.2		G	X			
17.2.3		R	X			
17.2.3A		G	X			
17.2.4		G	X			
17.2.5		R	X			
17.2.6		G	X			
17.2.7		R	X			
17.3.1		EU	X			
17.3.2		G				X
17.3.3		EU	X			
17.3.4		G	X			
17.3.5		G	X			
17.3.6		G	X			
17.4.1		EU	X			
17.4.2		R	X			
17.4.3		R	X			
17.4.4		G	X			
17.4.5						X
17.4.6						X
17.4.7						X
17.4.8						X
17.4.9						X
17.5						X

17.6						X
17.7						X
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	2	EU	X			
	3	EU	X			
		G	X			
	4	EU	X			
	5	EU	X			
		G	X			
		G	X			
		G	X			
		G	X			
	6	EU	X			
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		EU	X			
		G	X			
		R	X			
		G	X			
	7	EU	X			
		G	X			
	8	EU	X			
		G	X			
	9	EU	X			
		G	X			
	10	EU	X			
		G	X			
	11	EU	X			

		G	X			
	12	EU	X			
		G	X			
	13	EU	X			
		G	X			
	14	EU	X			
		G	X			
	15	EU	X			
		G	X			
	16	EU	X			
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	19	EU	X			
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		G	X			
	21	EU	X			
		G	X			
		EU	X			
	22	EU	X			
	23	EU	X			
	24	EU	X			
		G	X			
	25	EU	X			
17 Annex 2						X
17 Annex 3						X
17 Annex 4						X

17 Annex 5						X
19						X
21.1.1		G	X			
21.1.2		G	X			
21.1.3		G	X			
21.1.4		G	X			
21 Annex 1		G	X			
App 2.1.1		R			X	
App 2.1.2		G			X	
App 2.1.3		G		X		
App 2.1.4		G			X	
App 2.2.1		R			X	
App 2.2.2		G		X		
App 2.3.1		G		X		
App 2.3.2		G		X		
App 2.3.3		G		X		
App 2.3.4		G		X		
App 2.3.5		G		X		
App 2.3.6		G		X		
App 2.3.7		G		X		
App 2.3.8		G			X	
App 2.3.9		G		X		
App 2.4.1		R		X		
App 2.4.2		G		X		
App 2.5.1		R		X		
App 2.5.2		G		X		
App 2.5.3		R		X		
App 2.5.4						X

App 2.5.5						X
App 2.6.1		R		X		
App 2.7.1		G			X	
App 2.7.2		G		X		
App 2.7.3		G			X	
App 2.7.4		G		X		
App 2.7.5		G		X		
App 2.8.1		R			X	
App 2.8.2		G		X		
App 2.8.3		G		X		
App 2.8.4		G			X	
App 2.8.5		G		X		
App 2.9.1		G				X
App 2.9.2						X
App 2.9.3						X
App 2.9.4						X
App 2.9.5						X
App 2.9.6						X
App 2.9.7						X
App 2.9.8						X
App 2.9.9						X
App 2.10.1		G			X	
App 2.11.1		G		X		
App 2.11.2		G		X		
App 2.11.3		G		X		
App 2.11.4		G			X	
App 2.12.1		R		X		

App 2.12.2		G		X		
App 2.12.3		G		X		
App 2.12.4		R		X		
App 2.12.5		G		X		
App 2.12.6		G		X		
App 2.12.7		R		X		
App 2.12.8		R		X		
App 2.12.9		R		X		
App 2.13.1		R		X		
App 2.13.2		R		X		
App 2.13.3		G		X		
App 2.13.4		G		X		
App 2.14.1		G		X		
App 2.15.1		G	X			
App 2.15.2		G	X			
App 2.15.3		G	X			
App 2.15.4		G	X			
App 2.15.5		G	X			
App 2.15.6		G	X			
App 2.15.7		G	X			
App 2.15.8		G	X			
App 2.15.9		G	X			
App 2.15.10		G	X			
App 2.15.11		G	X			
App 2.15.12		G	X			
App 2.15.13		G	X			
App 2.15.14		G	X			
App 2.15.15		G	X			

App 2.16.1		R		X		
App 2.16.2		R		X		
App 2.16.3		R		X		
App 2.16.4		R		X		
App 2.16.5		R		X		
App 2.16.6		G		X		

Annex 22

Designation of the Dispute Resolution: Complaints sourcebook (DISP)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.2		G	X			
1.1.3		R	X			
1.1.4		R	X			
1.1.5		R	X			
1.1.5A		R	X			
1.1.6		G	X			
1.1.6A		G	X			
1.1.7		R	X			
1.1.8		R	X			
1.1.9		G				X
1.1.9A		G	X			
1.1.10		R	X			
1.1.10A		R	X			
1.1.10B		G	X			
1.1.10C		R	X			
1.1.10D		G	X			
1.1.10E		R	X			
1.1.10F		R	X			
1.1.11		R	X			
1.1.11A		R	X			
1.1.12		R	X			
1.1.13		G	X			
1.1.14		R	X			
1.1.15		R	X			
1.1.16		G	X			
1.1.17		R	X			
1.1.18		G	X			
1.1.19		G	X			
1.1.20		G	X			
1.2.1		R	X			
1.2.2		R	X			
1.2.3		G	X			
1.2.4		G	X			
1.2.5		G	X			
1.2.5A		G	X			
1.2.6		G				X
1.2.7		G				X
1.2.8		G				X
1.2.9		R				X
1.2.10		G				X
1.2.11		G				X
1.2.12		G				X

1.2.13		G				X
1.2.14		G				X
1.2.15		G				X
1.2.16		R				X
1.2.17		R				X
1.2.18		G				X
1.2.19		G				X
1.2.20		G				X
1.2.21		R				X
1.2.22		R				X
1.3.1		R	X			
1.3.1A		R	X			
1.3.1B		R	X			
1.3.2		G	X			
1.3.2A		G	X			
1.3.3		R	X			
1.3.3B		G	X			
1.3.4		G	X			
1.3.5		G				X
1.3.6		G	X			
1.3.7		R	X			
1.3.8		G	X			
1.4.1		R	X			
1.4.2		G	X			
1.4.3		G	X			
1.4.4		R	X			
1.4.5		G	X			
1.4.6		R	X			
1.4.7		R				X
1.4.8		G				X
1.4.9		R				X
1.4.10		R				X
1.4.11		G				X
1.4.12		R				X
1.4.13		G				X
1.4.14		G				X
1.4.15		R				X
1.4.16		R				X
1.4.17		G				X
1.4.18		R				X
1.4.19		R				X
1.4.20		G				X
1.5.1		R	X			
1.5.2		G	X			
1.5.3		G	X			
1.5.4		R				X
1.5.5		G				X
1.5.6		R				X
1.5.7		R				X
1.5.8		G				X
1.5.9		G				X

1.5.10		R				X
1.5.10A		R				X
1.5.10B		R				X
1.5.11		R				X
1.5.12		G				X
1.5.13		R				X
1.5.14		G				X
1.6.1		R	X			
1.6.2		R	X			
1.6.3		G				X
1.6.4		R	X			
1.6.5		R				X
1.6.6		R				X
1.6.6A		G	X			
1.6.7		G	X			
1.6.8		G	X			
1.7.1		R	X			
1.7.2		R	X			
1.7.3		G	X			
1.8.1		R	X, FOS			
1.9.1		R	X			
1.9.2		G	X			
1.10.1		R	X			
1.10.1A		R	X			
1.10.1B		G	X			
1.10.1C		R	X			
1.10.1D		G	X			
1.10.2		R	X			
1.10.2A		R	X			
1.10.3		G	X			
1.10.4		R	X			
1.10.5		R	X			
1.10.6		R	X			
1.10.6A		R	X			
1.10.7		R	X			
1.10.8		G				X
1.10.9		R	X			
1.10A.1		R	X			
1.10A.2		R	X			
1.10A.3		R	X			
1.10A.4		R	X			
1.10A.5		E	X			
1.10A.6		R	X			
1.10A.7		G	X			
1.10A.8		G	X			
1.11.1		R	X			
1.11.2		R	X			
1.11.3		R	X			
1.11.4		R	X			
1.11.5		R	X			
1.11.6		R	X			

1.11.6A		R	X			
1.11.6B		R	X			
1.11.6C		R	X			
1.11.6D		R	X			
1.11.6E		G	X			
1.11.7		G	X			
1.11.8		G	X			
1.11.9		G	X			
1.11.10		R	X			
1.11.11		G	X			
1.11.12		G	X			
1.11.13		R	X			
1.11.14		R	X			
1.11.15		R	X			
1.11.16		G	X			
1.11.17		G	X			
1.11.18		G	X			
1.11.19		G	X			
1.11.20		G	X			
1.11.21		R	X			
1 Annex 1		R	X			
1 Annex 1A		G	X			
1 Annex 1B		R	X			
1 Annex 1C		R	X			
1 Annex 2		G	X			
2.1.1		G	X			
2.1.2		G	X			
2.1.3		G	X			
2.1.4		G	X			
2.1.4A		G				X
2.1.5		G	X			
2.1.6		R	X			
2.1.7		D	X			
2.2.1		G	X			
2.2.2		G				X
2.2.2A		G				X
2.2.3		G				X
2.3.1		R	X			
2.3.2		G	X			
2.3.2A		R	X			
2.3.2B		R	X			
2.3.2C		G	X			
2.3.3		G	X			
2.3.4		R	X			
2.3.5		G	X			
2.3.6		R				X
2.4.1		R	FOS			
2.4.2		G				X
2.4.3		R				X
2.4.4		G				X

2.4.5		G				X
2.4.6		G				X
2.4.7		R				X
2.4.8		R				X
2.4.9		G				X
2.4.10		R				X
2.4.11		R				X
2.4.12		R				X
2.4.12A		R				X
2.4.13		G				X
2.4.14		G				X
2.4.15		G				X
2.4.15A		G				X
2.4.15B		G				X
2.4.16		R				X
2.4.17		R				X
2.5.1		R	FOS			
2.5.2		G	FOS			
2.5.3		G	FOS			
2.5.4		G	FOS			
2.5.4A		G	FOS			
2.5.5		R	FOS			
2.6.1		R	X			
2.6.2		G	X			
2.6.3		R	FOS			
2.6.4		R	FOS			
2.6.5		G	X			
2.6.6		G				X
2.6.7		R				X
2.6.8		G				X
2.6.8A		R				X
2.6.8B		R				X
2.6.8C		G				X
2.6.9		R				X
2.6.9A		G				X
2.6.9B		G				X
2.6.9C		G				X
2.6.10		G				X
2.6.10A		G				X
2.6.10B		G				X
2.6.11		R				X
2.6.12		R				X
2.6.13		G				X
2.7.1		R	X			
2.7.2		R	X			
2.7.3		R	X			
2.7.4		G	X			
2.7.5		G	X			
2.7.6		R	X			
2.7.7		G	X			
2.7.8		G	X			

2.7.9		R	X, FOS			
2.7.10		G	X			
2.8.1		R	X			
2.8.2		R	X			
2.8.3		G	X			
2.8.4		G	X			
2.8.5		R	X			
2.8.6		G	X			
2.8.7		R	X			
2 Annex 1		G	FOS			
3.1.1		G	FOS			
3.1.2		R	FOS			
3.1.3		R	FOS			
3.1.4		G	FOS			
3.1.5		R	FOS			
3.1.6		G				X
3.1.7		G				X
3.2.1		R	FOS			
3.2.2		R	FOS			
3.2.2A		R	FOS			
3.2.3		R	FOS			
3.2.4		R	FOS			
3.2.5		R	FOS			
3.2.6		R	FOS			
3.2.7		R				X
3.2.8		R				X
3.2.9		R				X
3.2.10		G				X
3.2.11		R				X
3.2.12		R				X
3.2.13		R				X
3.2.14		G				X
3.3.1		R	FOS			
3.3.1A		R				X
3.3.1B		G				X
3.3.2		R	FOS			
3.3.2A		G				X
3.3.3		G	FOS			
3.3.4		R	FOS			
3.3.5		R	FOS			
3.3.6		G	FOS			
3.4.1		R	FOS			
3.5.1		R	FOS			
3.5.2		G	FOS			
3.5.3		G	FOS			
3.5.4		R	FOS			
3.5.5		R	FOS			
3.5.6		R	FOS			
3.5.7		G	FOS			
3.5.8		R	FOS			
3.5.9		R	FOS			

3.5.10		G	FOS			
3.5.11		G	FOS			
3.5.12		G	FOS			
3.5.13		R	FOS			
3.5.14		R	FOS			
3.5.15		R	FOS			
3.6.1		R	FOS			
3.6.2		G	FOS			
3.6.3		G	FOS			
3.6.4		R	FOS			
3.6.5		G	FOS			
3.6.5A		G	FOS			
3.6.6		R	FOS			
3.7.1		R	FOS			
3.7.2		R	FOS			
3.7.2A		G	FOS			
3.7.2B		G	FOS			
3.7.3		G	FOS			
3.7.4		R	X			
3.7.4A		G	X			
3.7.5		G	FOS			
3.7.6		G	FOS			
3.7.7		R	FOS			
3.7.8		R	FOS			
3.7.8A		G	FOS			
3.7.9		R	FOS			
3.7.10		G	FOS			
3.7.11		R	FOS			
3.7.11A		G	FOS			
3.7.12		R	X, FOS			
3.7.13		G	FOS			
3.8.1		R	FOS			
3.8.2		G				X
3.8.2A		G				X
3.8.2B		R	FOS			
3.8.3		R	FOS			
3.9.1		G	FOS			
3.9.1A		R	FOS			
3.9.2		G	FOS			
3.9.3		G				X
3.9.4		G				X
3.9.5		R				X
3.9.6		G				X
3.9.7		G				X
3.9.8		G				X
3.9.9		G				X
3.9.10		R				X
3.9.11		G				X
3.9.12		R				X
3.9.13		G				X
3.9.14		R				X

3.9.15		R				X
3.9.16		G				X
3.9.17		G				X
4.1.1		G	FOS			
4.1.2		G	FOS			
4.2.1		R	FOS			
4.2.2		R	FOS			
4.2.3		R	FOS			
4.2.4		R	FOS			
4.2.5		R	FOS			
4.2.6		R	FOS			
4.2.7		R	FOS			
4.2.8		R	FOS			
4.2.9		G				X
4.2.10		R				X
4.2.11		R				X
4.2.12		R				X
4.2.13		R				X
4.2.14		G				X
5						X
App 1.1.1		G	X			
App 1.1.2		G	X			
App 1.1.3		G	X			
App 1.1.4		G	X			
App 1.1.5		G	X			
App 1.1.6		G	X			
App 1.1.7		G	X			
App 1.1.8		G	X			
App 1.2.1		G	X			
App 1.2.2		G	X			
App 1.2.3		G	X			
App 1.2.4		G	X			
App 1.2.5		G	X			
App 1.2.6		G	X			
App 1.2.7		G	X			
App 1.2.8		G	X			
App 1.2.9		G	X			
App 1.2.10		G	X			
App 1.2.11		G	X			
App 1.2.12		G	X			
App 1.2.13		G	X			
App 1.2.14		G	X			
App 1.2.15		G	X			
App 1.2.16		G	X			
App 1.2.17		G	X			
App 1.2.18		G	X			
App 1.2.19		G	X			
App 1.2.20		G	X			
App 1.2.21		G	X			
App 1.2.22		G	X			
App 1.2.23		G	X			

App 1.2.24		G	X			
App 1.2.25		G	X			
App 1.2.26		G	X			
App 1.2.27		G	X			
App 1.2.28		G	X			
App 1.3.1		G	X			
App 1.3.2		G	X			
App 1.3.3		G	X			
App 1.3.4		G	X			
App 1.3.5		G	X			
App 1.3.6		G	X			
App 1.3.7		G	X			
App 1.3.8		G	X			
App 1.3.9		G	X			
App 1.3.10		G	X			
App 1.3.11		G	X			
App 1.4.1		G	X			
App 1.4.2		G	X			
App 1.4.3		G	X			
App 1.4.4		G	X			
App 1.4.5		G	X			
App 1.4.6		G	X			
App 1.4.7		G	X			
App 1.4.8		G	X			
App 1.4.9		G	X			
App 1.4.10		G	X			
App 1.4.11		G	X			
App 1.4.12		G	X			
App 1.4.13		G	X			
App 1.4.14		G	X			
App 1.4.15		G	X			
App 1.5.1		G	X			
App 1.5.2		G	X			
App 1.5.3		G	X			
App 1.5.4		G	X			
App 1.5.5		G	X			
App 1.5.6		G	X			
App 1.5.7		G	X			
App 1.5.8		G	X			
App 1.5.9		G	X			
App 1.5.10		G	X			
App 1.5.11		G	X			
App 1.5.12		G	X			
App 1.5.13		G	X			
App 1.5.14		G	X			
App 1.5.15		G	X			
App 1.5.16		G	X			
App 1.5.17		G	X			
App 1.5.18		G	X			
App 1.5.19		G	X			
App 1.5.20		G	X			

App 1.5.21		G	X			
App 1.6.1		G	X			
App 1.6.2		G	X			
App 1.6.3		G	X			
App 1.6.4		G	X			
App 1.6.5		G	X			
App 1.6.6		G	X			
App 1.6.7		G	X			
App 1.6.8		G	X			
App 1.6.9		G	X			
App 1.6.10		G	X			
App 1.6.11		G	X			
App 1.6.12		G	X			
App 1.6.13		G	X			
App 1.6.14		G	X			
App 1.6.15		G	X			
App 3.1.1		G	X			
App 3.1.2		G	X			
App 3.1.3		G	X			
App 3.1.4		G	X			
App 3.1.5		G	X			
App 3.2.1		G	X			
App 3.2.2		G	X			
App 3.2.3		G	X			
App 3.2.4		G	X			
App 3.2.5		G	X			
App 3.2.6		G	X			
App 3.2.7		G	X			
App 3.3.1		G	X			
App 3.3.2		G	X			
App 3.3.3		G	X			
App 3.3.4		G	X			
App 3.3.5		G	X			
App 3.3.6		G	X			
App 3.3.7		G	X			
App 3.3.8		G	X			
App 3.3.9		G	X			
App 3.3.10		G	X			
App 3.3.11		G	X			
App 3.3.12		G	X			
App 3.3.13		G	X			
App 3.4.1		G	X			
App 3.4.2		G	X			
App 3.4.3		G	X			
App 3.5.1		E	X			
App 3.5.2		G	X			
App 3.6.1		E	X			
App 3.6.2		E	X			
App 3.6.3		E	X			
App 3.7.1		E	X			
App 3.7.2		E	X			

App 3.7.3		E	X			
App 3.7.4		E	X			
App 3.7.5		E	X			
App 3.7.6		E	X			
App 3.7.7		E	X			
App 3.7.8		E	X			
App 3.7.9		E	X			
App 3.7.10		E	X			
App 3.7.11		E	X			
App 3.7.12		E	X			
App 3.7.13		E	X			
App 3.7.14		E	X			
App 3.7.15		E	X			
App 3.8.1		E	X			
App 3.8.2		E	X			
App 3.9.1		G	X			
App 3.9.2		G	X			
App 3.9.3		G	X			
App 3.9.4		G	X			
App 3.10.1		E	X			
App 3.10.2		G	X			
App 3.10.3		E	X			
TP 1.1	1	R				X
	1A	R	X			
	1B	R	X			
	2	R				X
	3	G				X
	6	R	X			
	7	G	X			
	7A	R	X			
	7B	R	X			
	8	R	X			
	9	R				X
	10	R				X
	11	R				X
	12	R				X
	13	R				X
	14	G				X
	15	R				X
	16	G				X
	17	R				X
	18	R				X
	19	R				X
	20	R				X
	21	R	X			
	22	G	X			
	23	R				X
	24	R				X
	25	R				X
	26	R				X
	27	R				X

	27A	n/a	X			
	28	R	X			
	28A	R	X			
	29	R	X			
	30	R	X			
	31	R	X			
TP 1.2						X
TP 1.3						X
TP 1.4	1	R				X
	2	R				X
	3	R				X
	4	R				X
	5	G				X
	6	G				X
	7	R				X
Sch 1.1		G	X			
Sch 1.2		G	X			
Sch 2.1		G	X			
Sch 2.1		G	X			
Sch 3.1		G	X			
Sch 3.2		G	X			
Sch 4.1		G				X
Sch 4.2		G				X
Sch 4.3		G				X
Sch 4.4		G				X
Sch 4.5		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 6.1		G	X			

Annex 23

Designation of the Consumer Redress Schemes sourcebook (CONRED)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
<b>1 General</b>			X			
2.1.1		R	X			
2.1.2		R	X			
2.1.3		R	X			
2.1.4		R	X			
2.1.5		R	X			
2.1.6		R	X			
2.1.7		G	X			
2.1.8		R	X			
2.2.1		G	X			
2.3.1		R	X			
2.3.2		G	X			
2.4.1 R (1)		R	X			
2.4.1		R	X			
2.4.2		R	X			
2.4.3		E	X			
2.4.4		R	X			
2.4.5		R	X			
2.4.6		R	X			
2.4.7		R	X			
2.4.8		R	X			
2.4.9		R	X			
2.5.1		R	X			
2.5.2		G	X			
2.5.3		R	X			
2.5.5 E		R	X			
2.5.6 G		E	X			
2.5.7 R		G	X			
2.5.8 R		R	X			
2.5.9 R		R	X			
2.5.10 G		R	X			
2.5.11 R		G	X			
2.5.12		R	X			
2.5.13 G		R	X			
2.5.14		G	X			
2.5.15		R	X			
2.5.16		R	X			
2.5.17		R	X			
2.5.18 G		G	X			
2.5.19 G		G	X			
2.5.20 G		G	X			
2.6.1		G	X			

2.6.2		R	X			
2.6.3		R	X			
2.7.1 R		G	X			
2.7.2		R	X			
2.8.1 R		G	X			
2.8.2 R		R	X			
2.8.3		R	X			
2.8.4 G		R	X			
2.8.5 G		G	X			
2.8.6 R		G	X			
2.8.7 R		R	X			
2.9.1 R		R	X			
2.9.2		R	X			
2.10.1 R		R	X			
2	Annex 1	R	X			
	Annex 2	R	X			
	Annex 3	R	X			
	Annex 4	R	X			
	Annex 5	R	X			
	Annex 6	R	X			
	Annex 7	R	X			
	Annex 8	R	X			
	Annex 9	R	X			
	Annex 10	R	X			
	Annex 11	R	X			
	Annex 12	R	X			
	Annex 13		X			
	Annex 14		X			
	Annex 15	R	X			
	Schedule 1		X			
	Schedule 2		X			
	Schedule 3		X			
	Schedule 4					X
	Schedule 5		X			
	Schedule 6		X			
	Appendix 1		X			

Annex 24

Designation of the Compensation sourcebook (COMP)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G			X	
1.1.2		G			X	
1.1.3		G			X	
1.1.4		G			X	
1.1.5		G			X	
1.1.6		G			X	
1.1.7		G			X	
1.1.8		G			X	
1.1.9		G			X	
1.1.10		G			X	
1.2.1		G			X	
1.2.2		G			X	
1.3.1		G			X	
1.3.2		G			X	
1.3.3		G			X	
1.4.1		G			X	
1.4.2		G			X	
1.4.3		G			X	
1.5.1		G		X		
1.5.2		R		X		
1.5.3		G		X		
1.5.4		G		X		
1.5.5		D		X		
1.5.6		G		X		
1.5.7		G			X	
1.5.8		R			X	
1.5.9		R			X	
1.5.10		G			X	
1.5.11		G			X	
1.5.12		R			X	
2.1.1		R			X	
2.1.2		G			X	
2.2.1		R			X	
2.2.2		G			X	
2.2.3		R			X	
2.2.4		R			X	
2.2.5		G			X	
2.2.6		R			X	
2.2.7		R			X	
2.2.8		R			X	
2.2.9		G			X	
2.2.10		R		X		

3.1.1		R			X	
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.2.1		R			X	
3.2.1A		R			X	
3.2.2		R			X	
3.2.3		G			X	
3.2.4		R	X			
3.3.1		R		X		
3.3.2		R		X		
3.3.2A		R		X		
3.3.2B		R		X		
3.3.2C		R		X		
3.3.2D		R		X		
3.3.2E		R		X		
3.3.2F		R		X		
3.3.3		R		X		
3.3.4		R		X		
3.3.4A		R		X		
3.3.5		R				
3.3.6		R		X		
3.3.7		R		X		
4.1.1		R			X	
4.1.2		G			X	
4.1.3		G			X	
4.2.1		R			X	
4.2.2		R			X	
4.2.3		R			X	
4.3.1		R		X		
4.3.2		R			X	
4.3.3		R			X	
4.3.4		R			X	
4.3.5		R		X		
4.3.6		R			X	
4.3.7		G	X			
4.3.8		R			X	
4.4.1		R		X		
4.4.2		R		X		
4.4.3		R		X		
4.4.4		G		X		
4.4.5		R		X		
5.1.1		R			X	
5.1.2		G			X	
5.1.3		G			X	
5.2.1		R			X	
5.2.2		G				
5.2.3R		R	X			
5.3.1		R		X		
5.3.1A		R			X	
5.3.2		R		X		

5.4.1		R		X		
5.4.2		R		X		
5.4.3		R		X		
5.4.4		R		X		
5.4.5		R		X		
5.4.6		R		X		
5.4.7		R		X		
5.5.1		R	X			
5.5.2		R	X			
5.6.1		R	X			
5.6.2		R	X			
5.7.1		R	X			
5.7.2		R	X			
5.7.3		G	X			
5.7.4		G	X			
6.1.1		R			X	
6.1.2		G			X	
6.1.3		G			X	
6.1.4		G			X	
6.2.1		R			X	
6.2.2		G			X	
6.3.1		R			X	
6.3.1A		G		X		
6.3.2		R			X	
6.3.3		R			X	
6.3.4		R	X			
6.3.5		R		X		
6.3.6		R		X		
6.3.7		G		X		
6.3.8		R	X			
6.3.9		R			X	
7.1.1		R			X	
7.1.2		G			X	
7.1.3		G			X	
7.2.1		R			X	
7.2.2		R			X	
7.2.3		R			X	
7.2.3A		R				X
7.2.3B		R				X
7.2.3C		G				X
7.2.3D		G				X
7.2.3E		R				X
7.2.4		R				X
7.2.4A		R				X
7.2.5		R				X
7.2.6		G				X
7.2.7		R	X			
7.3.1		R			X	
7.3.2		R			X	
7.3.3		R			X	
7.3.4		R			X	

7.3.5		R			X	
7.3.6		R			X	
7.3.7		R			X	
7.3.8		R			X	
7.3.9		R			X	
7.3.10		R			X	
7.4.1R		R			X	
7.4.2R		R			X	
7.5.1		R		X		
7.5.2		R		X		
7.5.3		G		X		
7.5.4		G		X		
7.6.1		R			X	
7.6.2		R			X	
7.6.3		R			X	
7.6.4		R			X	
7.6.5		G			X	
8.1.1		R			X	
8.1.2		G			X	
8.1.3		G			X	
8.2.1		R			X	
8.2.2		G			X	
8.2.3		R			X	
8.2.4		R	X			
8.2.4A		R			X	
8.2.5		R	X			
8.2.6		G	X			
8.2.7		R	X			
8.2.8		G	X			
8.3.1		R			X	
8.3.2		R			X	
8.3.3		R			X	
8.3.4		R			X	
8.3.5		R			X	
9.1.1		R			X	
9.1.2		G			X	
9.1.3		G			X	
9.2.1		R			X	
9.2.1A		R		X		
9.2.2		R			X	
9.2.3		R			X	
10.1.1		R			X	
10.1.2		G			X	
10.1.3		G			X	
10.1.4		G		X		
10.2.1		R			X	
10.2.2		G			X	
10.2.3		R			X	
10.2.4		G			X	
10.2.5		G			X	
10.2.6		R				X

10.2.7		R				
10.2.8		R		X		
10.2.9		R	X			
10.2.10		R				X
10.2.11		R				X
10.2.12		R		X		
10.2.13		G		X		
11.1.1		R			X	
11.1.2		G			X	
11.1.3		G			X	
11.2.1		R			X	
11.2.2		R	X			
11.2.3		R		X		
11.2.3A		R			X	
11.2.4		R			X	
11.2.5		R			X	
11.2.6		R			X	
11.2.6A		G			X	
11.2.7		R			X	
11.2.8		R			X	
11.2.9		R			X	
11.2.10		G			X	
12.1.1		R			X	
12.1.2		G			X	
12.1.3		G			X	
12.2.1		R			X	
12.2.2		R			X	
12.2.3		G			X	
12.2.4		R			X	
12.2.5		G			X	
12.2.6		G			X	
12.2.6A		R		X		
12.2.7		R			X	
12.2.8		R			X	
12.2.9		R		X		
12.2.10		R			X	
12.3.1		R		X		
12.3.2		R		X		
12.3.3		R		X		
12.3.4		R		X		
12.3.5		R	X			
12.3.6		R	X			
12.3.7		R	X			
12.3.8		R	X			
12.4.1		R		X		
12.4.2		R	X			
12.4.3		R	X			
12.4.4		R	X			
12.4.5		R	X			
12.4.6		R	X			
12.4.7		R	X			

12.4.8		R	X			
12.4.9		R		X		
12.4.10		R		X		
12.4.11		R		X		
12.4.11A		R		X		
12.4.12		R		X		
12.4.13		R		X		
12.4.14		R		X		
12.4.15		R		X		
12.4.16		R			X	
12.4.17		R	X			
12.4.18		R	X			
12.4.19		R	X			
12.4.20		R	X			
12.4.21		R	X			
12.4.22		R			X	
12.5.1		R				X
12.5.2		R				X
12.6.1		R			X	
12.6.2		R			X	
12.6.2A		R			X	
12.6.3		R			X	
12.6.4		R			X	
12.6.5		R			X	
12.6.6		R			X	
12.6.7		R		X		
12.6.8		R			X	
12.6.9		R			X	
12.6.10		R			X	
12.6.11		R			X	
12.6.12		R	X			
13						X
14.1.1		R			X	
14.1.2		R			X	
14.1.3		G			X	
14.1.4		G			X	
14.1.5		G			X	
14.1.6		G			X	
14.2.1		R			X	
14.2.2		R			X	
14.2.3		G			X	
14.2.4		R			X	
14.2.5		R			X	
14.3.1		R			X	
14.4.1		R			X	
14.4.2		R			X	
14.4.3		R			X	
14.4.4		R			X	
14.4.5		R			X	
14.4.6		R			X	
14.4.7		R			X	

14.4.8		R			X	
14.5.1		R	X			
15.1.1		G				X
15.1.2		G		X		
15.1.3		R		X		
15.1.4		R				X
15.1.5		R				X
15.1.6		R				X
15.1.7		R				X
15.1.8		R				X
15.1.9		R				X
15.1.10		R				X
15.1.11		R				X
15.1.12		R				X
15.1.13		R				X
15.1.14		R		X		
15.1.15		R		X		
15.1.16		R		X		
15.1.17		R				X
15.1.18		R				X
15.1.19		R		X		
15.1.20		R				X
15.1.21		R				X
16.1.1		R		X		
16.1.2		G		X		
16.2.1		R		X		
16.2.2		R		X		
16.3.1		R		X		
16.3.2		G		X		
16.3.3		R		X		
16.3.4		R				X
16.3.5		G		X		
16.3.6		R		X		
16.3.7		G		X		
16.3.8		R		X		
16.3.9		G		X		
16.3.10		R		X		
16.3.11		G		X		
16.3.12		G		X		
16.4.1		R		X		
16.4.2		R		X		
16.4.3		R		X		
16.4.4		R		X		
16.4.5		R		X		
16.4.6		R		X		
16.4.7		G		X		
16.4.8		G		X		
16.4.9		R		X		
16.4.10		R		X		
16	Annex 1	R		X		
17.1.1		R		X		

17.1.2		G		X		
17.2.1		R		X		
17.2.2		R		X		
17.2.3		R		X		
17.2.4		R		X		
17.2.5		R		X		
17.2.6		R		X		
17.2.7		R		X		
17.2.8		R		X		
17.2.9		R		X		
17.2.10		G		X		
17.3.1		R		X		
17.3.2		R		X		
17.3.3		G		X		
17.3.4		R		X		
17.3.5		G		X		
17.3.6		R		X		
17.3.7		R		X		
17.3.8		G		X		
17.3.9		R		X		
17.3.10		R		X		
17.3.11		G		X		
17.3.12		R		X		
TP 1.1	1	R		X		
	2	R				X
	3	R				X
	4	R				X
	5	R		X		
	6	G		X		
	7	G		X		
	8	R		X		
	9	R				X
	10	R				X
	11	R				X
	12	R				X
	13	R				X
	14					X
	15	R		X		
	16	R		X		
	17	R			X	
	18	R		X		
	19	R			X	
	20	R		X		
	21	R				X
	22	R				X
	23	R				X
	24	R		X		
	25	R			X	
	26	R		X		
	27	R			X	
	28	R		X		

	29					X
	30					X
	31					X
	32					X
	33	R			X	
Sch 1.1		G			X	
Sch 1.2		G			X	
Sch 2.1		G			X	
Sch 2.2		G			X	
Sch 3.1		G			X	
Sch 3.1		G			X	
Sch 4.1		G				X
Sch 4.2		G				X
Sch 4.3		G				X
Sch 5.1		G	X			
Sch 5.2		G	X			
Sch 6.1		G			X	

Annex 25

Designation of the Building Societies sourcebook (BSOCS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R		X		
1.1.2		G		X		
1.1.3		G		X		
1.1.4		G		X		
1.2.1		G		X		
1.2.2		G		X		
1.2.3		G		X		
1.3.1		G		X		
1.3.2		G		X		
1.3.3		G		X		
1.4.1		G		X		
1.4.2		G		X		
1.4.3		G		X		
1.5.1		G		X		
1.6.1		G		X		
1.6.2		G		X		
1.6.3		G		X		
1.7.1		G		X		
1.7.2		G		X		
1.7.3		G		X		
1.7.4		G		X		
1.7.5		G		X		
1.7.6		G		X		
1.8.1		G		X		
1.8.2		G		X		
1.8.3		G		X		
1.8.4		G		X		
1.8.5		G		X		
1.8.6		G		X		
1.8.7		G		X		
1.8.8		G		X		
1.9.1		G		X		
1.9.2		G		X		
1.9.3		G		X		
1.9.4		G		X		
1.9.5		G		X		
1.9.6		G		X		
1.10.1		G		X		
1.10.2		G		X		
1.10.3		G		X		
1.11.1		G		X		
1.12.1		G		X		

1.12.2		G		X		
1.13.1		G		X		
1.13.2		G		X		
1.14.1		G		X		
1.14.2		G		X		
1.15.1		G		X		
1.15.2		G		X		
1.15.3		G		X		
1.16.1		G		X		
1.16.2		G		X		
1.16.3		G		X		
1.16.4		G		X		
1.16.5		G		X		
2.1.1		G		X		
2.2.1		G		X		
2.2.2		G		X		
2.2.3		G		X		
2.2.4		G		X		
2.2.5		G		X		
2.2.6		G		X		
2.2.7		G		X		
2.2.8		G		X		
2.2.9		G		X		
2.2.10		G		X		
2.2.11		G		X		
2.2.12		G		X		
2.2.13		G		X		
2.2.14		G		X		
2.2.15		G		X		
2.2.16		G		X		
2.2.17		G		X		
2.2.18		G		X		
2.2.19		G		X		
2.2.20		G		X		
2.2.21		G		X		
2.3.1		G		X		
2.3.2		G		X		
2.3.3		G		X		
2.4.1		G		X		
2.4.2		G		X		
2.4.3		G		X		
2.4.4		G		X		
2.4.5		G		X		
2.4.6		G		X		
2.4.7		G		X		
2.4.8		G		X		
2.4.9		G		X		
2.4.10		G		X		
2.4.11		G		X		
2.5.1		G		X		
2.5.2		G		X		

2.6.1		G		X		
2.6.2		G		X		
2.6.3		G		X		
3.1.1		G		X		
3.1.2		G		X		
3.1.3		G		X		
3.2.1		G		X		
3.2.2		G		X		
3.2.3		G		X		
3.2.4		G		X		
3.2.5		G		X		
3.2.6		G		X		
3.2.7		G		X		
3.2.8		G		X		
3.2.9		G		X		
3.3.1		G		X		
3.3.2		G		X		
3.3.3		G		X		
3.3.4		G		X		
3.3.5		G		X		
3.3.6		G		X		
3.3.7		G		X		
3.3.8		G		X		
3.3.9		G		X		
3.3.10		G		X		
3.3.11		G		X		
3.3.12		G		X		
4.1.1		G		X		
4.1.2		G		X		
4.1.3		G		X		
4.1.4		G		X		
4.2.1		G		X		
4.2.2		G		X		
4.2.3		G		X		
4.3.1		G		X		
4.3.2		G		X		
4.4.1		G		X		
4.4.2		G		X		
4.5.1		G		X		
5.1.1		G		X		
5.1.2		G		X		
5.1.3		G		X		
5.1.4		G		X		
5.2.1		G		X		
5.2.2		G		X		
5.2.3		G		X		
5.2.4		G		X		
5.2.5		G		X		
5.2.6		G		X		
5.3.1		G		X		
5.4.1		G		X		

5.4.2		G		X		
5.4.3		G		X		
5.4.4		G		X		
5.5.1		G		X		
5.5.2		G		X		
5.5.3		G		X		
5.5.4		G		X		
5.5.5		G		X		
5.5.6		G		X		
5.5.7		G		X		
5.5.8		G		X		
5.6.1		G		X		
5.6.2		G		X		
5.6.3		G		X		
5.6.4		G		X		
5.6.5		G		X		
5.6.6		G		X		
5.6.7		G		X		
5.6.8		G		X		
5.6.9		G		X		
5.6.10		G		X		
5.7.1		G		X		
5.7.2		G		X		
5.7.3		G		X		
6.1.1		G		X		
6.1.2		G		X		
TP1	1.1	R				X
	1.2	R				X
	1.3	R				X
Sch 1	1.1	G		X		
Sch 2	2.1	G		X		
Sch 3	3.1	G		X		
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G				X
Sch 6	6.1	G		X		

Annex 26

Designation of the Collective Investment Schemes Sourcebook (COLL)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.1A		R	X			
1.1.1B		R	X			
1.1.1C		G	X			
1.1.2		G	X			
1.1.2A		G	X			
1.1.3		G	X			
1.2.1		R	X			
1.2.1A		G	X			
1.2.2		G	X			
1.2.3		R	X			
1.2.4		R	X			
2.1.1		R	X			
2.1.2		G	X			
2.1.3		G	X			
2.1.4		D	X			
2.1.5		G	X			
3.1.1		R	X			
3.1.2		G	X			
3.2.1		R	X			
3.2.2		R	X			
3.2.3		R	X			
3.2.4		R	X			
3.2.5		G	X			
3.2.6		R	X			
3.2.7		R				X
3.2.8		R	X			
3.3.1		R	X			
3.3.2		G	X			
3.3.3		G	X			
3.3.4		R	X			
3.3.5		R	X			
3.3.5A		R	X			
3.3.5B		G	X			
3.3.6		R	X			
3.3.7		G	X			
3.3.8		R	X			
3.3.9		R	X			
3.3.10		G	X			
4.1.1		R	X			
4.1.2		G	X			

4.2.1		R	X			
4.2.2		R	X			
4.2.3		R	X			
4.2.3A		R	X			
4.2.4		R	X			
4.2.5		R	X			
4.2.6		G	X			
4.3.1		R	X			
4.3.2		G	X			
4.3.3		G	X			
4.3.4		R	X			
4.3.5		G	X			
4.3.6		R	X			
4.3.6A		R	X			
4.3.7		G	X			
4.3.8		R	X			
4.3.9		G	X			
4.3.10		R	X			
4.3.11		R	X			
4.3.12		R	X			
4.3.13		G	X			
4.4.1		R	X			
4.4.2		R	X			
4.4.3		R	X			
4.4.4		R	X			
4.4.5		R	X			
4.4.6		R	X			
4.4.7		R	X			
4.4.8		R	X			
4.4.9		R	X			
4.4.10		R	X			
4.4.11		R	X			
4.4.12		R	X			
4.4.13		R	X			
4.4.14		G	X			
4.4.15		G	X			
4.5.1		R	X			
4.5.2		G	X			
4.5.3		R	X			
4.5.4		G	X			
4.5.5		R	X			
4.5.6		G	X			
4.5.7		R	X			
4.5.8		R	X			
4.5.8A		G	X			
4.5.8B		R	X			
4.5.9		R	X			
4.5.10		R	X			
4.5.11		R	X			
4.5.12		R	X			
4.5.13		R	X			

4.5.14		R	X			
4.5.15		R	X			
4.6.1		R	X			
4.6.2		R	X			
4.6.3		R	X			
4.6.4		G	X			
4.6.5		R	X			
4.6.6		R	X			
4.6.7		G	X			
4.6.8		R	X			
4.6.9		R	X			
4.6.10		G	X			
4.6.11		G	X			
4.6.12		R	X			
4.6.13		R	X			
4.7.1		R	X			
4.7.2		R	X			
4.7.3		G	X			
4.7.4		G	X			
4.7.5		R	X			
4.7.6		G	X			
4.7.7		R	X			
4.7.8		G	X			
4.7.9		G	X			
4.7.10		G	X			
4.8.1		R	X			
4.8.2		G	X			
4.8.3		R	X			
4.8.4		R	X			
4 Annex 1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	Note 1		X			
	Note 2		X			
4 Annex 2		R	X			
5.1.1		R	X			
5.1.2		G	X			
5.1.3		R	X			
5.1.4		G	X			
5.2.1		R	X			
5.2.2		R	X			
5.2.2A		G	X			
5.2.3		R	X			
5.2.4		R				X
5.2.5		R				X
5.2.6		G	X			
5.2.6A		R	X			

5.2.7		R	X			
5.2.7A		R	X			
5.2.7B		G	X			
5.2.7C		R	X			
5.2.7D		G	X			
5.2.7E		R	X			
5.2.7F		R	X			
5.2.7G		R	X			
5.2.7H		R	X			
5.2.7I		G	X			
5.2.8		R	X			
5.2.9		G	X			
5.2.9A		R	X			
5.2.10		R	X			
5.2.10A		R	X			
5.2.10B		R	X			
5.2.10C		R	X			
5.2.10D		G	X			
5.2.10E		G	X			
5.2.11		R	X			
5.2.11A		G	X			
5.2.11B		R	X			
5.2.12		R	X			
5.2.13		R	X			
5.2.14		G	X			
5.2.15		R	X			
5.2.16		R	X			
5.2.17		R	X			
5.2.18		R	X			
5.2.19		R	X			
5.2.19A		G	X			
5.2.20		R	X			
5.2.20A		R	X			
5.2.20B		G	X			
5.2.21		R	X			
5.2.22		R	X			
5.2.22A		G	X			
5.2.23		R	X			
5.2.23A		R	X			
5.2.23B		R	X			
5.2.23C		R	X			
5.2.24		R	X			
5.2.25		G	X			
5.2.26		R	X			
5.2.27		R	X			
5.2.28		R	X			
5.2.29		R	X			
5.2.30		R	X			
5.2.31		R	X			
5.2.32		G	X			
5.2.33		R	X			

5.2.34		G	X			
5.3.1		R	X			
5.3.2		G	X			
5.3.3		R				X
5.3.3A		R	X			
5.3.3B		R	X			
5.3.3C		R	X			
5.3.4		G	X			
5.3.5		R	X			
5.3.6		R				X
5.3.7		R	X			
5.3.8		R	X			
5.3.9		R	X			
5.3.10		R	X			
5.3.11		G	X			
5.4.1		R	X			
5.4.2		G	X			
5.4.3		R	X			
5.4.4		R	X			
5.4.5		G	X			
5.4.6		R	X			
5.4.7		R	X			
5.4.8		G	X			
5.4.9		G	X			
5.5.1		R	X			
5.5.2		R	X			
5.5.3		R	X			
5.5.4		R	X			
5.5.5		R	X			
5.5.6		R	X			
5.5.7		R	X			
5.5.7A		G	X			
5.5.8		R	X			
5.5.9		R	X			
5.5.10		G	X			
5.6.1		R	X			
5.6.2		G	X			
5.6.3		R	X			
5.6.4		R	X			
5.6.5		R	X			
5.6.5A		R	X			
5.6.5B		G	X			
5.6.5C		R	X			
5.6.5D		R	X			
5.6.6		R	X			
5.6.7		R	X			
5.6.7A		G	X			
5.6.8		R	X			
5.6.9		R	X			
5.6.10		R	X			
5.6.11		R	X			

5.6.11	(2)(a)	R	X			
5.6.11	(2)(b)	R	X			
5.6.12		R	X			
5.6.13		R	X			
5.6.14		R	X			
5.6.15		R	X			
5.6.16		R	X			
5.6.17		G	X			
5.6.18		R	X			
5.6.18A		R	X			
5.6.18B		G	X			
5.6.19		R	X			
5.6.20		R	X			
5.6.20A		G	X			
5.6.21		R	X			
5.6.22		R	X			
5.6.23		R	X			
5.6.23A		G	X			
5.6.24		R	X			
5.6.25		G	X			
5.7.1		R	X			
5.7.2		G	X			
5.7.3		R	X			
5.7.4		R	X			
5.7.5		R	X			
5.7.6		G	X			
5.7.7		R	X			
5.7.8		R	X			
5.7.9		R	X			
5.7.10		R	X			
5.7.11		G	X			
5.8.1		R	X			
5.8.2		R	X			
5.8.3		R	X			
5.8.4		R	X			
5.8.5		R	X			
5.8.6		R	X			
5.8.7		R	X			
5.9.1		R	X			
5.9.2		G	X			
5.9.3		R	X			
5.9.4		G	X			
5.9.5		R	X			
5.9.6		R	X			
5.9.7		R	X			
5.9.8		G	X			
6.1.1		R	X			
6.1.2		G	X			
6.1.3		G	X			
6.2.1		R	X			
6.2.2		G	X			

6.2.3		R	X			
6.2.4		G	X			
6.2.5		R	X			
6.2.6		R	X			
6.2.6A		R	X			
6.2.7		R	X			
6.2.8		R	X			
6.2.9		G	X			
6.2.10		R	X			
6.2.11		R	X			
6.2.12		G	X			
6.2.13		R	X			
6.2.14		R	X			
6.2.15		R	X			
6.2.16		R	X			
6.2.17		G	X			
6.2.18		R	X			
6.2.19		R	X			
6.2.20		G	X			
6.2.21		R	X			
6.2.22		G	X			
6.2.23		R	X			
6.2.24		G	X			
6.3.1		R	X			
6.3.2		G	X			
6.3.3		R	X			
6.3.3A		R	X			
6.3.3B		R	X			
6.3.3C		G	X			
6.3.3D		R	X			
6.3.4		R	X			
6.3.5		R	X			
6.3.5A		R	X			
6.3.5B		R	X			
6.3.5C		G	X			
6.3.6		G	X			
6.3.7		R	X			
6.3.8		R	X			
6.3.9		R	X			
6.3.10		G	X			
6.3.11		R	X			
6.3.12		G	X			
6.3.13		R	X			
6.3.14		G	X			
6.4.1		R	X			
6.4.2		G	X			
6.4.3		G	X			
6.4.4		R	X			
6.4.5		R	X			
6.4.6		R	X			
6.4.7		R	X			

6.4.8		R	X			
6.4.9		R	X			
6.5.1		R	X			
6.5.2		R	X			
6.5.3		R	X			
6.5.4		R	X			
6.5.5		R	X			
6.5.6		R	X			
6.5.7		R	X			
6.5.8		R	X			
6.5.9		R	X			
6.5.10		R	X			
6.6.1		R	X			
6.6.2		R	X			
6.6.3		R	X			
6.6.4		R	X			
6.6.4A		G	X			
6.6.5		R	X			
6.6.5A		R	X			
6.6.5B		G	X			
6.6.6		R	X			
6.6.6A		R	X			
6.6.7		R	X			
6.6.8		R	X			
6.6.9		R	X			
6.6.10		R	X			
6.6.11		G	X			
6.6.12		R	X			
6.6.13		R	X			
6.6.14		R	X			
6.6.15		R	X			
6.6.15A		R	X			
6.6.16		G	X			
6.6.17		R	X			
6.6.18		G	X			
6.6.26		R	X			
6.6A.1		R	X			
6.6A.2		R	X			
6.6A.3		G	X			
6.6A.4		R	X			
6.6A.5		R	X			
6.6A.6		R	X			
6.7.1		R	X			
6.7.2		R	X			
6.7.3		G	X			
6.7.4		R	X			
6.7.5		G	X			
6.7.6		G	X			
6.7.7		R	X			
6.7.8		G	X			
6.7.9		R	X			

6.7.10		R	X			
6.7.11		G	X			
6.7.12		R	X			
6.7.13		G	X			
6.7.14		R	X			
6.7.15		R	X			
6.7.16		G	X			
6.7.17		R	X			
6.8.1		R	X			
6.8.2		R	X			
6.8.2A		G	X			
6.8.2B		R	X			
6.8.3		R	X			
6.8.3A		G	X			
6.8.4		R	X			
6.8.5		G	X			
6.9.1		R	X			
6.9.2		G	X			
6.9.3		G	X			
6.9.4		G	X			
6.9.5		G	X			
6.9.6		G	X			
6.9.7		R	X			
6.9.8		G	X			
6.9.8A		R	X			
6.9.9		R	X			
6.9.10		G	X			
6.9.11		R	X			
6.10.1		R	X			
6.10.2		R	X			
6.10.3		R	X			
6.11.1		R	X			
6.11.2		R	X			
6.11.3		G	X			
6.11.4		R	X			
6.12.1		R	X			
6.12.2		G	X			
6.12.3		R	X			
6.12.4		G	X			
6.12.5		R	X			
6.12.6		G	X			
6.12.7		R	X			
6.12.8		G	X			
6.12.9		R	X			
6.12.10		G	X			
6.12.11		R	X			
6.12.12		R	X			
6.12.13		G	X			
6.13.1		R	X			
6.13.2		R	X			
6.13.3		R	X			

6.13.4		R	X			
6.13.5		R	X			
6.13.6		R	X			
6 Annex 1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
7.1.1		R	X			
7.1.2		R	X			
7.1.3		G	X			
7.2.1		R	X			
7.2.1A		R	X			
7.2.2		G	X			
7.3.1		G	X			
7.3.2		R	X			
7.3.3		G	X			
7.3.4		R	X			
7.3.4	(1A)	R	X			
7.3.5		R	X			
7.3.6		R	X			
7.3.6	(3)(b)	R				X
7.3.7		R	X			
7.3.7	(1)	R				X
7.3.7	(11)	R				X
7.3.7	(12)	R				X
7.3.7	(13)	R				X
7.3.7	(14)	R				X
7.3.7	(15)	R				X
7.3.7A		G	X			
7.3.8		R	X			
7.3.9		R	X			
7.3.10		R	X			
7.3.10A		G	X			
7.3.11		R	X			
7.3.11	(1)(b)	R				X
7.3.12		R				X
7.3.13		R	X			
7.3.13	(2)(a)	R	X			
7.3.13	(2)(b)	R	X			
7.4.1		G	X			
7.4.2		R	X			
7.4.2A		G	X			
7.4.3		R	X			
7.4.4		R	X			
7.4.4A		G	X			
7.4.5		R	X			
7.4.6		G	X			

7.5.1		G	X			
7.5.2		G	X			
7.6.1		G	X			
7.6.2		R	X			
7.7.1		R	X			
7.7.2		G	X			
7.7.3		R	X			
7.7.4		R	X			
7.7.5		G	X			
7.7.6		G	X			
7.7.7		R	X			
7.7.8		G	X			
7.7.9		R	X			
7.7.10		R	X			
7.7.11		R	X			
7.7.12		G	X			
7.7.13		R	X			
7.7.14		R	X			
7.7.15		G	X			
7.7.16		R	X			
7.7.17		R	X			
7.7.18		R	X			
7.7.19		R	X			
7.7.20		R	X			
7.7.21		G	X			
7.7.22		R	X			
7.7.23		G	X			
8.1.1		R	X			
8.1.2		G	X			
8.1.3		R	X			
8.1.4		G	X			
8.1.5		G	X			
8.2.1		R	X			
8.2.2		R	X			
8.2.3		R	X			
8.2.4		G	X			
8.2.5		R	X			
8.2.6		R	X			
8.2.7		R	X			
8.3.1		R	X			
8.3.2		R	X			
8.3.3		R	X			
8.3.4		R	X			
8.3.5		R	X			
8.3.5A		R	X			
8.3.5B		R	X			
8.3.5C		R	X			
8.3.5D		R	X			
8.3.5E		R	X			
8.3.6		R	X			
8.3.7		G	X			

8.3.8		R	X			
8.4.1		R	X			
8.4.1A		R	X			
8.4.2		R	X			
8.4.3		R	X			
8.4.4		R	X			
8.4.4A		R	X			
8.4.4B		R	X			
8.4.5		R	X			
8.4.5A		R	X			
8.4.5B		G	X			
8.4.6		R	X			
8.4.7		R	X			
8.4.7A		R	X			
8.4.8		R	X			
8.4.9		R	X			
8.4.10		R	X			
8.4.11		R	X			
8.4.11A		R	X			
8.4.11B		G	X			
8.4.12		R	X			
8.4.13		R	X			
8.4.14		G	X			
8.5.1		R	X			
8.5.2		R	X			
8.5.3		R	X			
8.5.3A		R	X			
8.5.3B		G	X			
8.5.4		R	X			
8.5.5		R	X			
8.5.6		G	X			
8.5.7		R	X			
8.5.8		R	X			
8.5.9		R	X			
8.5.9A		R	X			
8.5.9B		G	X			
8.5.10		R	X			
8.5.10A		R	X			
8.5.11		R	X			
8.5.12		G	X			
8.5.12A		R	X			
8.5.12B		G	X			
8.5.13		R	X			
8.5.14		G	X			
8.5.15		R	X			
8.6.1		R	X			
8.6.2		R	X			
8.6.3		R	X			
8.6.4		G				X
8.6.5		R	X			
8 Annex 1	Category 1	R	X			

	person					
	Category 2 person		X			
	Category 3 person		X			
	Category 4 person		X			
	Category 5 person		X			
	Category 6 person		X			
	Category 7 person		X			
	Note 1		X			
	Note 2		X			
	Note 3		X			
	Note 4		X			
	Note 5		X			
9.1.1		R	X			
9.1.2		G	X			
9.1.3		G	X			
9.2.1		G				X
9.2.2		G	X			
9.3.1		D	X			
9.3.2		R	X			
9.3.3		R	X			
9.4.1		R	X			
9.4.2		R	X			
9.4.3		R	X			
9.4.4		R	X			
9.4.5		R	X			
9.4.6		R	X			
10		R				X
11.1.1		R	X			
11.1.2		R	X			
11.1.3		G	X			
11.2.1		G	X			
11.2.2		R	X			
11.3.1		R	X			
11.3.2		R	X			
11.3.3		G	X			
11.3.4		G	X			
11.3.5		R	X			
11.3.6		R	X			
11.3.7		R	X			
11.3.8		R	X			
11.3.9		R	X			
11.3.10		G	X			
11.3.11		R	X			
11.3.12		R	X			
11.3.13		R	X			
11.3.14		G	X			

11.4.1		R	X			
11.4.2		R	X			
11.4.3		R	X			
11.4.4		G	X			
11.4.5		G	X			
11.5.1		R	X			
11.5.2		R	X			
11.5.3		R	X			
11.5.4		R	X			
11.5.5		G	X			
11.5.6		R	X			
11.6.1		G	X			
11.6.2		R	X			
11.6.3		R	X			
11.6.4		R	X			
11.6.5		R	X			
11.6.6		R	X			
11.6.7		R	X			
11.6.8		G	X			
11.6.9		R	X			
11.6.10		R	X			
11.6.11		G	X			
11.6.12		R	X			
11.6.13		R	X			
11 Annex 1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
11 Annex 2	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
12.1.1		R	X			
12.1.2		G	X			
12.1.3		G	X			
12.2.1		R	X			
12.2.2		R	X			
12.2.3		R	X			
12.2.4		R	X			
12.2.5		G	X			
12.2.6		G	X			
12.2.7		G	X			
12.2.8		G	X			
12.3.1		R	X			
12.3.2		G	X			
12.3.3		G	X			
12.3.4		R	X			
12.3.5		R	X			

12.3.6		R	X			
12.3.7		G	X			
12.3.8		G	X			
12.4.1		R	X			
12.4.2		G	X			
12.4.3		G	X			
12.4.4		R	X			
12.4.5		R	X			
12.4.6		G	X			
12.4.7		R	X			
12.4.8		R	X			
13.1.1		R	X			
13.1.2		G	X			
13.2.1		R	X			
13.2.2		R	X			
13.2.3		R	X			
13.2.4		R	X			
13.2.5		R	X			
13.2.6		R	X			
13.2.7		R	X			
Appendix 1EU		EU	X			
TP 1	1	R				X
	1(25)	R	X			
	1(26)	D	X			
	1(27)	G	X			
	1A	R	X			
	2					X
	3					X
	4					X
	5					X
	6					X
	7					X
	8					X
	9					X
	10					X
	11					X
	12					X
	13					X
	14	R	X			
	15	R	X			
	16	R	X			
	17	R	X			
	18	R	X			
	19	R	X			
	20	G	X			
	21	R	X			
	22	R	X			
	23	R	X			
	24	R	X			
Sch 1	1.1	G	X			

Sch 2	2.1	G	X			
	2.2	G	X			
Sch 3	3.1	G	X			
	3.2	G	X			
Sch 4	4.1	G				X
	4.2	G				X
	4.3	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
Sch 6	6.1	G	X			
	6.2	G	X			

Annex 27

Designation of the Credit Unions New sourcebook (CREDS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G			X	
1.1.2		G			X	
1.1.3		G			X	
1.1.4		G			X	
1.1.5		G			X	
2.1.1		R			X	
2.1.2		G			X	
2.1.3		G			X	
2.1.4		G			X	
2.2.1		G			X	
2.2.2		G			X	
2.2.3		G			X	
2.2.4		R			X	
2.2.5		G			X	
2.2.6		R			X	
2.2.7		G			X	
2.2.8		R			X	
2.2.9		G			X	
2.2.10		E			X	
2.2.11		G			X	
2.2.12		G			X	
2.2.13		G			X	
2.2.14		G			X	
2.2.15		G			X	
2.2.16		G			X	
2.2.17		G			X	
2.2.18		G			X	
2.2.19		G			X	
2.2.20		G			X	
2.2.21		G			X	
2.2.22		G			X	
2.2.23		G			X	
2.2.24		G			X	
2.2.25		G			X	
2.2.26		G			X	
2.2.27		G			X	
2.2.28		G			X	
2.2.29		G			X	
2.2.30		G			X	
2.2.31		G			X	
2.2.32		G			X	

2.2.33		G			X	
2.2.34		G			X	
2.2.35		G			X	
2.2.36		G			X	
2.2.37		G			X	
2.2.38		G			X	
2.2.39		G			X	
2.2.40		G			X	
2.2.41		G			X	
2.2.42		G			X	
2.2.43		G			X	
2.2.44		G			X	
2.2.45		G			X	
2.2.46		G			X	
2.2.47		G			X	
2.2.48		G			X	
2.2.49		G			X	
2.2.50		G			X	
2.2.51		G			X	
2.2.52		G			X	
2.2.53		G			X	
2.2.54		G			X	
2.2.55		G			X	
2.2.56		G			X	
2.2.57		G			X	
2.2.58		G			X	
2.2.59		G			X	
2.2.60		G			X	
2.2.61		G			X	
2.2.62		G			X	
2.2.63		G			X	
2.2.64		G			X	
3.1.1		R			X	
3.1.2		G			X	
3.1.3		R			X	
3.2.1		R			X	
3.2.2		R			X	
3.2.3		R			X	
3.2.4		R			X	
3.2.5		R			X	
3.2.6		G			X	
3.2.7		G		X		
3.3.1		R			X	
3.3.2		G			X	
3.3.3		R		X		
3.3.4		E		X		
3.3.5		R		X		
3.3.6		R		X		
3.3.7		R			X	
3.3.8		G			X	
3.3.9		G			X	

3.3.10		R			X	
4.1.1		R			X	
4.1.2		G			X	
4.2.1		R			X	
4.2.2		R			X	
4.2.3		G			X	
4.2.4		R			X	
4.2.4A	Annex G	G				X
4.2.5		R			X	
4.2.6		R		X		
4.2.7		G		X		
4.3.1		R			X	
4.3.2		G			X	
4.3.3		G			X	
4.4.1		R			X	
4.4.2		R			X	
4.4.3		R			X	
4.4.4		G			X	
4.4.5		G			X	
4 Annex 1	Row A	R			X	
	Row B				X	
	Row C				X	
	Row D				X	
5.1.1		R		X		
5.1.2		G		X		
5.1.3		G		X		
5.1.4		G		X		
5.1.5		G		X		
5.1.6		G		X		
5.1.7		G		X		
5.2.1		R			X	
5.2.1A		R		X		
5.2.2		G			X	
5.2.3		G		X		
5.2.4		G		X		
5.2.5		R		X		
5.2.6		R		X		
5.2.7		R		X		
5.2.8		R		X		
5.2.9		G		X		
5.3.1		R		X		
5.3.2		R		X		
5.3.3		R		X		
5.3.4		R		X		
5.3.5		R		X		
5.3.6		R		X		
5.3.7		E		X		
5.3.8		G		X		
5.3.9		G		X		
5.3.10		R			X	
5.3.11		G		X		

5.3.12		G		X		
5.3.13		R		X		
5.3.14		G		X		
5.3.15		R		X		
5.4.1		R		X		
5.4.2		R		X		
5.4.3		R		X		
5.4.4		E		X		
5.4.5		G		X		
5.4.6		G		X		
6.1.1		R		X		
6.1.2		G		X		
6.1.3		G		X		
6.2.1		R		X		
6.2.2		G		X		
6.2.3		G		X		
6.2.4		R		X		
6.2.5		R		X		
6.2.6		G		X		
6.2.7		G		X		
6.2.8		G		X		
6.2.9		G		X		
6.2.10		G		X		
6.3.1		R		X		
6.3.2		R		X		
6.3.3		G		X		
6.3.4		R		X		
6.3.5		R		X		
6.3.6		E		X		
6.3.7		G		X		
6.3.8		G		X		
6.3.9		G		X		
7.1.1		R			X	
7.1.2		G			X	
7.1.3		G			X	
7.1.4		G			X	
7.2.1		R				X
7.2.2		R			X	
7.2.3		G			X	
7.2.4		G			X	
7.2.5		G			X	
7.2.6		G			X	
7.2.7		R			X	
7.2.8		G			X	
7.2.9		G			X	
7.2.10		G			X	
7.2.11		G			X	
7.2.12		G			X	
7.3.1		R			X	
7.3.2		R			X	
7.3.3		G			X	

7.3.4		R			X	
7.3.5		G		X		
7.3.6		R			X	
7.3.7		G			X	
7.3.8		R			X	
7.4.1		R			X	
7.4.2		R			X	
7.4.3		R			X	
7.4.4		G			X	
7.4.5		G			X	
7.4.6		G			X	
7.4.7		G			X	
7.5.1		R			X	
7.5.2		R			X	
7.5.3		G			X	
7.5.4		E			X	
7.5.5		G			X	
7.5.6		G			X	
7.5.7		G			X	
7.5.8		G			X	
7.5.9		G			X	
8.1.1		G			X	
8.1.2		G			X	
8.2.1		G			X	
8.2.2		G			X	
8.2.3		G			X	
8.2.4		G			X	
8.2.5		G			X	
8.2.6		R			X	
8.2.7		R			X	
8.2.8		G			X	
8.3.1		G			X	
8.3.2		G			X	
8.3.3		G			X	
8.3.4		G			X	
8.3.5		G			X	
8.3.6		G			X	
8.3.7		G			X	
8.3.8		G			X	
9.1.1		G			X	
9.1.2		G	X			
9.1.3		G	X			
9.1.4		G	X			
9.2.1		R	X			
9.2.2		R	X			
9.2.3		G	X			
9.2.4		R	X			
9.2.5		G	X			
9.2.6		G	X			
9.2.7		R	X			
9.2.8		G	X			

9.2.9		R	X			
9.2.10		R	X			
9.2.11		R	X			
9.2.12		G	X			
9.2.13		G	X			
9 Annex 1		R	X			
10.1.1		G			X	
10.1.2		G			X	
10.1.3		G			X	
Appendix 1	1.1	n/a			X	
TP 1	1	R			X	
	2	R			X	
	3	R			X	
	4	R			X	
	5	R			X	
	6	R			X	
	7	R			X	
	8	R			X	
	9	R			X	
	10	R			X	
	11	R			X	
	12	R		X		
	13	R			X	
	14	R			X	
	15	R		X		
	16	R	X			
Sch 1	1.1	G			X	
Sch 2	2.1	G			X	
	2.2	G			X	
Sch 3	3.1	G			X	
	3.2	G			X	
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
Sch 6	6.1				X	

Annex 28

Designation of the Professional Firms sourcebook (PROF)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.1.1A		R	X			
1.1.2		G	X			
1.1.3		G	X			
1.1.4		G	X			
1.1.5		G	X			
1.1.6		G	X			
1.1.7		G	X			
2.1.1		G	X			
2.1.2		G	X			
2.1.3		G	X			
2.1.4		G	X			
2.1.5		G	X			
2.1.6		G	X			
2.1.7		G	X			
2.1.8		G	X			
2.1.9		G	X			
2.1.10		G	X			
2.1.11		G	X			
2.1.12		G	X			
2.1.13		G	X			
2.1.14		G	X			
2.1.15		G	X			
2 Annex 1	1.1	G	X			
2 Annex 2	2.1	G	X			
3.1.1		G	X			
3.1.2		G	X			
3.1.3		G	X			
3.2.1		G	X			
3.2.2		G	X			
3.2.3		G	X			
3.2.4		G	X			
3.2.5		G	X			
3.2.6		G	X			
3.2.7		G	X			
3 Annex 1	1.1	G	X			
3 Annex 2	2.1	G	X			
4.1.1		G	X			
4.1.2		R	X			
4.1.3		R	X			
4.1.4		G	X			

4.1.5		G	X			
5.1.1		R	X			
5.1.2		G	X			
5.1.3		G	X			
5.1.4		G	X			
5.2.1		R	X			
5.2.1A R		R	X			
5.2.2		R	X			
5.3.1		G	X			
5.3.1A		G	X			
5.3.2		G	X			
5.3.3		G	X			
5.3.4		G	X			
5.3.5		G	X			
5.3.6		G	X			
5.3.7		G	X			
5.3.8		G	X			
5.3.9		G	X			
5.3.10		G	X			
5.4.1		R	X			
5.4.2		G	X			
6						X
7.1.1		G	X			
7.1.2		G	X			
7.1.3		G	X			
7.1.4		G	X			
7.1.5		G	X			
7.1.6		G	X			
7.1.7		G	X			
7.1.8		G	X			
7.2.1		G	X			
7.2.2		G	X			
7.2.3		G	X			
7.2.4		G	X			
TP 1	1	G	X			
	2	G	X			
Sch 1	1.1	G	X			
Sch 2	2.1	G	X			
Sch 3	3.1	G	X			
Sch 4	4.1	G				X
	4.2	G				X
Sch 5	5.1	G	X			
	5.2	G	X			
	5.3	G	X			
	5.4	G	X			
Sch 6	6.1	G	X			

Annex 29

Designation of the Regulated Covered Bonds sourcebook (RCB)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.1.3		G	X			
1.1.4		G	X			
1.1.5		G	X			
1.1.6		G	X			
1.1.7		G	X			
1.1.8		G	X			
1.1.9		G	X			
2.1.1		G	X			
2.1.2		G	X			
2.2.1		D	X			
2.2.2		G	X			
2.2.3		D	X			
2.2.4		G	X			
2.2.5		G	X			
2.2.6		D	X			
2.2.7		G	X			
2.2.8		D	X			
2.3.1		G	X			
2.3.2		G	X			
2.3.3		G	X			
2.3.4		G	X			
2.3.5		G	X			
2.3.6		G	X			
2.3.7		G	X			
2.3.8		G	X			
2.3.9		G	X			
2.3.10		G	X			
2.3.11		G	X			
2.3.12		G	X			
2.3.13		G	X			
2.3.14		G	X			
2.3.15		G	X			
2.3.16		D	X			
2.3.17		G	X			
2.3.18		G	X			
2.3.19		G	X			
2.3.20		G	X			
2 Annex 1		D	X			
3.1.1		G	X			
3.1.2		G	X			
3.2.1		D	X			

3.2.2		D	X			
3.2.3		G	X			
3.2.4		G	X			
3.2.4A		G	X			
3.2.4B		D	X			
3.2.5		D	X			
3.2.6		D	X			
3.2.7		D	X			
3.2.8		D	X			
3.2.9		D	X			
3.2.9A		G	X			
3.2.10		D	X			
3.2.11		D	X			
3.2.12		G	X			
3.2.13		G	X			
3.2.14		G	X			
3.2.15		G	X			
3.3.1		D	X			
3.3.2		D	X			
3.3.2A		D	X			
3.3.3		D	X			
3.3.4		G	X			
3.3.5		D	X			
3.4.1		D	X			
3.4.2		D	X			
3.5.1		G	X			
3.5.2		D	X			
3.5.3		G	X			
3.5.4		D	X			
3.5.5		G	X			
3.5.6		D	X			
3.5.7		D	X			
3.5.8		G	X			
3.5.9		D	X			
3.5.10		D	X			
3.5.11		D	X			
3.5.12		D	X			
3.5.13		D	X			
3.5.14		G	X			
3.5.15		G	X			
3.5.16		D	X			
3.6.1		R	X			
3.6.2		G	X			
3.6.3		G	X			
3.6.4		G	X			
3.6.5		D	X			
3 Annex 1		D	X			
3 Annex 2		D	X			
3 Annex 3		D	X			
3 Annex 4		D	X			
3 Annex 5		D	X			

3 Annex 6		D	X			
3 Annex 7A		D	X			
3 Annex 7B		G	X			
4.1.1		G	X			
4.1.2		G	X			
4.2.1		G	X			
4.2.2		G	X			
4.2.3		G	X			
4.2.4		G	X			
4.2.5		G	X			
5.1.1		R	X			
5.1.2		G	X			
5.2.1		G				X
5.2.2		G				X
5.2.3		G				X
5.2.4		G				X
5.2.5		R				X
5.2.6		R				X
5.2.7		R				X
5.2.8		R				X
6.1.1		G	X			
6.1.2		G	X			
6.2.1		G	X			
6.2.2		G	X			
6.2.3		G	X			
6.2.4		G	X			
6.2.5		G	X			
Sch 1	1.1	G	X			
Sch 2	RCB 3.2.1D	G	X			
	RCB 3.3.1D and RCB 3.3.3D		X			
	RCB 3.2.10D		X			
	RCB 3.3.2AD		X			
	RCB 3.3.5D		X			
	RCB 3.4.1D		X			
	RCB 3.4.2D		X			
	RCB 3.5.2D		X			
	RCB 3.5.4D		X			
	RCB 3.5.6D		X			
	RCB 3.5.7D		X			
	RCB 3.5.9D		X			

	RCB 3.5.10D		X			
Sch 3	3.1	n/a	X			
Sch 4	4.1	G				X
	4.2	G				X
	4.3	G				X
Sch 5	5.1	G	X			
Sch 6	6.1	G	X			

Annex 30

Designation of the Listing Rules sourcebook (LR)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.2.1		R	X			
1.2.2		R	X			
1.2.3		G	X			
1.2.4		G	X			
1.2.5		G	X			
1.2.6		G	X			
1.3.1		R	X			
1.3.2		R	X			
1.3.3		R	X			
1.3.4		R	X			
1.4.1		R	X			
1.4.2		R	X			
1.4.3		R	X			
1.4.4		R				X
1.4.5		G				X
1.4.6		R	X			
1.4.7		R	X			
1.4.8		G	X			
1.4.9		G	X			
1.4.10		R				X
1.5.1		G	X			
1.5.2		R	X			
1.6.1		G				X
1.6.1A		R	X			
1.6.2		R	X			
1 Annex 1	1	R	X			
	2		X			
	3		X			
	4		X			
	5		X			
	6		X			
	7		X			
	8		X			
	9		X			
	10		X			
	11		X			
	12		X			
	13		X			
	14		X			
2.1.1		R	X			

2.1.2		G	X		
2.1.3		G	X		
2.1.4		R	X		
2.1.5		G	X		
2.2.1		R	X		
2.2.2		R	X		
2.2.3		R	X		
2.2.4		R	X		
2.2.5		G	X		
2.2.6		G	X		
2.2.7		R	X		
2.2.8		G	X		
2.2.9		R	X		
2.2.10		R	X		
2.2.11		R	X		
2.2.12		R	X		
2.2.13		G	X		
2.2.14		R			X
2.2.15		R			X
3.1.1		R	X		
3.2.1		G	X		
3.2.2		R	X		
3.2.3		G	X		
3.2.4		R	X		
3.2.5		G	X		
3.2.6		G	X		
3.2.7		G	X		
3.3.1		R	X		
3.3.2		R	X		
3.3.2A		R	X		
3.3.3		R	X		
3.3.4		R	X		
3.3.4A		R	X		
3.3.5		R	X		
3.3.6		R	X		
3.3.7		R	X		
3.4.1		R	X		
3.4.2		R	X		
3.4.3		R	X		
3.4.4		R	X		
3.4.5		R	X		
3.4.6		R	X		
3.4.7		R	X		
3.4.7A		G	X		
3.4.8		R	X		
3.4.9		R	X		
3.4.9A		G	X		
3.4.9B		G	X		
3.4.9C		G	X		
3.4.10		R	X		
3.4.11		R	X		

3.4.12		R				X
3.4.13		R	X			
3.5.1		R	X			
3.5.2		G	X			
3.5.3		G	X			
3.5.4		R	X			
3.5.5		R	X			
3.5.6		R	X			
3.5.7		G	X			
4.1.1		R	X			
4.1.2		G	X			
4.1.3		R	X			
4.2.1		G	X			
4.2.2		R	X			
4.2.3		R	X			
4.2.4		R	X			
4.2.5		G	X			
4.2.6		R	X			
4.2.7		R	X			
4.2.8		R	X			
4.2.9		G	X			
4.2.10		R	X			
4.2.11		R	X			
4.2.12		G	X			
4.2.13		R	X			
4.3.1		R	X			
4.3.2		R	X			
4.3.3		G	X			
4.3.4		R	X			
4.3.5		R	X			
4.4.1		G	X			
4.4.2		R	X			
4.4.3		R	X			
5.1.1		R	X			
5.1.2		G	X			
5.1.3		G	X			
5.1.4		G	X			
5.2.1		R	X			
5.2.2		G	X			
5.2.3		G	X			
5.2.4		R	X			
5.2.4A		G	X			
5.2.5		R	X			
5.2.5A		R				X
5.2.6		R				X
5.2.7		R	X			
5.2.7A		R	X			
5.2.8		R	X			
5.2.9		R	X			
5.2.10		R	X			
5.2.10A		R	X			

5.2.11		R	X		
5.2.12		R	X		
5.2.13		G	X		
5.3.1		R	X		
5.3.2		R	X		
5.3.3		G	X		
5.3.4		G	X		
5.3.5		R	X		
5.3.6		G	X		
5.3.7		G	X		
5.4.1		G	X		
5.4.2		R	X		
5.4.3		G	X		
5.4.4		R	X		
5.4.5		G	X		
5.4.6		G	X		
5.4.7		G	X		
5.4A.1		R	X		
5.4A.2		G	X		
5.4A.3		R	X		
5.4A.4		R	X		
5.4A.5		R	X		
5.4A.6		R	X		
5.4A.7		R	X		
5.4A.8		R	X		
5.4A.9		G	X		
5.4A.10		R	X		
5.4A.11		R	X		
5.4A.12		R	X		
5.4A.13		G	X		
5.4A.14		R	X		
5.4A.15		G	X		
5.4A.16		G	X		
5.5.1		G	X		
5.5.2		R	X		
5.5.3		G	X		
5.6.1		R	X		
5.6.2		R	X		
5.6.3		R	X		
5.6.4		R	X		
5.6.5		G	X		
5.6.6		R	X		
5.6.7		G	X		
5.6.8		G	X		
5.6.9		G	X		
5.6.10		G	X		
5.6.11		R	X		
5.6.12		G	X		
5.6.13		R	X		
5.6.14		R	X		
5.6.15		G	X		

5.6.16		R	X		
5.6.17		R	X		
5.6.18		R	X		
5.6.19		G	X		
5.6.20		G	X		
5.6.21		R	X		
5.6.22		G	X		
5.6.23		G	X		
5.6.24		R	X		
5.6.25		R	X		
5.6.26		R	X		
5.6.27		G	X		
5.6.28		G	X		
5.6.29		G	X		
6.1.1		R	X		
6.1.1A		R	X		
6.1.2		G	X		
6.1.3		R	X		
6.1.3A		G	X		
6.1.3B		G	X		
6.1.3C		G	X		
6.1.3D		R	X		
6.1.3E		G	X		
6.1.4		R	X		
6.1.5		G			X
6.1.6		G			X
6.1.7		G			X
6.1.8		R	X		
6.1.9		R	X		
6.1.10		R	X		
6.1.11		R	X		
6.1.12		R	X		
6.1.13		G	X		
6.1.14		G	X		
6.1.15		G	X		
6.1.16		R	X		
6.1.17		G	X		
6.1.18		G	X		
6.1.19		R	X		
6.1.20		G	X		
6.1.21		R	X		
6.1.22		R	X		
6.1.23		R	X		
6.1.24		G	X		
6.1.24A		G	X		
6.1.25		R	X		
6.1.26		R	X		
6.1.27		G	X		
7.1.1		R	X		
7.1.2		G	X		
7.1.3		G	X		

7.1.4		G	X		
7.2.1		R	X		
7.2.2		G	X		
7.2.3		G	X		
8.1.1		R	X		
8.1.2		R	X		
8.2.1		R	X		
8.2.1A		R	X		
8.2.2		R	X		
8.2.3		R	X		
8.3.1		R	X		
8.3.1A		R	X		
8.3.1B		G	X		
8.3.2		G	X		
8.3.2A		G	X		
8.3.3		R	X		
8.3.4		R	X		
8.3.5		R	X		
8.3.5A		R	X		
8.3.5B		R	X		
8.3.6		R			X
8.3.7		G			X
8.3.7A		G	X		
8.3.7B		R	X		
8.3.8		G	X		
8.3.9		R	X		
8.3.10		G	X		
8.3.11		R	X		
8.3.12		G	X		
8.3.12A		G	X		
8.3.13		G	X		
8.3.14		R	X		
8.4.1		R	X		
8.4.2		R	X		
8.4.3		R	X		
8.4.4		G	X		
8.4.5		R			X
8.4.6		R			X
8.4.7		R	X		
8.4.8		R	X		
8.4.9		R	X		
8.4.10		G	X		
8.4.11		R	X		
8.4.12		R	X		
8.4.13		R	X		
8.4.14		R	X		
8.4.15		R	X		
8.4.16		R	X		
8.4.17		R	X		
8.5.1		R	X		
8.5.2		R	X		

8.5.3		R	X		
8.5.4		R			X
8.5.5		G			X
8.6.1		G	X		
8.6.2		R	X		
8.6.3		R	X		
8.6.4		G	X		
8.6.5		R	X		
8.6.6		R	X		
8.6.7		R	X		
8.6.8		G			X
8.6.9		G			X
8.6.9A		G	X		
8.6.9B		G	X		
8.6.10		R			X
8.6.11		G			X
8.6.12		G	X		
8.6.13		G	X		
8.6.13A		G	X		
8.6.13B		G	X		
8.6.14		G			X
8.6.15		R			X
8.6.16		G			X
8.6.16A		R	X		
8.6.16B		G	X		
8.6.16C		G	X		
8.6.17		R			X
8.6.18		R			X
8.6.19		R	X		
8.7.1		G	X		
8.7.1A		R	X		
8.7.2		G	X		
8.7.3		G	X		
8.7.4		G	X		
8.7.5		G	X		
8.7.6		R	X		
8.7.7		R	X		
8.7.7A		R	X		
8.7.8		R	X		
8.7.8A		R	X		
8.7.9		G	X		
8.7.10		G	X		
8.7.11		R			X
8.7.12		R			X
8.7.13		R			X
8.7.14		R			X
8.7.15		G			X
8.7.16		R	X		
8.7.17		R	X		
8.7.18		R	X		
8.7.19		R	X		

8.7.20		G	X		
8.7.21		G	X		
8.7.21A		G	X		
8.7.22		R	X		
8.7.23		G	X		
8.7.24		G			X
9.1.1		R	X		
9.1.2		R			X
9.1.2A		G			X
9.1.3		R			X
9.1.4		R			X
9.2.1		R	X		
9.2.2		R	X		
9.2.2A		R	X		
9.2.3		R	X		
9.2.4		R			X
9.2.5		G	X		
9.2.6		R	X		
9.2.6A		G	X		
9.2.6B		R	X		
9.2.7		R	X		
9.2.8		R	X		
9.2.8A		G	X		
9.2.9		G	X		
9.2.10		R	X		
9.2.11		R	X		
9.2.12		G	X		
9.2.13		G	X		
9.2.13A		R	X		
9.2.14		R			X
9.2.15		R	X		
9.2.16		R	X		
9.2.17		G	X		
9.2.18		R	X		
9.2.19		G	X		
9.2.20		R	X		
9.3.1		R			X
9.3.2		G			X
9.3.3		R			X
9.3.4		R			X
9.3.5		R			X
9.3.6		R	X		
9.3.7		R	X		
9.3.8		R			X
9.3.9		R	X		
9.3.10		G	X		
9.3.11		R	X		
9.3.12		R	X		
9.4.1		R	X		
9.4.2		R	X		
9.4.3		R	X		

9.4.4		R	X		
9.4.5		R	X		
9.5.1		R	X		
9.5.2		G	X		
9.5.3		G	X		
9.5.4		R	X		
9.5.5		R	X		
9.5.6		R	X		
9.5.7		R	X		
9.5.7A		R	X		
9.5.8		R	X		
9.5.8A		R	X		
9.5.8B		R	X		
9.5.9		R	X		
9.5.10		R	X		
9.5.10A		G	X		
9.5.11		R	X		
9.5.12		R	X		
9.5.13		R	X		
9.5.14		R	X		
9.5.15		R	X		
9.5.16		R	X		
9.6.1		R	X		
9.6.2		R	X		
9.6.3		R	X		
9.6.4		R	X		
9.6.5		R			X
9.6.6		R	X		
9.6.7		R			X
9.6.8		R			X
9.6.9		G			X
9.6.10		G			X
9.6.11		R	X		
9.6.12		R	X		
9.6.13		R	X		
9.6.14		R	X		
9.6.15		G	X		
9.6.16		R	X		
9.6.17		R	X		
9.6.18		R	X		
9.6.19		R	X		
9.6.20		R	X		
9.6.21		R	X		
9.6.22		G	X		
9.7			X		
9.7A.1		R	X		
9.7A.2		R	X		
9.7A.3		G	X		
9.8.1		R			X
9.8.2		R			X
9.8.3		R			X

9.8.4		R	X		
9.8.5		G	X		
9.8.6		R	X		
9.8.6A		G	X		
9.8.7		R	X		
9.8.7A		R	X		
9.8.8		R	X		
9.8.9		G	X		
9.8.10		R	X		
9.8.11		R	X		
9.8.12		R	X		
9.8.13		R	X		
9.9					X
9 Annex 1	1	R	X		
	2		X		
	3		X		
	4		X		
	5		X		
	6		X		
	7		X		
	8		X		
	9		X		
	10		X		
	11		X		
	12		X		
	13		X		
	14		X		
	15		X		
	16		X		
	17		X		
	18		X		
	19		X		
	20		X		
	21		X		
	22		X		
	23		X		
	24		X		
	25		X		
	26		X		
10.1.1		R	X		
10.1.2		G	X		
10.1.3		R	X		
10.1.4		G	X		
10.1.5		G	X		
10.2.1		G	X		
10.2.2		R	x		
10.2.2A		G	X		
10.2.3		R			X
10.2.4		R	X		
10.2.5		G	X		
10.2.6		G	X		

10.2.6A		R	X		
10.2.6B		G	X		
10.2.7		R	X		
10.2.8		R	X		
10.2.9		R	X		
10.2.10		R	X		
10.2.11		G	X		
10.3.1		R			X
10.3.2		R			X
10.4.1		R	X		
10.4.2		R	X		
10.5.1		R	X		
10.5.2		R	X		
10.5.3		G	X		
10.5.4		R	X		
10.5.5		G	X		
10.6.1		R			X
10.6.1A		G			X
10.6.2		G			X
10.6.3		G			X
10.7.1		R	X		
10.7.2		R	X		
10.7.3		R	X		
10.7.4		G	X		
10.7.5		R	X		
10.7.6		G	X		
10.7.7		R	X		
10.7.8		G	X		
10.8.1		G	X		
10.8.2		G	X		
10.8.3		G	X		
10.8.4		G	X		
10.8.5		G	X		
10.8.6		G	X		
10.8.7		G	X		
10.8.8		G	X		
10.8.9		G	X		
10 Annex 1	1.1	G	X		
	1	G	X		
	2	R	X		
	3	G	X		
	3A	G	X		
	4	R	X		
	4A	G	X		
	5	R	X		
	6	G	X		
	7	R	X		
	8	R	X		
	9	G	X		
	10	G	X		
	11	G	X		

11.1.1		R	X		
11.1.2		G	X		
11.1.3		R	X		
11.1.4		R	X		
11.1.4A		R	X		
11.1.5		R	X		
11.1.5A		G	X		
11.1.6		R	X		
11.1.7		R	X		
11.1.7A		R	X		
11.1.7B		G	X		
11.1.7C		R	X		
11.1.8		G	X		
11.1.9		G	X		
11.1.10		R	X		
11.1.11		R	X		
11.1.12					X
11 Annex 1	1.1 - 1	R	X		
	1A		X		
	2		X		
	3		X		
	4		X		
	5		X		
	6		X		
	7				X
	8		X		
	9		X		
12.1.1		R	X		
12.1.2		R	X		
12.1.3		R	X		
12.2.1		R	X		
12.3.1		R	X		
12.4.1		R	X		
12.4.2		R	X		
12.4.2A		R	X		
12.4.3		G	X		
12.4.4		R	X		
12.4.5		R	X		
12.4.6		R	X		
12.4.7		R	X		
12.4.8		R	X		
12.4.9		R	X		
12.4.10		G	X		
12.5.1		R	X		
12.5.2		R	X		
12.5.3		R	X		
12.5.4		R	X		
12.5.5		R	X		
12.5.6		R			X
12.5.7		R	X		
12.6.1		R	X		

12.6.2		R	X		
12.6.3		R	X		
12.6.4		R	X		
13.1.1		R	X		
13.1.2		R	X		
13.1.3		R	X		
13.1.4		R	X		
13.1.5		R	X		
13.1.6		R	X		
13.1.7		G	X		
13.1.8		R	X		
13.1.9		R	X		
13.1.10		G	X		
13.2.1		R	X		
13.2.2		R	X		
13.2.2A		G	X		
13.2.3		R	X		
13.2.4		R	X		
13.2.5		R	X		
13.2.6		R			X
13.2.7		R	X		
13.2.8		G	X		
13.2.9		G	X		
13.2.10		R	X		
13.3.1		R	X		
13.3.2		R	X		
13.3.3		R	X		
13.4.1		R	X		
13.4.1A		G	X		
13.4.2		R	X		
13.4.3		R			X
13.4.4		R	X		
13.4.5		R	X		
13.4.6		R	X		
13.4.7		G	X		
13.4.8		R	X		
13.5.-1		G	X		
13.5.1		R	X		
13.5.2		G			X
13.5.3		G			X
13.5.3A		R	X		
13.5.3B		R	X		
13.5.3C		R	X		
13.5.3D		G	X		
13.5.4		R	X		
13.5.5		G	X		
13.5.6		R	X		
13.5.7		G	X		
13.5.8		R	X		
13.5.9		R	X		
13.5.9A		R	X		

13.5.10		R	X		
13.5.11		R	X		
13.5.12		R	X		
13.5.12A		R	x		
13.5.13		R	X		
13.5.14		R	X		
13.5.15		R			X
13.5.16		R			X
13.5.17		G			X
13.5.17A		R	X		
13.5.17B		G	X		
13.5.18		R	X		
13.5.19		R			X
13.5.20		G			X
13.5.21		R	X		
13.5.22		R	X		
13.5.23		R	X		
13.5.24		G	X		
13.5.25		R	X		
13.5.26		R	X		
13.5.27		R	X		
13.5.27A		G	X		
13.5.27B		R	X		
13.5.27C		R	X		
13.5.28		R			X
13.5.29		G			X
13.5.30		R	X		
13.5.30A		R	X		
13.5.30B		R	X		
13.5.30C		R	X		
13.5.30D		G	X		
13.5.31		G	X		
13.5.32		R	X		
13.5.33		R	X		
13.5.33A		G	X		
13.5.33B		G	X		
13.5.34		G	X		
13.5.35		G			X
13.5.36		R			X
13.6.1		R	X		
13.6.2		R	X		
13.6.3		G	X		
13.6.4		G	X		
13.7.1		R	X		
13.7.1A		G	X		
13.7.2		G	X		
13.8.1		R	X		
13.8.2		R	X		
13.8.3		R			X
13.8.4		R	X		
13.8.5		R	X		

13.8.6		R	X		
13.8.7		R	X		
13.8.8		R	X		
13.8.9		G	X		
13.8.10		R	X		
13.8.11		R	X		
13.8.12		R	X		
13.8.13		R	X		
13.8.14		R	X		
13.8.15		R	X		
13.8.16		R	X		
13 Annex 1		R	X		
	1.1 - 1		X		
	2		X		
	3		X		
14.1.1		R	X		
14.2.1		R	X		
14.2.2		R	X		
14.2.3		G	X		
14.2.4		R	X		
14.2.5		G	X		
14.2.6		R			X
14.3.1		R	X		
14.3.2		R	X		
14.3.3		G	X		
14.3.4		R	X		
14.3.5		R	X		X
14.3.6		R	X		
14.3.7		R	X		
14.3.8		R	X		
14.3.9		R	X		
14.3.10		R	X		
14.3.11		G	X		
14.3.12		R			X
14.3.13		G			X
14.3.14		R			X
14.3.15		R	X		
14.3.15A		G	X		
14.3.16		G			X
14.3.17		R	X		
14.3.18		R	X		
14.3.19		R			X
14.3.20		R			X
14.3.21		R			X
14.3.22		G	X		
14.3.23		R	X		
14.3.24		R	X		
15.1.1		R	X		
15.2.1		R	X		
15.2.1A		R	X		
15.2.2		R	X		

15.2.3		G				X
15.2.3A		R	X			
15.2.4		R				X
15.2.4A		G	X			
15.2.5		R	X			
15.2.6		R	X			
15.2.7		R	X			
15.2.8		G	X			
15.2.9		R				X
15.2.10		G				X
15.2.11		R	X			
15.2.11A		R	X			
15.2.12		G				X
15.2.12-A		R	X			
15.2.12A		R	X			
15.2.13		G				X
15.2.13A		R	X			
15.3.1		G	X			
15.3.2		G	X			
15.3.3		R	X			
15.3.4		R	X			
15.4.1		R	X			
15.4.1A		R	X			
15.4.1B		G	X			
15.4.2		R	X			
15.4.3		G	X			
15.4.3A		R	X			
15.4.4		R	X			
15.4.4A		G	X			
15.4.5		R	X			
15.4.6		R	X			
15.4.6A		G	X			
15.4.7		R	X			
15.4.8		R	X			
15.4.9		G	X			
15.4.10		R	X			
15.4.11		R	X			
15.4.11A		G	X			
15.4.26		R	X			
15.5.1		R	X			
15.5.2		R	X			
15.5.3		G	X			
15.5.4		R	X			
15.5.5		R	X			
15.6.1		R	X			
15.6.2		R	X			
15.6.3		R	X			
15.6.4		R	X			
15.6.5		R	X			
15.6.6		R	X			
15.6.7		R	X			

15.6.8		R	X		
15.7					X
16.1.1		R	X		
16.2.1		R	X		
16.3.1		G	X		
16.3.2		G	X		
16.3.3		G	X		
16.3.4		R	X		
16.3.5		G			X
16.3.6		R	X		
16.4.1		R	X		
16.4.2		R	X		
16.4.3		R	X		
16.4.4		R	X		
16.4.5		R	X		
17.1.1		R	X		
17.1.2		G	X		
17.1.3		G	X		
17.2.1		G	X		
17.2.2		G	X		
17.3.1		R	X		
17.3.2		R	X		
17.3.3		R			X
17.3.3A		R	X		
17.3.4		R	X		
17.3.5		G	X		
17.3.6		G	X		
17.3.7		R			X
17.3.8		G	X		
17.3.9		R	X		
17.3.9A		G	X		
17.3.9B		R	X		
17.3.10		R	X		
17.3.12		R	X		
17.3.13		R	X		
17.4.1		R			X
17.4.2		R			X
17.4.3		R			X
17.4.4		G			X
17.4.5		R			X
17.4.6		R			X
17.4.7		R			X
17.4.8		R	X		
17.4.9		R	X		
17.5.1		R	X		
17.5.2		R	X		
18.1.1		R	X		
18.2.1		R	X		
18.2.2		R	X		
18.2.3		R	X		
18.2.4		R	X		

18.2.5		R	X		
18.2.6		G	X		
18.2.7		G	X		
18.2.8		R	X		
18.2.9		G	X		
18.2.10		R			X
18.2.10A		R	X		
18.2.11		R	X		
18.2.12		R	X		
18.2.13		R	X		
18.2.14		R	X		
18.3.1		R	X		
18.3.1A		R	X		
18.3.2		R	X		
18.3.3		G			X
18.4.1		R	X		
18.4.2		R	X		
18.4.3		R	X		
18.4.3A		R	X		
18.4.3B		R	X		
18.4.4		R	X		
18.4.5		R	X		
18.4.6		R	X		
18.4.7		G	X		
18.4.8		R	X		
18.4.9		R	X		
19.1.1		R	X		
19.1.2		R	X		
19.1.3		R	X		
19.2.1		R	X		
19.2.2		R	X		
19.2.3		R	X		
19.2.4		R	X		
19.2.5		R	X		
19.2.6		R	X		
19.3.1		R	X		
19.3.2		R	X		
19.4.1		R	X		
19.4.2		R	X		
19.4.3		R	X		
19.4.4		R			X
19.4.5		R			X
19.4.6		R			X
19.4.7		R	X		
19.4.8		R	X		
19.4.9		R	X		
19.4.10		R	X		
19.4.11		R	X		
19.4.11A		G	X		
19.4.11B		R	X		
19.4.11C		G	X		

19.4.12		R	X		
19.5.1		R	X		
19.5.2		R			X
19.5.3		R			X
19.5.4		R			X
19.5.5		R			X
19.5.6		R			X
19.5.7		R	X		
19.5.8		R			X
19.5.9		R	X		
19.5.10		R	X		
20.1.1		R	X		
20.1.2		G	X		
20.2.1		R	X		
20.3.1		R	X		
20.4.1		R	X		
20.4.2		R	X		
20.4.3		R	X		
20.4.4		R	X		
20.4.5		R	X		
20.4.6		G	X		
20.4.7		R	X		
20.4.8		R	X		
20.5.1		R	X		
20.5.2		R	X		
20.5.3		R	X		
20.5.4		R	X		
20.5.5		G	X		
App 1.1.1		n/a	X		
App 2		n/a	X		
App 3.1.1		R	X		
TR 1	1	R	X		
	1A	R	X		
	1B	R	X		
	2	R	X		
	3	R	X		
TR 2	1	R	X		
TR 3	1	R	X		
	2	R	X		
	3	R	X		
	4	R	X		
TR 4	1	R	X		
TR 5	1	R	X		
TR 6	1	R	X		
	2	R	X		
	3	R	X		
TR 7	1	R	X		
TR 8	1	R	X		
TR 9	1	R	X		
TR 10	1	R	X		
	2	R	X		

	3	R	X			
Sch 1		n/a	X			
Sch 2		n/a	X			
Sch 3		n/a	X			
Sch 4	para 1	n/a				X
	para 2	n/a				X
Sch 5		n/a	X			
Sch 6	para 1	n/a	X			
	para 2	n/a	X			

Annex 31

Designation of the Prospectus Rules sourcebook (PR)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.1.2		G				X
1.1.3		R	X			
1.1.4		R	X			
1.1.5		R	X			
1.1.6		G	X			
1.1.7		G	X			
1.1.8		G	X			
1.1.9		R	X			
1.2.1		UK	X			
1.2.2		R	X			
1.2.3		R	X			
1.2.4		G	X			
2.1.1		UK	X			
2.1.2		UK	X			
2.1.3		R	X			
2.1.4		EU	X			
2.1.5		G	X			
2.1.6		R	X			
2.1.7		R	X			
2.2.1		R	X			
2.2.2		R	X			
2.2.3		R	X			
2.2.4		R	X			
2.2.5		R	X			
2.2.6		R	X			
2.2.7		R	X			
2.2.8		R	X			
2.2.9		R	X			
2.2.10		EU	X			
2.2.11		EU	X			
2.3.1		EU	X			
2.3.2		R	X			
2.4.1		R	X			
2.4.2		G	X			
2.4.3		R	X			
2.4.4		R	X			
2.4.5		R	X			
2.4.6		EU	X			
2.5.1		R	X			
2.5.1A		UK	X			

2.5.2		UK	X		
2.5.3		R	X		
3.1.1		R	X		
3.1.2		G	X		
3.1.3		R	X		
3.1.4		R	X		
3.1.5		R	X		
3.1.5A		R	X		
3.1.6		G	X		
3.1.7		UK	X		
3.1.8		G	X		
3.1.9		R	X		
3.1.10		R	X		
3.1.11		R	X		
3.1.12		R	X		
3.1.13		G	X		
3.1.14		R	X		
3.1.15		R	X		
3.1.16		G	X		
3.2.1		R	X		
3.2.2		R	X		
3.2.3		R	X		
3.2.4		R	X		
3.2.5		R	X		
3.2.6		R	X		
3.2.7		G	X		
3.2.8		R	X		
3.2.9		EU	X		
3.3.1		R	X		
3.3.2		R	X		
3.3.3		G	X		
3.3.4		R	X		
3.3.5		EU	X		
3.3.6		EU	X		
3.4.1		UK	X		
3.4.2		R	X		
3.4.3		R	X		
4.1.1		R	X		
4.1.2		R	X		
4.1.3		R	X		
4.1.4		R	X		
4.1.5		G	X		
4.1.5A		G	X		
4.1.6		R	X		
4.2.1		R	X		
4.2.2		G	X		
5.1.1		R	X		
5.1.2		R	X		
5.1.3		R	X		
5.1.4		R	X		
5.3.1		UK	X		

5.3.2		R	X		
5.3.3		G	X		
5.3.4		G	X		
5.5.1		R	X		
5.5.2		R	X		
5.5.3		R	X		
5.5.3A		R	X		
5.5.3B		G	X		
5.5.4		R	X		
5.5.5		R	X		
5.5.6		R	X		
5.5.7		R	X		
5.5.8		R	X		
5.5.9		R	X		
5.6.1		R	X		
5.6.2		G	X		
5.6.3		G	X		
5.6.4		R	X		
5.6.5		G	X		
5.6.6		G	X		
App 1.1.1		n/a	X		
App 2.1		n/a	X		
App 3.1.1	Annex 1	EU	X		
	Annex 2		X		
	Annex 3		X		
	Annex 4		X		
	Annex 5		X		
	Annex 6		X		
	Annex 7		X		
	Annex 8		X		
	Annex 9		X		
	Annex 10		X		
	Annex 11		X		
	Annex 12		X		
	Annex 13		X		
	Annex 14		X		
	Annex 15		X		
	Annex 16		X		
	Annex 17		X		
	Annex 18		X		
	Annex 19		X		
	Annex 20		X		
	Annex 21		X		
	Annex 22		X		
	Annex 23		X		
	Annex 24		X		
	Annex 25		X		
	Annex 26		X		
	Annex 27		X		
	Annex 28		X		
	Annex 29		X		

	Annex 30		X			
TR 1	1	R	X			
Sch 1		n/a	X			
Sch 2		n/a	X			
Sch 3		n/a	X			
Sch 4	4.1	G				X
	4.2	G				X
Sch 5		n/a	X			
Sch 6.1G		G	X			
Sch 6.2G		G	X			

Annex 32

Designation of the Disclosure Rules and Transparency Rules sourcebook (DTR)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		R	X			
1.1.2		G	X			
1.1.3		G				X
1.2.1		R	X			
1.2.2		R	X			
1.2.3		G	X			
1.2.4		G	X			
1.2.5		G	X			
1.3.1		R	X			
1.3.2		G	X			
1.3.3		R	X			
1.3.4		R	X			
1.3.5		R	X			
1.3.6		R	X			
1.3.7		G	X			
1.3.8		R	X			
1.4.1		R	X			
1.4.2		R	X			
1.4.3		R	X			
1.4.4		G	X			
1.4.5		G	X			
1.5.1		G	X			
1.5.2		R	X			
1.5.3		G	X			
1 Annex 2		n/a	X			
1A.1.1		G	X			
1A.1.2		R	X			
1A.1.3		G	X			
1A.1.4		G	X			
1A.2.1		R	X			
1A.2.2		R	X			
1A.2.3		G	X			
1A.2.4		G	X			
1A.2.5		G	X			
1A.3.1		R	X			
1A.3.2		R	X			
1A.3.2A		R	X			
1A.3.3		R	X			
1A.1.4		G				X
1B.1.1		G	X			

1B.1.2		R	X			
1B.1.3		R	X			
1B.1.4		G	X			
1B.1.5		R	X			
1B.1.5A		G	X			
1B.1.6		R	X			
1B.2.1		R	X			
2.1.1		G	X			
2.1.2		R	X			
2.1.3		G	X			
2.2.1		R	X			
2.2.2		R	X			
2.2.3		G	X			
2.2.4		G	X			
2.2.5		G	X			
2.2.6		G	X			
2.2.7		G	X			
2.2.8		G	X			
2.2.9		G	X			
2.2.10		G	X			
2.3.1		R	X			
2.3.2		R	X			
2.3.3		R	X			
2.3.4		G	X			
2.3.5		R	X			
2.4.1		R	X			
2.4.2		R	X			
2.5.1		R	X			
2.5.2		G	X			
2.5.3		R	X			
2.5.4		G	X			
2.5.5		G	X			
2.5.5A		R	X			
2.5.6		R	X			
2.5.7		G	X			
2.5.8		G	X			
2.5.9		G	X			
2.6.1		R	X			
2.6.2		R	X			
2.6.3		G	X			
2.6.4		G	X			
2.7.1		G	X			
2.7.2		G	X			
2.7.3		G	X			
2.8.1		R	X			
2.8.2		R	X			
2.8.3		R	X			
2.8.4		R	X			
2.8.5		R	X			
2.8.6		G	X			
2.8.7		G	X			

2.8.8		G	X			
2.8.9		R	X			
2.8.10		R	X			
3.1.1		G	X			
3.1.2		R	X			
3.1.2A		G	X			
3.1.3		R	X			
3.1.4		R	X			
3.1.5		R	X			
3.1.6		R	X			
3.1.7		G	X			
3.1.8		R	X			
4.1.1		R	X			
4.1.2		G	X			
4.1.3		R	X			
4.1.4		R	X			
4.1.5		R	X			
4.1.6		R	X			
4.1.7		R	X			
4.1.8		R	X			
4.1.9		R	X			
4.1.10		G	X			
4.1.11		R	X			
4.1.12		R	X			
4.1.13		R	X			
4.2.1		R	X			
4.2.2		R	X			
4.2.3		R	X			
4.2.4		R	X			
4.2.5		R	X			
4.2.6		R	X			
4.2.7		R	X			
4.2.8		R	X			
4.2.9		R	X			
4.2.10		R	X			
4.2.11		R	X			
4.3.1		R	X			
4.3.2		R	X			
4.3.3		R	X			
4.3.4		R	X			
4.3.5		R	X			
4.3.6		R	X			
4.4.1		R	X			
4.4.2		R	X			
4.4.3		R	X			
4.4.4		R	X			
4.4.5		R	X			
4.4.6		R	X			
4.4.7		R	X			
4.4.8		R	X			
4.4.9		G	X			

5.1.1		R	X			
5.1.2		R	X			
5.1.3		R	X			
5.1.4		R	X			
5.1.5		R	X			
5.2.1		R	X			
5.2.2		G	X			
5.2.3		G	X			
5.2.4		R	X			
5.2.5		R	X			
5.3.1		R	X			
5.3.1A		G	X			
5.3.2		R	X			
5.3.3		G	X			
5.3.4		R	X			
5.4.1		R	X			
5.4.2		R	X			
5.4.3		R	X			
5.4.4		R	X			
5.4.5		R	X			
5.4.6		R	X			
5.4.7		R	X			
5.4.8		R	X			
5.4.9		R	X			
5.4.10		R	X			
5.4.11		R	X			
5.5.1		R	X			
5.5.2		R	X			
5.5.3		G	X			
5.6.1		R	X			
5.6.1A		R	X			
5.6.1B		G	X			
5.6.2		G	X			
5.6.3		R	X			
5.7.1		R	X			
5.7.2		G	X			
5.8.1		R	X			
5.8.2		R	X			
5.8.3		R	X			
5.8.4		R	X			
5.8.5		G	X			
5.8.6		R	X			
5.8.7		R	X			
5.8.8		R	X			
5.8.9		G	X			
5.8.10		R	X			
5.8.11		R	X			
5.8.12		R	X			
5.9.1		R	X			
5.10.1		R	X			
5.11.1		R	X			

5.11.2		R	X			
5.11.3		R	X			
5.11.4		R	X			
5.11.5		G	X			
5.11.6		R	X			
6.1.1		R	X			
6.1.2		R	X			
6.1.3		R	X			
6.1.4		R	X			
6.1.5		R	X			
6.1.6		R	X			
6.1.7		G	X			
6.1.8		R	X			
6.1.9		R	X			
6.1.10		R	X			
6.1.11		R	X			
6.1.12		R	X			
6.1.13		R	X			
6.1.14		R	X			
6.1.15		R	X			
6.1.16		R	X			
6.1.17		G	X			
6.1.18		R	X			
6.1.19		R	X			
6.2.1		R	X			
6.2.2		R	X			
6.2.3		G	X			
6.2.4		R	X			
6.2.5		R	X			
6.2.6		R	X			
6.2.7		R	X			
6.2.8		R	X			
6.2.9		G	X			
6.3.1		R	X			
6.3.2		R	X			
6.3.3		R	X			
6.3.4		R	X			
6.3.5		R	X			
6.3.6		R	X			
6.3.7		R	X			
6.3.8		R	X			
6.3.9		R	X			
6.3.10		R	X			
6.4.1		R	X			
6.4.2		R	X			
7.1.1		R	X			
7.1.2		G	X			
7.1.3		R	X			
7.1.4		R	X			
7.1.5		R	X			
7.1.6		G	X			

7.1.7		G	X			
7.2.1		R	X			
7.2.2		R	X			
7.2.3		R	X			
7.2.4		G	X			
7.2.5		R	X			
7.2.6		R	X			
7.2.7		R	X			
7.2.8		G	X			
7.2.9		R	X			
7.2.10		R	X			
7.2.11		R	X			
TP 1	1	R	X			
	2	R	X			
	3	R	X			
	3A	R	X			
	4	R	X			
	5	R	X			
	5A	R	X			
	6	R	X			
	7	R	X			
	8	R	X			
	9	G	X			
	10	R	X			
	11	R	X			
	12	R	X			
	13	R	X			
	14	R	X			
	15	R	X			
	16	G	X			
	17	R	X			
	18	R	X			
	19	R	X			
	20	R	X			
	21	R	X			
Sch 1		n/a	X			
Sch 2		n/a	X			
Sch 3		n/a	X			
Sch 4.1		n/a				X
Sch 4.2		n/a				X
Sch 5		n/a	X			
Sch 6		n/a	X			

Annex 33

Designation of the Energy Market Participants Guide (EMPS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		G	X			
1.2.2		G	X			
1.2.3		G	X			
2.1.1		G				X
Annex1		G				X

Annex 34

Designation of the Oil Market Participants Guide (OMPS)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		G	X			
1.2.2		G	X			

Annex 35

Designation of the Service Companies Guide (SERV)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		G	X			
1.2.2		G	X			

Annex 36

Designation of the Building Societies Regulatory Guide (BSOG)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G			X	
1.1.2		G			X	
1.1.3		G			X	
	the 1986 Act	G			X	
	approved person	G			X	
	The Authority	G			X	
	Banking Regulator	G			X	
	the Commission	G			X	
	Confirmation criteria	G			X	
	"Controlled function"	G			X	
	"Fee Rules"	G			X	
	First, Second, Third Criteria				X	
	First, Second, Third Criteria				X	
	"Official list"				X	
	the registrations team				X	
	the Three Criteria				X	
1.2						
1.2.1		G		X		
1.2.2		G		X		
1.2.3		G		X		
1.2.3A		G		X		
1.2.4		G		X		
1.2.5		G		X		
1.2.6		G		X		
1.2.7		G		X		
1.2.8		G		X		
1.2.9		G		X		
1.2.10		G		X		
1.2.11		G		X		

1.2.12		G		X		
1.3.1		G			X	
1.3.2		G			X	
1.3.3		G			X	
1.3.4		G			X	
1.3.5		G			X	
1.3.6		G			X	
1.3.7		G			X	
1.3.8		G			X	
1.3.9		G			X	
1.3.10		G			X	
1.3.11		G			X	
1.3.12		G			X	
1.3.13		G			X	
1.3.14		G			X	
1.3.15		G			X	
1.3.16		G			X	
1.4.1		G		X		
1.4.2		G		X		
1.4.3		G		X		
1.4.4		G		X		
1.5.1		G			X	
1.5.2		G			X	
1.5.3		G			X	
1A.1.1		G	X			
1A.1.2		G	X			
1A.2.1		G	X			
1A.2.2		G	X			
1A.2.3		G	X			
1A.2.4		G	X			
1A.2.5		G	X			
1A.3.1		G	X			
1A.3.2		G	X			
1A.3.3		G	X			
1A.3.4		G	X			
1A.3.5		G	X			
1A.3.6		G	X			
1A.3.7		G	X			
1A.3.8		G	X			
1A.3.9		G	X			
1A.3.10		G	X			
1A.3.11		G	X			
1A.3.12		G	X			
1A.4.1		G	X			
1A.4.2		G	X			
1A.4.3		G	X			
1A.4.4		G	X			
1A.4.5		G	X			
1A.4.6		G	X			
1A.5.1		G	X			
1A.5.2		G	X			

1A.5.3		G	X		
1A.5.4		G	X		
1A.5.5		G	X		
1A.5.6		G	X		
1A.5.7		G	X		
1A.5.8		G	X		
1A.5.9		G	X		
1A.5.10		G	X		
1A.5.11		G	X		
1A.5.12		G	X		
1A.5.13		G	X		
1A.5.14		G	X		
1A.5.15		G	X		
1A.5.16		G	X		
1A.5.17		G	X		
1A.5.18		G	X		
1A.5.19		G	X		
1A.5.20		G	X		
1A.6.1		G	X		
1A.6.2		G	X		
1A.6.3		G	X		
1A.6.4		G	X		
1A.6.5		G	X		
1A.6.6		G	X		
1A.7.1		G	X		
1A.7.2		G	X		
1A.7.3		G	X		
1A Annex 1		G	X		
1A Annex 2		G	X		
2.1.1		G		X	
2.1.2		G		X	
2.1.3		G		X	
2.1.4		G		X	
2.1.5		G		X	
2.1.6		G		X	
2.1.7		G		X	
2.1.8		G		X	
2.1.9		G		X	
2.1.10		G		X	
2.1.11		G		X	
2.1.12		G		X	
2.1.13		G		X	
2.1.14		G		X	
2.2.1		G		X	
2.2.2		G		X	
2.2.3		G		X	
2.2.4		G		X	
2.2.5		G		X	
2.2.6		G		X	
2.2.7		G			X

2.2.8		G		X		
2.2.9		G		X		
2.2.10		G		X		
2.2.11		G		X		
2.2.12		G		X		
2.2.13		G		X		
2.2.14		G		X		
2.2.15		G		X		
2.2.16		G		X		
2.2.17		G		X		
2.2.18		G		X		
2.2.19		G		X		
2.2.20		G		X		
2.2.21		G		X		
2.2.22		G		X		
2.2.23		G		X		
2.2.24		G		X		
2.2.25		G		X		
2.3.1		G		X		
2.3.2		G		X		
2.3.3		G		X		
2.3.4		G		X		
2.3.5		G		X		
2.3.6		G		X		
2.3.7		G		X		
2.3.8		G		X		
2.3.9		G		X		
2.3.10		G		X		
2.3.11		G		X		
2.3.12		G		X		
2.3.13		G		X		
2.3.14		G		X		
2.3.15		G		X		
2.3.16		G		X		
2.3.17		G		X		
2.3.18		G		X		
2.3.19		G		X		
2.3.20		G		X		
2.3.21		G		X		
2.3.22		G		X		
2.3.23		G		X		
2.3.24		G		X		
2.3.25		G		X		
2.3.26		G		X		
2.3.27		G		X		
2.3.28		G			X	
2.3.29		G		X		
2.3.30		G		X		
2.4.1		G		X		
2.4.2		G		X		
2.4.3		G		X		

2.4.4		G		X		
2.4.5		G		X		
2.4.6		G		X		
2.4.7		G		X		
2.4.8		G		X		
2.4.9		G		X		
2.4.10		G		X		
2.4.11		G		X		
2.4.12		G		X		
2.4.13		G		X		
2.4.14		G		X		
2.4.15		G		X		
2.4.16		G		X		
2.4.17		G		X		
2.4.18		G		X		
2.4.19		G		X		
2.4.20		G		X		
2.4.21		G		X		
2.4.22		G		X		
2.4.23		G		X		
2.4.24		G		X		
2.4.25		G		X		
2.4.26		G		X		
2.4.27		G		X		
2.4.28		G		X		
2.4.29		G		X		
2.4.30		G		X		
2.4.31		G		X		
2.4.32		G		X		
2.4.33		G		X		
2.4.34		G		X		
2.4.35		G		X		
2.4.36		G		X		
2.4.37		G		X		
2.4.38		G		X		
2.4.39		G		X		
2.4.40		G		X		
2.4.41		G		X		
2.4.42		G		X		
2.5.1		G		X		
2.5.2		G			X	
2.5.3		G		X		
2.5.4		G		X		
2.5.5		G		X		
2.5.6		G		X		
2.5.7		G		X		
2.5.8		G		X		
2.5.9		G		X		
2.5.10		G		X		
2.5.11		G		X		
2.5.12		G		X		

2.5.13		G		X		
2.5.14		G		X		
2.5.15		G		X		
2.5.16		G		X		
2.5.17		G		X		
2.5.18		G		X		
2.5.19		G		X		
2.5.20		G		X		
2.5.21		G		X		
2.5.22		G		X		
2.5.23		G		X		
2.5.24		G		X		
2.5.25		G		X		
2.5.26		G		X		
2.5.27		G		X		
2.5.28		G		X		
2.5.29		G		X		
2.5.30		G		X		
2.5.31		G			X	
2.6.1		G		X		
2.6.2		G		X		
2.6.3		G		X		
2.6.4		G		X		
2.6.5		G		X		
2.6.6		G		X		
2.7.1		G			X	
2.7.2		G			X	
2.7.3		G			X	
2.7.4		G			X	
2.8.1		G			X	
2.8.2		G			X	
2.8.3		G			X	
2.8.4		G			X	
2 Annex 1		n/a		X		
2 Annex 2A		n/a		X		
2 Annex 2B		n/a		X		
2 Annex 2C		n/a		X		
2 Annex 2D		n/a		X		
2 Annex 3		G		X		
2 Annex 4	4.1	G		X		
2 Annex 4	4.3.2	G		X		
3.1.1		G			X	
3.1.2		G			X	
3.1.3		G			X	
3.1.4		G			X	
3.1.5		G			X	
3.1.6		G		X		
3.1.7		G		X		

3.1.8		G		X		
3.1.9		G		X		
3.1.10		G		X		
3.1.11		G		X		
3.2.1		G		X		
3.2.2		G		X		
3.2.3		G		X		
3.2.4		G		X		
3.2.5		G		X		
3.2.6		G		X		
3.2.7		G		X		
3.2.8		G		X		
3.2.9		G		X		
3.2.10		G		X		
3.2.11		G		X		
3.2.12		G		X		
3.2.13		G		X		
3.2.14		G		X		
3.2.15		G		X		
3.2.16		G		X		
3.3.1		G		X		
3.3.2		G		X		
3.3.3		G		X		
3.3.4		G		X		
3.3.5		G		X		
3.3.6		G		X		
3.3.7		G		X		
3.3.8		G		X		
3.3.9		G		X		
3.3.10		G		X		
3.3.11		G		X		
3.3.12		G		X		
3.3.13		G		X		
3.3.14		G		X		
3.3.15		G		X		
3.3.16		G		X		
3.3.17		G		X		
3.3.18		G		X		
3.3.19		G		X		
3.3.20		G		X		
3.3.21		G		X		
3.3.22		G		X		
3.3.23		G			X	
3.3.24		G		X		
3.3.25		G		X		
3.3.26		G		X		
3.3.27		G		X		
3.4.1		G		X		
3.4.2		G		X		
3.4.3		G		X		
3.4.4		G		X		

3.4.5		G		X		
3.4.6		G		X		
3.4.7		G		X		
3.4.8		G		X		
3.4.9		G		X		
3.4.10		G		X		
3.4.11		G		X		
3.4.12		G		X		
3.4.13		G		X		
3.4.14		G		X		
3.4.15		G		X		
3.4.16		G		X		
3.4.17		G			X	
3.4.18		G		X		
3.4.19		G		X		
3.5.1		G		X		
3.5.2		G		X		
3.5.3		G		X		
3.5.4		G		X		
3.5.5		G		X		
3.5.6		G		X		
3.5.7		G		X		
3.5.8		G		X		
3.5.9		G		X		
3.5.10		G		X		
3.5.11		G		X		
3.5.12		G		X		
3.5.13		G		X		
3.5.14		G		X		
3.5.15		G		X		
3.5.16		G		X		
3.5.17		G		X		
3.5.18		G		X		
3.5.19		G		X		
3.5.20		G		X		
3.5.21		G		X		
3.5.22		G		X		
3.5.23		G		X		
3.5.24		G		X		
3.5.25		G		X		
3.5.26		G		X		
3.5.27		G		X		
3.5.28		G		X		
3.5.29		G		X		
3.5.30		G		X		
3.5.31		G		X		
3.5.32		G		X		
3.5.33		G		X		
3.5.34		G		X		
3.5.35		G		X		
3.5.36		G		X		

3.5.37		G		X		
3.5.38		G		X		
3.5.39		G		X		
3.6.1		G		X		
3.6.2		G		X		
3.6.3		G		X		
3.6.4		G		X		
3.6.5		G		X		
3.6.6		G		X		
3.6.7		G		X		
3.6.8		G		X		
3.6.9		G		X		
3.6.10		G		X		
3.6.11		G		X		
3.6.12		G		X		
3.6.13		G		X		
3.6.14		G		X		
3.6.15		G		X		
3.6.16		G		X		
3.6.17		G		X		
3.6.18		G		X		
3.6.19		G		X		
3.6.20		G		X		
3.6.21		G		X		
3.6.22		G		X		
3.6.23		G		X		
3.6.24		G		X		
3.6.25		G		X		
3.6.26		G		X		
3.6.27		G		X		
3.6.28		G		X		
3.6.29		G		X		
3.6.30		G		X		
3.6.31		G		X		
3.6.32		G		X		
3.6.33		G			X	
3.7.1		G		X		
3.7.2		G		X		
3.7.3		G		X		
3.7.4		G		X		
3.7.5		G		X		
3.7.6		G		X		
3.7.7		G		X		
3.8.1		G			X	
3.8.2		G			X	
3.8.3		G			X	
3.8.4		G			X	
3.8.5		G			X	
3.9.1		G			X	
3.9.2		G			X	
3.9.3		G			X	

3.9.4		G		X	
3 Annex 1		n/a		X	
3 Annex 2		n/a		X	
3 Annex 2A		n/a		X	
3 Annex 2B		n/a		X	
3 Annex 3		n/a		X	
3 Annex 4					
3 Annex 4	4.1.1	G		X	
3 Annex 4	4.1.2	G		X	
3 Annex 4	4.2.1	G		X	
3 Annex 4	4.2.2	G		X	
3 Annex 4	4.2.3	G		X	
3 Annex 4	4.2.4	G		X	
3 Annex 4	4.2.5	G		X	
3 Annex 4	4.3.1	G		X	
3 Annex 4	4.4.1	G		X	
3 Annex 4	4.4.2	G		X	
3 Annex 4	4.4.3	G		X	
3 Annex 4	4.4.4	G		X	
3 Annex 4	4.4.5	G		X	
3 Annex 4	4.4.6	G		X	
3 Annex 4	4.5.1	G		X	
3 Annex 4	4.6.1	G		X	
3 Annex 4	4.7.1	G		X	
3 Annex 4	4.7.2	G		X	
3 Annex 4	4.7.3	G		X	
3 Annex 4	4.8.1	G		X	

Annex 37

Designation of the Collective Investment Scheme Information Guide (COLLG)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1A.1.1		G	X			
1A.1.2		G	X			
1A.1.3		G	X			
1A.1.4		G	X			
1A.1.5		G	X			
1A.1.6		G				X
1.1.7		G				X
1.1.8		G				X
2A.1.1		G	X			
2A.1.2		G	X			
2A.1.3		G	X			
2.1.4		G	X			
2A.1.5		G	X			
2A.1.6		G	X			
2A.1.7		G	X			
2.1.8		G				X
3A.1.1		G	X			
3A.1.2		G	X			
3A.1.3		G	X			
3.1.3A		G				X
3A.1.4		G	X			
3A.1.5		G	X			
3A.1.6		G	X			
3A.1.7		G	X			
3A.1.8		G	X			
3.1.8A		G				X
3.1.8B		G				X
3.1.8C		G				X
3A.1.9		G	X			
3A.1.10		G	X			
3A.1.11		G	X			
3A.1.12		G	X			
3A.1.13		G	X			
3A.1.14		G	X			
3A.1.15		G	X			
3A.1.16		G	X			
4A.1.1		G	X			
4A.1.2		G	X			
4A.1.3		G	X			
4A.1.4		G	X			

4A.1.5		G	X			
4A.1.6		G	X			
4A.1.7		G	X			
4A.1.8		G	X			
5A.1.1		G	X			
5A.1.2		G	X			
5A.1.3		G	X			
5.1.3A		G				X
5.1.3B		G				X
5A.1.4		G	X			
5A.1.5		G	X			
5.1.5		G				X
5.1.6		G				X
5.1.7		G				X
5.1.8		G				X
5.1.9		G				X

Annex 38

Designation of the Financial Crime: a guide for Firms sourcebook (FC)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
Part 1, 'About' Box		G	X			
Part 1, Paragraph 1.1		G	X			
Part 1, Paragraph 1.2		G	X			
Part 1, Paragraph 1.3		G	X			
Part 1, Paragraph 1.4		G	X			
Part 1, Paragraph 1.5		G	X			
Part 1, Paragraph 1.6		G	X			
Part 1, Paragraph 1.7		G	X			
Part 1, Paragraph 1.8		G	X			
Part 1, Paragraph 1.9		G	X			
Part 1, Paragraph 1.10		G	X			
Part 1, Paragraph 1.11		G	X			
Part 1, Paragraph 1.12		G	X			
Part 1, Paragraph 1.13		G	X			
Part 1, Paragraph 1.14		G	X			
Part 1, Box 1.1		G	X			

Part 1, Box 1.2		G	X			
Part 1, Paragraph 1.15		G	X			
Part 1, Ch 2 - who should read box		G	X			
Part 1, Ch 2 - content box		G	X			
Part 1, Paragraph 2.1		G	X			
Part 1, Box 2.1		G	X			
Part 1, Box 2.2		G	X			
Part 1, Box 2.3		G	X			
Part 1, Box 2.4		G	X			
Part 1, Box 2.5		G	X			
Part 1, Box 2.6		G	X			
Part 1, Paragraph 2.2		G	X			
Part 1, Paragraph 2.3		G	X			
Part 1, Paragraph 2.4		G	X			
Part 1, Paragraph 2.5		G	X			
Part 1, Paragraph 2.6		G	X			
Part 1, Paragraph 2.7		G	X			
Part 1, Ch 3 - who should read box		G	X			
Part 1, Ch 3 - content box		G	X			
Part 1, Paragraph 3.1		G	X			
Part 1, Paragraph		G	X			

3.2						
Part 1, Paragraph 3.3		G	X			
Part 1, Box 3.1		G	X			
Part 1, Box 3.2		G	X			
Part 1, Box 3.3		G	X			
Part 1, Box 3.4		G	X			
Part 1, Box 3.5		G	X			
Part 1, Box 3.6		G	X			
Part 1, Box 3.7		G	X			
Part 1, Box 3.8		G	X			
Part 1, Box 3.9		G	X			
Part 1, Box 3.10		G	X			
Part 1, Box 3.11		G	X			
Part 1, Box 3.12		G	X			
Part 1, Box 3.13		G	X			
Part 1, Box 3.14		G	X			
Part 1, Paragraph 3.4		G	X			
Part 1, Paragraph 3.5		G	X			
Part 1, Paragraph 3.6		G	X			
Part 1, Paragraph 3.7		G	X			
Part 1, Ch 4 – ‘who should read’ box		G	X			
Part 1, Ch 4 - content box		G	X			
Part 1, Paragraph 4.1		G	X			
Part 1, Paragraph 4.2		G	X			

Part 1, Box 4.1		G	X			
Part 1, Box 4.2		G	X			
Part 1, Box 4.3		G	X			
Part 1, Box 4.4		G	X			
Part 1, Box 4.5		G	X			
Part 1, Paragraph 4.3		G	X			
Part 1, Paragraph 4.4		G	X			
Part 1, Paragraph 4.5		G	X			
Part 1, Ch 5 – ‘who should read’ box		G	X			
Part 1, Ch 5 - content box		G	X			
Part 1, Paragraph 5.1		G	X			
Part 1, Box 5.1		G	X			
Part 1, Box 5.2		G	X			
Part 1, Box 5.3		G	X			
Part 1, Box 5.4		G	X			
Part 1, Box 5.5		G	X			
Part 1, Paragraph 5.2		G	X			
Part 1, Paragraph 5.3		G	X			
Part 1, Ch 6 – ‘who should read’ box		G	X			
Part 1, Ch 6 - content box		G	X			
Part 1, Paragraph 6.1		G	X			
Part 1, Paragraph		G	X			

6.2						
Part 1, Paragraph 6.3		G	X			
Part 1, Box 6.1		G	X			
Part 1, Box 6.2		G	X			
Part 1, Box 6.3		G	X			
Part 1, Box 6.4		G	X			
Part 1, Box 6.5		G	X			
Part 1, Box 6.6		G	X			
Part 1, Paragraph 6.4		G	X			
Part 1, Paragraph 6.5		G	X			
Part 1, Ch 7 – ‘who should read’ box		G	X			
Part 1, Ch 7 - content box		G	X			
Part 1, Paragraph 7.1		G	X			
Part 1, Paragraph 7.2		G	X			
Part 1, Paragraph 7.3		G	X			
Part 1, Box 7.1		G	X			
Part 1, Box 7.2		G	X			
Part 1, Box 7.3		G	X			
Part 1, Box 7.4		G	X			
Part 1, Box 7.5		G	X			
Part 1, Box 7.6		G	X			
Part 1, Paragraph 7.4		G	X			
Part 1, Paragraph 7.5		G	X			
Part 1, Paragraph		G	X			

7.6						
Part 1, Annex 1		G	X			
Part 2, Paragraph 1.1		G	X			
Part 2, Paragraph 1.2		G	X			
Part 2, Paragraph 1.3		G	X			
Part 2, Paragraph 1.4		G	X			
Part 2, Ch 2 – ‘who should read’ box		G	X			
Part 2, Paragraph 2.1		G	X			
Part 2, Paragraph 2.2		G	X			
Part 2, Paragraph 2.3		G	X			
Part 2, Paragraph 2.4		G	X			
Part 2, Paragraph 2.5		G	X			
Part 2, Paragraph 2.6		G	X			
Part 2, Ch 3 – ‘who should read’ box		G	X			
Part 2, Paragraph 3.1		G	X			
Part 2, Paragraph 3.2		G	X			
Part 2, Paragraph 3.3		G	X			
Part 2, Paragraph 3.4		G	X			
Part 2, Paragraph 3.5		G	X			

Part 2, Paragraph 3.6		G	X			
Part 2, Paragraph 3.7		G	X			
Part 2, Ch 4 – ‘who should read’ box		G	X			
Part 2, Paragraph 4.1		G	X			
Part 2, Paragraph 4.2		G	X			
Part 2, Paragraph 4.3		G	X			
Part 2, Paragraph 4.4		G	X			
Part 2, Paragraph 4.5		G	X			
Part 2, Paragraph 4.6		G	X			
Part 2, Box 4.1		G	X			
Part 2, Ch 5 – ‘who should read’ box		G	X			
Part 2, Paragraph 5.1		G	X			
Part 2, Paragraph 5.2		G	X			
Part 2, Paragraph 5.3		G	X			
Part 2, Paragraph 5.4		G	X			
Part 2, Paragraph 5.5		G	X			
Part 2, Box 5.1		G	X			
Part 2, Ch 6 – ‘who should read’ box		G	X			
Part 2, Ch 6 - content box		G	X			

Part 2, Paragraph 6.1		G	X			
Part 2, Paragraph 6.2		G	X			
Part 2, Paragraph 6.3		G	X			
Part 2, Paragraph 6.4		G	X			
Part 2, Paragraph 6.5		G	X			
Part 2, Box 6.1		G	X			
Part 2, Box 6.2		G	X			
Part 2, Box 6.3		G	X			
Part 2, Box 6.4		G	X			
Part 2, Box 6.5		G	X			
Part 2, Box 6.6		G	X			
Part 2, Box 6.7		G	X			
Part 2, Box 6.8		G	X			
Part 2, Box 6.9		G	X			
Part 2, Box 6.10		G	X			
Part 2, Box 6.11		G	X			
Part 2, Box 6.12		G	X			
Part 2, Box 6.13		G	X			
Part 2, Box 6.14		G	X			
Part 2, Box 6.15		G	X			
Part 2, Ch 7 – ‘who should read’ box		G	X			
Part 2, Paragraph 7.1		G	X			
Part 2, Paragraph 7.2		G	X			
Part 2, Paragraph		G	X			

7.3						
Part 2, Paragraph 7.4		G	X			
Part 2, Paragraph 7.5		G	X			
Part 2, Paragraph 7.6		G	X			
Part 2, Ch 8 – ‘who should read’ box		G	X			
Part 2, Ch 8 - content box		G	X			
Part 2, Paragraph 8.1		G	X			
Part 2, Paragraph 8.2		G	X			
Part 2, Paragraph 8.3		G	X			
Part 2, Paragraph 8.4		G	X			
Part 2, Paragraph 8.5		G	X			
Part 2, Box 8.1		G	X			
Part 2, Box 8.2		G	X			
Part 2, Box 8.3		G	X			
Part 2, Box 8.4		G	X			
Part 2, Box 8.5		G	X			
Part 2, Box 8.6		G	X			
Part 2, Box 8.7		G	X			
Part 2, Ch 9 – ‘who should read’ box		G	X			
Part 2, Ch 9 - content box		G	X			
Part 2, Paragraph 9.1		G	X			
Part 2,		G	X			

Paragraph 9.2						
Part 2, Paragraph 9.3		G	X			
Part 2, Paragraph 9.4		G	X			
Part 2, Paragraph 9.5		G	X			
Part 2, Paragraph 9.6		G	X			
Part 2, Box 9.1		G	X			
Part 2, Box 9.2		G	X			
Part 2, Box 9.3		G	X			
Part 2, Box 9.4		G	X			
Part 2, Box 9.5		G	X			
Part 2, Box 9.6		G	X			
Part 2, Box 9.7		G	X			
Part 2, Box 9.8		G	X			
Part 2, Box 9.9		G	X			
Part 2, Ch 10 – 'who should read' box		G	X			
Part 2, Ch 10 - content box		G	X			
Part 2, Paragraph 10.1		G	X			
Part 2, Paragraph 10.2		G	X			
Part 2, Paragraph 10.3		G	X			
Part 2, Paragraph 10.4		G	X			
Part 2, Paragraph 10.5		G	X			
Part 2, Paragraph		G	X			

10.6						
Part 2, Paragraph 10.7		G	X			
Part 2, Box 10.1		G	X			
Part 2, Box 10.2		G	X			
Part 2, Box 10.3		G	X			
Part 2, Box 10.4		G	X			
Part 2, Box 10.5		G	X			
Part 2, Box 10.6		G	X			
Part 2, Box 10.7		G	X			
Part 2, Box 10.8		G	X			
Part 2, Box 10.9		G	X			
Part 2, Box 10.10		G	X			
Part 2, Box 10.11		G	X			
Part 2, Box 10.12		G	X			
Part 2, Box 10.13		G	X			
Part 2, Box 10.14		G	X			
Part 2, Box 10.15		G	X			
Part 2, Box 10.16		G	X			
Part 2, Box 10.17		G	X			
Part 2, Ch 11 – 'who should read' box		G	X			
Part 2, Ch 11 - content box		G	X			
Part 2, Paragraph 11.1		G	X			
Part 2, Paragraph 11.2		G	X			
Part 2, Paragraph 11.3		G	X			
Part 2, Paragraph 11.4		G	X			

Part 2, Box 11.1		G	X			
Part 2, Box 11.2		G	X			
Part 2, Box 11.3		G	X			
Part 2, Box 11.4		G	X			
Part 2, Box 11.5		G	X			
Part 2, Box 11.6		G	X			
Part 2, Box 11.7		G	X			
Part 2, Box 11.8		G	X			
Part 2, Ch 12 – ‘who should read’ box		G	X			
Part 2, Ch 12 - content box		G	X			
Part 2, Paragraph 12.1		G	X			
Part 2, Paragraph 12.2		G	X			
Part 2, Paragraph 12.3		G	X			
Part 2, Paragraph 12.4		G	X			
Part 2, Paragraph 12.5		G	X			
Part 2, Paragraph 12.6		G	X			
Part 2, Box 12.1		G	X			
Part 2, Box 12.2		G	X			
Part 2, Box 12.3		G	X			
Part 2, Box 12.4		G	X			
Part 2, Box 12.5		G	X			
Part 2, Box 12.6		G	X			
Part 2, Box 12.7		G	X			
Part 2,		G	X			

Box 12.8						
Part 2, Box 12.9		G	X			
Part 2, Box 12.10		G	X			
Part 2, Box 12.11		G	X			
Part 2, Section 13 "Who should read this chapter?" paragraph.		G	X			
Part 2, Section 13 "Content" paragraph		G	X			
Part 2, Section 13 paragraph 13.1		G	X			
Part 2, Section 13 paragraph 13.2		G	X			
Part 2, Section 13, paragraph 13.3.		G	X			
Part 2, section 13, paragraph 13.4.		G	X			
Part 2, section 13, box 13.1		G	X			
Part 2, section 13, box 13.2		G	X			
Part 2, section 13, box 13.3		G	X			
Part 2, section 13, box 13.4		G	X			
Part 2, section 13, box 13.5		G	X			
Part 2, section 13, box 13.6		G	X			
Part 2, section 13, box 13.7		G	X			
Part 2, section 13,		G	X			

box 13.8						
Part 2, section 13, box 13.9		G	X			
Part 2, section 13, box 13.10		G	X			

Annex 39

Designation of the Perimeter Guidance Manual (PERG)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.2.1		G	X			
1.2.2		G	X			
1.2.3		G	X			
1.2.4		G	X			
1.3.1		G	X			
1.4.1		G	X			
1.4.2		G	X			
1.5.1		G	X			
1.5.2		G	X			
1.5.3		G	X			
1.5.4		G	X			
2.1.1		G	X			
2.1.2		G	X			
2.2.1		G	X			
2.2.2		G	X			
2.2.3		G	X			
2.2.4		G	X			
2.2.5		G	X			
2.3.1		G	X			
2.3.2		G	X			
2.3.3		G	X			
2.4.1		G	X			
2.4.2		G	X			
2.4.3		G	X			
2.4.4		G	X			
2.4.5		G	X			
2.4.6		G	X			
2.4.7		G	X			
2.5.1		G	X			
2.5.2		G	X			
2.5.3		G	X			
2.5.4		G	X			
2.5.4A		n/a	X			
2.5.5		G	X			
2.5.6		G	X			
2.6.1		G	X			
2.6.2		G	X			
2.6.3		G	X			
2.6.4		G	X			

2.6.4A		G	X		
2.6.5		G	X		
2.6.6		G	X		
2.6.7		G	X		
2.6.8		G	X		
2.6.9		G	X		
2.6.10		G	X		
2.6.11		G	X		
2.6.11A		G	X		
2.6.11B		G	X		
2.6.11C		G	X		
2.6.11D		G	X		
2.6.11E		G	X		
2.6.11F		G	X		
2.6.11G		G	X		
2.6.11H		G	X		
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2.6.19D		G	X		
2.6.19E		G	X		
2.6.19F		G	X		
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2.6.22B		G	X		
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2.6.26		G	X		
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2.6.27B		G	X		
2.6.27C		G	X		
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2.7.7BA		G	X		
2.7.7BB		G	X		
2.7.7BC		G	X		
2.7.7BD		G	X		
2.7.7BE		G	X		
2.7.7BF		G	X		
2.7.7C		G	X		
2.7.7D		G	X		
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2.7.14B		G	X		
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2.7.16E		G	X		
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2.8.4C		G	X		
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2.8.6B		G	X			
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2.8.12B		G	X			
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2.8.14B		G	X			
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2.11.2		G				X
2.11.3		G				X
2 Annex 1		G	X			
2 Annex 2	Table 1	G	X			
	Table 2		X			
	Table 3		X			
	Table 4		X			
	Table 5		X			
3						X
3A.1	Q1	n/a	X			
3A.2	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
	Q7	n/a	X			
3A.3	Q8	n/a	X			
	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
	Q12	n/a	X			
	Q13	n/a	X			
	Q14	n/a	X			
	Q15	n/a	X			
	Q16	n/a	X			
3A.4	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a	X			
	Q20	n/a	X			
	Q21	n/a	X			
	Q22	n/a	X			
	Q23	n/a	X			
	Q24	n/a	X			
	Q25	n/a	X			
3A.5	Q26	n/a	X			
	Q27	n/a	X			

	Q28	n/a	X			
3A.6	Q29	n/a	X			
3A.7	Q30					X
	Q31					X
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8.2.8		G	X			
8.3.1		G	X			
8.3.2		G	X			
8.3.3		G	X			
8.3.4		G	X			
8.3.5		G	X			
8.4.1		G	X			
8.4.2		G	X			
8.4.3		G	X			
8.4.4		G	X			
8.4.5		G	X			
8.4.6		G	X			
8.4.7		G	X			
8.4.8		G	X			
8.4.9		G	X			

8.4.10		G	X		
8.4.11		G	X		
8.4.12		G	X		
8.4.13		G	X		
8.4.14		G	X		
8.4.15		G	X		
8.4.16		G	X		
8.4.17		G	X		
8.4.18		G	X		
8.4.19		G	X		
8.4.20		G	X		
8.4.21		G	X		
8.4.22		G	X		
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8.4.30		G	X		
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8.4.32		G	X		
8.4.33		G	X		
8.4.34		G	X		
8.5.1		G	X		
8.5.2		G	X		
8.5.3		G	X		
8.5.4		G	X		
8.5.5		G	X		
8.6.1		G	X		
8.6.2		G	X		
8.6.3		G	X		
8.6.4		G	X		
8.6.5		G	X		
8.6.6		G	X		
8.6.7		G	X		
8.6.7A		G	X		
8.6.8		G	X		
8.6.9		G	X		
8.6.10		G	X		
8.7.1		G	X		
8.7.2		G	X		
8.7.3		G	X		
8.7.4		G	X		
8.7.5		G	X		
8.8.1		G	X		
8.8.2		G	X		
8.8.3		G	X		
8.9.1		G	X		
8.9.2		G	X		

8.9.3		G	X		
8.9.4		G	X		
8.9.5		G	X		
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8.10.2		G	X		
8.10.3		G	X		
8.10.4		G	X		
8.10.5		G	X		
8.10.6		G	X		
8.10.7		G	X		
8.10.8		G	X		
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8.10.10		G	X		
8.10.11		G	X		
8.10.12		G	X		
8.10.13		G	X		
8.10.14		G	X		
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8.11.2		G	X		
8.11.3		G	X		
8.11.4		G	X		
8.11.5		G	X		
8.11.6		G	X		
8.12.1		G	X		
8.12.2		G	X		
8.12.3		G	X		
8.12.4		G	X		
8.12.5		G	X		
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8.12.10		G	X		
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8.12.27		G	X		
8.12.28		G	X		

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8.12.38		G	X		
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8.13.4		G	X		
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8.14.2		G	X		
8.14.3		G	X		
8.14.4		G	X		
8.14.5		G	X		
8.14.6		G	X		
8.14.7		G	X		
8.14.8		G	X		
8.14.9		G	X		
8.14.10		G	X		
8.14.11		G	X		
8.14.12		G	X		
8.14.13		G	X		
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8.14.28		G	X		
8.14.28A		G	X		
8.14.28B		G	X		
8.14.28C		G	X		
8.14.28D		G	X		
8.14.29		G	X		
8.14.30		G	X		
8.14.31		G	X		
8.14.32		G	X		

8.14.33		G	X		
8.14.34		G	X		
8.14.35		G	X		
8.14.36		G	X		
8.14.37		G	X		
8.14.38		G	X		
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8.14.40AB		G	X		
8.14.40AC		G	X		
8.14.40AD		G	X		
8.14.40AE		G	X		
8.14.40AF		G	X		
8.14.40B		G	X		
8.14.40C		G	X		
8.14.41		G	X		
8.14.42		G	X		
8.15.1		G	X		
8.15.2		G	X		
8.15.3		G	X		
8.15.4		G	X		
8.15.5		G	X		
8.15.6		G	X		
8.15.7		G	X		
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8.17.2		G	X		
8.17.3		G	X		
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8.17.5		G	X		
8.17.6		G	X		
8.17.7		G	X		
8.17.8		G	X		
8.17.9		G	X		
8.17.10		G	X		
8.17.11		G			X
8.17.12		G	X		
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8.17.14		G	X		
8.17.15		G	X		
8.17.16		G	X		
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8.17.18		G	X		
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8.17A.2		G	X		
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8.18.2		G	X		
8.19.1		G	X		

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8.21.2		G	X			
8.21.3		G	X			
8.21.4		G	X			
8.21.5		G	X			
8.21.6		G	X			
8.21.7		G	X			
8.21.8		G	X			
8.21.9		G	X			
8.21.10		G	X			
8.21.11		G	X			
8.21.12		G	X			
8.21.13		G	X			
8.21.14		G	X			
8.21.15		G	X			
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8.21.17		G	X			
8.21.18		G				X
8.21.19		G	X			
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8.22.2		G	X			
8.22.3		G	X			
8.23.1		G	X			
8.23.2		G	X			
8.23.3		G	X			
8.23.4		G	X			
8.24.1		G	X			
8.24.2		G	X			
8.24.3		G	X			
8.25.1		G	X			
8.25.2		G	X			
8.26.1		G	X			
8.26.2		G	X			
8.26.3		G	X			
8.26.4		G	X			
8.27.1		G	X			
8.27.2		G	X			
8.27.3		G	X			
8.27.4		G	X			
8.27.5		G	X			
8.28.1		G	X			
8.28.2		G	X			
8.28.3		G	X			
8.28.4		G	X			
8.29.1		G	X			

8.29.2		G	X			
8.29.3		G	X			
8.29.4		G	X			
8.29.5		G	X			
8.29.6		G	X			
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8.30.2		G	X			
8.30.3		G	X			
8.30.4		G	X			
8.30.5		G	X			
8.31.1		G	X			
8.31.2		G	X			
8.31.3		G	X			
8.31.3A		G	X			
8.31.4		G	X			
8.31.5		G	X			
8.32.1		G	X			
8.32.2		G	X			
8.32.3		G	X			
8.32.4		G	X			
8.32.5		G	X			
8.32.6		G	X			
8.32.7		G	X			
8.32.8		G	X			
8.32.9		G	X			
8.32.10		G	X			
8.32.11		G	X			
8.32.12		G	X			
8.33.1		G	X			
8.33.2		G	X			
8.33.3		G	X			
8.33.4		G	X			
8.33.5		G	X			
8.33.6		G	X			
8.33.7		G	X			
8.34.1		G	X			
8.34.2		G	X			
8.35.1		G	X			
8.36.1		G	X			
8.36.2		G	X			
8.36.3		G	X			
8.36.4		G	X			
8.36.5		G	X			
8.36.6		G	X			
9.1.1		G	X			
9.1.2		G	X			
9.1.3		G	X			
9.1.4		G	X			
9.1.5		G	X			
9.1.6		G				X
9.2.1		G	X			

9.2.2		G	X		
9.2.3		G	X		
9.2.4		G	X		
9.3.1		G	X		
9.3.2		G	X		
9.3.3		G	X		
9.3.4		G	X		
9.3.5		G	X		
9.3.6		G	X		
9.4.1		G	X		
9.4.2		G	X		
9.4.3		G	X		
9.4.4		G	X		
9.4.5		G	X		
9.4.6		G	X		
9.5.1		G	X		
9.5.2		G	X		
9.5.3		G	X		
9.5.4		G	X		
9.5.5		G	X		
9.6.1		G	X		
9.6.2		G	X		
9.6.3		G	X		
9.6.4		G	X		
9.6.5		G	X		
9.6.6		G	X		
9.6.7		G	X		
9.7.1		G	X		
9.7.2		G	X		
9.7.3		G	X		
9.7.4		G	X		
9.7.5		G	X		
9.7.6		G	X		
9.8.1		G	X		
9.8.2		G	X		
9.8.3		G	X		
9.8.4		G	X		
9.8.5		G	X		
9.8.6		G	X		
9.8.7		G	X		
9.8.8		G	X		
9.8.9		G	X		
9.9.1		G	X		
9.9.2		G	X		
9.9.3		G	X		
9.9.4		G	X		
9.9.5		G	X		
9.9.6		G	X		
9.9.7		G	X		
9.10.1		G	X		
9.10.2		G	X		

9.10.3		G	X			
9.10.4		G	X			
9.10.5		G	X			
9.10.6		G	X			
9.10.7		G	X			
9.10.8		G	X			
9.10.9		G	X			
9.10.10		G	X			
9.11.1		G	X			
10.1	Q1	n/a	X			
10.2	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
10.3	Q7	n/a	X			
	Q8	n/a	X			
	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
	Q12	n/a	X			
	Q13	n/a	X			
	Q14	n/a	X			
	Q15	n/a	X			
	Q16	n/a	X			
	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a	X			
	Q20	n/a	X			
	Q21	n/a	X			
	Q22	n/a	X			
	Q23	n/a	X			
	Q24	n/a	X			
	Q25	n/a	X			
	Q26	n/a	X			
	Q27	n/a	X			
	Q28	n/a	X			
	Q29	n/a	X			
	Q30					X
10.4	Q31	n/a	X			
	Q32	n/a	X			
	Q33	n/a	X			
	Q34	n/a	X			
	Q35	n/a	X			
	Q36	n/a	X			
	Q37	n/a	X			
	Q38	n/a	X			
	Q39	n/a	X			
	Q40	n/a	X			
	Q41	n/a	X			
10.4A	Q41A	n/a	X			

	Q41B					X
	Q41C	n/a	X			
	Q41D	n/a	X			
10.5	Q42	n/a	X			
	Q43	n/a	X			
	Q44	n/a	X			
	Q45	n/a	X			
	Q46	n/a	X			
	Q47	n/a	X			
	Q48	n/a	X			
	Q49	n/a	X			
	Q50	n/a	X			
10 Annex 1		n/a	X			
10 Annex 2		n/a	X			
10 Annex 3		n/a	X			
10 Annex 4		n/a	X			
10 Annex 5		n/a	X			
11.1	Q1	n/a	X			
11.2	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
	Q7	n/a	X			
	Q8	n/a	X			
	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
	Q12	n/a	X			
	Q13	n/a	X			
	Q14	n/a	X			
	Q15	n/a	X			
	Q16	n/a	X			
	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a				X
11.3	Q20	n/a	X			
	Q21	n/a	X			
12.1	Q1	n/a	X			
	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
	Q7	n/a	X			
	Q8	n/a	X			

	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
	Q12	n/a	X			
	Q13	n/a	X			
12.2	Q14	n/a	X			
12.3	Q15	n/a	X			
	Q16	n/a	X			
	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a	X			
	Q20	n/a	X			
	Q21	n/a	X			
	Q22	n/a	X			
	Q23	n/a	X			
12.4	Q24	n/a	X			
12.5	Q25	n/a	X			
	Q26	n/a	X			
	Q27	n/a	X			
	Q28	n/a	X			
12.6						X
13.1		n/a	X			
13.2	Q1	n/a	X			
	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
	Q7	n/a	X			
	Q8	n/a	X			
	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
13.3	Q12	n/a	X			
	Q12A	G	X			
	Q13	n/a	X			
	Q14	n/a	X			
	Q15	n/a	X			
	Q16	n/a	X			
	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a	X			
	Q20	n/a	X			
	Q21	n/a	X			
	Q22	n/a	X			
	Q23	n/a	X			
	Q24	n/a	X			
	Q25	n/a	X			
	Q26	n/a	X			
13.4	Q27	n/a	X			
	Q28	n/a	X			

	Q29	n/a	X			
	Q30	n/a	X			
	Q31	n/a	X			
	Q32	n/a	X			
	Q33	n/a	X			
	Q34	n/a	X			
13.5	Q35	n/a	X			
	Q36	n/a	X			
	Q37	n/a	X			
	Q38	n/a	X			
	Q39	n/a	X			
	Q40	n/a	X			
	Q41	n/a	X			
	Q42	n/a	X			
	Q43	n/a	X			
	Q44	n/a	X			
	Q45	n/a	X			
	Q46	n/a	X			
	Q47	n/a	X			
	Q48	n/a	X			
	Q49	n/a	X			
	Q50	n/a	X			
	Q51	n/a	X			
	Q52	n/a	X			
	Q53	n/a	X			
13.5A	Q53A	n/a	X			
	Q53B	n/a	X			
	Q53C	n/a	X			
	Q53D	n/a	X			
13.6	Q54	n/a	X			
	Q55	n/a	X			
	Q56	n/a	X			
	Q57	n/a	X			
	Q58	n/a	X			
	Q59	n/a	X			
	Q60	n/a	X			
	Q61	n/a	X			
	Q62	n/a	X			
	Q63	n/a	X			
	Q64	n/a	X			
	Q65	n/a	X			
	Q66	n/a	X			
13.7	Q67	n/a	X			
	Q68	n/a	X			
	Q69	n/a	X			
	Q70	n/a	X			
	Q71	n/a	X			
	Q72	n/a	X			
13 Annex 1		n/a	X			
13 Annex 2	Table 1	n/a	X			

	Table 2		X		
13 Annex 3		n/a	X		
13 Annex 4		n/a	X		
14.1	Q1	n/a	X		
14.2	Q2	n/a	X		
	Q3	n/a	X		
	Q4	n/a	X		
14.3	Q5	n/a	X		
	Q6	n/a	X		
	Q7	n/a	X		
	Q8	n/a	X		
	Q9	n/a	X		
	Q10	n/a	X		
	Q11	n/a	X		
	Q12	n/a	X		
	Q13	n/a	X		
	Q14	n/a	X		
	Q15	n/a	X		
	Q16	n/a	X		
	Q17	n/a	X		
	Q18	n/a	X		
	Q19	n/a	X		
	Q20	n/a	X		
	Q21	n/a	X		
	Q22	n/a	X		
14.4	Q23	n/a	X		
	Q24	n/a	X		
	Q25	n/a	X		
	Q26	n/a	X		
	Q27	n/a	X		
	Q28	n/a	X		
	Q29	n/a	X		
	Q30	n/a	X		
	Q31	n/a	X		
	Q32	n/a	X		
	Q33	n/a	X		
	Q34	n/a	X		
	Q35	n/a	X		
	Q36	n/a	X		
	Q37	n/a	X		
14.4A	Q37A	n/a	X		
	Q37B	n/a	X		
	Q37C	n/a	X		
	Q37D	n/a	X		
	Q37E	n/a	X		
	Q37F	n/a	X		
	Q37G	n/a	X		
	Q37H	n/a	X		
	Q37I	n/a	X		
	Q37J	n/a	X		

	Q37K	n/a	X			
	Q37L	n/a	X			
	Q37M	n/a	X			
	Q37N	n/a	X			
	Q37O	n/a	X			
	Q37P	n/a	X			
	Q37Q	n/a	X			
	Q37R	n/a	X			
	Q37S	n/a	X			
	Q37T	n/a	X			
	Q37U	n/a	X			
	Q37V	n/a	X			
14.5	Q38	n/a	X			
	Q38A	n/a	X			
	Q38B	n/a	X			
	Q38C	n/a	X			
	Q38D	n/a	X			
	Q38E	n/a	X			
14.6	Q39	n/a	X			
14.7	Q40	n/a	X			
	Q41	n/a	X			
	Q42	n/a	X			
14.8	Q43	n/a	X			
	Q44	n/a	X			
	Q45	n/a	X			
15.1		n/a	X			
15.2	Q1	n/a	X			
	Q2	n/a	X			
	Q3	n/a	X			
	Q4	n/a	X			
	Q5	n/a	X			
	Q6	n/a	X			
	Q7	n/a	X			
	Q8	n/a	X			
	Q9	n/a	X			
	Q10	n/a	X			
	Q11	n/a	X			
	Q12	n/a	X			
	Q13	n/a	X			
15.3	Q14	n/a	X			
	Q15	n/a	X			
	Q16	n/a	X			
	Q17	n/a	X			
	Q18	n/a	X			
	Q19	n/a	X			
	Q20	n/a	X			
	Q21	n/a	X			
	Q22	n/a	X			
	Q23	n/a	X			
	Q24	n/a	X			
	Q25	n/a	X			

15.4	Q26	n/a	X			
	Q27	n/a	X			
	Q28	n/a	X			
	Q29	n/a	X			
	Q30	n/a	X			
	Q31	n/a	X			
	Q32	n/a	X			
15.5	Q33	n/a	X			
	Q34	n/a	X			
	Q35	n/a	X			
	Q36	n/a	X			
	Q37	n/a	X			
	Q38	n/a	X			
	Q39	n/a	X			
	Q40	n/a	X			
	Q41	n/a	X			
	Q42	n/a	X			
	Q43	n/a	X			
	Q44	n/a	X			
15.6	Q45	n/a	X			
	Q46	n/a	X			
15.7	Q47	n/a				X
	Q48	n/a				X
	Q49	n/a				X
	Q50	n/a				X
15 Annex 1		n/a	X			
15 Annex 1		n/a	X			
15 Annex 2		n/a	X			
15 Annex 3		n/a	X			

Annex 40

**Designation of the Responsibilities of Providers and Distributors for the Fair Treatment of Customers Guide (RPPD)**

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1		G	X			
1.2		G	X			
1.3		G	X			
1.4		G	X			
1.5		G	X			
1.6		G	X			
1.7		G	X			
1.8		G	X			
1.9		G	X			
1.10		G	X			
1.11		G	X			
1.12		G	X			
1.13		G	X			
1.14		G	X			
1.15		G	X			
1.16		G	X			
1.17		G	X			
1.18		G	X			
1.19		G	X			
1.20		G	X			
1.21		G	X			
1.22		G	X			
1.23		G	X			
1.24		G	X			
1.25		G	X			

Annex 41

Designation of the Unfair Contract Terms Regulatory Guide (UNFCOG)

Provision	Table/row refs (for Annexes, TPs and Schedules)	Status letter	FCA only	PRA only	FCA and PRA	Neither
1.1.1		G	X			
1.1.2		G	X			
1.1.3		G	X			
1.1.4		G	X			
1.1.5		G	X			
1.2.1		G	X			
1.2.2		G	X			
1.2.3		G	X			
1.2.4		G	X			
1.3.1		G	X			
1.3.2		G	X			
1.3.3		G	X			
1.3.4		G	X			
1.3.5		G	X			
1.3.6		G	X			
1.4.1		G	X			
1.4.2		G	X			
1.4.3		G	X			
1.4.4		G	X			
1.4.5		G	X			
1.5.1		G	X			
1.6.1		G	X			
2.1.1		G	X			
2 Annex 1		n/a				X
2 Annex 2		n/a				X

**FINANCIAL CONDUCT AUTHORITY AND PRUDENTIAL REGULATION  
AUTHORITY HANDBOOK DESIGNATION (GENERAL MODIFICATIONS)  
INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of modifying a Relevant Instrument.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) “Designation Order” means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) “the Authority” means the Financial Services Authority;
- (3) “the 2000 Act” means the Financial Services and Markets Act 2000;
- (4) “the 2012 Act” means the Financial Services Act 2012;
- (5) “Financial Conduct Authority” means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (6) “Prudential Regulation Authority” means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) “Handbook” means the Authority’s Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority’s Handbook website at 11h59 pm on 27 February 2013;
- (8) “Designation Instrument” means The FCA and PRA Handbook Designation Instrument 2013, made by the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body (FCA 2013/8) and by the Board of the Prudential Regulation Authority (PRA 2013/3);
- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under the Designation Instrument;
- (11) “PRA Relevant Instrument” means a Relevant Instrument specified by the Prudential Regulation Authority under the Designation Instrument;

- (12) “Commencement date” means 1 April 2013, provided that Her Majesty’s Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

### **Modifications of rules etc by the Financial Conduct Authority**

- 2 The Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in each Annex<sup>1</sup> to this Instrument. For the avoidance of doubt, this paragraph does not give effect to any modification shown in an Annex to this Instrument as relating to or affecting an instrument not designated by the Financial Conduct Authority.
- 3 The modification of an FCA Relevant Instrument under paragraph 2 takes effect:
  - (1) on the Commencement Date; or
  - (2) if later, on the date on which the Designation Instrument comes into effect in relation to that FCA Relevant Instrument.

### **Modifications of rules etc by the Prudential Regulation Authority**

- 4 The Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in each Annex to this Instrument. For the avoidance of doubt, this paragraph does not give effect to any modification shown in an Annex to this Instrument as relating to or affecting an instrument not designated by the Prudential Regulation Authority.
- 5 The modification of a PRA Relevant Instrument under paragraph 4 takes effect:
  - (1) on the Commencement Date; or
  - (2) if later, on the date on which the Designation Instrument comes into effect in relation to that PRA Relevant Instrument.

### **Citation**

- 6 This instrument may be cited as the FCA and PRA Handbook Designation (General Modifications) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

28 February 2013

**By order of the Board of the Prudential Regulation Authority**

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<sup>1</sup> For convenience (and without operative effect) Schedule A lists the Annexes to this Instrument by the Module of the Handbook to which each Annex relates.

7 March 2013

## SCHEDULE A

For convenience (and without operative effect) this Schedule lists the Annexes referred to in paragraph 2 and paragraph 4 of this Instrument by the Module of the Handbook to which each Annex relates.

Handbook Module	Annex
Principles for Businesses (PRIN)	Annex 1
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex 2
The Fit and Proper test for Approved Persons (FIT)	Annex 3
Financial Stability and Market Confidence sourcebook (FINMAR)	Annex 4
Training and Competence sourcebook (TC)	Annex 5
Fees manual (FEES)	Annex 6
General Prudential sourcebook (GENPRU)	Annex 7
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex 8
Prudential sourcebook for Insurers (INSPRU)	Annex 9
Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)	Annex 10
Prudential sourcebook for UCITS Firms (UPRU)	Annex 11
Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex 12
Interim Prudential sourcebook for Insurers (IPRU(INS))	Annex 13
Interim Prudential sourcebook for Investment Businesses (IPRU(INV))	Annex 14
Conduct of Business sourcebook (COBS)	Annex 15
Insurance: Conduct of Business sourcebook (ICOBS)	Annex 16
Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)	Annex 17
Banking: Conduct of Business sourcebook (BCOBS)	Annex 18
Client Assets sourcebook (CASS)	Annex 19
Market Conduct sourcebook (MAR)	Annex 20

Supervision manual (SUP)	Annex 21
Dispute Resolution: Complaints sourcebook (DISP)	Annex 22
Consumer Redress Schemes sourcebook (CONRED)	Annex 23
Compensation sourcebook (COMP)	Annex 24
Building Societies sourcebook (BSOCS)	Annex 25
Collective Investment Schemes sourcebook (COLL)	Annex 26
Credit Unions New sourcebook (CREDS)	Annex 27
Professional Firms sourcebook (PROF)	Annex 28
Regulated Covered Bonds sourcebook (RCB)	Annex 29
Listing Rules sourcebook (LR)	Annex 30
Prospectus Rules sourcebook (PR)	Annex 31
Disclosure Rules and Transparency Rules sourcebook (DTR)	Annex 32
Energy Market Participants Guide (EMPS)	Annex 33
Oil Market Participants Guide (OMPS)	Annex 34
Service Companies Guide (SERV)	Annex 35
The Building Societies Regulatory Guide (BSOG)	Annex 36
The Collective Investment Scheme Information Guide (COLLG)	Annex 37
Financial Crime: a guide for firms (FC)	Annex 38
The Perimeter Guidance Manual (PERG)	Annex 39
The Responsibilities of Providers and Distributors for the Fair Treatment of Customers Guide (RPPD)	Annex 40
The Unfair Contract Terms Regulatory Guide (UNFCOG)	Annex 41

## Annex 1

### Amendments to the Principles for Business sourcebook (PRIN)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	PRIN 1.1.2G, 1.1.5G, 1.1.6 G, 1.1.7G, 1.1.9G; PRIN 3.2.3R, 3.4.5R; PRIN Sch 2.2G
<i>FSA</i>	<i>FCA</i>	PRIN Sch 5.2G
<i>Part IV</i>	<i>Part 4A</i>	PRIN 1.1.4G
<i>regulatory objectives</i>	<i>statutory objectives</i>	PRIN 1.1.2G
Section 150	Section 138D	PRIN 3.4.4R; PRIN Schs 5.1G, 5.2G
Section 150(2)	Section 138D(3)	PRIN 3.4.4R; PRIN Sch 5.2G

Amend the following provision as follows

#### 2.1.1 R The Principles

...	
<b>11</b> Relations with regulators	A <i>firm</i> must deal with its regulators in an open and cooperative way, and must disclose <del>to the FSA</del> appropriately <u>to the appropriate regulator</u> anything relating to the <i>firm</i> of which <del>the FSA</del> <u>that regulator</u> would reasonably expect notice.

**Annex 2**

**Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	<p>SYSC 1.2.1G, 1 Annex 1, row 1.11G(1);</p> <p>SYSC 2.1.6G(3), 2.1.6G(7), 2.1.6G(12)(2), 2.1.6G(13);</p> <p>SYSC 3.1.3G, 3.1.10G;</p> <p>SYSC 4.1.8G(3), 4.1.9R, 4.2.4G, 4.2.5G, 4.4.6G(3), 4.4.6G(12)(2), 4.4.6G(13);</p> <p>SYSC 5.1.5AG;</p> <p>SYSC 6.1.2R;</p> <p>SYSC 7.1.16AG, 7.1.16BG;</p> <p>SYSC 8.1.1R(2)(b), 8.1.8R(8) and (9), 8.1.11R, 8.1.12G;;</p> <p>SYSC 9.1.1R, 9.1.3R and 9.1.3R(1);</p> <p>SYSC 12.1.18G, 12.1.21G, 12.1.22G;</p> <p>SYSC 13.4.1G, 13.4.2G, 13.7.9G(3), 13.8.4G, 13.8.7G(1)(c), 13.9.2G, 13.9.5G(2);</p> <p>SYSC 14.1.4G;</p> <p>SYSC 19A.1.4G, 19A.1.7G(1), 19A.2.2G(4) and (5), 19A.2.3G(1), (2) and (3), 19A.3.2G, 19A.3.6G(1), 19A.3.17G(3), 19A.3.21G, 19A.3.23G(2) and (3), 19A.3.28G, 19A.3.31G, 19A.3.34G(1), 19A.3.43G, 19A.3.50G(2), 19A.3.53G(2), 19A.3.55(1),</p>

		<p>SYSC 19A Annex 1 row 3G and row 8G</p> <p>SYSC 20.2.4G(2), 20.2.7G(2) to (3);</p> <p>SYSC 21.1.1G(3), 21.1.2G(2) and (3), 21.1.3G(2), 21.1.5G(1)</p>
<i>FSA</i>	<i>FCA</i>	<p>SYSC 3.2.6EG, 3.2.6IR(1), 3.2.6JG, 3.2.6KG;</p> <p>SYSC 6.1.1AG, 6.3.5G, 6.3.9R(1), 6.3.10G, 6.3.11G;</p> <p>SYSC 8.2.1R(1)(b), 8.2.1R(2) and (3), 8.2.4G, 8.2.5G, 8.2.6G, 8.2.7G, 8.2.9G, 8.3.3G, 8.3.6G(2), 8.3.7G, 8.3.7G(1) and (2);</p> <p>SYSC 10.2.3G</p> <p>SYSC 18.1.3G, SYSC 19A.1.8G</p> <p>SYSC Sch 5.2G</p>
<i>FSA</i>	<i>PRA</i>	<p>SYSC 3.2.5BG;</p> <p>SYSC 11.1.8G;</p> <p>SYSC 14.1.14G(1), 14.1.24G, 14.1.42G(5), 14.1.46G, 14.1.48G(7), 14.1.51G(2), 14.1.53R(1), 14.1.54G, 14.1.55G, 14.1.57G;</p> <p>SYSC 15.1.5G, 15.1.28G, 15.1.30G, 15.1.31G;</p> <p>SYSC 16.1.4G(3);</p> <p>SYSC 17.1.4G, 17.1.38G</p> <p>SYSC Sch 1.2G</p>
<i>regulatory objectives</i>	<i>statutory objectives</i>	<p>SYSC 14.1.4G;</p> <p>SYSC 17.1.4G</p>
Section 139A	Sections 137H and 137I	<p>SYSC 19A.3.55G(1);</p> <p>SYSC 19A Annex 1 row 3G;</p>
Section 150	Section 138D	<p>SYSC 1.4.2R;</p> <p>SYSC Annex 1 Part 1 row 1.12R;</p> <p>SYSC Annex 1 Part 2 row 2.19R;</p> <p>SYSC 10.2.3G(3);</p>

		SYSC Sch 5
Section 150(2)	Section 138D(3)	SYSC 1.4.2 R; SYSC Annex 1 Part 1 row 1.12R; SYSC Annex 1 Part 2 row 2.19R; SYSC Sch 5
Section 45	Section 55J	SYSC 8.2.5G
Section 151(2)	Section 138E(2)	SYSC 19A.3.55G(1)

Amend the following provisions as follows.

2.1.6 G Frequently asked questions about allocation of functions in SYSC 2.1.3R.

This table belongs to SYSC 2.1.5G.

	Question	Answer
1	...	An individual to whom a function is allocated under SYSC 2.1.3R will be performing the <i>apportionment and oversight function</i> (CF 8, see SUP 10.7.1R) and an application must be made <del>to the FSA</del> <u>under section 59 of the Act</u> for approval of the individual before the function is performed <del>under section 59 of the Act (Approval for particular arrangements)</del> . There are exceptions from this in SUP 10.1 (Approved persons – Application).
...		
7	...	Normally, yes, under SYSC 2.1.4 R, column 2. But if the <i>firm</i> is a <i>body corporate</i> and a member of a <i>group</i> , the functions may, instead of to the <i>firm's chief executive</i> , be allocated to a <i>director</i> or <i>senior manager</i> from the <i>group</i> responsible for the overall management of the <i>group</i> or of a relevant <i>group</i> division, so long as this is appropriate (see Question 3). Such individuals <del>will</del> <u>may</u> nevertheless require approval <del>by the FSA</del> <u>under section 59</u> (see Question 1). If the <i>firm</i> chooses to allocate the functions to a <i>director</i> or <i>senior manager</i> responsible for the overall management of a relevant <i>group</i> division, the <del>FSA</del> <u>appropriate regulator</u> would expect that individual to be of a seniority equivalent to or greater than a <i>chief executive</i> of the <i>firm</i> for the allocation to be appropriate. See also Question 14.

...		
14	...	The Note to SYSC 2.1.4 R provides that the <i>chief executive</i> or other executive director or <i>senior manager</i> need not be involved in such circumstances. For example, the <i>UK Corporate Governance Code</i> recommends that the board of a listed company should establish an audit committee of non-executive directors to be responsible for oversight of the audit. That aspect of the oversight function may therefore be allocated to the members of such a committee without involving the <i>chief executive</i> . Such individuals may require approval <del>by the FSA under section 59</del> in relation to that function (see Question 1).
		”

...

3.2.5A R ~~An *overseas bank* must ensure that at least two individuals effectively direct its business. [deleted]~~

3.2.5B R ~~In the case of an *overseas bank*, the *FSA* assesses whether at least two individuals effectively direct the business of the *bank* (and not just the business of its branch in the *United Kingdom*). The *FSA* also takes into account the manner in which management decisions are taken in the *United Kingdom* branch in assessing the adequacy of the *overseas bank's* systems and controls. [deleted]~~

...

4.4.6 G

Frequently asked questions about allocation of functions in SYSC 4.4.5R		
	Question	Answer
1	...	An individual to whom a function is allocated under SYSC 4.4.5R will be performing the <i>apportionment and oversight function</i> (CF 8, see SUP 10.7.1R) and an application must be made <del>to the FSA under section 59 of the Act</del> for approval of the individual before the function is performed <del>under section 59 of the Act (Approval for particular arrangements)</del> . There are exceptions from this in SUP 10.1 (Approved persons – Application).

...		
7	...	<p>Normally, yes, under SYSC 4.4.5R, column 2.</p> <p>But if the <i>firm</i> is a <i>body corporate</i> and a member of a <i>group</i>, the functions may, instead of being allocated to the <i>firm's chief executive</i>, be allocated to a <i>director</i> or <i>senior manager</i> from the <i>group</i> responsible for the overall management of the <i>group</i> or of a relevant <i>group</i> division, so long as this is appropriate (see Question 3). Such individuals <del>will</del> <u>may</u> nevertheless require approval <del>by the FSA</del> <u>under section 59</u> (see Question 1).</p> <p>...</p>
...		
14	...	<p>The Note to SYSC 4.4.5R provides that the <i>chief executive</i> or other executive director or <i>senior manager</i> need not be involved in such circumstances. For example, the <i>UK Corporate Governance Code</i> recommends that the board of a listed company should establish an audit committee of non-executive directors to be responsible for oversight of the audit. That aspect of the oversight function may therefore be allocated to the members of such a committee without involving the <i>chief executive</i>. Such individuals may require approval <del>by the FSA</del> <u>under section 59</u> in relation to that function (see Question 1).</p>

...

- 9.1.7 G The Committee of European Securities Regulators (CESR) has issued recommendations on the list of minimum records under Article 51(3) of the *MiFID implementing Directive*. This can be found at: [www.fsa.gov.uk/pubs/other/CESR\\_Minimum\\_List\\_Recommendations.pdf](http://www.fsa.gov.uk/pubs/other/CESR_Minimum_List_Recommendations.pdf).

...

...

How to interpret this section

- 14.1.6 G This section is designed to amplify *Principle 3* (Management and control) which requires that a *firm* take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems. This section is also designed to be complementary to *SYSC 2*, *SYSC 3* and *SYSC 13* in that it contains some additional *rules* and *guidance* on senior management arrangements and associated systems and controls for *firms* that could have a significant impact on the ~~FSA's objectives in a prudential context~~ PRA objectives.

...

#### The role of systems and controls ~~in a prudential context~~

- 14.1.10 G ~~In a prudential context, a~~ A *firm's* systems and controls should provide its senior management with an adequate means of managing the *firm*. As such, they should be designed and maintained to ensure that senior management is able to make and implement integrated business planning and risk management decisions on the basis of accurate information about the risks that the *firm* faces and the financial resources that it has.

...

#### Firms subject to risk management on a group basis

- 14.1.14 G Some *firms* organise the management of their prudential risks on a stand-alone basis. In some cases, however, the management of a *firm's* prudential risks may be entirely or largely subsumed within a whole *group* or *sub-group* basis.
- (1) The latter arrangement may still comply with the ~~FSA's prudential policy~~ PRA's policy on systems and controls if the *firm's governing body* formally delegates the functions that are to be carried out in this way to the *persons* or bodies that are to carry them out. Before doing so, however, the *firm's governing body* should have explicitly considered the arrangement and decided that it is appropriate and that it enables the *firm* to meet the ~~FSA's prudential policy~~ PRA's policy on systems and controls. The firm should notify the ~~FSA~~ PRA if the management of its prudential risks is to be carried out in this way.

...

- 14.1.15 G Any delegation of the management of prudential risks to another part of a *firm's group* does not relieve it of responsibility for complying with the ~~FSA's prudential policy~~ PRA's policy on systems and controls. A *firm* cannot absolve itself of such a responsibility by claiming that any breach of the ~~FSA's prudential policy~~ PRA's policy on systems and controls is effected by the actions of a third party *firm* to whom the *firm* has delegated tasks. The risk management arrangements are still those of the *firm*, even though personnel elsewhere in the *firm's group* are carrying out these functions on

its behalf. Thus any references in *GENPRU*, *INSPRU* or *SYSC* to what a *firm*, its personnel and its management should and should not do still apply, and do not need any adjustment to cover the situation in which risk management functions are carried out on a *group*-wide basis.

...

- 17.1.4 G Insurance risk concerns the ~~FSA in a prudential context~~ PRA because inadequate systems and controls for its management can create a threat to the *regulatory objectives* of market confidence, consumer protection and financial stability. Inadequately managed insurance risk may result in:

...

...

#### Record Keeping

- 17.1.38 G The ~~FSA's~~ PRA's high level *rules* and *guidance* for record keeping are outlined in *SYSC* 3.2.20R (Records). Additional *rules* and *guidance* ~~in relation to the prudential context~~ are set out in *SYSC* 14.1.51G to *SYSC* 14.1.64G. In complying with these *rules* and *guidance*, a *firm* should retain an appropriate record of its insurance risk management activities. This may, for example, include records of:

...

## 18.2 Practical measures

...

### Internal procedures

- 18.2.2 G (1) *Firms* are encouraged to consider adopting (and encouraged to invite their *appointed representatives* or, where applicable, their *tied agents* to consider adopting) appropriate internal procedures which will encourage workers with concerns to blow the whistle internally about matters which are relevant to the functions of the ~~FSA~~ FCA or PRA.

...

- (3) (a) *Firms* should also consider telling workers (through the *firm's* internal procedures, or by means of an information sheet available from the ~~FSA's~~ FCA's website, or by some other means) that they can blow the whistle to the ~~FSA~~ FCA, as the regulator prescribed in respect of financial services and markets matters under PIDA.

- (b) The ~~FSA~~ FCA will give priority to live concerns or matters of recent history, and will emphasise that the worker's first port of call should ordinarily be the *firm* (see Frequently Asked Questions ~~on~~ at <http://www.fsa.gov.uk/Pages/Doing/Contact/Whistle/FAQ/index.shtml> ~~at~~ [\[web address tbc\]](#)).
- (c) For the ~~FSA's~~ FCA's treatment of confidential information, see SUP 2.2.4G.

Link to fitness and propriety

- 18.2.3 G The ~~FSA~~ FCA would regard as a serious matter any evidence that a *firm* had acted to the detriment of a worker because he had made a protected disclosure (see SYSC 18.2.1G(2)) about matters which are relevant to the functions of the ~~FSA~~ FCA or PRA. Such evidence could call into question the fitness and propriety of the *firm* or relevant members of its staff, and could therefore, if relevant, affect the *firm's* continuing satisfaction of *threshold condition 5* (Suitability) or, for an *approved person*, his status as such.

...

Notifications to the ~~FSA~~ appropriate regulator

- 19A.1. G ...  
7

19A Detailed provisions on voiding and recovery (SYSC 19A.3.53AR and SYSC  
Annex 19A.3.54R)  
1

...	
	Notification to the <del>FSA</del> <u>appropriate regulator</u>
8	G
...	

- 20.2.7 G The ~~FSA~~ appropriate regulator may request a *firm* to submit the design and results of its reverse stress tests and any subsequent updates as part of its ~~ARROW~~ risk assessment.

**Annex 3**

**Amendments to the Fit and Proper test for Approved Persons sourcebook (FIT)**

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	FIT 1.2.1G, 1.2.4G, 1.2.4AG, 1.3.1G, 1.3.2G, 1.3.3G, 1.3.4G, 1.3.5G;  FIT 2.1.1G, 2.1.2G, 2.1.3G, 2.1.3G(3), 2.3.1G, 2.3.2G
<i>Part IV</i>	<i>Part 4A</i>	FIT 1.1.1G(2)
Section 63(1)	Section 63(1) or 63(1A) (as the case may be)	FIT 1.2.3G

**Annex 4**

**Amendments to the Financial Stability and Market Confidence sourcebook (FINMAR)**

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	FINMAR 2.1.1AG, 2.1.2G, 2.5.1G to 2.5.5G, 2.5.6G(1), (2) and (4), 2.5.7G, 2.6.1G to 2.6.3G
<i>FSA</i>	<i>PRA</i>	FINMAR 1.1.2G, 1.1.3G, 1.1.6G, 1.2.2G to 1.2.10G, 1.3.1G to 1.3.5G, 1.4.1G, 1.4.2G, 1.4.3G, 1.5.1G, 1.5.2G, 1.5.4G to 1.5.7G

Amend the following provision as follows.

**2.6 Procedures relating to the market maker exemption and the authorised primary dealer exemption**

[**Note:** The ~~FSA~~ FCA has powers under the *short selling regulation* to prohibit a natural or legal person from using the *market maker exemption* and the *authorised primary dealer exemption* if the ~~FSA~~ FCA considers that that person does not satisfy the conditions of the exemption that that person has notified the ~~FSA~~ FCA it intends to use.]

...

## Annex 5

### Amendments to the Training and Competence sourcebook (TC)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	TC 1.1.3G;  TC 2.1.10AG, 2.1.30G, 2.1.31R , 2.2B.2G, 2.2B.3R, 2.2B.6R, 2.2B.7R;  TC App 5.1.1G rows 2 to 5;  TC App 6.1.1 rows 4G to 8G, 10G to 21G;  TC Sch 5.2G
<i>FSA firm reference number</i>	<i>firm reference number</i>	TC 2.2B.4R;  TC App 8.1.1R;  TC Sch 2
<i>FSA individual reference number</i>	<i>individual reference number</i>	TC 2.2B.4R;  TC Sch 2
<i>regulatory objectives</i>	<i>statutory objectives</i>	TC App 6.1.1G row 4
Section 150	Section 138D	TC 1.2.1R;  TC Schs 5.1G, 5.2G, 5.4G;
Section 150(2)	Section 138D(3)	TC 1.2.1R;  TC Sch 5.2G

Amend the following provision as follows.

- 2.1.33 G The Retail Investment Adviser Competence Notification Form approved by the ~~FSA~~ FCA for notifications under TC 2.1.31R may be found at the ~~FSA's~~ FCA's website ~~www.fsa.gov.uk/Pages/Doing/Regulated/Notify/index.shtml~~ www.fca.gov.uk/Pages/Doing/Regulated/Notify/index.shtml [web

address tbc]

**Annex 6**

**Amendments to the Fees manual (FEES)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	<p>FEES 2.1.1R, 2.1.4G, 2.1.6G, 2.1.7G, 2.1.7G(1) and (3), 2.1.9G, 2.3.1R, 2.3.2R, 2.3.2BR;</p> <p>FEES 3.1.3G, 3.1.6G, 3.2.1R;</p> <p>FEES 3 Annex 6R Part 1; 3 Annex 9(4)R, (8)R(b), (9)R(c) and (e), (10)R, (12)G; 3 Annex 11G(2);</p> <p>FEES 4.2.7BR,(5)(e), 4.2.7CG, 4.2.9G, 4.3.2G(2), 4.3.2G(2), 4.3.11G, 4.3.14G;</p> <p>FEES 6.1.4G, 6.1.4AG, 6.1.8G, 6.5.13R(1) , 6.5.14R, 6.5.16R(2);</p> <p>FEES TP 2 rows 2.1.6R (2)(a) and (b), 2.2.2R, 2.2.4AG;</p> <p>FEES TP 4 rows 4.1, 4.1.1R, 4.1.3R;</p> <p>FEES TP 5 rows 5.1.2R, 5.1.3G</p>
<i>FSA</i>	<i>FCA</i>	<p>FEES 1.1.1AG;</p> <p>FEES 3.2.3R(2), 3.2.4G, 3.2.7R(1)(l), 3.2.7R(1)(m), 3.2.7R(1)(q), 3.2.7R(1)(r), 3.2.7R(1)(t), 3.2.7R(1)(u), 3.2.7R(1)(v), 3.2.7R(1)(w), 3.2.7R(1)(x), 3.2.7R(1)(zd), 3.2.7R(1)(zo);</p> <p>FEES 3 Annex 1R Part 7(1); 3 Annex 4R Part 3; 3 Annex 7R; 3 Annex 8R(4) and (5); 3 Annex 10R(3) and (4);</p> <p>FEES 4.1.4G, 4.2.5G, 4.3.4G(4), 4.3.6R(4A), 4.3.13R(a), 4.4.7D, 4.4.8D,</p>

		<p>4.4.9D;</p> <p>FEES 4 Annex 1R Part 2A.7 (Notes on FuM), Part 2A.10.</p> <p>FEES 4 Annex 6R; 4 Annex 7R and Table 2; 4 Annex 8R and Table 2; 4 Annex 10R; 4 Annex 11R Part 1 (2)(b), Part 1A (2)(b), Part 3; 4 Annex 11R Part 4 G.15;</p> <p>FEES 5.1.1R, 5.1.1-AG, 5.1.2G, 5.1.7G, 5.2.1G, 5.2.2G, 5.2.2AG, 5.3.1G, 5.3.3G, 5.3.5G, 5.3.6R, 5.4.1R(1) and (5)(b), 5.5A.35R, 5.5A.37R, 5.7.1R, 5.8.2R(3)(b), (3)(b)(ii), 3(c)(ii) and (3)(d), 5.8.3G;</p> <p>FEES 5 Annex 1R;</p> <p>FEES 6.4.5R(2)(b)</p> <p>FEES 6 Annex 4G 2.1G, 2.2G;</p> <p>FEES 7.1.4G, 7.1.6G to 7.1.9G, 7.2.2R(7)(a) and (b), 7.2.4R(1)(b);</p> <p>FEES App 1.1.2G, 1.1.5G, 1.2.1R, 1.2.5BR(1), 1.2.6R, 1.2.8R(2), 1.2.10G, 1.2.11G, 1.2.12G, 1.2.13G, 1.3.1R, 1.3.2R, 1.3.6G, 1.3.7G;</p> <p>FEES App 1 Annex 2G, rows 2, 3, 4(1), (2), (5) and (6);</p> <p>FEES App 1 Annex 3R, rows 1R(3) and (4);</p> <p>FEES App 1 Annex 4 – Definitions of Annual Return, FSA and Model Rules;</p> <p>FEES TP 1 row 1.1.7R;</p> <p>FEES TP 6 rows 6.2.1G, 6.2.3G, 6.3.3R(2), (3) and (4), 6.3.4R, 6.3.5R(3) and (4), 6.3.7R(2), 6.3.8G</p>
FSA	PRA	<p>FEES 3.2.7(1)(o), 3.2.7R(1)(s);</p> <p>FEES 6.4.5R(2)(a);</p> <p>FEES 6 Annex 3R Class B1 Tariff base</p>

		(6), Class C1 Tariff base (6) and (7)
<i>FSA Register</i>	<i>Financial Services Register</i>	FEES 4 Annex 5R – Notes
<i>Part IV permission</i>	<i>Part 4A permission</i>	FEES 1.1.1G, 1.1.2R(5)(a);  FEES 3.1.6G, 3.1.7G, 3.1.8G, 3.2.2G, 3.2.3R(3), 3.2.7R(1)(a), 3.2.7R(1)(p) and (p)(4);  FEES 3 Annex 1R Part 4, Part 6 (1);  FEES 4.3.14G;  FEES 4 Annex 1R Part 1 – Note for authorised professional firms;  FEES TP 6 rows 6.2.1G, 6.3.1G

Amend the following provisions as follows.

Recovery of Fees

- 2.1.10 G ~~Paragraph 17(2) of Schedule 1 and section 99(3)~~ Paragraph 23(7) of Schedule 1ZA or paragraph 31(6) of Schedule 1ZB (as the case may be) to the Act prohibit...
- 2.1.11 G Whilst ~~paragraph 17(2) of Schedule 1~~ paragraph 23(7) of Schedule 1ZA or paragraph 31(6) of Schedule 1ZB (as the case may be) to the Act ...
- ...
- 2.2.3 G ~~Paragraph 17(4) and paragraph 19B of Schedule 1 to and section 99(5)~~ Paragraphs 23(8) and 27 of Schedule 1ZA and paragraphs 31(7) and 35 of Schedule 1ZB of the Act permit the ~~FSA FCA and PRA~~ FCA and PRA respectively to recover fees (including fees relating to *payment services*, the issuance of *electronic money* and, where relevant, *FOS levies* and *CFEB levies*), and section 213(6) permits the *FSCS* to recover shares of the *FSCS* levy payable, as a debt owed to the ~~FSA and FSCS~~ FCA, PRA and FSCS respectively, and the ~~FSA and the FSCS~~ FCA, PRA and FSCS, as relevant, will consider taking action for recovery (including interest) through the civil courts.
- 2.2.4 G In addition, the ~~FSA~~ appropriate regulator may be entitled to take regulatory action in relation to the non-payment of fees, *FOS levies* and *CFEB levies*. The ~~FSA~~ appropriate regulator may also take regulatory action in relation to the non-payment of a share of the *FSCS* levy, after reference of the matter to

the FSA appropriate regulator by the *FSCS*. What action (if any) that is taken by the FSA appropriate regulator will be decided upon in the light of the particular circumstances of the case.

...

- 3.2.5 G (1) The appropriate authorisation or registration fee is an integral part of an application for, or an application for a variation of, a ~~*Part IV permission*~~ *Part 4A permission* or authorisation, registration or variation under the *Payment Services Regulations* or the *Electronic Money Regulations*. Any application received by the FSA appropriate regulator without the accompanying appropriate fee, in full and without deduction (see *FEES* 3.2.1R), will not be treated as an application made, incomplete or otherwise, in accordance with ~~section 51(3)(a)~~ section 55U(4), or section 44 55H or 55I (as the case may be), of the *Act* or regulation 5(3) or 12(3) of the *Payment Services Regulations* or regulation 5 or 12 of the *Electronic Money Regulations*. Where this is the case, the FSA appropriate regulator will contact the applicant to point out that the application cannot be progressed until the appropriate fee has been received. In the event that the appropriate authorisation fee, in full and without deduction, is not forthcoming, the application will be returned to the applicant and no application will have been made.
- (2) With the exception of *persons* seeking to become a *designated professional body*, all applications, notifications, requests for vetting or admission approval will be treated as incomplete until the relevant fee is fully paid and the FSA appropriate regulator will not consider an application, notification, request for vetting or admission approval until the relevant fee is fully paid. *Persons* seeking to become a *designated professional body* have 30 days after the designation order is made to pay the relevant fee.

...

### 3 Annex 9 Special Project Fees for Restructuring

...		
(9) R		...
	(a)	Determine the number of hours, or part of an hour, taken by the <u>FSA appropriate regulator</u> , or, if applicable, both the <u>FCA</u> and <u>PRA</u> in relation to regulatory work

		conducted as a consequence of the activities referred to in (2) or (6).
...	...	...

4.2.7 G ...

(2) calculating the amount for each of those tariffs which is the higher of:

- (a) the minimum fee (but not the minimum fee under Part 1A of *FEES* 4 Annex 2R) specified for the tariff (where this applies); and
- (b) the result of applying the tariff to the projected valuation, for its first year (as provided to the ~~FSA~~ in the course of the firm's application), of the business to which the tariff relates;

...

**6 Annex G Guidance on the calculation of tariff bases**  
**4**

...		Calculation of annual eligible income for firms in sub-class D1 who carry out discretionary fund management and are in <del>FSA</del> <u>FCA</u> fee block A7
1.2	G	...
1.3	G	Calculation of annual eligible income for firms in sub-class D1 and who carry out activities within <del>FSA</del> <u>FCA</u> fee block A9

...

**Transitional Provisions**

...

TP 3 R

...		
3.2.3	R	A <i>firm</i> is in run-off for these purposes if it has ceased to effect new <i>contracts of insurance</i> , its <i>permission</i>

		for <i>effecting contracts of insurance</i> has been cancelled, its exclusive remaining business is administering its remaining insurance liabilities and, if it is required to supply one, it has supplied a run-off plan to the FSA under SUP App 2.8.1R.
...		

**Annex 7**

**Amendments to the General Prudential sourcebook (GENPRU)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	<p>GENPRU 1.2.13G, 1.2.16G, 1.2.19G, 1.2.40G, 1.2.55G, 1.2.73AG, 1.2.73B, 1.3.11G, 1.3.35G, 1.3.35A;</p> <p>GENPRU 2.1.6G, 2.1.10G, 2.1.11R, 2.1.12G, 2.1.20R(2), 2.1.21G, 2.1.22G, 2.2.8G, 2.2.19R, 2.2.20G, 2.2.61BR to 2.2.61GG, 2.2.67AG, 2.2.68G, 2.2.69DG, 2.2.69FG, 2.2.70R(2)(b), 2.2.70AG, 2.2.71R, 2.2.73G, 2.2.74R, 2.2.74AG, 2.2.79AR(3), 2.2.79GR, 2.2.79HG, 2.2.79IR, 2.2.83BR, 2.2.96G, 2.2.115AR, 2.2.115CG, 2.2.117CG, 2.2.135R, 2.2.136G, 2.2.164G, 2.2.171R(1), 2.2.174R, 2.2.179G(1), 2.2.187R(3), 2.2.197G, 2.2.220R, 2.2.243R;</p> <p>GENPRU 2 Annex 7R(1)(C);</p> <p>GENPRU 3.1.3G(9), 3.1.15G, 3.1.16G, 3.1.18G to 3.1.20G, 3.1.23G, 3.1.24G, 3.1.28R, 3.1.33G, 3.1.34R, 3.1.35R, 3.1.39R, 3.2.6G;</p> <p>GENPRU 3 Annex 1R paras 6.5, 6.9, 6.10;</p> <p>GENPRU 3 Annex 3G;</p> <p>GENPRU TP 2.5R, TP 8.16G, TP 8B.5R;</p> <p>GENPRU Sch 2;</p> <p>GENPRU Sch 6</p>
<i>FSA</i>	<i>FCA</i>	GENPRU 2.1.58G

<i>FSA</i>	<i>PRA</i>	<p>GENPRU 1.3.7G, 1.3.56G, 1.5.4G, 1.5.13R(1), 1.5.19R, 1.5.20G;</p> <p>GENPRU 2.1.31G(2), 2.1.32G, 2.1.61G, 2.2.83FR, 2.2.83HG;</p> <p>GENPRU 2 Annex 8;</p> <p>GENPRU TP 4.6R and TP 11.7R</p>
<i>Part IV permission</i>	<i>Part 4A permission</i>	<p>GENPRU 2.1.12G, 2.2.69FG(1), 2.2.69FG(3), 2.2.93R, 2.2.94R, 2.2.107R(3), 2.2.117CG(2);</p> <p>GENPRU 2 Annex 6 Part 2 (2)(a)</p> <p>GENPRU 3.1.22G, 3.1.23G, 3.1.28R(1)(c), 3.1.30R, 3.2.7G, 3.2.8R, 3.2.9R;</p> <p>GENPRU 3 Annex 1R para 5.7(4)(a)</p>
Part X	Part 9A	GENPRU 1.5.5D, 1.5.6G
Section 148	Sections 138A	<p>GENPRU 1.3.56G;</p> <p>GENPRU 2.1.21G, 2.1.22G, 2.2.8G, 2.2.79BG, 2.2.267G;</p> <p>GENPRU 2 Annex 1R, 2 Annex 7R(1)(C), 2 Annex 8;</p> <p>GENPRU Sch 6</p>
Section 150	Section 138D	GENPRU 1.4.1R
Section 150(2)	Section 138D(3)	GENPRU 1.4.1R
Section 45	Section 55J	GENPRU 2.2.69FG(1), 2.2.69FG(3), 2.2.117CG(2)

Amend the following provisions as follows.

- 1.2.15 G This section also has *rules* requiring a *firm* to identify and assess risks to its being able to meet its liabilities as they fall due, how it intends to deal with those risks, and the amount and nature of financial resources that the *firm* considers necessary. *GENPRU* 1.2.60 R provides that a *firm* should document that assessment. The ~~FSA~~ *appropriate regulator* will review that assessment as part of its own assessment of the adequacy of a *firm's* capital under its *supervisory review and evaluation process (SREP)*. When forming

a view of any *individual capital guidance* to be given to the *firm*, the ~~FSA~~ *appropriate regulator* will also review the *regulator's* ~~ARROW~~ risk assessment and any other issues arising from day-to-day supervision.

...

2.1.27 G ... The *resilience capital requirement* is ~~an FSA~~ a *PRA* minimum requirement for *long-term insurance business* for *regulatory basis only life firms* that is additional to the *EU* minimum requirement for *long-term insurance business*.

...

2.2.275 G ...  
(2) For *firms* which are *realistic basis life firms* compliance with *GENPRU 2.2.271R(3)* would usually be achieved if the *capital instrument* provides that no amounts will be payable under it unless the *firm's capital resources* exceed its *capital resources requirement*. However, such *firms* should ensure that the terms of the *capital instrument* refer to ~~FSA~~ *capital resources requirements* in force from time to time...

...

3.1.29 R ...  
**Capital adequacy requirements: use of ~~Part IV~~ permission Part 4A permission to apply Annex I of the Financial Groups Directive**

...

## Sch 5 G Right of action for damages

1. The table below sets out the rules in *GENPRU* contravention of which by an *authorised person* may be actionable under section ~~450~~ 138D of the *Act* (Actions for damages) by a person who suffers loss as a result of the contravention.

2. If a "Yes" appears in the column headed "For private person", the rule may be actionable by a private person under section ~~450~~ 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A "Yes" in the column headed "Removed" indicates that the ~~FSA~~

FCA has removed the right of action under section ~~150(2)~~ 138D(3) of the Act. If so, a reference to the rule in which it is removed is also given.

3. The column headed "For other person" indicates whether the rule may be actionable by a person other than a private person (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of person by whom the rule may be actionable is given.

Chapter/Appendix	Section/Annex	Right of action under section <del>150</del> <u>138D</u>		
		For private person	Removed	For other person
All rules in <i>GENPRU</i>		No	Yes - GENPRU 1.4.1 R	No

GENPRU 3 Ann 3G: CLASSIFICATION OF GROUPS (GENPRU 3.1.3G)	form (ref)
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Part 1: General Information

A Name of Group:

B Name of FSA FCA/PRA supervisor:

C Name of entity at head of the group:

D Type of entity at head of the group:  D1 EU regulated entity country of authorisation

(select one of D1, D2, D3, and D4)

(a) Credit institution

(b) Investment firm

(c) Insurance firm

(tick one)

D2 EU non-regulated entity country of location

D3 Non-EU regulated entity country of authorisation

D4 Non-EU non-regulated entity country of location

E Year-end for group consolidation purposes

Part 2: Threshold Information

F1	Is at least one of the entities in the group within the insurance sector and at least one in the banking/investment sector?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No(go to part 3)
F2	For D2 & D4 groups only: enter the ratio of the balance sheet total of the financial sectors in the group to the balance sheet total of the group as a whole. Enter percentage in box*.	<input type="text"/> %			
F3	What is the smallest financial sector?	<input type="checkbox"/>	Insurance	<input type="checkbox"/>	Banking/Investing
F4	Ratio of balance sheet total of smallest financial sector to the balance sheet total of the financial sector entities in the group. Enter percentage in the box*.	<input type="text"/> %			
F5	Ratio of the solvency requirement of the smallest financial sector to the solvency requirements of the total financial sector entities in the group. Enter percentage in box*.	<input type="text"/> %			
F6	What is the balance sheet total of the smallest financial sector in the group (identified in F3)*?	<input type="text"/> (€m)			

\* see guidance notes on a recommended method of calculation

Part 3: Conclusion on reason for becoming a financial conglomerate

**G** Select ONE of the following based on the answers in section 1 & 2.

If answer to F1 is NO or if none of the following are met then select type Z:

If the group is category D1 or D3 and the average of F4 and F5 is greater than 10% then select type i.

If the group is category D1 or D3 and the average of F4 and F5 is less than 10% but F6 is greater than €6bn then select ii.

If the group is category D2 or D4 and the answer to F2 is greater than 40% AND the average of F4 and F5 is greater than 10% then select type iii.

If the group is category D2 or D4 and the answer to F2 is greater than 40% AND the average of F4 and F5 is less than 10% but F6 is greater than €6bn then select type iv.

Z	
---	--

Not a conglomerate.

i	
---	--

Conglomerate headed by a regulated institution with significant cross sector activities. [article 3(2)]

ii	
----	--

Possible conglomerate headed by a regulated institution with presumed significant cross sector activities. [article 3(3)]

iii	
-----	--

Conglomerate headed by non-regulated entity with significant cross sector activities. [article 3(1) & 3(2)]

iv	
----	--

Possible conglomerate headed by non-regulated entity with presumed significant cross-sector activities. [article 3(1) & 3(3)]

Part 4: Other relevant information

H1	Who do you think are the relevant competent authorities for your group (i.e. supervisors in EEA States in which the group has significant regulated activity? See article 2 (17)(a) for definition of relevant competent authorities.	
H2	Who do you think should be the likely coordinator for the group (i.e. EEA supervisor of the group's most important regulated activity in the EU)? See article 10(1) and 10(2).	
H3	Do you consider that balance sheet value and solvency requirements were an appropriate criterion to determine whether a group is financial and whether cross sector activities exist? If not, do you consider there are other parameters (as referred to in article 3(5)) that would be more appropriate?	
H4	Do you have any other relevant comments? (use continuation sheet if necessary)	

Annex 8

**Amendments to the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	<p>BIPRU 1.1.9G, 1.1.10G(2), 1.1.10(2)(b) and (c), 1.1.10 G(4), 1.2.5G, 1.2.19R(2), 1.2.30R, 1.3.6G, 1.3.10G to 1.3.12G, 1.3.19G, 1.3.21G;</p> <p>BIPRU 2.1.5G, 2.1.24R, 2.1.25G, 2.1.25G(12), 2.2.2G(1), 2.2.4G, 2.2.4G(2), 2.2.8G to 2.2.15G, 2.2.16G, 2.2.19AG, 2.2.19BG, 2.2.20G to 2.2.23EG, 2.2.24G, 2.2.27G(5), 2.2.29G(1), 2.2.33G, 2.2.41R, 2.2.44G, 2.2.47G, 2.2.49G, 2.2.63G, 2.2.65G, 2.2.72G, 2.2.74G, 2.2.76G, 2.3.7R(3), 2.3.11G;</p> <p>BIPRU 3.2.15G, 3.2.17G, 3.2.27AR(1), 3.2.28G, 3.2.29AG(2), 3.2.30G(2)(a), 3.2.33G, 3.2.35R(5), 3.3.1R to 3.3.8R, 3.4.2R, 3.4.16G, 3.4.34R, 3.4.37R, 3.4.50R, 3.4.62G, 3.4.105G, 3.4.112R, 3.4.116R, 3.5.2G, 3.6.2R, 3.6.3G;</p> <p>BIPRU 3 Annex 1G;</p> <p>BIPRU 4.1.13G, 4.1.14G(1), 4.1.20G, 4.1.25R to 4.1.27G, 4.2.4G(2)(e), 4.2.8G; 4.2.12G to 4.2.15G, 4.2.20R(2), 4.2.25G, 4.2.28G, 4.2.33G(2) to (5), 4.2.34G(1) and (3), 4.2.35G(4), (5) and (7), 4.3.18R, 4.3.20R, 4.3.21R, 4.3.29R, 4.3.34G(4), 4.3.39AG, 4.3.51R(2), (5) and (8), 4.3.53G(4), 4.3.60G(4), 4.3.68G, 4.3.70R, 4.3.83R, 4.3.85R, 4.3.87G, 4.3.90R, 4.3.91G, 4.3.92R, 4.3.94R, 4.3.109R, 4.3.131R, 4.4.12R,</p>

		<p>4.4.29G, 4.4.69G, 4.5.11G(2), 4.6.4G(2), (3) and (5), 4.6.8G(2), 4.6.9R, 4.6.11R(3)(b), 4.6.28R(2), 4.6.33R(2), 4.6.35G, 4.6.38R(2), 4.6.44R(2)(e) and (f), 4.6.46G, 4.7.5R, 4.7.27R(2) and (7), 4.8.21R(2), 4.10.8G(2), 4.10.17G, 4.10.44R;</p> <p>BIPRU 5.2.9R, 5.2.10R 5.4.5R(5), 5.4.16R, 5.4.55G, 5.6.13G, 5.6.15G, 5.6.19R(1), 5.6.22R, 5.6.23G, 5.6.26G to 5.6.28G, 5.7.8R, 5.7.9R(3), 5.7.12R(2);</p> <p>BIPRU 6.2.4G, 6.2.6G, 6.2.8G, 6.2.9R(2), 6.2.10G, 6.2.13G, 6.3.16G(2), 6.4.1AG, 6.4.18G, 6.5.3G, 6.5.5R, 6.5.5BG, 6.5.14G, 6.5.21R(3);</p> <p>BIPRU 7.1.11G, 7.1.14R(1), 7.1.16E(1)(b), 7.2.48BR, 7.2.48IG(1) and (2), 7.2.48JG, 7.2.51G, 7.4.23R(1) and (2), 7.4.31R(4), 7.5.4R(2)(a), 7.9.1G, 7.9.2G, 7.9.4G to 7.9.6G, 7.9.8G to 7.9.11G, 7.9.13G, 7.9.15G to 7.9.18G, 7.9.22G, 7.9.26G, 7.10.2G, 7.10.3G, 7.10.5G, 7.10.7G to 7.10.12G, 7.10.14G to 7.10.17, 7.10.23G, 7.10.25G, 7.10.29G, 7.10.30AR, 7.10.37R(2), 7.10.39BR, 7.10.45G(2), 7.10.54G, 7.10.55SG, 7.10.55TR, 7.10.55XR, 7.10.55ZR(2), 7.10.55ZAR, 7.10.55ZBG, 7.10.68G(2), 7.10.76G, 7.10.77G, 7.10.81G, 7.10.93G, 7.10.95G, 7.10.101G, 7.10.102G, 7.10.104R, 7.10.105G(3), 7.10.106G(2), 7.10.110G, 7.10.112AG, 7.10.120G, 7.10.122G, 7.10.128G to 7.10.130R, 7.10.132G, 7.10.134G, 7.10.147G, 7.10.148R, 7.11.60R;</p> <p>BIPRU 8.2.7G, 8.3.1R(2), 8.3.24G, 8.5.9R, 8.5.11G, 8.5.11G(2) and (3), 8.5.12G to 8.5.14G, 8.6.1BR, 8.6.1CR, 8.6.1DR(1), 8.6.1ER(2), 8.6.1FR, 8.6.9R, 8.6.20R, 8.7.5G, 8.7.11R, 8.7.16R, 8.7.34R, 8.7.37R(2);</p> <p>BIPRU 8 Annex 1R, 8 Annex 6R part 1 and 2;</p> <p>BIPRU 9.1.5G, 9.1.8G, 9.1.8AG(1), 9.3.8R, 9.3.9G, 9.3.12G, 9.3.13G, 9.3.21G, 9.3.22G, 9.4.12R, 9.4.13G, 9.4.16G, 9.4.17G, 9.5.1R(7), 9.5.1CG, 9.5.1DG, 9.5.1FG,</p>
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		<p>9.6.3G(2), 9.6.4G, 9.12.20R(6), 9.12.24G, 9.12.28G, 9.13.18G, 9.15.11R, 9.15.13R, 9.15.16CG, 9.15.16DG, 9.15.16EG, 9.15.17G, 9.15.18G;</p> <p>BIPRU 10.2.9R, 10.2.19R, 10.2.22R(3), 10.3.7G, 10.6.33G, 10.6.37G, 10.8A.4G, 10.8A.5R(1), 10.8A.6G, 10.8A.9G, 10.8A.12R, 10.9A.4R(3), 10.9A.8R(2) and (4), 10.9A.12R, 10.12.3R, 10.12.6R;</p> <p>BIPRU 11.2.6G, 11.2.7G, 11.5.19G, 11.5.20R – note, 11.5.21G;</p> <p>BIPRU 12.2.7G, 12.2.9G, 12.2.10G, 12.2.12G, 12.2.14G, 12.2.14G(3), 12.2.16G to 12.2.19G, 12.3.2G, 12.3.4AG(3), 12.3.7G, 12.3.9G, 12.3.14G, 12.3.20G, 12.3.28G, 12.4.3G, 12.4.6G, 12.4.9R, 12.4.16G, 12.5.4R(4), 12.5.5G, 12.5.7G, 12.5.18G, 12.5.22G, 12.5.24G, 12.5.25G, 12.5.31R, 12.5.32G, 12.5.35G, 12.5.39G, 12.5.41R, 12.5.58G, 12.5.62R, 12.5.65G, 12.5.68G, 12.6.1G, 12.6.2R(2), 12.6.3G, 12.6.5G, 12.6.12G, 12.6.13R(2), 12.6.14G, 12.6.21R(4), 12.6.22G, 12.7.4R, 12.7.6R(1), 12.7.6A, 12.7.10G, 12.7.12G, 12.8.2G to 12.8.23G, 12.8.25G to 12.8.30G, 12.9.1G to 12.9.17G, 12.9.19G to 12.9.23G, 12.9.25R, 12.9.26G, 12.9.27G;</p> <p>BIPRU 13.2.2R, 13.2.5G, 13.6.9G, 13.6.15G, 13.6.16G, 13.6.18G to 13.6.21G, 13.6.32G, 13.6.39G, 13.6.54R, 13.6.68G, 13.7.6R(2);</p> <p>BIPRU TP 2 rows 2.11AG, 2.20R;</p> <p>BIPRU TP 15 row 15.5G;</p> <p>TP 21 rows 21.2R, 21.3G;</p> <p>BIPRU TP 22 rows 22.3R, 22.4R(1), 22.7R, 22.8R(1) and (2);</p> <p>BIPRU TP 25 rows 25.3R(4), 25.4R, 25.4R(1), 25.7R, 25.8R;</p> <p>BIPRU TP 33 rows 33.1R(2), 33.5G, 33.9R, 33.10R(1);</p> <p>BIPRU Sch 2G - ref. to BIPRU 7.10.129 R</p>
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		and BIPRU 8.6.1CR;  BIPRU Sch 5G(2);  BIPRU Sch 6G
<i>FSA</i>	<i>FCA</i>	BIPRU 8.4.4G, 8.4.4G(2), 8.4.5G, 8.4.8G, 8.4.18R(2), (5) and (6), 8.4.19G;  BIPRU 12.1.4R(3);  TP 16 rows 16.5G, 16.8R and 16.9R
<i>FSA</i>	<i>PRA</i>	BIPRU 9.15.11R, 9.15.13R, 9.15.16CG, 9.15.16DG, 9.15.16EG, 9.15.17G(1) and (2), 9.15.18G;  BIPRU 10.3.8A.G(2);  BIPRU TP rows 30, 30.2R(1) and (2), 30.5G(2)
<i>Part IV</i>	<i>Part 4A</i>	BIPRU 1.1.10G(2) and (4);  BIPRU 1.1.22R - heading and text;  BIPRU 2.2.15G, 2.2.23CG;  BIPRU 7.8.34R, 7.8.36G;  BIPRU 8.5.6R(2);  BIPRU 12.9.21G;
<i>PRA</i>	<i>position risk adjustment</i>	BIPRU 7.2.16R, 7.2.17G, 7.2.43R, 7.2.44R, 7.2.46G, 7.2.48AR, 7.2.48DR, 7.2.48FR, 7.2.48ER, 7.2.48GR, 7.2.48LR(3), 7.2.56G, 7.2.57R, 7.2.59R(1), 7.3.29R, 7.3.30R, 7.6.31R, 7.3.33R, 7.3.34R, 7.6.5R, 7.6.7R, 7.6.8R, 7.6.18R, 7.6.20(1) to 7.6.22R, 7.6.27R, 7.6.30R, 7.6.36G(1) and (2)
Section 148	Section 138A	BIPRU 1.3.11G;  BIPRU 7.9.2G, 7.9.17G, 7.9.18G;  BIPRU 8.4.5G, 8.5.12G;  BIPRU 9.3.12G, 9.4.16G, 9.5.1CG, 9.15.16DG;  BIPRU 10.6.33G, 10.6.37G;

		<p>BIPRU 12.2.7G, 12.8.2G, 12.8.4G, 12.8.5G, 12.8.7G, 12.8.10G, 12.8.11G, 12.8.16G, 12.8.22G, 12.8.30G;</p> <p>BIPRU TP 2 row 2.11AG;</p> <p>BIPRU Sch 6G</p>
Section 150	Section 138D	<p>BIPRU 1.4.1R;</p> <p>BIPRU Schs 5G(1) and (2), 5G table</p>
Section 150(2)	Section 138D(3)	<p>BIPRU 1.4.1R;</p> <p>BIPRU Sch 5G(2)</p>
Section 45	Section 55J	<p>BIPRU 2.2.15G, 2.2.23CG;</p> <p>BIPRU 7.2.48IG, 7.10.55ZBG;</p> <p>BIPRU 9.3.9G, 9.3.21G, 9.4.13G, 9.5.1FG, 9.15.17G;</p> <p>BIPRU 12.9.9G, 12.9.21G</p>
www.fsahandbook.info	[web address tbc]	<p>BIPRU 1 Annex 1D, 1 Annex 2D, 1 Annex 3D</p>

Amend the following provisions as follows.

- 3.3.9 G The table mapping the credit assessments of *eligible ECAIs* to *credit quality steps* is published on the *FSA appropriate regulator's* website and amended from time to time in line with additions to and deletions from the list of *eligible ECAIs*. The table includes mappings made by a *competent authority* of another *EEA State* which are subsequently recognised by the *FSA appropriate regulator* without carrying out its own determination process under Regulation 22(5) of the *Capital Requirements Regulations 2006*.  
 [Note: For the most recent version of the table, refer to:  
[www.fsa.gov.uk/pubs/international/ecais\\_standardised.pdf](http://www.fsa.gov.uk/pubs/international/ecais_standardised.pdf) [web address tbc] for the *FCA* and  
[www.fsa.gov.uk/pubs/international/ecais\\_standardised.pdf](http://www.fsa.gov.uk/pubs/international/ecais_standardised.pdf) [web address tbc] for the *PRA*]

...

- 7.6.6 R

The appropriate ~~PRA~~ position risk adjustment

...

7.10.103 R ...

Backtesting: obligation to notify the ~~FSA~~ appropriate regulator

...

8.7.15 G ...

Notifying the ~~FSA~~ appropriate regulator of the choice of consolidation technique

...

9.11.2 R ...

[Note: For mapping of the *credit quality step* to the credit assessments of *eligible ECAIs*, refer to: [www.fsa.gov.uk/pubs/international/ccais\\_securitisation.pdf](http://www.fsa.gov.uk/pubs/international/ccais_securitisation.pdf) [web address tbc] for the *FCA* and [web address tbc] for the *PRA*

...

9.12.11 R ...

[Note: For mapping of the *credit quality step* to the credit assessments of *eligible ECAIs*, refer to: [www.fsa.gov.uk/pubs/international/ccais\\_securitisation.pdf](http://www.fsa.gov.uk/pubs/international/ccais_securitisation.pdf) [web address tbc] for the *FCA* and [web address tbc] for the *PRA*

...

11.5.20 R [**Note:** ... Feedback on CP10/27 and final rules' and is available at [web address tbc]

...

12.9.2 G In assessing the adequacy of an *ILAS BIPRU firm's* liquidity resources, the *FSA appropriate regulator* draws on more than just a review of the submitted *ILAA*, or in the case of a *simplified ILAS BIPRU firm*, the submitted *ILSA*. Use is made of wider supervisory knowledge of a *firm* and of wider market developments and practices. When forming a view of the *individual liquidity guidance* to be given to an *ILAS BIPRU firm*, the *FSA appropriate regulator* will also consider the regulator's firm firm's ARROW risk assessment and any other issues arising from day-to-day supervision.

...

12.9.25 R Notification to the *FSA appropriate regulator* under *BIPRU 12.9.13R(1)* and submission to the *FSA appropriate regulator* under *BIPRU 12.9.17R* must be made to the following *FSA appropriate regulator* email address: data\_collection@fsa.gov.uk data\_collection@fca.org.uk.

...

**TP 22 Solo consolidation**

...		
	<b>Notice to the <u>FSA appropriate regulator</u></b>	
22.4	R	...
..		

**TP 33 Intra-group exposures: Transitional provisions for core UK group and large exposures**

..		
	<b>Notice to the <u>FSA appropriate regulator</u></b>	
33.9	R	...
...		

**Sch 5 G Right of action for damages**

1. The table below sets out the rules in *BIPRU* contravention of which by an *authorised person* may be actionable under section ~~150~~ 138D of the *Act* (Actions for damages) by a person who suffers loss as a result of the contravention.

2. If a "Yes" appears in the column headed "For private person", the rule may be actionable by a private person under section ~~150~~138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A "Yes" in the column headed "Removed" indicates that the ~~FS~~FCA has removed the right of action under section ~~150(2)~~138D(3) of the *Act*. If so, a reference to the rule in which it is removed is also given.

3. The column headed "For other person" indicates whether the rule may be actionable by a person other than a private person (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of person by whom the rule may be actionable is given.

Chapter/Appendix	Section/Annex	Right of action under section <del>150</del> <u>138D</u>		
		For private person	Removed	For other person
All rules in <i>BIPRU</i>		No	Yes - BIPRU 1.4.1 R	No

**Annex 9**

**Amendments to the Prudential sourcebook for Insurers (INSPRU)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	INSPRU 1.5.12G, 1.5.26G;  INSPRU 7.1.5G, 7.1.6G, 7.1.7G, 7.1.8G, 7.1.11G, 7.1.12G, 7.1.13G, 7.1.42R, 7.1.44G, 7.1.49R, 7.1.50G, 7.1.51G, 7.1.52G, 7.1.53G, 7.1.53G(1), 7.1.91G, 7.1.93G to 7.1.99G;  INSPRU 8.2.23R, 8.2.24R, 8.2.25R, 8.2.28R, 8.2.29G;  INSPRU TP 1.7R rows 1 and 3;  INSPRU TP 3.7R rows 1 and 3;  INSPRU Sch 2.3;  INSPRU Sch 6G
<i>FSA</i>	<i>PRA</i>	INSPRU 1.1.49G(2), 1.1.72AG, 1.1.92BG, 1.2.5G, 1.2.17G, 1.2.25AG, 1.2.28AG, 1.3.28G, 1.3.31G, 1.3.51G, 1.3.172G, 1.3.173G, 1.3.178G, 1.6.3G, 1.6.10G, 1.6.13G, 1.6.14G, 1.6.15G, 1.6.16G, 1.6.17G, 1.6.18G;  INSPRU 2.1.23R, 2.1.29R, 2.1.30R, 2.2.7G;  INSPRU 4.1.6G, 4.1.7G, 4.1.10G, 4.1.11G, 4.1.14G, 4.1.51G;  INSPRU 5.1.6G, 5.1.10G(1), 5.1.16G, 5.1.17G, 5.1.23G;  INSPRU 6.1.16G, 6.1.19G, 6.1.22G, 6.1.24G, 6.1.26R, 6.1.29R(2), 6.1.34AG,

		6.1.43BR, 6.1.43CR, 6.1.43DR(1), 6.1.43ER(2), 6.1.43FR;  INSPRU 7.1.74G;  INSPRU 8.3.2G, 8.3.6G, 8.5.2G(2)
<i>Part IV permission</i>	<i>Part 4A permission</i>	INSPRU 1.1.56R(1), 1.1.60R(1), 1.4.38R, 1.6.3G;  INSPRU 6.1.15R(2);  INSPRU 7.1.98G
Section 148	Sections 138A and 138B	INSPRU 1.6.13G;  INSPRU 7.1.93G, 7.1.99G;  INSPRU Sch 6G
Section 148(4)	Section 138A(4)	INSPRU 1.1.92BG, 1.2.28AG
Section 150	Section 138D	INSPRU 9.1.1R
Section 150(2)	Section 138D(3)	INSPRU 9.1.1R
Section 45	Section 55J	INSPRU 7.1.98G

Amend the following provisions as follows.

1.5.17 G (3) ~~It is FSA policy~~ It is the policy of the appropriate regulator, in compliance with *EU* directives on insurance, not to grant or vary *permission* if that would allow a newly established *firm*, or an existing *firm* engaging solely in *general insurance business* or solely in *long-term insurance business*, to engage in both *general insurance business* and *long-term insurance business*. This does not apply where a *firm's permission* to carry on *long-term insurance business* is or is to be restricted to *reinsurance*. It also does not apply where a *firm's permission* to carry on *general insurance business* is or is to be restricted to *effecting or carrying out accident or sickness contracts of insurance* (see article 18(2) of the *Consolidated Life Directive*).

...

7.1.42 R ...

ICA submitted to ~~FSA~~ appropriate regulator: confidence level

...

7.1.49 R ...

**Documenting ICAs submitted to the FSA appropriate regulator**

...

7.1.91 G ...

**FSA Appropriate regulator assessment process - all firms**

- 7.1.91 G In assessing the adequacy of a *firm's capital resources*, the FSA appropriate regulator draws on more than just a review of the submitted ICA. Use is made of wider supervisory knowledge of a *firm* and of wider market developments and practices. When forming a view of any *individual capital guidance* to be given to a *firm*, the review of the *firm's ICA* along with the regulator's ARROW risk assessment and any other issues arising from day-to-day supervision will be considered.
- 7.1.92 G The FSA appropriate regulator will take a risk-based and proportionate approach to the review of a *firm's ICA*, focusing on the *firm's* approach to dealing with the key risks it faces. Any *individual capital guidance* given will reflect the judgements reached through the regulator's ARROW review process as well as the review of the *firm's ICA*.

**Annex 10**

**Amendments to the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)**

In this Annex, in the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	MIPRU 2.1.2G; MIPRU 3.1.4G; MIPRU 4.2.13G, 4.3.9R, 4.4.3G, 4.4.5R(1)(b); MIPRU 5.2.1AG; MIPRU Sch 5.2G; MIPRU Sch 6.1G
<i>FSA</i>	<i>FCA</i>	MIPRU 2.2.5G; MIPRU 4.1.18G; MIPRU 5.2.6G
<i>FSA Register</i>	<i>Financial Services Register</i>	MIPRU 2.2.5G; MIPRU 5.2.3E(1)(a)(i) and(2)(a), 5.2.6G
<i>Part IV</i>	<i>Part 4A</i>	MIPRU 1.1.1G; MIPRU 2.1.1R; MIPRU 3.1.1R, 3.2.2G, 3.2.4R(5); MIPRU 4.1.1R, 4.1.2G, 4.1.6R, 4.1.8R(2), 4.1.18G, 4.2.7R, 4.2D.1R, 4.4.8R(1)(b); MIPRU 5.1.1R
Section 148	Sections 138A and 138B	MIPRU Sch 6.1G
Section 150	Section 138D	MIPRU 1.2.1R

		MIPRU Schs 5.1G, 5.2G, 5G table
Section 150(2)	Section 138D(3)	MIPRU 1.2.1R; MIPRU Sch 5.2G

## EXAMPLE OF A SUBORDINATED LOAN AGREEMENT FOR A FIRM WHICH IS MORTGAGE LENDER OR ADMINISTRATOR (OR BOTH) (SEE MIPRU 4.4)

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### NOTES FOR COMPLETION OF THIS DOCUMENT

- (1) This is an example of a subordinated loan agreement which would meet the conditions in MIPRU 4.4.7R for inclusion as part of the capital resources of a mortgage lender or a mortgage administrator (see MIPRU 4.4.9G). A subordinated loan to a mortgage lender or a mortgage administrator must have an original maturity of at least five years or, where it has no fixed term, be subject to five years' notice of repayment.
- (2) In paragraph 2, you should insert the Effective Date of the Loan, that is, the date on which the Lender will make the advance, if this differs from the date of the Agreement.
- (3) Words in brackets marked with a double asterisk \*\* are for use where the Borrower is a partnership.

#### Governing Law

Number of crosses	Governing Law
+	Scottish
++	Scottish or Northern Irish
+++	English or Northern Irish
++++	Northern Irish
+++++	English

Example: Words marked ++\*\* will be for use where the Borrower is a partnership and the Agreement is governed by either Scottish or Northern Irish law.

- (4) Words in round brackets in paragraph 10 are only required where either the Lender or Borrower (or both) is not incorporated in any part of the United Kingdom.

This document is provided as an example and is not intended to have continuing effect.

THIS SUBORDINATED LOAN AGREEMENT IS MADE  
ON 20

BETWEEN:-

- (1) [ ] of  
[ ]  
(the "Lender" which term includes its permitted successors and assigns); and
- (2) [ ] of  
[ ]  
(the "Borrower" which term includes its permitted successors and assigns); [and  
[ ] of  
[ ],  
[ ] of  
[ ] and  
[ ] of  
[ ]  
the individual partners of the Borrower as such partners and as individuals +\*\*].

IT IS AGREED AS FOLLOWS:-

## 1. DEFINITIONS

In this agreement:-

"Effective Date" means the date on which this Agreement is to take effect being the date of the Agreement unless otherwise stated in paragraph 2;

"Excluded Liabilities" means Liabilities which are expressed to be and, in the opinion of the Insolvency Officer of the Borrower, do rank junior to the Subordinated Liabilities in any Insolvency of the Borrower;

"Capital Resources" has the meaning given it in the Financial Rules;

"Capital Resources Requirement" has the meaning given it in the Financial Rules;

"Financial Rules" means the rules in MIPRU 4 (Capital resources) of the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries;

"Insolvency" means and includes liquidation, winding up, bankruptcy, sequestration, administration or dissolution (whichever term may apply to the Borrower) or the equivalent in any other jurisdiction to which the Borrower may be subject;

"Insolvency Officer" means and includes any person duly appointed to administer and distribute assets of the Borrower in the course of the Borrower's Insolvency;

This document is provided as an example and is not intended to have continuing effect.

“Liabilities” means all present and future sums, liabilities and obligations payable or owing by the Borrower [or any Partner \*\*] (whether actual or contingent, jointly or severally or otherwise howsoever);

“Loan” means the indebtedness of the Borrower to the Lender referred to in paragraph 2 as that indebtedness may be reduced from time to time by any repayment or prepayment permitted under this Agreement;

[“Partner” means an individual partner of the Borrower\*\*];

“Rules” means the rules of the ~~FSA~~ FCA or PRA (delete as appropriate) from time to time in force;

“Senior Liabilities” means all Liabilities except the Subordinated Liabilities and Excluded Liabilities;

“Subordinated Liabilities” means all Liabilities to the Lender in respect of the Loan and all interest payable thereon.

## 2. LOAN

The Borrower hereby acknowledges its indebtedness to the Lender in the sum of [ ] as an unsecured loan upon and subject to the terms and conditions of this Agreement.

[Note: This paragraph may be adapted to reflect the actual basis on which the unsecured Loan arises and, if applicable, how it is to be drawn down. You should specify clearly the Effective Date of the Loan if it will differ from the date of the Agreement.]

## 3. INTEREST

Subject to the provisions of paragraphs 4 and 5, until repayment of the Loan in full the Borrower will [the Borrower and the partners hereby bind and oblige themselves jointly and severally to +\*\*] pay to the Lender interest on the Loan or on any part or parts of it for the time being remaining due under this Agreement such interest to be calculated and to be payable as provided below.

[Enter details of interest calculations and manner and time of payments]

## 4. REPAYMENT OF THE LOAN

- (1) The provisions of this paragraph are subject to the provisions of paragraph 5.
- (2) Except where the Borrower has obtained the ~~FSA's~~ FCA or PRA (delete as appropriate) prior written consent and that consent has not been withdrawn, no repayment or prepayment of the Loan shall be made, in whole or in part, earlier than a date:
  - (a) not less than five years from the date on which the Loan was first made; or

This document is provided as an example and is not intended to have continuing effect.

- (b) not less than five years from the date on which the Borrower gave notice in writing to the Lender and the ~~FSA~~ FCA or PRA (delete as appropriate).
- (3) If default is made for a period of 7 days or more in the payment of any principal due in respect of the Loan or for a period of 14 days or more in the payment of any interest due in respect of the Loan the Lender may, in order to enforce payment, at its discretion and after taking such preliminary steps as may be necessary and after notifying the ~~FSA~~ FCA or PRA (delete as appropriate), institute proceedings for the Insolvency of the Borrower [or the Insolvency of all or any Partners\*\*]. If an order is made or an effective resolution is passed for the winding up of the Borrower, the Loan shall become repayable.
- (4) The Lender may at its discretion, subject to the provisions which follow, institute proceedings for the Insolvency of the Borrower [or the Insolvency of all or any Partners\*\*] to enforce any obligation, condition or provision binding on the Borrower [or on all or any Partners\*\*+] under this Agreement (other than any obligation for the payment of principal moneys or interest in respect of the Loan) provided that the borrower [or any Partner\*\*] shall not by virtue of the institution of any such proceedings be obliged to pay any sum or sums sooner than the same would otherwise have been payable by it. The Lender may only institute such proceedings to enforce the obligations referred to above if (i) the default is not remedied to the satisfaction of the Lender within 60 days after notice of such default is not remedied to the satisfaction of the Lender within 60 days after notice of such default has been given to the Borrower by the Lender (with a copy to the ~~FSA~~ FCA or PRA (delete as appropriate)) requiring the default to be remedied and (ii) the Lender has taken all preliminary steps required to be taken by it prior to the institution of such proceedings.
- (5) No remedy against the Borrower [or any Partner\*\*] other than as specifically provided by this paragraph shall be available to the Lender whether for the recovery of amounts owing under this Agreement or in respect of any breach by the Borrower [or any Partners\*\*] of any of its obligations under this Agreement.

## 5. SUBORDINATION

- (1) Notwithstanding the provisions of paragraph 4, the rights of the Lender in respect of the Subordinated Liabilities are subordinated to the Senior Liabilities and accordingly payment of any amount whether principal (by way of repayment or prepayment), interest or otherwise, of the Subordinated Liabilities is conditional upon:-
  - (a) (if an order has not been made or an effective resolution passed for the Insolvency of the Borrower) the Borrower being in compliance with its Capital Resources Requirement prevailing at the time of payment by the Borrower; and accordingly no such amount which would otherwise fall due for payment shall be payable except to the extent that repayment under paragraph 4(2) above is permitted and the Borrower could make such payment and still be in compliance with its Capital

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Resources Requirement immediately thereafter; and

- (b) (if an order has been made or an effective resolution has been passed for the Insolvency of the Borrower [or if the Borrower shall be dissolved\*\*]) the Borrower being solvent at the time of payment by the Borrower; and accordingly no such amount which would otherwise fall due for payment shall be payable except to the extent that the Borrower could make such payment and still be solvent immediately thereafter. For the purposes of this sub-paragraph, the Borrower shall be solvent if it is able to pay its debts in full and in determining whether the Borrower is solvent for the purposes of this sub-paragraph there shall be disregarded obligations which are not payable or capable of being established or determined in the Insolvency of the Borrower.
- (2)
  - (a) No payment of the Subordinated Liabilities (other than in respect of interest) shall be made at any time under sub-paragraph (1) above unless the Borrower has obtained the ~~FSA's~~ FCA's or PRA's (delete as appropriate) prior written consent to such payment and that consent has not been withdrawn.
  - (b) The Borrower shall give or ensure that there are given to the ~~FSA~~ FCA or PRA (delete as appropriate) such information and auditor's certificate in relation to the proposed payment as the ~~FSA~~ FCA or PRA (delete as appropriate) may require.
- (3) Payments of interest at a rate not exceeding the rate provided in paragraph 3 may be made to the extent permitted by sub-paragraph (1) above without prior notification to the ~~FSA~~ FCA or PRA (delete as appropriate).
- (4) For the purposes of sub-paragraph (1)(b) above a report given at any relevant time as to the solvency of the Borrower by its Insolvency Officer, in form and substance acceptable to the ~~FSA~~ FCA or PRA (delete as appropriate), shall in the absence of proven error be treated and accepted by the ~~FSA~~ FCA or PRA (delete as appropriate), the Lender and the Borrower as correct and sufficient evidence of the Borrower's solvency.
- (5) If the Lender shall receive from the Borrower [or any Partner\*\*] payment of any sum in respect of the Subordinated Liabilities where repayment is prohibited under paragraph 4(2) or when any of the terms and conditions referred to in sub-paragraphs (1) or (2) above is not satisfied the payment of such sum shall be void for all purposes and [any such sum shall be received by the Lender upon trust to return the same to the Borrower+++] [the Lender shall at any time thereafter be bound to return such sum to the Borrower, or, as the case may be, its Insolvency Officer+] (and any sum so returned shall then be treated for the purposes of the Borrower's obligations under this Agreement as if it had not been paid by the Borrower and its original payment shall be deemed not to have discharged any of the obligations of the Borrower). A request to the Lender for return of any sum under the foregoing provisions of this sub-paragraph (5) shall be in writing and shall be made by or on behalf of the Borrower or, as the case may be, its Insolvency Officer.

This document is provided as an example and is not intended to have continuing effect.

## 6. UNDERTAKINGS OF BORROWER

From and after the date of this Agreement (or the Effective Date if earlier), the Borrower will not [and no Partner will\*\*] without the prior written consent of the ~~FSA~~ FCA or PRA (delete as appropriate):-

- (1) secure all or any part of the Subordinated Liabilities;
- (2) redeem, purchase or otherwise acquire any of the Subordinated Liabilities;
- (3) amend any document evidencing or providing for the Subordinated Liabilities;
- (4) repay any of the Subordinated Liabilities otherwise than in accordance with the terms of this Agreement;
- (5) take or omit to take any action whereby the subordination of the Subordinated Liabilities or any part of them to the Senior Liabilities might be terminated, impaired or adversely affected.

## 7. DOCUMENTATION

This Agreement forms the entire agreement as to the Subordinated Liabilities. If there are any other terms relating to the Subordinated Liabilities existing at the date of this Agreement and not comprised in it such terms shall be of no further force and effect. No variation of or amendment to this Agreement shall be of any effect unless it is in writing signed by all the parties. Any amendment to this Agreement made or purported to be made without the consent of the ~~FSA~~ FCA or PRA (delete as appropriate) shall be void. For the avoidance of doubt, nothing in this paragraph requires the ~~FSA~~ FCA or PRA (delete as appropriate) to be a party to this agreement.

## 8. UNDERTAKINGS OF LENDER

The Lender will not without the prior written consent of the ~~FSA~~ FCA or PRA (delete as appropriate):-

- (1) assign or purport to assign to any person the whole or any part of the Subordinated Liabilities;
- (2) purport to retain or set-off at any time any amount payable by it to the Borrower [or any Partner\*\*] against any amount of the Subordinated Liabilities except to the extent that payment of such amount of the Subordinated Liabilities would be permitted at such time by this Agreement, and the Lender shall immediately pay an amount equal to any retention or set-off in breach of this provision to the Borrower and such retention or set-off shall be deemed not to have occurred;
- (3) amend or waive the terms of any document evidencing or providing for the Subordinated Liabilities;
- (4) attempt to obtain repayment of any of the Subordinated Liabilities otherwise than in accordance with the terms of this Agreement;

This document is provided as an example and is not intended to have continuing effect.

- (5) take or omit to take any action whereby the subordination of the Subordinated Liabilities or any part of them to the Senior Liabilities might be terminated, impaired or adversely affected;
- (6) take or enforce any security, guarantee or indemnity from any person for all or any part of the Subordinated Liabilities, and the Lender shall, upon obtaining security, guarantee or indemnity in breach of this undertaking, hold the same [on trust for +++] [as agent of and for the benefit of ++] the Borrower.

[Note: Before giving its consent to a transaction falling under paragraph 8(6), the ~~FSA~~ FCA or PRA (delete as appropriate) will need to be satisfied that the provider of security has waived his rights of subrogation against the Borrower until all Senior Liabilities of the Borrower have been paid in full.]

9. This Agreement shall subsist in full force and effect notwithstanding any change which may take place from time to time in the constitution or title of the Borrower by the retirement of the present partners or [either] [any] of them or the assumption of new Partners or by a change of name it being provided that:-
  - (a) a retired Partner shall continue to be liable for the payment of all sums due under this Agreement and implementation of all other obligation contained in it until such time as the Lender and the remaining Partner[s] shall agree in writing to release a retired Partner from such obligations and the ~~FSA~~ FCA or PRA (delete as appropriate) has given its written consent to the release; and
  - (b) in the event of a new partner being assumed as a Partner of the Borrower the other partners shall procure that the said assumed Partner shall become bound to the Lender as a party to this Agreement and shall execute such addendum to it as the Lender and the ~~FSA~~ FCA or PRA (delete as appropriate) may consider necessary.

The obligations and undertakings of the Borrower under this Agreement shall bind the Borrower and the Partners jointly and severally. ~~\*\*+~~]

## 10. LAW [AND JURISDICTION]

- (1) This Agreement is governed by [English law +++++] [the law of Scotland +] [the law of Northern Ireland +++++] and, for the benefit of the ~~FSA~~ FCA or PRA (delete as appropriate) solely, each of the Borrower and the Lender irrevocably submits to the jurisdiction of the [English Courts +++++] [Court of Session, Scotland +] [Northern Irish Courts +++++] (and, to the extent that it does not have a place of business within this jurisdiction, appoints [name and address of agent for service] as agent for receipt of service of process in such courts). Such jurisdiction shall be non-exclusive except to the extent that such non-exclusivity prejudices the submission to such jurisdiction.
- (2) Although not a party to the agreement, the ~~FSA~~ FCA or PRA (delete as appropriate) may in its own right enforce a term of the agreement to the extent that it purports to confer upon the ~~FSA~~ FCA or PRA (delete as appropriate) a benefit.

This document is provided as an example and is not intended to have continuing effect.

IN WITNESS whereof the parties hereto have duly executed this Agreement as a Deed the day and year first above written.

(EXECUTED AS A DEED and DELIVERED by  
(the Lender  
(and signed by:

Director

Director/Secretary

or

(SIGNED and DELIVERED as a DEED  
by the individual partners of the Lender  
(as such partners and as individuals  
(in the presence of:

or

SIGNED and DELIVERED as a DEED by  
the Lender (if an individual)  
in the presence of:

This document is provided as an example and is not intended to have continuing effect.

(EXECUTED AS A DEED and DELIVERED by  
(the Borrower  
(and signed by:

Director

Director/Secretary

or

(SIGNED and DELIVERED as a DEED  
(by the individual partners or the Borrower  
(as such partners and as individuals  
(in the presence of:

or

SIGNED and DELIVERED as a DEED by  
the Borrower (if an individual)  
in the presence of:

This document is provided as an example and is not intended to have continuing effect.

Dated this                      day of                      20

BETWEEN

the Lender

and

the Borrower

---

**SUBORDINATED  
LOAN AGREEMENT**

---

This document is provided as an example and is not intended to have continuing effect.

## EXAMPLE OF A SUBORDINATED LOAN AGREEMENT FOR A FIRM WHICH IS AN INSURANCE OR A MORTGAGE INTERMEDIARY (OR BOTH) BUT NOT A MORTGAGE LENDER OR ADMINISTRATOR (SEE MIPRU 4.4)

### NOTES FOR COMPLETION OF THIS DOCUMENT

- (1) This is an example of a subordinated loan agreement which would meet the conditions in MIPRU 4.4.7R for inclusion as part of the capital resources of an insurance intermediary or a mortgage intermediary. A subordinated loan to an insurance intermediary or a mortgage intermediary must have an original maturity of at least two years or, where it has no fixed term, be subject to two years' notice of repayment.
- (2) In paragraph 2, you should insert the Effective Date of the Loan, that is, the date on which the Lender will make the advance, if this differs from the date of the Agreement.
- (3) Words in brackets marked with a double asterisk \*\* are for use where the Borrower is a partnership.

#### Governing Law

Number of crosses	Governing Law
+	Scottish
++	Scottish or Northern Irish
+++	English or Northern Irish
++++	Northern Irish
+++++	English

Example: Words marked ++\*\* will be for use where the Borrower is a partnership and the Agreement is governed by either Scottish or Northern Irish law.

- (4) Words in round brackets in paragraph 10 are only required where either the Lender or Borrower (or both) is not incorporated in any part of the United Kingdom.

This document is provided as an example and is not intended to have continuing effect.

THIS SUBORDINATED LOAN AGREEMENT IS MADE  
ON 20

BETWEEN:-

- (1) [ ] of  
[ ]  
(the "Lender" which term includes its permitted successors and assigns); and
- (2) [ ] of  
[ ]  
(the "Borrower" which term includes its permitted successors and assigns); [and  
[ ] of  
[ ],  
[ ] of  
[ ] and  
[ ] of  
[ ]  
the individual partners of the Borrower as such partners and as individuals +\*\*].

IT IS AGREED AS FOLLOWS:-

## 1. DEFINITIONS

In this agreement:-

"Effective Date" means the date on which this Agreement is to take effect being the date of the Agreement unless otherwise stated in paragraph 2;

"Excluded Liabilities" means Liabilities which are expressed to be and, in the opinion of the Insolvency Officer of the Borrower, do rank junior to the Subordinated Liabilities in any Insolvency of the Borrower;

"Capital Resources" has the meaning given it in the Financial Rules;

"Capital Resources Requirement" has the meaning given it in the Financial Rules;

"Financial Rules" means the rules in MIPRU 4 (Capital resources) of the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries;

"Insolvency" means and includes liquidation, winding up, bankruptcy, sequestration, administration or dissolution (whichever term may apply to the Borrower) or the equivalent in any other jurisdiction to which the Borrower may be subject;

"Insolvency Officer" means and includes any person duly appointed to administer and distribute assets of the Borrower in the course of the Borrower's Insolvency;

This document is provided as an example and is not intended to have continuing effect.

“Liabilities” means all present and future sums, liabilities and obligations payable or owing by the Borrower [or any Partner \*\*] (whether actual or contingent, jointly or severally or otherwise howsoever);

“Loan” means the indebtedness of the Borrower to the Lender referred to in paragraph 2 as that indebtedness may be reduced from time to time by any repayment or prepayment permitted under this Agreement;

[“Partner” means an individual partner of the Borrower\*\*];

“Rules” means the rules of the ~~FSA~~ FCA or PRA (delete as appropriate) from time to time in force;

“Senior Liabilities” means all Liabilities except the Subordinated Liabilities and Excluded Liabilities;

“Subordinated Liabilities” means all Liabilities to the Lender in respect of the Loan and all interest payable thereon.

## 2. LOAN

The Borrower hereby acknowledges its indebtedness to the Lender in the sum of [ ] as an unsecured loan upon and subject to the terms and conditions of this Agreement.

[Note: This paragraph may be adapted to reflect the actual basis on which the unsecured Loan arises and, if applicable, how it is to be drawn down. You should specify clearly the Effective Date of the Loan if it will differ from the date of the Agreement.]

## 3. INTEREST

Subject to the provisions of paragraphs 4 and 5, until repayment of the Loan in full the Borrower will [the Borrower and the partners hereby bind and oblige themselves jointly and severally to +\*\*] pay to the Lender interest on the Loan or on any part or parts of it for the time being remaining due under this Agreement such interest to be calculated and to be payable as provided below.

[Enter details of interest calculations and manner and time of payments]

## 4. REPAYMENT OF THE LOAN

- (1) The provisions of this paragraph are subject to the provisions of paragraph 5.
- (2) Except where the Borrower has obtained the ~~FSA’s~~ FCA or PRA (delete as appropriate) prior written consent and that consent has not been withdrawn, no repayment or prepayment of the Loan shall be made, in whole or in part, earlier than a date:
  - (a) not less than two years from the date on which the Loan was first made; or

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- (b) not less than two years from the date on which the Borrower gave notice in writing to the Lender and the ~~FSA~~ FCA or PRA (delete as appropriate).
- (3) If default is made for a period of 7 days or more in the payment of any principal due in respect of the Loan or for a period of 14 days or more in the payment of any interest due in respect of the Loan the Lender may, in order to enforce payment, at its discretion and after taking such preliminary steps as may be necessary and after notifying the ~~FSA~~ FCA or PRA (delete as appropriate), institute proceedings for the Insolvency of the Borrower [or the Insolvency of all or any Partners\*\*]. If an order is made or an effective resolution is passed for the winding up of the Borrower, the Loan shall become repayable.
- (4) The Lender may at its discretion, subject to the provisions which follow, institute proceedings for the Insolvency of the Borrower [or the Insolvency of all or any Partners\*\*] to enforce any obligation, condition or provision binding on the Borrower [or on all or any Partners\*\*+] under this Agreement (other than any obligation for the payment of principal moneys or interest in respect of the Loan) provided that the borrower [or any Partner\*\*] shall not by virtue of the institution of any such proceedings be obliged to pay any sum or sums sooner than the same would otherwise have been payable by it. The Lender may only institute such proceedings to enforce the obligations referred to above if (i) the default is not remedied to the satisfaction of the Lender within 60 days after notice of such default is not remedied to the satisfaction of the Lender within 60 days after notice of such default has been given to the Borrower by the Lender (with a copy to the ~~FSA~~ FCA or PRA (delete as appropriate)) requiring the default to be remedied and (ii) the Lender has taken all preliminary steps required to be taken by it prior to the institution of such proceedings.
- (5) No remedy against the Borrower [or any Partner\*\*] other than as specifically provided by this paragraph shall be available to the Lender whether for the recovery of amounts owing under this Agreement or in respect of any breach by the Borrower [or any Partners\*\*] of any of its obligations under this Agreement.

## 5. SUBORDINATION

- (1) Notwithstanding the provisions of paragraph 4, the rights of the Lender in respect of the Subordinated Liabilities are subordinated to the Senior Liabilities and accordingly payment of any amount whether principal (by way of repayment or prepayment), interest or otherwise, of the Subordinated Liabilities is conditional upon:-
  - (a) (if an order has not been made or an effective resolution passed for the Insolvency of the Borrower) the Borrower being in compliance with its Capital Resources Requirement prevailing at the time of payment by the Borrower; and accordingly no such amount which would otherwise fall due for payment shall be payable except to the extent that repayment under paragraph 4(2) above is permitted and the Borrower could make such

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payment and still be in compliance with its Capital Resources Requirement immediately thereafter; and

- (b) (if an order has been made or an effective resolution has been passed for the Insolvency of the Borrower [or if the Borrower shall be dissolved\*\*]) the Borrower being solvent at the time of payment by the Borrower; and accordingly no such amount which would otherwise fall due for payment shall be payable except to the extent that the Borrower could make such payment and still be solvent immediately thereafter. For the purposes of this sub-paragraph, the Borrower shall be solvent if it is able to pay its debts in full and in determining whether the Borrower is solvent for the purposes of this sub-paragraph there shall be disregarded obligations which are not payable or capable of being established or determined in the Insolvency of the Borrower.
- (2)
  - (a) No payment of the Subordinated Liabilities (other than in respect of interest) shall be made at any time under sub-paragraph (1) above unless the Borrower has obtained the FSA's FCA's or PRA's (delete as appropriate) prior written consent to such payment and that consent has not been withdrawn.
  - (b) The Borrower shall give or ensure that there are given to the FSA FCA or PRA (delete as appropriate) such information and auditor's certificate in relation to the proposed payment as the FSA FCA or PRA (delete as appropriate) may require.
- (3) Payments of interest at a rate not exceeding the rate provided in paragraph 3 may be made to the extent permitted by sub-paragraph (1) above without prior notification to the FSA FCA or PRA (delete as appropriate).
- (4) For the purposes of sub-paragraph (1)(b) above a report given at any relevant time as to the solvency of the Borrower by its Insolvency Officer, in form and substance acceptable to the FSA FCA or PRA (delete as appropriate), shall in the absence of proven error be treated and accepted by the FSA FCA or PRA (delete as appropriate), the Lender and the Borrower as correct and sufficient evidence of the Borrower's solvency.
- (5) If the Lender shall receive from the Borrower [or any Partner\*\*] payment of any sum in respect of the Subordinated Liabilities where repayment is prohibited under paragraph 4(2) or when any of the terms and conditions referred to in sub-paragraphs (1) or (2) above is not satisfied the payment of such sum shall be void for all purposes and [any such sum shall be received by the Lender upon trust to return the same to the Borrower+++] [the Lender shall at any time thereafter be bound to return such sum to the Borrower, or, as the case may be, its Insolvency Officer+] (and any sum so returned shall then be treated for the purposes of the Borrower's obligations under this Agreement as if it had not been paid by the Borrower and its original payment shall be deemed not to have discharged any of the obligations of the Borrower). A request to the Lender for return of any sum under the foregoing provisions of this sub-paragraph (5) shall be in writing and shall be made by or on behalf of the Borrower or, as the case may be, its Insolvency Officer.

This document is provided as an example and is not intended to have continuing effect.

## 6. UNDERTAKINGS OF BORROWER

From and after the date of this Agreement (or the Effective Date if earlier), the Borrower will not [and no Partner will\*\*] without the prior written consent of the ~~FSA~~ FCA or PRA (delete as appropriate):-

- (1) secure all or any part of the Subordinated Liabilities;
- (2) redeem, purchase or otherwise acquire any of the Subordinated Liabilities;
- (3) amend any document evidencing or providing for the Subordinated Liabilities;
- (4) repay any of the Subordinated Liabilities otherwise than in accordance with the terms of this Agreement;
- (5) take or omit to take any action whereby the subordination of the Subordinated Liabilities or any part of them to the Senior Liabilities might be terminated, impaired or adversely affected.

## 7. DOCUMENTATION

This Agreement forms the entire agreement as to the Subordinated Liabilities. If there are any other terms relating to the Subordinated Liabilities existing at the date of this Agreement and not comprised in it such terms shall be of no further force and effect. No variation of or amendment to this Agreement shall be of any effect unless it is in writing signed by all the parties. Any amendment to this Agreement made or purported to be made without the consent of the ~~FSA~~ FCA or PRA (delete as appropriate) shall be void. For the avoidance of doubt, nothing in this paragraph requires the ~~FSA~~ FCA or PRA (delete as appropriate) to be a party to this agreement.

## 8. UNDERTAKINGS OF LENDER

The Lender will not without the prior written consent of the ~~FSA~~ FCA or PRA (delete as appropriate):-

- (1) assign or purport to assign to any person the whole or any part of the Subordinated Liabilities;
- (2) purport to retain or set-off at any time any amount payable by it to the Borrower [or any Partner\*\*] against any amount of the Subordinated Liabilities except to the extent that payment of such amount of the Subordinated Liabilities would be permitted at such time by this Agreement, and the Lender shall immediately pay an amount equal to any retention or set-off in breach of this provision to the Borrower and such retention or set-off shall be deemed not to have occurred;
- (3) amend or waive the terms of any document evidencing or providing for the Subordinated Liabilities;
- (4) attempt to obtain repayment of any of the Subordinated Liabilities otherwise than in accordance with the terms of this Agreement;

This document is provided as an example and is not intended to have continuing effect.

- (5) take or omit to take any action whereby the subordination of the Subordinated Liabilities or any part of them to the Senior Liabilities might be terminated, impaired or adversely affected;
- (6) take or enforce any security, guarantee or indemnity from any person for all or any part of the Subordinated Liabilities, and the Lender shall, upon obtaining security, guarantee or indemnity in breach of this undertaking, hold the same [on trust for +++] [as agent of and for the benefit of ++] the Borrower.

[Note: Before giving its consent to a transaction falling under paragraph 8(6), the ~~FSA~~ FCA or PRA (delete as appropriate) will need to be satisfied that the provider of security has waived his rights of subrogation against the Borrower until all Senior Liabilities of the Borrower have been paid in full.]

9. This Agreement shall subsist in full force and effect notwithstanding any change which may take place from time to time in the constitution or title of the Borrower by the retirement of the present partners or [either] [any] of them or the assumption of new Partners or by a change of name it being provided that:-
  - (a) a retired Partner shall continue to be liable for the payment of all sums due under this Agreement and implementation of all other obligation contained in it until such time as the Lender and the remaining Partner[s] shall agree in writing to release a retired Partner from such obligations and the ~~FSA~~ FCA or PRA (delete as appropriate) has given its written consent to the release; and
  - (b) in the event of a new partner being assumed as a Partner of the Borrower the other partners shall procure that the said assumed Partner shall become bound to the Lender as a party to this Agreement and shall execute such addendum to it as the Lender and the ~~FSA~~ FCA or PRA (delete as appropriate) may consider necessary.

The obligations and undertakings of the Borrower under this Agreement shall bind the Borrower and the Partners jointly and severally. ~~\*\*+~~]

## 10. LAW [AND JURISDICTION]

- (1) This Agreement is governed by [English law +++++] [the law of Scotland +] [the law of Northern Ireland +++++] and, for the benefit of the ~~FSA~~ FCA or PRA (delete as appropriate) solely, each of the Borrower and the Lender irrevocably submits to the jurisdiction of the [English Courts +++++] [Court of Session, Scotland +] [Northern Irish Courts +++++] (and, to the extent that it does not have a place of business within this jurisdiction, appoints [name and address of agent for service] as agent for receipt of service of process in such courts). Such jurisdiction shall be non-exclusive except to the extent that such non-exclusivity prejudices the submission to such jurisdiction.
- (2) Although not a party to the agreement, the ~~FSA~~ FCA or PRA (delete as appropriate) may in its own right enforce a term of the agreement to the extent that it purports to confer upon the ~~FSA~~ FCA or PRA (delete as appropriate) a benefit.

This document is provided as an example and is not intended to have continuing effect.

IN WITNESS whereof the parties hereto have duly executed this Agreement as a Deed the day and year first above written.

(EXECUTED AS A DEED and DELIVERED by  
(the Lender  
(and signed by:

Director

Director/Secretary

or

(SIGNED and DELIVERED as a DEED  
by the individual partners of the Lender  
(as such partners and as individuals  
(in the presence of:

or

SIGNED and DELIVERED as a DEED by  
the Lender (if an individual)  
in the presence of:

This document is provided as an example and is not intended to have continuing effect.

(EXECUTED AS A DEED and DELIVERED by  
(the Borrower  
(and signed by:

Director

Director/Secretary

or

(SIGNED and DELIVERED as a DEED  
(by the individual partners or the Borrower  
(as such partners and as individuals  
(in the presence of:

or

SIGNED and DELIVERED as a DEED by  
the Borrower (if an individual)  
in the presence of:

This document is provided as an example and is not intended to have continuing effect.

Dated this                      day of                      20

BETWEEN

the Lender

and

the Borrower

---

**SUBORDINATED  
LOAN AGREEMENT**

---

**Annex 11**

**Amendments to the Prudential sourcebook for UCITS Firms (UPRU)**

In this Annex, in the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	UPRU 2.2.1R Part II, 2 (note), 3 (note), 10 (note);  UPRU Sch 5.1G(1);  UPRU Sch 6.1G(1) to (2)
Section 148	Sections 138A and 138B	UPRU Sch 6.1G(1)
Section 150	Section 138D	UPRU Sch 5.1G
Section 150(2)	Section 138D(3)	UPRU Sch 5.1G

**Annex 12**

**Amendments to the Interim Prudential sourcebook for Friendly Societies IPRU(FSOC)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority</i>	<i>Prudential Regulation Authority</i>	IPRU(FSOC) 5.1(2)(b)
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	Guidance paragraph 3 [see black-line amendments at the bottom of the annex]  IPRU(FSOC) 3.1(6)(b), 3.1(7);  IPRU(FSOC) Appendix 10 FSC1 [return form];  IPRU(FSOC) Appendix 10 FSC2 [return form];  IPRU(FSOC) Appendix 10 FSC3 [return form];  IPRU(FSOC) Appendix 10 FSC4 [certificate or statement];  IPRU(FSOC) Annex 3 Part I (30), Part I (31)(b)
<i>FSA</i>	<i>FCA</i>	IPRU(FSOC) 7.1 [public file]
<i>FSA</i>	<i>PRA</i>	IPRU(FSOC) 3.1(6);  IPRU(FSOC) 4.2(7);  IPRU(FSOC) 5.1(2)(b), 5.1(5), 5.2(2)(b), 5.2(3), 5.2(4), 5.2(5), 5.2(5)(b), 5.2(10), 5.3(1);  IPRU(FSOC) Appendix 4, 4A(1), Appendix 4 B27(a);  IPRU(FSOC) Annex 1, 1(1)-(2);

		<p>IPRU(FSOC) Annex 2 (3), (9);</p> <p>IPRU(FSOC) Annex 3 Part I(1), (2) and (3), Part I (3)(b), Part I(5), Part I(5)(c)-(e), Part I (6)-(7), Part I(10), Part I (11)(d)-(e), Part I(12), Part I(18)(b), Part I(23)-(24), Part I(28), Part I(32), Part I (34)-(35), Part I(37), Part I(39), Part I (39)(b), Part I(40);</p> <p>IPRU(FSOC) Annex 3 Part II (3), C2(a);</p> <p>IPRU(FSOC) Annex 4(4), (6), (9), (11.4), (11.6)(3), (12.7);</p> <p>IPRU(FSOC) Annex 5(4)-(5)</p>
<i>FSA</i>	<i>FCA and PRA</i>	IPRU(FSOC) Annex 7(4)
Section 148	Sections 138A	<p>IPRU (FSOC) 4.7(3);</p> <p>IPRU (FSOC) 5.18(2);</p> <p>IPRU(FSOC) Annex 4(4A), Annex 4(9); Annex 4 11.4(1);IPRU(FSOC) Annex 5(4);</p> <p>IPRU(FSOC) FSC1 Form 9</p>

Amend the following provisions as follows.

## INTERIM PRUDENTIAL SOURCEBOOK FOR FRIENDLY SOCIETIES

### GUIDANCE: THE PURPOSE OF THE PRUDENTIAL RULES FOR FRIENDLY SOCIETIES AND AN OVERALL DESCRIPTION

1. The prudential rules for a *friendly society* are to be seen in the context of the Principles for Businesses. These are high level obligations applying to all authorised persons and are set out in the High Level Standards part of the ~~Handbook~~ Handbook (PRIN).

...

5.1(2)

...

and one of those copies must be signed as required by rule 5.12. The copies must be sent to Insurance Returns, The Financial Services Authority, PO Box 35747, London E14 5WP ~~Prudential Regulation Authority, 20 Moorgate, London, EC2R 6DA~~ Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of

England, Threadneedle Street, London, EC2R 8AH (and must not be addressed to the friendly society's normal supervisory contact).

...

7. Chapter 3 focuses on systems and controls. *Friendly societies* should also refer to the provisions on senior management arrangements, systems and controls in the High Level Standards part of the ~~Handbook~~ Handbook (SYSC) and to Annex 3 of *IPRU(FSOC)*.

...

11. As part of the continuing supervision of a *friendly society*, the rules in Chapter 5 require the *friendly society* to prepare certain accounts and statements in accordance with the rules and deposit them with the *FSA appropriate regulator*.

...

15. ~~FSA guidance~~ Guidance is set out in the Annexes and *friendly societies* may also wish to refer to the guidance in *IPRU(INS)*, *GENPRU* and *INSPRU*.

...

## **Chapter 8: TRANSITIONAL PROVISIONS**

### **Guidance**

GEN (the part of the ~~FSA Handbook~~ Handbook in High Level Standards which has the title General Provisions) contains some technical transitional provisions that apply throughout the ~~Handbook~~ Handbook and which are designed to ensure a smooth transition at commencement of the *Act*. These include transitional provisions relevant to record keeping and notification rules.

*SUP* contains transitional provisions which carry forward written concessions relating to pre-commencement provisions.

...

### **Attachment to Annex 5 PROFORMA APPLICATION**

...

#### **Request for dispensation from actuarial investigation**

The \_\_\_\_\_ (insert name of friendly society) \_\_\_\_\_ hereby requests dispensation from the requirement to cause an actuarial investigation to be carried out as at under rule 5.2 of the *FSA Interim Prudential Sourcebook for Friendly Societies* for one or more of the following reasons -

...

**FCS1 Return** – Long Term Insurance Business: Annual Investigation

...	<p>Three copies of this Return (including the original signed copy) must be submitted as soon as possible after 31 December and not later than the following 30 June to:-</p> <p>The Financial Services Authority 25 The North Colonnade Canary Wharf London E14 5HS <del>Prudential Regulation Authority, 20 Moorgate, London, EC2R 6DA</del> Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London, EC2R 8AH</p>
-----	---

**FCS2 Return** – Periodic Investigation: Long Term and General Insurance Business

...	<p>Three copies of this Return (including the original signed copy) must be submitted as soon as possible after 31 December and not later than 30 June:-</p> <p>The Financial Services Authority 25 The North Colonnade Canary Wharf London E14 5HS <del>Prudential Regulation Authority, 20 Moorgate, London, EC2R 6DA</del> Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London, EC2R 8AH</p>
-----	--

**FCS3 Return** – General Insurance Business: Periodic Investigation

...

Three copies of this Return (including the original signed copy) must be submitted as soon as possible after 31 December and not later than 30 June:-

The Financial Services Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS ~~Prudential  
Regulation Authority, 20  
Moorgate, London, EC2R  
6DA Regulatory Data  
Group, Statistics and  
Regulatory Data Division  
(HO5 A-B), Bank of  
England, Threadneedle  
Street, London, EC2R 8AH~~

CERTIFICATE OF STATEMENT      FORM FSC4

*The form should be sent to*  
***The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London, EC2R 8AH***

**Annex 13**

**Amendments to the Interim Prudential sourcebook for Insurers (IPRU(INS))**

In this Annex, underlining indicates new text and striking through indicates deleted text.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	IPRU(INS) 9.72; IPRU(INS) 11.1; IPRU(INS) 12.7;
<i>FSA</i>	<i>FCA</i>	IPRU(INS) 3.3(3)(a)
<i>FSA</i>	<i>PRA</i>	IPRU(INS) 9.3, 9.6, 9.36B, 9.36C, 9.37, 9.42, 9.42A, 9.44, 9.46, 9.48, 9.50, 9.59, 9.60, 9.61;  IPRU(INS) 12.6;  IPRU(INS) Appendix 9.1(3); Instructions for completion of Form 3 (paras 11 and 35);  IPRU(INS) Appendix 9.10 Asset related capital requirement  IPRU(INS) Instructions for completion of Form 16 (para 1);  IPRU(INS) Instructions for completion of Form 19 (para 10);  IPRU(INS) Appendix 9.7 Instruction for completion of Form 91;  IPRU(INS) Appendix 9.7 Instruction for completion of Form 92;  IPRU(INS) Appendix 9.7 Instruction for completion of Form 93;  IPRU(INS) Appendix 9.7 Instruction for completion of Form 94;

		IPRU(INS) Appendix 9.10 ECR1
<p><i>FSA general insurance business reporting category</i></p>	<p><i>PRA general insurance business reporting category</i></p>	<p>IPRU(INS) Annexes 11.3 Part I, Part II;</p> <p>IPRU(INS) 12.9;</p> <p>IPRU(INS) Appendix 9.2 2A, 9.2 19, 9.2 22(2), 9.22(3), 9.2 24(1), 9.2 24(1)(b), 9.2 24(2)(b) &amp; (c), 9.2 30;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 20A paras 1 to 5;</p> <p>IPRU(INS) Appendix 9.2 General insurance business : Technical account (excluding equalisation provisions) - Form 20;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting): Analysis of premiums - Form 21;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting) : Analysis of claims, expenses and technical provisions – Form 22;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting): Analysis of net claims and premiums - Form 23;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (underwriting year accounting): Analysis of premiums, claims and expenses - Form 24;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (underwriting year accounting): Analysis of technical provisions - Form 25;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident</p>

		<p>year accounting): Analysis of net claims and premiums by risk category for treaty reinsurance - Form 26;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 26 para 11;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting): Analysis of gross claims and premiums by risk category for treaty reinsurance - Form 27;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of form 27 (para 11);</p> <p>IPRU(INS) Appendix 9.2 General insurance business (underwriting year accounting): Analysis of premiums, claims and expenses by risk category for treaty reinsurance - Form 28;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 28 para 6;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (underwriting year accounting): Analysis of technical provisions by risk category for treaty reinsurance - Form 29;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 29 para 8;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting): Analysis of gross claims and premiums by risk category for direct insurance and facultative reinsurance - Form 31;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 31 para 11;</p>
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		<p>IPRU(INS) Appendix 9.2 General insurance business (accident year accounting): Analysis of gross claims and premiums for motor vehicle direct insurance and facultative reinsurance - Form 32;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 32 para 9;</p> <p>IPRU(INS) Appendix 9.2 General insurance business (underwriting year accounting): Analysis of gross claims and premiums by risk category for direct insurance and facultative reinsurance - Form 34;</p> <p>IPRU(INS) Appendix 9.2 Instructions for completion of Form 34 para 10</p>
<i>Part IV permission</i>	<i>Part 4A permission</i>	<p>IPRU(INS) 9.42AR(2)</p> <p>IPRU(INS) Appendix 9.1 instructions for completion of forms 11-12 (para 5);</p> <p>IPRU(INS) Appendix 9.1 instructions for completion of Form 15 (para 4(c))</p>
Section 150(1)	Section 138D(2)	IPRU(INS) 11.4

Amend the following provisions as follows.

3.2

...

~~1 Regulations under section 142 of the Act may also apply to restrict a parent undertaking of an insurer from doing anything to lessen the effectiveness of the Asset Identification Rules.~~

9.2 ...

(4) ...

- (c) references to a numbered ~~FSA~~ PRA general insurance business reporting category are references to the ~~FSA-PRA~~ general insurance business reporting category so numbered in Annex 11.3.

...

...

9.6

...

(2) ...

- (b) one printed copy of the document and one copy of it in an electronic form which may be readily used or translated by the ~~FSA~~ PRA sent by email to ~~insurancereturns@fsa.gov.uk~~ InsuranceData@bankofengland.co.uk. The title of the email must be: <firm name> ~~FSA~~ PRA returns <dd/mm/yyyy>.

...

The printed copies must be sent to ~~Financial Services Authority, PO Box 35747, London E14 5WP~~ Regulatory Data Group, Statistics and Regulatory Division (HO5 A-B), Bank of England, Threadneedle Street, London, EC2R 8AH (and must not be addressed to the *insurer's* normal supervisory contact).

...

**~~FSA~~ Regulatory ~~PRA~~ general insurance business reporting categories falling below de minimis criteria**

...

11.1

...

Term or phrase	Definition
.....	
<i>balancing category</i>	an <del>FSA</del> <u>PRA</u> general insurance business reporting category to which any of the category numbers 409 or 709 has been
<i>category number</i>	the category number for the <del>FSA return</del> <u>PRA</u> general insurance business reporting <del>categories</del> <u>category</u> listed in column 1 of <b>Annex 11.3</b>
<i>combined category</i>	an <del>FSA</del> <u>PRA</u> general insurance business reporting category to which any of the category numbers 001, 002, 003, 110, 120, 180, 220, 260, 270, 280, 330, 340, 500 or 600 has been allocated in column 1 of <b>Annex 11.3</b>

<i>exemption category</i>	an <i>FSA PRA</i> general insurance business reporting category to which the category numbers 114(p) or 710(p) have been allocated in column 1 of <b>Annex 11.3</b>
<i>FSA PRA</i> general insurance business reporting categories category.	...
<i>financial year in question</i>	the <i>financial year</i> which last ended before the date on which accounts and statements (as specified in the <i>Accounts and Statements Rules</i> ) of the <i>insurer</i> relating to that <i>financial year</i> are required to be deposited with the <i>FSA PRA</i> pursuant to rule 9.6, and the preceding financial year and previous financial years are construed accordingly
<i>miscellaneous category</i>	an <i>FSA PRA</i> general insurance business reporting category to which the category numbers 400 or 700 have been allocated in column 1 of <b>Annex 11.3</b>
<i>Required category</i>	in relation to a Form in the <i>return</i> , a category of <i>general insurance business</i> set out in column 2 of the Table in Paragraph 2B of <b>Appendix 9.2</b> that – (a) is, or is included in, an <i>FSA PRA</i> general insurance business reporting category for which the Table in Paragraph 2A of <b>Appendix 9.2</b> contains a tick in the row for that <i>FSA PRA</i> general insurance business reporting category and in the column for that Form; and ...
<i>risk category</i>	any <i>FSA PRA</i> general insurance business reporting category that is not a <i>combined category</i> , or <i>balancing category</i> or <i>exemption category</i>

Annex  
11.3:

**Descriptions of *FSA PRA* General Insurance Business Reporting Categories**

PART I ...

*FSA PRA* general insurance business reporting category

...

PART II

~~FSA~~ PRA general insurance business reporting category

~~Definitions of FSA general insurance business reporting categories 343 (Energy) and 262 (Consequential loss) in IPRU(INS) Annex 11.3 Part I~~

12.10

...

**Instructions for completion of Forms 11 and 12**

8. Where the financial year began between 1 January 2004 and 31 December 2004 (inclusive), the previous financial year's figures would normally be those sent to the FSA under rule 9.6(1B) and may be unaudited.

**Form 20A**

Category number	<del>FSA return</del> <u>PRA</u> general insurance business reporting category		Gross premium written in this financial year	Provision for undiscounted gross claims outstanding at the end of this financial year	Provision for gross unearned premium at the end of this financial year
-----------------	--	--	--	---	--

**Annex 14**

**Amendments to the Interim Prudential sourcebook for Investment Businesses  
(IPRU(INV))**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority</i>	<i>Financial Conduct Authority</i>	<p>IPRU(INV) Annex D 3.1 Schedule 2 – Interpretations “the FSA”;</p> <p>IPRU(INV) Annex D 3.2 Form of deed of termination – Between - (3);</p> <p>IPRU(INV) Annex D 3.2 Form of deed of termination – The common seal of;</p> <p>IPRU(INV) Annex D 3.3 Form of deed of variation – Between - (3);</p> <p>IPRU(INV) Annex D 3.3 Form of deed of variation – The common seal of;</p> <p>IPRU(INV) Annex D 3.4 Form of guarantor undertaking – 1<sup>st</sup> paragraph;</p> <p>IPRU(INV) Annex D 3.6 Form of approved bank bond - 3;</p> <p>IPRU(INV) Power of Attorney;</p> <p>IPRU(INV) Annex D 3.7 Approved form of undertaking – (2);</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement - Definitions “FSA”;</p> <p>IPRU(INV) Annex D 5.2 Prescribed qualifying undertaking – (2);</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement, Schedule 2 1(1) <i>the FSA</i>;</p>

		<p>IPRU(INV) Annex D 9.3 Form of deed of termination – Between - (3);</p> <p>IPRU(INV) Annex D 9.3 Form of deed of termination – The common seal of;</p> <p>IPRU(INV) Annex D 9.4 Form of deed of variation - Between - 3;</p> <p>IPRU(INV) Annex D 9.5 Form of guarantor undertaking – 1<sup>st</sup> paragraph</p>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	<p>IPRU(INV) 1.1.3, 1.1.5, 1.1.6, 1.2.7R(3)(i) to (ii), 1.2.7R(3)(b);</p> <p>IPRU(INV) 4.2.3G, 4.4.2D, 4.4.3D, 4.4.4D, 4.4.5D, 4.4.5D(c);</p> <p>IPRU(INV) Appendix 1 Interpretation - <i>prescribed subordinated loan agreement, qualifying capital instrument</i>;</p> <p>IPRU(INV) 8.1.19R(3);</p> <p>IPRU(INV) 13.1.18R(3), 13.5.5AR(5);</p> <p>IPRU(INV) Annex D Power of attorney</p>
<i>FSA</i>	<i>FCA</i>	<p>IPRU(INV) 2.1.2R(4), 2.1.6G, 2.2.2G(2), 2.3.2G, 2.4.2R(2)(a), 2.4.3R;</p> <p>IPRU(INV) 3-2R, 3-5R, 3-41(9)R(f), 3-41(9)G, 3-62(2)R(b), 3-62(3)R, 3-62(7)G, 3-63(2)R(a), 3-63(4)R, 3-63(9)G, 3-73(2)R(j), 3-73(3)R(a) to (b), 3-73(4)G, 3-73(5)R, 3-75(11)R(d), 3-79(2)G, 3-80(6A)E(1)(b), 3-80(7)R, 3-80(10)G, 3-152(1)G, 3-169AG, 3-169B(1)G, 3-170(5)R, 3-170(5A)E(b), 3-173A(1)R(b), 3-173AR(8), 3-176(5)R, 3-300(1)R(b), 3-300(4)G;</p> <p>IPRU(INV) Appendix 1 Glossary of Terms - <i>annual accounting reference date, approved bank bond (a),(c)(ii), approved person, approved treasury arrangement, financial reporting statement</i>;</p> <p>IPRU(INV) Appendix 43(2);</p> <p>IPRU(INV) Appendix 56(1) to (2),(4) to (7), (9) and (9)(e);</p>

		<p>IPRU(INV) Appendix 62(15);</p> <p>IPRU(INV) 5.1.1(1)(a) table -note 2, 5.2.5(4)R, 5.2.5(5)G, 5.2.5(6)R(a) to (b), 5.2.6(3)R(a), table 5.2.2(1) note, note 1, 6A(a), 8, table 5.2.3(5)(e) note para 3;</p> <p>IPRU(INV) Appendix 1 Interpretation – <i>board, statutory rules, qualifying capital item</i>;</p> <p>IPRU(INV) 9.3.7G, 9.5.3R(1), 9.5.4R(a), 9.5.5R(4), 9.6.3R;</p> <p>IPRU(INV) 13.1.22G(1) to (2), 13.1.28R, 13.1.29G, 13.1A.12R, 13.1A.16R(1), 13.5.2R(2) calculation of relevant expenditure, 13.5.3AG, 13.5.4AR exempt CAD firm table (15) <i>subordinated loans</i>, 13.10.2BG and (1), 13.12.2AR, 13.12.2DG, Table 13.12.3(1) Part II(15), Table 13.12.3(2) Part II(15), 13.12.4AR(4);</p> <p>IPRU(INV) 14.1.2R(1), 14.1.4R(4) to (5) and (7), 14.1.5R, 14.1.5R(1), 14.1.6G(5), 14.2.4G(1) and (3), 14.2.5R, 14.2.6G(1), 14.4.4G(1), 14.5.2R(1) and (3);</p> <p>IPRU(INV) Annex A 2.4G;</p> <p>IPRU(INV) Annex D 3.1- A. front page - whereas;</p> <p>IPRU(INV) Annex D 3.1 - Schedule 2 – Interpretations “<i>the FSA</i>”, (2);</p> <p>IPRU(INV) Annex D 3.1 - The Loan or Facility – 2.(3) ;</p> <p>IPRU(INV) Annex D 3.1 - Repayment 4(3), 4(3)(a)(i), 4(3)(a)(ii)(bb), 4(3)(b), 4(3)(b)(ii), 4(4), 4(6)(c);</p> <p>IPRU(INV) Annex D 3.1 – Subordination - 5.(4);</p> <p>IPRU(INV) Annex D 3.1 – Representations and undertakings of Borrower - 6;</p> <p>IPRU(INV) Annex D 3.1 – Representations and undertakings of Lender – 7;</p>
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		<p>IPRU(INV) Annex D 3.1 – Borrower being a partnership – 8(a)(i), 8(a)(ii);</p> <p>IPRU(INV) Annex D 3.1 – The FSA and indemnity – 10;</p> <p>IPRU(INV) Annex D 3.1 – Amendments – 13;</p> <p>IPRU(INV) Annex D 3.1 – Notices to the FSA – 14;</p> <p>IPRU(INV) Annex D 3.1 – Jurisdiction – 16;</p> <p>IPRU(INV) Annex D 3.1 – Rights of the FSA – 17;</p> <p>IPRU(INV) Annex D 3.2 Form of deed of termination – Between - (3);</p> <p>IPRU(INV) Annex D 3.2 Form of deed of termination – Whereas;</p> <p>IPRU(INV) Annex D 3.3 Form of deed of variation – Between - (3);</p> <p>IPRU(INV) Annex D 3.3 Form of deed of variation – Whereas;</p> <p>IPRU(INV) Annex D 3.3 Form of deed of variation – It is agreed that – 1;</p> <p>IPRU(INV) Annex D 3.4 Form of guarantor undertaking – 1<sup>st</sup> paragraph;</p> <p>IPRU(INV) Annex D 3.4 Form of guarantor undertaking – Whereas – (A);</p> <p>IPRU(INV) Annex D 3.4 Form of guarantor undertaking – It is hereby agreed – 1;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement– A. General Introduction– 2;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Preparation of the Agreement – 4(b)</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Dates – 7;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on</p>
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		<p>completion of the agreement – Interest – 13;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Repayment – 16, 17b(a), 17(b)(b), 17(b)(c);</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Additional terms – 18;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Representations and undertakings – 22;</p> <p>IPRU(INV) Annex D 3.5 Guidance notes on completion of the agreement – Deeds of Variation/Deeds of termination – 26;</p> <p>IPRU(INV) Annex D 3.6 Form of approved bank bond – 3, 3(i), 3(iii), 5(i) to (ii), 7(ii);</p> <p>IPRU(INV) Power of Attorney;</p> <p>IPRU(INV) Annex D 3.7 Approved form of undertaking – (2);</p> <p>IPRU(INV) Annex D 3.7 Approved form of undertaking – Now it is hereby agreed and declared as follows – 1. Definitions - final paragraph, 2, 3, 5, 6(1)(d), 8(a) to (b), 9(a) to (b), 10, 11(1), 11(2)(a) to (b), 11(3), 12, 13, 14, 15(b), 16, 17;</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Whereas (A);</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Definitions “FSA”, “Interim Prudential Sourcebook”;</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Early repayment – 4(a);</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Repayment of the loan – 5(b);</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Subordination – 7;</p>
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		<p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Regulatory consent – 9;</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Rights of the FSA – 15;</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Notes for prescribed subordinated loan agreement;</p> <p>IPRU(INV) Annex D 5.1 Prescribed subordinated loan agreement – Number of copies of agreements – 6;</p> <p>IPRU(INV) Annex D 5.2 Prescribed qualifying undertaking – (2);</p> <p>IPRU(INV) Annex D 5.2 Prescribed qualifying undertaking – Whereas (A)-(C);</p> <p>IPRU(INV) Annex D 5.2 Prescribed qualifying undertaking – 1. “<i>Interim Prudential Sourcebook</i>”; “<i>the Rules</i>”</p> <p>IPRU(INV) Annex D 5.2 Prescribed qualifying undertaking – 2(a)-(b), 4, 5(d), 7(a)-(b), 8(a)-(b), 9, 10(b)-(c), 10(b)(i)-(ii), 11, 12, 13, 14, 14(3)</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement - Whereas;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – notes to paragraph 9 – 1;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Schedule 2 Interpretation 1(1) “<i>the FSA</i>”, 1(2);</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – the Loan or Facility – 2(3);</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Repayment – 3(a) to (c), 4(3) (a) to (c), 4(4), 4(6)(c), 5(4);</p>
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		<p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Representations and undertakings of borrower – 6;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Representations and undertakings of lenders – 7;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Borrower being a partner – 8(a)(i) to (ii);</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – The FSA and indemnity – 10;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Amendments – 13;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Notices to the FSA - 14;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Jurisdiction – 16;</p> <p>IPRU(INV) Annex D 9.1 Approved form of long-term subordinated loan agreement – Rights of the FSA – 17;</p> <p>IPRU(INV) Annex D 9.3 Form of deed of termination - Between – (3);</p> <p>IPRU(INV) Annex D 9.3 Form of deed of termination – Whereas;</p> <p>IPRU(INV) Annex D 9.4 Form of deed of variation - Between - 3;</p> <p>IPRU(INV) Annex D 9.4 Form of deed of variation - Whereas;</p> <p>IPRU(INV) Annex D 9.4 Form of deed of variation – It is agreed that – 1;</p> <p>IPRU(INV) Annex D 9.4 Form of deed of variation – the common seal of;</p>
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		<p>IPRU(INV) Annex D 9.5 Form of guarantor undertaking – 1<sup>st</sup> paragraph;</p> <p>IPRU(INV) Annex D 9.5 Form of guarantor undertaking – Whereas (A);</p> <p>IPRU(INV) Annex D 9.5 Form of guarantor undertaking – It is hereby agreed – 1;</p> <p>IPRU(INV) Annex D 9.8 Guidance notes para 2, 4(b), 7, 13, 16,17(b) to (c), 20, 25, 30;</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – introductory paragraph, (1), (5);</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 1. Definitions “<i>Financial Resource Requirement</i>”, “<i>Rules</i>”;</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 4. Repayment of the loan – (2), (3), (4);</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 5. Subordination – (2)(a) to (b), (3), (4);</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 6. Undertakings of borrower;</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 7. Documentation;</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 8. Undertakings of lender – 1<sup>st</sup> paragraph, (6);</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – 9(a) to (b);</p> <p>IPRU(INV) Annex D13.1 form of subordinated loan agreement for personal investment firms – Law [and Jurisdiction] – 10(1) to (2)</p>
FSA	PRA	IPRU(INV) 8.1.8G, 8.1.13G(1) to (2), 8.1.23G, 8.1.24R;

		IPRU(INV) 14.1.2R(2)
<i>FSA Handbook</i>	<i>Handbook</i>	IPRU(INV) Annex D 3.1 Approved Form of Subordinated Loan Agreement Schedule 2 Interpretation “ <i>financial rules</i> ”;  IPRU(INV) Annex D 3.6 Form of approved bank bond (3)(iii);  IPRU(INV) Annex D 3.7 Approved form & undertaking - 1. Definitions “ <i>the financial rules</i> ”;  IPRU(INV) Annex D 9.1 - Schedule 2 Interpretations “ <i>financial rules</i> ”
<i>Part IV</i>	<i>Part 4A</i>	IPRU(INV) Annex A 2.2R

Amend the following provisions as follows.

3-80(6) R *Instruments for which no PRA percentage risk addition has been specified*

*A firm must calculate the PRR for any on or off balance sheet position in a marketable investment for which no PRA percentage risk addition is specified under the PRR rules as an appropriate percentage of the current mark to market value of any position or notional position underlying the contract and must notify the ~~FSA~~-FCA of the terms of the instrument and the proposed PRR treatment.*

...

3-176(2) R ...

Type of security purchased or borrowed	CRR
...	...  The appropriate requirements from 1 <i>plus</i> the market value of the <i>securities</i> or <i>physical commodities</i> multiplied by the appropriate <u>PRA percentage risk addition</u> .

...

**Appendix 1 Glossary of Terms for IPRU(INV) 3**

<i>financial rules</i>	means the financial rules in Chapter 3 of the <i>FSA's FCA's</i> Interim Prudential Sourcebook for Investment Businesses ( <i>IPRU(INV)3</i> );
<i><u>PRA percentage risk addition</u></i>	means <del>percentage risk addition</del> , i.e. a percentage to be applied to the value of positions in investments held by the firm to determine its <i>PRR</i> ;
<i>regulated banking institution</i>	means any banking institution which has paid up share capital and reserves of over £5,000,000 as shown by its latest published audited accounts, and which is authorised <del>by the FSA</del> under the <i>Act</i> or supervised by the central bank or other regulatory authority of a member state of the <i>OECD</i> in which the bank is incorporated;

## Appendix 1 Interpretation

### Glossary of terms for Chapter 5

<i>recognised third country investment firm</i>	<p>means an <i>investment firm</i> which is authorised in a country other than a <i>member state</i> and which is subject to and complies with prudential rules equivalent to the requirements of the <i>Capital Adequacy Directive</i>.</p> <p><b>Note:</b> A <i>recognised third country investment firm</i> is not necessarily a <i>firm</i> for the purposes of the <i>rules</i>.</p> <p><b>Note:</b> A list of the non-EEA regulators which are approved by <del>FSA</del> <i>the FCA or PRA</i> for the purposes of recognising <i>recognised third country investment firms</i> under the <i>Capital Adequacy Directive</i> is available on request from the <del>FSA</del> <i>FCA</i>.</p>
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**Appendix 47 Table 2**

Specific risk ~~PRA~~s *percentage risk additions*

Issuer	<i>Residual maturity</i>	<del>PRA</del> <i>Percentage risk addition</i>
...		

...

**Additional Guidance on the ~~FSA~~'s FCA's Assessment of ACMPs**

**PREAMBLE**

This document is intended as a guide to those areas of Credit Management Policies which the ~~FSA~~ FCA will address when considering their adequacy.

**A DEFINITION OF CREDIT AND THE MEASUREMENT OF CREDIT RISK**

The ~~FSA~~ FCA expects that *firms* have a clear definition of what is considered to be “credit risk” (by whatever name it is known) within the *firm*.

The ~~FSA~~ FCA expects *firms* to consider in depth the measurement of the extent of Credit Risk which is incurred vis a vis any given counterparty. *Firms* should be aware that the extent of credit risk incurred will not necessarily be the same as the nominal value of contracts entered into (“value at risk” concept).

The ~~FSA~~ FCA will expect that *firms* measure and monitor the extent of Credit Risk incurred vis a vis any given counterparty by reference to a system of limits showing the maximum Credit Risk which the *firm* considers it prudent to incur vis a vis that counterparty having regard for the financial strength of the counterparty.

The ~~FSA~~ FCA expects there to be adequate procedures within the *firm* for the recognition of where credit risk may be incurred, for the approval of incurring such risk, and, once incurred, for the monitoring of that risk to ensure the satisfactory recovery of all amounts owed to the *firm* by a counterparty.

**THE DECISION TO GRANT CREDIT**

...

Financial information on proposed counterparty.

In order to ascertain the financial strengths and weaknesses of a proposed counterparty the ~~FSA~~ FCA expects *firms* to revert to financial information, some examples of which are given below.

...

## **THE MONITORING OF CREDIT EXPOSURES**

Once a proposal to grant credit has been approved the ~~FSA~~ FCA will expect that there are adequate procedures in place to ensure the proper monitoring of all credit exposures entered into.

The ~~FSA~~ FCA expects the monitoring function to be separate from and managed independently of those profit centres which may benefit from the incurring of credit risk.

...

The ~~FSA~~ FCA will consider the methods by which this information is communicated e.g. memorandum, manual lists, credit procedures manuals etc.

## **COMPUTER SYSTEMS**

Where use is made of computer systems the ~~FSA~~ FCA will consider the various methods by which the integrity of databases is ensured. These could include

...

Where information is transferred between computer systems e.g. for reporting purposes or to PC based systems the ~~FSA~~ FCA will consider any reconciliations which are performed.

## **REPORTING**

The ~~FSA~~ FCA expects there to be an adequate reporting system for the monitoring of credit exposure. Many *firms* make use of a series of reports, analysing their credit exposure based on a number of different criteria. Examples of the kinds of reports which may be found useful by *firms* are given below.

...

The ~~FSA~~ FCA will give consideration to the frequency of production of reports used in monitoring credit risk.

## **CREDIT RISK MANAGEMENT/CONTROL**

The ~~FSA~~ FCA will expect to be given details of the action taken where monitoring shows that any aspect of credit exposure is not in line with previously agreed parameters.

For example where exposure is in excess of approved limits the ~~FSA~~ FCA will expect to be informed about what action is taken, where payments are not received, how this is followed up. If counterparty's financial standing deteriorates, what action is taken to attempt to mitigate possible credit loss?

## **DOCUMENTATION**

The ~~FSA~~ FCA expects *firms* to have adequate procedures in place to be certain that all transactions which require documentation are documented and that this occurs within an acceptable time frame, and that any transactions which fail to be documented are identified and reported to Senior Management for appropriate action to be taken.

The ~~FSA~~ FCA expects any staff responsible for documentation to be separate from front office/profit centres and have an independent reporting structure. This will ensure that the commercial wish to trade and do business does not cloud the negotiation of effective and binding legal documentation.

...

## **ONGOING REVIEW OF CREDIT RISK**

The ~~FSA~~ FCA expects firms to have in place adequate procedures for the annual (or more frequent) review of credit risk.

...

The ~~FSA~~ FCA will expect a *firm* to be able to explain what action may be taken as the result of review e.g. reduction of credit limit, calling for further collateral etc. Where the review indicates cause for concern.

## **DOCUMENTATION OF CREDIT POLICIES AND PROCEDURES AND CUSTOMER FILES**

The ~~FSA~~ FCA will expect *firms* to consider the manner in which their Credit Policies are documented. Areas for comment could include:

...

## **Appendix 62: Netting**

...

## **CROSS-PRODUCT NETTING**

### ***Introduction***

The ~~FSA~~ FCA will consider granting rule waivers in order to permit firms to take account of cross-product netting in the calculation of their Counterparty Risk Requirement (CRR) in instances where the ~~FSA~~ FCA regards it appropriate.

The current drafting of the ~~FSA~~'s FCA's Financial Rules for securities and futures firms allows "similar" types of transactions to be netted (where those transactions are covered by a valid netting agreement, with a supporting legal opinion). In practice, similar has been defined as all transactions which fall within a particular CRR Rule treatment. Thus, currently, for the calculation of CRR in relation to exposures to a counterparty which are covered by valid

netting arrangements, a firm would be required to assess, for example, a net exposure for all derivative transactions with that counterparty and a separate net exposure for all repo type transactions with that counterparty.

The ~~FSA~~ FCA will consider granting waivers in accordance with *SUP* 8, though in general it will expect the following conditions to be met:

1. For the types of transaction which the firm is seeking to net, the firm must have the capability to monitor, and must in practice manage, the resultant exposures on a net basis.
2. All transactions which the firm is seeking to net must be covered by valid netting agreements and supported by legal opinions, in accordance with the requirements of the ~~FSA's~~ FCA's Financial Rules; and
3. Where underlying netting agreements are linked by a master netting agreement, the legal opinion must address the enforceability of the netting arrangements in their entirety;

One factor that the ~~FSA~~ FCA will consider in assessing whether a particular applicant meets these requirements is whether the firm has had the use of its ACMP sanctioned for the purposes of calculating CRR.

Note: Forms 3.1 and 9.1 in Annex D both contain the same Schedule 2, for the parts listed below, thus the below amendments apply to both.

## Schedule 2

### C. Standard Terms

...

#### The Loan or Facility

- 2 (1) ...
- (3) The Lender and the Borrower undertake to provide the ~~FSA~~FCA, immediately upon request, with details in writing of all principal and interest in respect of the Loan or each Advance outstanding for the time being and all payments of any amount made in the period specified by the ~~FSA~~ FCA in the request.

#### Subordination

5 ...

- (4) For the purposes of sub-paragraph (1)(b) above, a report given at any relevant time as to the solvency of the Borrower by its Insolvency Officer, in form and substance acceptable to the ~~FSA~~ FCA, shall in the absence of proven error be treated and accepted by the ~~FSA~~ FCA, the Lender and the Borrower as correct and sufficient evidence of the Borrower's solvency or Insolvency.

...

### Representations and undertakings of Borrower

6 From and after the date of this Agreement (or the Effective Date if earlier), the Borrower shall not without the prior written consent of the ~~FSA~~ FCA

...

- (f) arrange or permit any contract of suretyship (or similar agreement) relating to its liabilities under this Agreement to be entered into, and other than as disclosed in writing to the ~~FSA~~ FCA, the Borrower represents that it has not done so before the date of this Agreement (or the Effective Date if earlier).

### Representations and undertakings of Lender

7 From and after the date of this Agreement (or the Effective Date if earlier), the Lender shall not without the prior written consent of the ~~FSA~~ FCA –

...

- (f) take or enforce any security, guarantee or indemnity from any person for all or any part of the Subordinated Liabilities, and the Lender shall, upon obtaining or enforcing any security, guarantee or indemnity notwithstanding this undertaking, hold the same (and any proceeds thereof) on trust for the Borrower, and other than as disclosed in writing to the ~~FSA~~ FCA the Lender represents that it has not done so before the date of this Agreement (or the Effective Date if earlier).

### Borrower being a partnership

8 Where the Borrower is a partnership –

- (a) this Agreement shall subsist in full force and effect notwithstanding any change which may take place from time to time in the constitution or title of the Borrower by the retirement of the present Partners or any of them or the assumption of new Partners or by a change of name PROVIDED THAT –
- (i) a retired Partner shall continue to be liable for the payment of all sums due under this Agreement and implementation of all other obligations in this Agreement until the Lender and the remaining Partner(s) shall agree in writing to release a retired Partner from those obligations and the ~~FSA~~ FCA has agreed in writing to the release; and
- (ii) in the event of a new Partner being assumed as a partner of the Borrower the other Partners shall procure that said assumed Partner shall become bound to the Lender as a party to this Agreement and shall execute such addendum hereto as the Lender and the ~~FSA~~ FCA may consider necessary;

...

### **The ~~FSA~~ FCA and indemnity**

- 10 The ~~FSA~~ FCA shall not, by virtue of having rights under this Agreement, be taken to be a trustee for, or have any obligations to, any person to whom some or all of the Senior Liabilities are owed. Each of the Lender and Borrower shall on demand indemnify the ~~FSA~~ FCA against all claims, losses, costs, expenses and other liabilities made against or incurred by the ~~FSA~~ FCA as a consequence of it having rights, or taking action under this Agreement.

...

### **Amendments**

- 13 Any amendments to this Agreement must be made by the prescribed Deed of Variation and any amendments made or purported to be made without the consent of the ~~FSA~~ FCA shall be void. For the avoidance of doubt, nothing in this paragraph requires the ~~FSA~~ FCA to be a party to this Agreement.

### **Notices to the ~~FSA~~ FCA**

- 14 A notice given to the ~~FSA~~ FCA under this Agreement shall have no effect, and time shall not start to run in connection with that notice, until the ~~FSA~~ FCA has given to the sender written confirmation of its receipt.

...

### **Jurisdiction**

- 16 For the benefit of the ~~FSA~~ FCA solely, each of the Borrower and the Lender irrevocably submits to the jurisdiction of the English Courts and, to the extent that it does not have a place of business within the jurisdiction, appoints the process agent specified in the Variable Terms as agent for receipt of service of process in such courts. Such jurisdiction shall be non-exclusive except to the extent that non-exclusivity prejudices the submission to the jurisdiction.

### **Rights of the ~~FSA~~ FCA**

- 17 Although not a party to the Agreement, the ~~FSA~~ FCA may in its own right enforce a term of the Agreement to the extent that it purports to confer upon the ~~FSA~~ FCA a benefit.

14.1.2 R A *firm* is not subject to *consolidated supervision* under the rules in this Chapter where any of the following conditions are fulfilled:

- (1) the *firm* is included in the supervision on a consolidated basis of the group of which it is a member by a *competent authority* other than the ~~FSA~~ FCA;  
or

- (2) the *firm* is a member of a *UK consolidation group* already included in the supervision on a consolidated basis of the group of which it is a member by the ~~FSA~~FCA or PRA under *BIPRU* 8.

### 3.1 Approved Form of Subordinated Loan Agreement

...

**WHEREAS** the Borrower wishes to use the Loan, or each Advance under the Facility (as those expressions are defined in the Standard Terms) as an eligible capital substitute in accordance with the ~~FSA's~~ FCA's rule [*IPRU(INV)* 3-63] and has fully disclosed to the ~~FSA~~ FCA the circumstances giving rise to the Loan or Facility and the effective subordination of the Loan and each Advance.

#### Schedule 2

#### C. Standard Terms

#### Interpretation

1 (1) ...

“**Financial Rules**” means the rules in *IPRU(INV)* Chapter 3 in the ~~FSA~~ *handbook*;

...

“**the ~~FSA~~ FCA**” means The Financial ~~Services~~ Conduct Authority Limited whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS; and

(2) Any reference to any rules of the ~~FSA~~ FCA is a reference to them as in force from time to time.

...

#### Repayment

4 ...

- (3) (a) Unless the ~~FSA~~ FCA otherwise permits, no repayment or prepayment of the Loan or any Advance may be made, in whole or in part, until five Business Days have elapsed from the ~~FSA~~ FCA confirming in writing to the Borrower receipt of the Borrower's written notice of his intention to do so, except that –

- (i) where, immediately after repayment or prepayment, the Borrower's Financial Resources would be less than or equal to 120% of its Financial Resources Requirement, the prior written

approval of the ~~FSA~~ FCA shall be obtained before any repayment or prepayment;

- (ii) any notice under this sub-paragraph or the terms referred to in subparagraph (2) above shall be ineffective if -
  - (aa) the Insolvency of the Borrower commences before the date on which such notice expires; or
  - (bb) the ~~FSA~~FCA notifies the Borrower orally or in writing of its refusal to consent to such repayment or prepayment by the time such notice period expires.

(b) Payments of interest at a rate not exceeding the rate provided for in paragraph 3 may be made without notice to or consent of the ~~FSA~~ FCA, except that where -

- (i) immediately after payment, the Borrower's Financial Resources would be less than or equal to 120% of its Financial Resources Requirement; or

4 (3) (b) (ii) before payment, the Insolvency of the Borrower commences, no such payment may be made without the prior written approval of the ~~FSA~~ FCA.

(4) If in respect of the Loan or any Advance default is made for a period of –

...

- (b) 14 days or more in the payment of any interest due, the Lender may, at its discretion and after taking such preliminary steps or actions as may be necessary, enforce payment by instituting proceedings for the Insolvency of the Borrower after giving seven Business Day's prior written notice to the ~~FSA~~ FCA of its intention to do so.

...

(6) The Lender may only institute proceedings for the Insolvency of the Borrower to enforce the obligations referred to in (5) above if –

...

- (c) the Lender has given seven Business Days' prior written notice to the ~~FSA~~ FCA of its intention to institute such proceedings.

### 3.2 Form of deed of termination

...

BETWEEN

...

**(3) The Financial Services Conduct Authority Limited** (~~registered in England number 1920623~~) whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS (“~~the FSA~~ FCA”).

### 3.3 Form of deed of variation

...

BETWEEN

...

**(3) The Financial Services Conduct Authority Limited** (~~registered in England number 1920623~~) whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS (“~~the FSA~~ FCA”).

### 3.5 Guidance Notes on Completion of Agreements

...

#### D SIGNATURE PAGE

Arrangements for execution post ~~FSA~~ FCA approval

### PRESCRIBED SUBORDINATED LOAN AGREEMENT

...

15. Rights of the ~~FSA~~ FCA

...

#### 9.1 Approved Form of Long-Term Subordinated Loan Agreement

##### Interpretation

1 (1) ...

“**Financial Rules**” means the rules in IPRU(INV) Chapter 9 in the ~~FSA~~ *handbook*;

...

“~~the FSA FCA~~” means The Financial ~~Services~~ Conduct Authority Limited whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS; and

(2) Any reference to any rules of the ~~FSA~~ FCA is a reference to them as in force from time to time.

...

## Repayment

4

- ...
- (3) (a) Except where the ~~FSA~~ FCA otherwise permits, no repayment or prepayment of the Loan or any Advance may be made, in whole or in part, before the relevant repayment date provided for in paragraph 9 of the Variable Terms.
- (b) At the request of the Borrower, the ~~FSA~~ FCA may permit the early repayment or prepayment of the Loan or any Advance, in whole or in part, only where, immediately after such repayment or prepayment, the Borrower's Financial Resources would be greater than 100% of its Financial Resources Requirement.
- (c) Payments of interest at a rate not exceeding the rate provided for in paragraph 3 may be made without notice to or consent of the ~~FSA~~ FCA, except that ~~where -~~
- (i) immediately after payment, the Borrower's Financial Resources would less than or equal to 120% of its Financial Resources Requirement; or
- (ii) before payment, the Insolvency of the Borrower commences, no such payment may be made without the prior written consent of the ~~FSA~~ FCA.
- (4) If in respect of the Loan or any Advance default is made for a period of –
- (a) seven days or more in the payment of any principal due, or
- (b) 14 days or more in the payment of any interest due,
- 4 (4) The Lender may, at its discretion and after taking such preliminary steps or actions as may be necessary, enforce payment by instituting proceedings for the Insolvency of the Borrower after giving seven Business Day's prior written notice to the ~~FSA~~ FCA of its intention to do so.

- (5) Subject to (6) below, the Lender may at its discretion, subject as provided in this Agreement, institute proceedings for the Insolvency of the Borrower to enforce any obligation, condition or provision binding on the Borrower under this Agreement (other than any obligation for the payment of principal moneys or interest in respect of the Loan or any Advance) PROVIDED THAT the Borrower shall not by virtue of the institution of any such proceedings for the Insolvency of the Borrower be obliged to pay any sum or sums sooner than the same would otherwise have been payable by it.
- (6) The Lender may only institute proceedings for the Insolvency of the Borrower to enforce the obligations referred to in (5) above if -
- (a) a default under those obligations is not remedied to the satisfaction of the Lender within 60 days after notice of such default has been given to the Borrower by the Lender requiring such default to be remedied;
  - (b) the Lender has taken all preliminary steps or actions required to be taken by it prior to the institution of such proceedings; and
  - (c) the Lender has given seven Business Days' prior written notice to the ~~FSA~~ FCA of its intention to institute such proceedings.
- (7) No remedy against the Borrower other than as specifically provided by paragraph 4 shall be available to the Lender whether for the recovery of amounts owing under this Agreement or in respect of any breach by the Borrower of any of its obligations under this Agreement.

### 9.3 FORM OF DEED OF TERMINATION

...

BETWEEN

...

**(3) The Financial Services Conduct Authority Limited** (~~registered in England number 1920623~~) whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS ("~~the FSA~~ FCA").

### 9.4 FORM OF DEED OF VARIATION

...

BETWEEN

...

**(3) The Financial Services Conduct Authority Limited** (~~registered in England number 1920623~~) whose registered office is at 25 The North Colonnade, Canary Wharf, London, E14 5HS (~~“the FSA FCA”~~).

Annex 15

**Amendments to the Conduct of Business Sourcebook (COBS)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise indicated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	COBS 20.1.2R(2)(a), 20.2.47R(1)(a), 20.2.47R (2) to (3), 20.2.53 R(1) to (2);  COBS 21.2.8R, 21.2.9G, 21.3.2G(2), 21.3.5R(1)
<i>FSA</i>	<i>FCA</i>	COBS 1 Annex 1 Part 3, paras 4.2G, 6.2G, 6.5G, 7.3G, 7.4G, 8.1G(2), 9.1A 9.1.C;  COBS 2.3.9G, 2.3.11AG;  COBS 3.5.2AR;  COBS 4.1.9 G(3)  COBS 5.2.2R(4), 5.1.11G, 5 Annex 1R(4);  COBS 6.3.3G, 6.3.9G;  COBS 11.2.9G, 11.6.6G, 11.6.7G, 11.6.8G, 11.6.9G, 11.6.17G, 11.8.9G(2), 11.8.10R(2);  COBS 12.2.11G, 12.2.12G, 12.2.13G, 12.4.6R(1)(d), 12.4.14G,  COBS 14.2.1R(8), 14.2.10G(2);  COBS 18.11.2 R(3);  COBS 20.2.1DG, 20.2.28AG(2), 20.2.41AR, 20.2.41BG(1)(a) and (3), 20.2.43G, 20.2.44G, 20.2.45R(1), (2)(a), (f) and (h)(iii), 20.2.52G(3), 20.2.55G, 20.2.57G(2), 20.5.2G(2),

		20.5.4G(1) to (2), 20.5.5R(3) to (4), 20.5.6G(3) and (4), 20.5.7G(1) to (2);  COBS TP 2, rows 2.18G, 2.19G;  COBS Sch 5.2G;
<i>FSA Register</i>	<i>Financial Services Register</i>	COBS 5.2.2R(4), 5 Annex 1R(4);  COBS 7.2.1R(1)(b)
Section 150	Section 138D	COBS 4.2.6R;  COBS Schs 5.1G, 5.2G, 5.4G
<a href="http://www.fsa.gov.uk">www.fsa.gov.uk</a>	[tbc]	COBS 6.3.9G;

Amend the following provision as follows.

2.3.1 R ...

[~~Note: The Committee of European Securities Regulators (CESR)~~  
European Securities and Markets Authority has issued recommendations  
on inducements under MiFID]

...

4.2.3 G ~~Section 397 of the Act creates a criminal offence relating to certain misleading statements and practices. Part 7 (Offences relating to Financial Services) of the Financial Services Act 2012 creates criminal offences relating to certain misleading statements and practices.~~

4.2.4 G A firm should ensure that a financial promotion:

...

(4) that names the ~~FSA~~ FCA, PRA or both as its regulator and refers to matters not regulated by ~~the FSA~~ either the FCA, PRA or both makes clear that those matters are not regulated by the ~~FSA~~ FCA, PRA or either;

4.9.7 R If a financial promotion relates to a life policy with an overseas long-term insurer but does not name the overseas long-term insurer by giving its full name or its business name:

(1) it must include the following prominent statement: “This financial promotion relates to an insurance company, which does not, and is not authorised to, carry on in any part of the United Kingdom the

class of insurance business to which this promotion relates. This means that the management and solvency of the company are not supervised by the ~~Financial Services Authority~~ Financial Conduct Authority or the Prudential Regulation Authority. Holders of policies issued by the company will not have the right to complain to the Financial Ombudsman Service if they have a complaint against the company and will not be protected by the Financial Services Compensation Scheme if the company should become unable to meet its liabilities to them”; and

- (2) if it also refers to other *investments*, it must make this clear.

...

11.2.1 R ...

[**Note:** The Committee of European Securities Regulators (CESR) has issued a Question and Answer paper on best execution under *MiFID*. This paper also incorporates the European Commission's response to CESR's questions regarding the scope of the best execution obligations under *MiFID*. The paper can be found at:  
<http://www.cesr.eu/index.php?docid=4606>  
[http://www.esma.europa.eu/system/files/07\\_320.pdf](http://www.esma.europa.eu/system/files/07_320.pdf)

...

11.6.17 G In assessing the adequacy of prior and periodic disclosures made by an *investment manager* under this section, the ~~FSA~~ FCA will have regard to the extent to which the *investment manager* adopts disclosure standards developed by industry associations such as the ~~Investment Management Association, the National Association of Pension Funds and the London Investment Banking Association~~ Association for Financial Markets in Europe.

...

13.2.2 R A *key features document* and a *key features illustration* must also:

...

- (4) (if it is a *key features document* or a *key features illustration* which does not form an integral part of the *key features document*) include the following statement in a prominent position:

"The ~~Financial Services Authority~~ Financial Conduct Authority is the an independent financial services regulator. It requires us, [provider name], to give you this important information to help you to decide whether our [product name] is right for you. You should read this document carefully so that you understand what you are

buying, and then keep it safe for future reference".

13 Annex  
2

...

R	
1.8	In the case of a <i>stakeholder pension scheme</i> in circumstances where a <i>generic key features illustration</i> is permitted under <i>COBS 13.4.2R</i> , the specimen benefits table, contained within the "Stakeholder pension decision tree" factsheet available on <del>www.moneyadvice.service.org.uk</del> <a href="http://www.moneyadvice.service.org.uk">www.moneyadvice.service.org.uk</a> and headed "Pension Table...How much should I save towards a pension?" which sets out initial monthly pension amounts, may be used instead of a <i>standardised deterministic projection</i> but only if it is accompanied by an explanation of the caveats and assumptions behind the table.

6 Annex 1G Services and costs disclosure document described in COBS 6.3.7G(1)

*Firms* should omit the notes and square brackets which appear in the following specimen.



about our services and costs [Note 1]



[Note 2]]

[Note 3]  
[123 Any Street  
Some Town  
ST21 7QB]

---

**1. The ~~FSA-FCA~~ Financial Conduct Authority (FSA-FCA)**

---

The ~~FSA-FCA~~ is ~~the~~ an independent watchdog that regulates financial services. This document is designed by the ~~FSA-FCA~~ to be given to consumers considering buying certain financial products. You need to read this important document. It explains the service you are being offered and how you will pay for it.

---

**2. Which service will we provide you with? [Note 4] [Note 5]**

---

- Independent advice – We will advise and make a recommendation for you after we have assessed your needs. Our recommendation will be based on a comprehensive and fair analysis of the market. [Note 6]
- Restricted advice – We will advise and make a recommendation for you after we have assessed your needs, but we only offer advice on limited types of products, or products from one company or a limited number of companies. [Note 7].
- No advice – You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

---

**3. What will you have to pay us for our services? [Note 8]**

---

[You will pay for our services on the basis of [insert charging arrangements [Note 9]]. We will discuss your payment options with you and answer any questions you have. We will not charge you until we have agreed with you how we are to be paid.[Note 10]]

[non-advised services [Note 11 -13]]

[Advised services [Note 14]]

**The cost of our services** [ Note 15-17]

**Your payment options** [Note 18]

[Settling your adviser charge through a single payment [Free text Note 19]]

[Settling your adviser charge by instalments [Free text Note 20]]

[Paying by instalments through your recommended product [Free text Note 21]]

[Paying through other arrangements [Free text Note 22]]

[Keeping up with your payments [Free text Note 23]]

[Payment for ongoing services [Free text Note 24]]

[Other benefits we may receive [Note 25]]

---

#### **4. Who regulates us?** [Note 26]

---

[ABC Financial Services] [123 Any Street, Some Town, ST21 7QB] [Note 27] [Note 28] is authorised and regulated by [ ] [Note 29] ~~the Financial Services Authority~~. Our ~~FSA Register~~ Financial Services Register number is [ ]. [Note 29]  
Our permitted business is [ ]. [Note 30]

[or] [Note 31]

[Name of *appointed representative* or *tied agent*] [Note 2] is [an appointed representative or a tied agent] of [name of *firm*] [address of *firm*] [Note 27] [Note 28] which is authorised and regulated by [ ] [Note 29] ~~the Financial Services Authority~~. [Name of *firm's*] ~~FSA Register~~ Financial Services Register number is [ ]. [Name of *firm's*] permitted business is [ ] [Note 30] [Name of *appointed representative* or *tied agent*] is regulated in [an EEA state or the United Kingdom]. [Note 29]

You can check this on the ~~FSA Register~~ Financial Services Register by visiting the ~~FSA's~~ FCA's website [www.fsa.gov.uk/register](http://www.fsa.gov.uk/register) [web address tbc] or by contacting the ~~FSA~~ FCA on [0845 606 4234 0800 111 6768]. [Note 29]

---

#### **5. Loans and ownership** [Note 31]

---

[[XXX plc] owns [YY]% of our share capital.]

[[XXX plc] provides us with loan finance of [YY] per year.]

[[XXX] (or we) have [YY]% of the voting rights in [ZZZ].] [Note 32][Note 33][Note 34][Note 35]

---

#### **6. What to do if you have a complaint** [Note 26]

---

If you wish to register a complaint, please contact us:

**...in writing** Write to [ABC Financial Services], [Complaints Department, 123 Any Street, Some Town, ST21 7QB].

**... by phone** Telephone [0121 100 1234]. [Note 36]

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service. [Note 37]

---

**7. Are we covered by the Financial Services Compensation Scheme (FSCS)? [Note 26]  
[Note 38] [Note 39]**

---

We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of business and the circumstances of the claim.

Most types of investment business are covered up to a maximum of £50,000.

Further information about compensation scheme arrangements is available from the FSCS.

The following notes do not form part of the *services and costs disclosure document*.

**Note 1 – permission to use the keyfacts logo:** the *FSA-FCA* has developed a common keyfacts logo to be used on significant pieces of information directed to *clients*. The keyfacts logo and the text “about our services and costs” may only be used and positioned as shown in the *services and costs disclosure document* (see *COBS* 6.3.4R). The logo may be re-sized and re-coloured. It may only be used if it is reasonably prominent and its proportions are not distorted. A specimen of the keyfacts logo can be obtained from the *FSA-FCA* website [http://www.fsa.gov.uk/pubs/other/keyfacts\\_logo](http://www.fsa.gov.uk/pubs/other/keyfacts_logo) [web address tbc].

**Note 2 –** insert the *firm's* or *appointed representative's* or *tied agent's* name (either the name under which it is *authorised* or the name under which it trades). A corporate logo or logos may be included. If an individual who is employed or engaged by an *appointed representative* or *tied agent* provides the information, the individual should not put his or her own name on the *services and costs disclosure document*.

**Note 3 –** insert the address of the head office and/or if appropriate the principal place of business from which the *firm*, *appointed representative* or *tied agent* expects to conduct business (this can include a *branch*) with *clients*. (An *appointed representative* or *tied agent* should include its own name and address rather than those of the *authorised firm*.)

**Section 2: Which service will we provide you with?**

**Note 4 –** the *firm* should select, for example by ticking, the box(es) which are appropriate for the service that it expects to provide to the *client*. This needs to be done only in relation to the service the *firm* is offering to a particular *client*. More than one box can be selected if more than one service is being offered to a particular *client*. If more than one box is selected, the *firm* should clearly explain the different nature of the services by adding text to this section, such that the explanation of the services the *firm* offers under this section is fair, clear and not misleading. Do not remove boxes that are not selected.

The *firm* should tick the first box in section 2 if it will be providing *independent advice*.

The *firm* should tick the second box in section 2 if it will be providing *restricted advice*, including *basic advice* (on *stakeholder products*).

The *firm* should tick the third box in section 2 if it will not be providing advice.

**Note 5 –** if the *services and costs disclosure document* is provided by an *appointed representative*

or *tied agent*, the service described should be that offered by the *appointed representative* or *tied agent*.

**Note 6** – if the *firm* selects this box and the *firm* does not consider all *retail investment products*, the *firm* should include an explanation of the types of products it does consider, in a way that meets the *fair, clear and not misleading rule*. For example, if a *firm* only considers ethical and socially responsible investments, this should be explained here.

**Note 7** – if the *firm* selects this box, it will be offering:

- (a) products from a limited number of companies; or
- (b) products of a single company or single group of companies; or
- (c) its own products (e.g. where the *firm* is a *product provider* offering only its own products, or is part of a *product provider* offering only the products sold under that part’s trading name); or
- (d) *basic advice* on *stakeholder products*; or
- (e) limited types of products; or
- (f) limited types of products from a single company or from a limited number of companies.

The *firm* should replace the preceding text with the relevant text as set out below. If the *firm* does not select this box, then no amendments should be made to the preceding text.

(a)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We [can] <b>[Note a]</b> only offer products from a limited number of companies. You may ask us for a list of the companies whose products we offer.” <b>[Note b]</b> .
(b)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We [can] <b>[Note a]</b> only offer products from [name of provider].” or if the provider has only one product the <i>firm</i> should amend the text to the singular, for example “We [can] <b>[Note a]</b> only offer a pension from [name of provider].”
(c)	“Restricted advice – We only offer our own products. We will advise and make a recommendation for you after we have assessed your needs. You may ask us for a list of the products we offer advice on.” <b>[Note e]</b>
(d)	“Restricted advice – We will provide basic advice on a limited range of stakeholder products and in order to do this we will ask some questions about your income, savings and other circumstances, but we will not conduct a full assessment of your needs or offer advice on whether a non-stakeholder product may be more suitable.” <b>[Note c]:</b> “We [can] <b>[Note a]</b> offer products from a single stakeholder product provider.”; or “We [can] <b>[Note a]</b> offer products from a limited number of stakeholder product providers You may ask us for a list of the companies whose products we offer.” <b>[Note b]</b> ; or “We only offer our own stakeholder products.”
(e)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We only offer advice on limited types of

	products. You may ask us for a list of the products we offer.” [Note b]
(f)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We offer advice on limited types of products (which we offer from [a single company] [from a limited number of companies] [Note d]). You may ask us for a list of the companies and products we offer advice on.” [Note b]

[Note a] – insert “can” if the *firm’s* range of products is determined by any contractual obligation.

[Note b] – the list of products will be the range of *retail investment products* that is appropriate having regard to the services that the *firm* is providing, or may provide, to the *client*. For services provided in relation to non-investment insurance contracts, this is the list required by *ICOB*S 4.1.6R(2).

[Note c] – the *firm* should insert one of the three statements, whichever is relevant.

[Note d] – the *firm* should select this option if it does not only offer its own products. The *firm* should insert one of the two statements, whichever is relevant.

[Note e] – the *firm* should only select this option if it only offers its own products.

#### Section 4: What will you have to pay us for our services?

**Note 8** – in this section, the *firm* should outline how it intends to charge its *clients* for the services provided. If the *firm* is not intending to provide a *personal recommendation* it should refer to the notes under “Non-advised services” below. If the *firm* is intending to provide a *personal recommendation*, it should refer to the notes under “Advised services”. If the *firm* is providing both a *personal recommendation* and “non-advised” services, the *firm* should set out the charging arrangements for the non-advised and advised services separately, and make clear which charging arrangements apply to which service using appropriate sub-headings.

**Note 9** – a *firm* should disclose all of the charging arrangements it offers its *clients*, from the alternatives of *adviser charge, fee, commission* or a combination.

**Note 10** – if applicable, a *firm* should disclose to the *client* the possibility that other costs including taxes (for example VAT), related to transactions in connection with the *packaged product* and that are not paid via the *firm* or imposed by it, may arise for the *client*.

#### Notes for non-advised services

**Note 11** – any reference in this section to “*commission*” means *commission* and *commission equivalent*.

**Note 12** – a *firm* that is not proposing to give *personal recommendations* on *packaged products* can amend this section accordingly. The *firm* need not provide information regarding payment options but should provide at this section at least a statement explaining that the *client* will be told how much the *firm* will be paid before the *firm* carries out any business for the *client* and honour that undertaking. For example, “We will tell you how we get paid and the amount before we carry out any business for you.” If a *firm* chooses to provide the *client* with the total price in this section and any part of that price is to be paid in or represents an amount of foreign currency, the *firm* should provide an indication of the currency and the applicable currency conversion rates and costs.

**Note 13** – in order to comply with *COBS* 2.3.1R as qualified by 2.3.2R, *firms* receiving non-monetary benefits may wish to disclose those benefits in summary form here, under the heading “**Other benefits we may receive**”. If a *firm* does so, it should provide the undertaking described in *COBS* 2.3.2R(1) (to provide further details on request) in writing, in this section and honour that undertaking. However, it is not the purpose of this section to provide significant or extensive explanation of non-monetary benefits such that it distracts from the wider purpose of the document.

*For example*

“We sell a range of products from a variety of firms; some of these firms provide us with annual training, which allows us to offer you a better service. This year we expect to receive in total [XX] hours worth of training from XYZ, ABC and DEF firms, predominantly from ABC. Some of the cost of this training may be passed to you as part of the total charges you pay should you choose a product provided by XYZ, ABC or DEF. Further information regarding these arrangements is available on request.”

### **Notes for advised services**

**Note 14** – *firms* proposing to provide a *personal recommendation on packaged products* should use the following notes to provide information to the *client* on the *firm*’s charging structure and the *client*’s payment options.

**Note 15** – a *firm* should include here its charging structure, outlining as closely as possible the services that it offers and the charge for each service. The *firm* should ensure that this is presented in clear and plain language and, as far as practicable, uses cash terms.

**Note 16** – the charging structure should be expressed in pounds sterling or, where relevant, another appropriate currency. Where a *firm*’s charging structure is in non-cash terms, examples in cash terms should be used to illustrate how the charging structure will be applied in practice. Where a *firm* uses hourly rates in its charging structure, it should state whether the rates are actual or indicative and provide an approximate indication of the number of hours a particular service may take. If a *firm* chooses to provide the *client* with the total *adviser charge* in this section and any part of that *adviser charge* is to be paid in or represents an amount of foreign currency, the *firm* should provide an indication of the currency and the applicable currency conversion rates and costs.

*For example*

Our charging structure

Service	Initial charge	Ongoing charge for twice yearly reviews
Review of your pension arrangements (pre-retirement)	Charged at £100 per hour (exc. VAT) - approx. 4-6 hours	
Advice on what to do with your pension fund (at retirement)	Charged at £130 per hour (exc. VAT) - approx. 2-3 hours	
Where to put your savings (for those with up to £25,000 to invest)	3% of your investment, if you go ahead with our recommendations	Service available on request for 0.5% of your investment per year

**Note 17** – where a *firm* provides an ongoing service, it should disclose the ongoing service that will be offered and that there will be an *adviser charge* for that service. The *firm* can also include in this section additional information the *client* would receive before the provision of the *personal recommendation* or related services.

*For example*

“There will be an additional charge for any ongoing work, such as periodic or ongoing reviews, we carry out on your behalf. We will confirm the rate, frequency and length of this ongoing service before beginning any ongoing service.”

**Note 18** – a *firm* must use the headings (i) “Your payment options” and (ii) the following sub-headings as applicable: “Settling your adviser charge in a single payment” and/or “Settling your adviser charge by instalments”. A *firm* should outline the payment options offered to *clients* and any restrictions on these payment options. In addition, a *firm* should provide an explanation relating to each option offered in clear and plain language.

**Note 19 – Additional text to be included under the heading “Settling your adviser charge in a single payment”**

The text for describing how the *client* can settle the *adviser charge* through a single payment is not prescribed, but should be clear and in plain language. This could commence with an explanation of

the arrangements relating to the single payment of the *adviser charge*, including any specific provision as to the circumstances when an *adviser charge* will be payable (including where relevant, payment of any “non-contingent” *adviser charge* (i.e. where the *client* will be charged even if they do not purchase a product)), the type of payments accepted by the *firm* and the timing for the payment of the *adviser charge*. For example:

“Whether you buy a product or not, you will pay us an adviser charge for our advice and services, which will become payable on completion of our work.”

“You will be required to settle the payment of your adviser charge on completion of our work in [insert number of days] days. We accept cheque or card payments. We do/do not accept payment by cash. You will be provided with a receipt upon payment.”

**Note 20 – Additional text to be included under the heading “Settling your adviser charge by instalments”**

This text should be included where a *firm* is offering payment of its *adviser charge* by instalments and no ongoing service is provided. *Firms* should make it clear that the option to pay by instalment does not relate to an ongoing service. A *firm* which offers the payment of an *adviser charge* over a period of time for ongoing services should use the text in **Note 24** below.

A *firm* should note that the option for *clients* to pay their *adviser charge* by instalments is only permitted where regular premium products are recommended (see COBS 6.1.A.21R). If a *firm* offers the option to pay the *adviser charge* by instalments, the *firm* must use the headings (i) “Settling your adviser charge by instalments” and (ii) the following sub-headings as applicable: “Paying by instalments through your recommended product” and/or “Paying by other arrangements”.

The text for describing the option to pay for the *adviser charge* by instalments is not prescribed, but should be clear and in plain language. This should commence with an explanation of the arrangements relating to the payment of the *adviser charge* over time.

**Note 21 – Additional text to be included under the heading “Paying by instalments through your recommended product”**

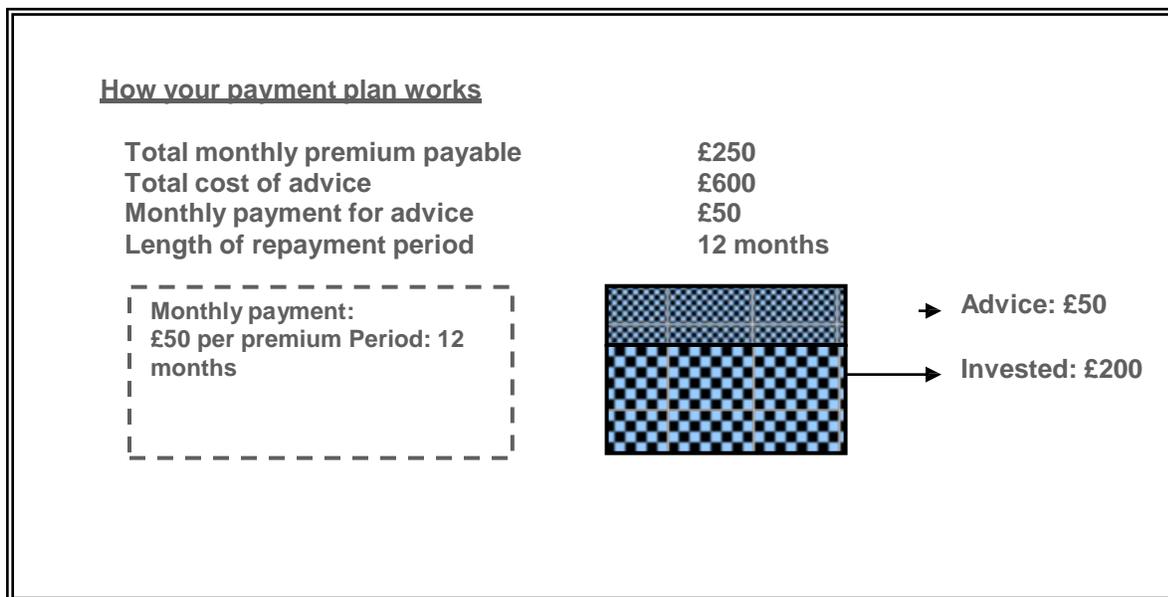
A *firm* which offers the *client* the option to have the *adviser charge* facilitated through a *retail investment product* should include this heading. The text for describing a *client’s* option to pay by instalment through the recommended *retail investment product* is not prescribed, but should be clear and in plain language. This could commence with an explanation of the arrangements including any specific provision as to the circumstances when this option is permitted/not permitted and the frequency and period over which this arrangement will operate. A *firm* could consider the use of graphical representations to ensure that the *client* understands what they are paying for, how much they are required to pay and how frequently.

*For example*

“If you buy a financial product, you can choose to have your adviser charge deducted from the product through instalments. Although you pay nothing to us up front, that does not mean that our service is free. You still pay us indirectly through deductions from the amount you pay into your

product. These deductions will pay towards settling the adviser charge. These deductions could reduce the amount left for investment.”

and



with the following text:

“You have chosen to pay for the advice you have received today through instalments. These instalments will be deducted from the premium you pay each month and allocated towards settling the adviser charge. For example, the total cost of advice is £600. You have been recommended a regular premium product of which £250 will be paid each month. £50 will be taken from this amount to pay off your adviser charge over 12 months. The remaining £200 will be invested during this time. At the end of this period the adviser charge would have been settled in full. From month 13 the full £250 will be invested.”

**Note 22 – Additional text to be included under the heading “Paying through other arrangements”**

Where a *firm* is offering the option to pay its *adviser charge* by instalments through arrangements other than facilitating payment through the recommended *retail investment product*, it must use the heading “Paying through other arrangements”. The text for describing the *client’s* option to pay through other arrangements is not prescribed, but should be in clear and plain language. This could commence with an explanation of the option to pay through other arrangements and how this could work in practice.

**Note 23 – Keeping up with your payments**

This text is not prescribed, but a *firm* must include the heading “Keeping up with your payments” if

it is offering the *client* the option to pay by instalments. In this section the *firm* should outline the implications for the *client* if they fail to keep up with their payments before the *adviser charge* has been paid, including if its recommended product is cancelled before the *adviser charge* is paid.

#### **Note 24 – Payment for ongoing services**

If a *firm* provides an ongoing service to the *client* for which there is an *adviser charge* payable over a period of time, the *firm* must include the heading “Payment for ongoing services”. The text for describing how the *client* pays for ongoing service is not prescribed but should be in clear and plain language and should also include the nature of the service to be provided.

##### *For example*

“We have a range of ongoing services we can provide to ensure that your personal recommendation is reviewed frequently and remains relevant to your changing circumstances. The frequency of the charge will depend on the service you choose and is usually made by direct debit on the 1<sup>st</sup> of every month. Ask you adviser for more details.”

“We offer an ongoing service where we review your account every 3 months and inform you of new recommendations or changes that may be relevant to your circumstances. This service is provided at a charge of [insert charge here] per month and can be either deducted from your investment or paid by direct debit. This service can be cancelled at any time. Please ask your adviser for more details.”

**Note 25** – in order to comply with *COBS* 2.3.1R as qualified by 2.3.2R, a *firm* receiving a benefit, in relation to the facilitation of the payment of an *adviser charge* may wish to disclose those benefits in summary form here, under the heading “**Other benefits we may receive**”. If a *firm* does so, it should provide the undertaking described in *COBS* 2.3.2R(1) (to provide further details on request) in writing, in this section and honour that undertaking.

##### *For example*

“ABC firm provides us with a specialised software CD-ROM and accompanying [XX] hours worth of training per annum. We use this software in processing your details when you apply for an investment product and wish to facilitate the payment of the adviser charge through deductions from your investment. Some of the cost of this software may be passed on to you as part of the total charges you pay ABC firm. Further information regarding this arrangement is available on request.”

#### **Section 5: Who regulates us?**

**Note 26** – the *firm* may omit this section for services relating to *packaged products* if the *firm* has, on first contact with the *client*, provided the *client* with its *client* agreement which contains that information. If this section is omitted, the other sections of the *services and costs disclosure document* should be renumbered accordingly.

**Note 27** – if the *firm*’s address on the *FSA Register* *Financial Services Register* differs

from that given on the *services and costs disclosure document* under Note 3, the address on the ~~FSA Register~~ *Financial Services Register* should be given in this section. If the address is the same as that given under Note 3 it should be repeated in this section.

**Note 28** – where the *authorised firm* trades under a different name from that under which it is *authorised*, it should include the name under which it is *authorised* and listed in the ~~FSA Register~~ *Financial Services Register*. It may also include its trading name(s) if it wishes.

**Note 29** – ~~an incoming EEA firm will need to modify this section if it chooses to use the services and costs disclosure document (see GEN 4 Annex 1R(2)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section. A UK domestic firm (or an overseas firm) will need to use the appropriate wording to describe its regulator(s) as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An appointed representative will also need to use the appropriate wording for appointed representatives as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An EEA incoming firm will also need to modify this section if it chooses to use the services and costs disclosure document (see GEN 4 Annex 1R(2) or (3), or GEN 4 Annex 1AR (3) or (4)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section.~~

**Note 30** – insert a short, plain language description of the business for which the *firm* has a *permission* which relates to the service it is providing.

**Note 31** – where the information is provided by an *appointed representative* or *tied agent*, the *appointed representative* or *tied agent* should use this text instead. The *appointed representative* or *tied agent* should give details of the *authorised firm(s)* that is its *principal(s)* for each type of service that it is providing to a particular *client*.

## Section 6: Loans and ownership

**Note 32** – omit this section where there are no relevant loan or ownership arrangements under the following notes. If this section is omitted the other sections of the *services and costs disclosure document* should be renumbered accordingly. Where the information is provided by an *appointed representative* or *tied agent*, it should cover loans made to or by that *appointed representative* or *tied agent*, or holdings in or held by that *appointed representative* or *tied agent*, as appropriate.

**Note 33** – insert, in the *firm's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of the *firm* which is held by a provider or *operator* of a *packaged product* or by the parent of the provider or *operator*.

**Note 34** – insert, in the *firm's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of a provider or *operator* of a *packaged product* which is held by the *firm*.

**Note 35** – insert, in the *firm's* own words, a short description of any *credit* provided to

the *firm* by a *product provider* (other than *commission* due to the *firm* in accordance with an indemnity claw-back arrangement) or by any *undertaking* in the *immediate group* of the *product provider* where the amount of the *credit* exceeds 10 per cent of the share and loan capital of the *firm*.

### **Section 7: What to do if you have a complaint**

**Note 36** – if different to the address in Note 3, give the address and telephone number which is to be used by *clients* wishing to complain.

**Note 37** – if the *firm* is carrying on an activity from an establishment which is outside the *United*

*Kingdom* it should make clear that the *Financial Ombudsman Service* will not be available. The *firm* may refer to any similar complaints scheme that may be applicable.

### **Section 8: Are we covered by the Financial Services Compensation Scheme (FSCS)?**

**Note 38** – when an *incoming EEA firm* provides the *services and costs disclosure document*, it should modify this section as appropriate.

**Note 39** – when a *firm* which is not a *participant firm* provides the *services and costs disclosure document*, it should answer this question „No“ and should state the amount of cover provided (if any) and from whom further information about the compensation arrangements may be obtained.

6 Annex 2 Combined initial disclosure document described in COBS 6.3,  
ICOBS 4.5, MCOB 4.4.1R(1) and MCOB 4.10.2R(1)



about our services and costs

1]



[Note 2]

[Note 3]

[123 Any Street  
Some Town  
ST21 7QB]

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1 ~~The Financial Services Authority~~ Financial Conduct Authority (FSA-FCA)

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The ~~FSA-FCA~~ is ~~the~~ an independent watchdog that regulates financial services. This document is designed by the ~~FSA-FCA~~ to be given to consumers considering buying certain financial products. You need to read this important document. It explains the service you are being offered and how you will pay for it.

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2 Whose products do we offer? [Note 4][Note 6]

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### Investment

Please refer to section 3 of this document

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### Insurance

- We offer products from a range of insurers [for] [list the types of *non-investment insurance contracts*].
- We [can] [Note 7] only offer products from a limited number of insurers [for] [list the types of *non-investment insurance contracts*].  
Ask us for a list of the insurers we offer insurance from. [Note 15]
- We [can] [Note 7] only offer [a] product[s] from [a single insurer] [name of single *insurance undertaking*] [for] [list the types of *non-investment insurance contracts*].

**[Note 10] [Note 11(1)] [Note 16]**

[or] **[Note 11(2)]**

We only offer our own products for [list the types of *non-investment insurance contracts*].

**Home Finance Products [Note 13]**

**[Compliance with Islamic law [Note 18]**

Our services are regularly checked by [name(s) of scholar(s)] to ensure compliance with Islamic law. Ask us if you want further information about the role of our scholar(s).]

**[1] [Lifetime] [Mortgages] [Equity Release Products] [and home reversion schemes] [Note 13]**

We offer [lifetime] [mortgages] [home reversion plans] [equity release products] from the whole market.

We [can] **[Note 7]** only offer [lifetime] [mortgages] [home reversion plans] [equity release products] from a limited number of [lenders / companies].

Ask us for a list of the [lenders / companies] we offer [lifetime] [mortgages] [home reversion plans] [equity release products] from. **[Note 14]**

We [can] **[Note 7]** only offer [a limited range of the] [a] [lifetime] [mortgage] [s] [home reversion plan] [s] [equity release products] from [a single lender / company] [name of single lender / company]. **[Note 11(1) and (3)][Note 16]**

[or]

We only offer our own [lifetime] [mortgages] [home reversions plan] [equity release products]. **[Note 11(2)]**

We do not offer [lifetime mortgages] [home reversion plans]. **[Note 12]**

**[2] [Islamic Home Purchase Plans] [Note 19] [Note 13]**

- We offer Islamic home purchase plans from the whole market.
- We [can] [Note 7] only offer Islamic home purchase plans from a limited number of providers.  
Ask us for a list of the providers we offer Islamic home purchase plans from. [Note 14]
- We [can] [Note 7] only offer [a limited range of the] [a] Islamic home purchase plan [s] from [a single provider] [name of single provider]. [Note 11(1) and (3)][Note 16]  
[or]  
We only offer our own Islamic home purchase plans. [Note 11(2)]

---

**3 Which service will we provide you with? [Note 4][Note 6]**

---

**Investment**

- Independent advice – We will advise and make a recommendation for you after we have assessed your needs. Our recommendation will be based on a comprehensive and fair analysis of the market. [Note A]
- Restricted advice – We will advise and make a recommendation for you after we have assessed your needs, but we only offer advice on limited types of products, or products from one company or a limited number of companies. [Note B]
- No advice - You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

**Insurance**

- We will advise and make a recommendation for you after we have assessed your needs [for] [list the types of *non-investment insurance contracts*].

- You will not receive advice or a recommendation from us [for] [list the types of *non-investment insurance contracts*]. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

**[Home Finance Products] [Note 13]**

**[1] [Mortgages] [Equity Release Products] [Note 13]**

- We will advise and make a recommendation for you on [lifetime mortgages] [home reversions] [equity release products] after we have assessed your needs.
- You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of [lifetime mortgages] [home reversions] [equity release products] that we will provide details on. You will then need to make your own choice about how to proceed.

**[2] [Islamic Home Purchase Plans] [Note 13]**

- We will advise and make a recommendation for you after we have assessed your needs.
- You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

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**4 What will you have to pay us for our services? [Note 20A]**

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**Investment**

[You will pay for our services on the basis of [insert charging arrangements **[Note 20B]**]. We will discuss your payment options with you and answer any questions you have. We will not charge you until we have agreed with you how we are to be paid.[**Note 20C**]

[non-advised services **[Note 21 -23 ]**]

[Advised services **[Note 24]**]

**The cost of our services [Note 25-27]**

**Your payment options [Note 28A]**

**[Settling your adviser charge through a single payment [Free text Note 28B]]**

**[Settling your adviser charge by instalments [Free text Note 28C]]**

**[Paying by instalments through your recommended product [Free text Note 28D]]**

**[Paying through other arrangements [Free text Note 28E]]**

**[Keeping up with your payments [Free text Note 29]]**

**[Payment for ongoing services [Free text Note 30]]**

**[Other benefits we may receive [Note 31]]**

**Insurance [Note 32]**

A fee [of £ [ ] ] [for] [list the types of services provided for *non-investment insurance contracts*].

No fee [for] [list the types of services provided for *non-investment insurance contracts*].

You will receive a quotation which will tell you about any other fees relating to any particular insurance policy.

**[Home Finance Products] [Note 13]**

**[1] [Mortgages] [Equity Release Products] [Note 13]**

No fee. [We will be paid by commission from the [lender/company that buys your home].] **[Note 33]**

A fee of £[ ] payable at the outset and £[ ] payable when you apply for a [lifetime] [mortgage] [home reversion plan] [equity release product]. [We will also be paid commission from the [lender/company that buys your home.]]. **[Note 33] [Note 34]**

You will receive a *key facts illustration* when considering a particular [lifetime] [mortgage] [home reversion plan] [equity release product], which will tell you about any fees relating to it. **[Note 13]**

**Refund of fees [Note 32] [Note 13]**

If we charge you a fee, and your [lifetime] [mortgage] [home reversion plan] does not go ahead, you will receive: **[Note 35]**

- A full refund [if the [lender/company] rejects your application]. **[Note 36]**
- A refund of £ [ ] [if your application falls through]. **[Note 36] [Note 37] [Note 38]**
- No refund [if you decide not to proceed]. **[Note 36]**

**[2] [Islamic Home Purchase Plans] [Note 13]**

- No fee. [We will be paid by commission from the provider.] **[Note 33]**
- A fee of £[ ] payable at the outset and £[ ] payable when you apply for an Islamic home purchase plan. [We will also be paid commission from the provider]. **[Note 18]**

**Refund of fees [Note 35]**

If we charge you a fee, and your Islamic home purchase plan does not go ahead, you will receive: **[Note 32]**

- A full refund [if the provider] rejects your application]. **[Note 36]**
- A refund of £ [ ] [if your application falls through]. **[Note 36] [Note 37] [Note 38]**
- No refund [if you decide not to proceed]. **[Note 36]**

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**5 Who regulates us? [Note 39]**

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[ABC Financial Services] [123 Any Street, Some Town, ST21 7QB] **[Note 40] [Note 41]** is authorised and regulated by [ ] **[Note 42]** ~~the Financial Services Authority.~~ Our ~~FSA Register~~ Financial Services Register number is [ ]. **[Note 42]**

Our permitted business is [ ]. **[Note 43]**

[or] **[Note 44]**

[Name of *appointed representative or tied agent*] **[Note 2]** is [an appointed representative or a tied agent] of [name of *firm*] [address of *firm*] **[Note 40] [Note 41]**

which is authorised and regulated by [ ] **[Note 42]** ~~the Financial Services Authority~~. [Name of *firm*'s] ~~FSA Register~~ Financial Services Register number is [ ].

[Name of *firm*'s] permitted business is [ ] **[Note 43]** [Name of *appointed representative or tied agent*] is regulated in [an EEA state or the United Kingdom] **[Note 42]**

You can check this on the ~~FSA Register~~ Financial Services Register by visiting the ~~FSA's~~ FCA's website [www.fsa.gov.uk/register/home.do](http://www.fsa.gov.uk/register/home.do) or by contacting the ~~FSA~~ FCA on [0845 606 1234 0800 111 6768]. **[Note 42]**

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## 6 Loans and ownership **[Note 45]**

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[ [XXX plc] owns [YY]% of our share capital]

[[XXX plc] provides us with loan finance of £[YY] per year.]

[[XXX] (or we) have [YY]% of the voting rights in [ZZZ].] **[Note 45][Note 46]**  
**[Note 47][Note 48][Note 49][Note 50]**

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## 7 What to do if you have a complaint **[Note 39]**

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If you wish to register a complaint, please contact us:

**...in writing** Write to [ABC Financial Services], [Complaints Department, 123 Any Street, Some Town, ST21 7QB].

**... by phone** Telephone [0121 100 1234]. **[Note 51]**

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service. **[Note 52] [Note 53] [Note 54]**

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## 8 Are we covered by the Financial Services Compensation Scheme (FSCS)? **[Note 39] [Note 55] [Note 56]**

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We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of business and the circumstances of the claim.

### **Investment**

Most types of investment business are covered up to a maximum limit of £50,000.

### **Insurance**

Insurance advising and arranging is covered for 90% of the claim, without any upper limit.

[or] [Note 57] [Note 58]

For compulsory classes of insurance, insurance advising and arranging is covered for 100% of the claim, without any upper limit.

**[Mortgages] [and] [and Home Purchase Plans] [Equity Release Products] [Note 13]**

[Mortgage], [and] [Home purchase] [and] [Equity release] advising and arranging is covered up to a maximum limit of £50,000.

Further information about compensation scheme arrangements is available from the FSCS.

**[Note 59] Message from the ~~Financial Services Authority~~ Financial Conduct Authority**

**Think carefully about this information before deciding whether you want to go ahead.**

**If you are at all unsure about which equity release product is right for you, you should ask your adviser to make a recommendation.**

**[Note 60] Think carefully about the product and services you need. [We can only offer services in relation to Islamic home purchase plans and cannot provide advice on standard mortgages.] [If you want [information][ or ][advice] on standard mortgages, please ask.]**

The following notes do not form part of the *combined initial disclosure document*.

**Note 1 – permission to use the keyfacts logo:** the ~~Financial Services Authority~~ Financial Conduct Authority has developed a common keyfacts logo to be used on significant pieces of information directed to *clients*. The keyfacts logo and the text ‘about our services and costs’ may only

be used and positioned as shown in the *combined initial disclosure document* (see COBS 6.3.4R). The logo may be re-sized and re-coloured. It may only be used if it is reasonably prominent and its proportions are not distorted. A specimen of the keyfacts logo can be obtained from the *FSA FCA* website [http://www.fsa.gov.uk/pubs/other/keyfacts\\_logo](http://www.fsa.gov.uk/pubs/other/keyfacts_logo) [web address tbc]

**Note 2** – insert the *firm's*, *appointed representative's* or *tied agent's* name (either the name under which it is *authorised* or the name under which it trades). A corporate logo or logos may be included. If an individual who is employed or engaged by an *appointed representative* or *tied agent* provides the information, the individual should not put his or her own name on the *combined initial disclosure document*.

**Note 3** – insert the head office and/or if appropriate the principal place of business from which the *firm*, *appointed representative* or *tied agent* expects to conduct business (this can include a *branch*) with *clients*. (An *appointed representative* or *tied agent* should not include the name and address of the *authorised firm* instead of its own.)

## **Section 2: Whose products do we offer? And Section 3: Which services will we provide you with?**

**Note 4** – a *firm* should describe the services that it expects to provide to the particular *client*. For services in relation to:

- *investments* – the *firm* should select, for example by ticking, the box(es) which are appropriate for the service that it expects to provide to the *client*. This needs to be done only in relation to the service the *firm* is offering to a particular *client*. More than one box can be selected if more than one service is being offered to a particular *client*. If more than one box is selected, the *firm* should clearly explain the different nature of the services by adding text to this section, such that the explanation of the services the *firm* offers under this section is fair, clear and not misleading. Do not remove boxes that are not selected.

The *firm* should tick the first box in section 2 if it will be providing *independent advice*. The *firm* should tick the second box in section 2 if it will be providing *restricted advice*, including *basic advice* (on *stakeholder products*).

- the *firm* should tick the third box in section 2 if it will not be providing advice
- *non-investment insurance contracts* – the *firm* should select more than one box if the scope of the service or the type of service it provides varies by type of contract (e.g. if it deals with a single *insurance undertaking* for motor insurance and a range of *insurance undertakings* for household insurance). If more than one box is selected, the *firm* should specify which box relates to which type of *non-investment insurance contract*, by adding text to the *combined initial disclosure document*. *Firms* should not omit the boxes not selected.
- *equity release transactions* – the *firm* should select a maximum of two boxes within this section. *Firms* should not omit the boxes not selected.

**Note 6** – if the *combined initial disclosure document* is provided by an *appointed representative* or *tied agent*, the service described should be that offered by the *appointed representative* or *tied agent*.

**Note 7** – insert “can” if the *firm*’s range of products is determined by any contractual obligation. This does not apply where a *product provider, insurer, lender, home purchase provider or home reversion provider* is selling its own products.

**Note A** – if the *firm* selects this box and the *firm* does not consider all *retail investment products*, the *firm* should include an explanation of the types of products it does consider, in a way that meets the *fair, clear and not misleading rule*. For example, if a *firm* only considers ethical and socially responsible investments, this should be explained here.

**Note B**– if the *firm* selects this box, it will be offering:

- a) products from a limited number of companies; or
- b) products of a single company or single group of companies; or
- c) its own products (e.g. where the *firm* is a *product provider* offering only its own products, or is part of a *product provider* offering only the products sold under that part’s trading name); or
- d) *basic advice on stakeholder products*; or
- e) limited types of products; or
- f) limited types of products from a single company or from a limited number of companies.

The *firm* should replace the preceding text with the relevant text as set out below. If the *firm* does not select this box, then no amendments should be made to the preceding text.

(a)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We [can] [ <b>Note a</b> ] only offer products from a limited number of companies. You may ask us for a list of the companies whose products we offer.” [ <b>Note b</b> ].
(b)	“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We [can] [ <b>Note a</b> ] only offer products from [name of provider].”  or if the provider has only one product the <i>firm</i> should amend the text to the singular, for example “We [can] [ <b>Note a</b> ] only offer a pension from [name of provider].”
(c)	“Restricted advice – We only offer our own products. We will advise and make a recommendation for you after we have assessed your needs.” You may ask us for a list of the products we offer advice on.” [ <b>Note e</b> ]
(d)	“Restricted advice – We will provide basic advice on a limited range of stakeholder products and in order to do this we will ask some questions about your income, savings and other circumstances, but we will not conduct a full assessment of your needs or offer advice on whether a non-stakeholder

	<p>product may be more suitable.”</p> <p><b>[Note c]:</b></p> <p>“We [can] <b>[Note a]</b> offer products from a single stakeholder product provider.”; or</p> <p>“We [can] <b>[Note a]</b> offer products from a limited number of stakeholder product providers You may ask us for a list of the companies whose products we offer.” <b>[Note b]</b>; or</p> <p>“We only offer our own stakeholder products.”</p>
(e)	<p>“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We only offer advice on limited types of products. You may ask us for a list of the products we offer.” <b>[Note b]</b></p>
(f)	<p>“Restricted advice – We will advise and make a recommendation for you after we have assessed your needs. We offer advice on limited types of products (which we offer from [a single company] [from a limited number of companies] <b>[Note d]</b>). You may ask us for a list of the companies and products we offer advice on.” <b>[Note b]</b></p>

[Note a] – insert “can” if the *firm*’s range of products is determined by any contractual obligation.

[Note b] – the list of products will be the range of *retail investment products* that is appropriate having regard to the services that the firm is providing, or may provide, to the *client*. For services provided in relation to non-investment insurance contracts, this is the list required by *ICOBS* 4.1.6R(2).

[Note c] – the *firm* should insert one of the three statements, whichever is relevant.

[Note d] – the *firm* should select this option if it does not only offer its own products. The firm should insert one of the two statements, whichever is relevant.

[Note e] – the *firm* should only select this option if it only offers its own products.

**Note 10** – if the *insurance intermediary* or *insurer* deals with a different *insurance undertaking* for different types of *non-investment insurance contracts*, it should identify all the *insurance undertakings* and specify the type of contract to which they relate on the *combined initial disclosure document*. This only needs to be done in relation to the service it is offering a particular *client*. For example, “we can only offer products from ABC Insurance for motor insurance and ABC Insurance for household insurance”.

**Note 11** – if the *firm* selects this box, it will be offering the products of one provider for a particular product type. It should therefore follow the format specified in (1) below except when offering its own products, in which case it should follow (2) instead. In the case of *non-investment insurance contracts*, where the *firm* is providing a service in relation to different types of insurance, this box covers the situation where it is offering a particular type of insurance from a single *insurance undertaking*.

- (1) Insert the name of the provider, namely the *product provider* for *packaged products*, the *insurance undertaking(s)* for *non-investment insurance contracts*, the

*lender* for *regulated mortgage contracts* and *regulated lifetime mortgage contracts* and the *home reversion provider* for *home reversion plans*. For example: “We can only offer products from [name of *product provider*]”. For *non-investment insurance contracts* the type of insurance offered should also be included. For example: “We only offer ABC’s household insurance and ABC’s motor insurance.” If the provider has only one product, the *firm* should amend the text to the singular – for example: “We can only offer a mortgage from [name of *lender*]”. If the *firm* does not offer all of the *home finance transactions* generally available from that provider, it should insert the words “a limited range of” as shown in the specimen.

- (2) If the *firm* is a *product provider* offering only its own products, or is part of a *product provider* offering only the products sold under that part’s trading name, it should use this alternative text.
- (3) If the *firm* offers *home reversion plans* from only one *reversion provider*, and *lifetime mortgages* from only one *lender*, which is different from the *reversion provider*, then the *firm* should identify the *lender* and the *reversion provider* and specify the type of *equity release transaction* to which they relate. For example, “We can only offer lifetime mortgages from ABC Mortgages Ltd and home reversion plans from ABC Reversions Ltd.”

**Note 12** – if the *firm* does not give *personal recommendations* advise or give personalised information on both types of *equity release transactions*, then it should indicate to the *client* the sector that the *firm* does not cover. However, if the *firm*’s scope of service does not include *equity release transactions*, the last box (“We do not offer [lifetime mortgages] [home reversion plans]”), should be omitted.

**Note 13** – in describing the services and products provided, *firms* should omit the text in brackets that do not apply and ensure that they describe accurately their activities with respect of the services and products that they offer, as follows:

- (1) Headings and sub-headings:
  - a. If the *firm* offers both *regulated mortgage contracts* and *home purchase plans*, it should include the heading “Home Finance Products” in the *combined initial disclosure document* and describe the *regulated mortgage contracts* and *home purchase plans* that it offers under two separate sub-headings. The sub-headings (“Mortgages” and “Home Purchase Plans”) should be numbered accordingly. If the *firm* only offers one of these two products, then the heading “Home Finance Products” should be omitted and the heading will read “Mortgages” or “Home Purchase Plans”, as appropriate.
  - b. If the *firm* offers *equity release transactions*, then the heading “Home Finance Products” should be omitted and the heading will read “Equity Release

Products” (even if the *firm* offers *equity release transactions* from only one sector).

(2) Describing the products:

- a. If a *firm* gives *personal recommendations* or gives personalised information on lifetime mortgages, it should change “mortgage” to “lifetime mortgage”
- b. If a *firm* gives *personal recommendations* or gives personalised information on home reversion plans, it should use the text in brackets relating to home reversion plans.
- c. If the *firm* gives *personal recommendations* or gives personalised information on products from both equity release market sectors, then it should use the term ‘equity release products’ when referring to them collectively.

- (3) Describing the provider: If a *firm* gives *personal recommendations* or gives personalised information on *home purchase plans* or *home reversion plans*, it should change “mortgage” to “product” and “lender” to “company” or “provider”, as appropriate.

**Note 14** – for services provided in relation to *home finance transactions*, this sentence is required only where a *firm* selects this service option. It may also be omitted if a *firm* chooses to list all of the *lenders*, *home purchase providers* and *home reversion providers* it offers *home finance transactions* from in the previous line, so long as the *firm* offers all of the products generally available from each.

**Note 15** – this sentence is required only where a *firm* selects this service option. For services provided in relation to *packaged products*, the list of products will be the range of *packaged products* that is appropriate having regard to the services that the *firm* is providing, or may provide, to the *client*. For services provided in relation to *non-investment insurance contracts*, this is the list required by *ICOBS* 4.1.6R(2).

**Note 16** – if the *firm* does not select this box, it should alter the wording to say “a single group of companies” for *packaged products*, “a single insurer” for *non-investment insurance contracts*, “a single lender” for *regulated mortgage contracts* or *lifetime mortgages* and “a single company” (or “a single provider”) for *home purchase plans* and *home reversion plans*. For example: “We only offer the products from a single group of companies” should replace the text in the specimen *combined initial disclosure document*.

## Section 2: Subsection on “Compliance with Islamic law” or other beliefs

**Note 18** – This subsection is optional unless the *firm* holds itself, its *regulated mortgage contract* or *home purchase plan* products or services out as compliant with Islamic law in

the *combined initial disclosure document*. If a *firm* includes this section it should describe it as Section 2 and renumber subsequent sections accordingly.

A *firm* that wishes to hold itself, its *regulated mortgage contract* or *home purchase plan* products or services out as compliant with religious or philosophical beliefs other than Islamic law in the *combined initial disclosure document* may also use the subsection in accordance with this note and modify the wording in the section to the extent appropriate.

**Note 19** – A *firm* that carries on *home purchase activities* may omit the word “Islamic” from “Islamic home purchase plan(s)” if one or more *home purchase plans* within its scope of service is not held out as compliant with Islamic law. If “Islamic” is omitted, it should be omitted consistently throughout the document. However, a *firm* may omit the word “Islamic” in sections 5 and 8 without having to omit it throughout the document. A *firm* that wishes to hold itself, its products or services out as compliant with religious or philosophical belief other than Islamic law in the *combined disclosure document* may make appropriate amendments to references to “Islamic” and “Islamic law”.

#### **Section 4: What will you have to pay us for our services?**

**Note 20A** – in this section, the *firm* should outline how it intends to charge its *clients* for the services provided. If the *firm* is not intending to provide a *personal recommendation* it should refer to the notes under ‘Non-advised services’ below. If the *firm* is intending to provide a *personal recommendation*, it should refer to the notes under ‘Advised services’. If the *firm* is providing both a *personal recommendation* and ‘non-advised’ services, the *firm* should set out the charging arrangements for the non-advised and advised services separately, and make clear which charging arrangements apply to which service using appropriate sub-headings.

**Note 20B** – a *firm* should disclose all of the charging arrangements it offers its *clients*, from the alternatives of *adviser charge*, *fee*, *commission* or a combination.

**Note 20C** – if applicable, a *firm* should disclose to the *client* the possibility that other costs including taxes (for example VAT), related to transactions in connection with the *packaged product* and that are not paid via the *firm* or imposed by it, may arise for the *client*.

#### **Notes for non-advised services**

**Note 21** – any reference in this section to “*commission*” means *commission* and *commission equivalent*.

**Note 22** – a *firm* that is not proposing to give *personal recommendations* on *packaged products* can amend this section accordingly. The *firm* need not provide information regarding payment options but should provide at this section at least a statement explaining that the *client* will be told how much the *firm* will be paid before the *firm* carries out any business for the *client* and honour that undertaking. For example, “We will tell you how we get paid and the amount before we carry out any business for you.” If a *firm* chooses to

provide the *client* with the total price in this section and any part of that price is to be paid in or represents an amount of foreign currency, the *firm* should provide an indication of the currency and the applicable currency conversion rates and costs.

**Note 23** – in order to comply with *COBS* 2.3.1R as qualified by 2.3.2R, *firms* receiving non-monetary benefits may wish to disclose those benefits in summary form here, under the heading “**Other benefits we may receive**”. If a *firm* does so, it should provide the undertaking described in *COBS* 2.3.2R(1) (to provide further details on request) in writing, in this section and honour that undertaking. However, it is not the purpose of this section to provide significant or extensive explanation of non-monetary benefits such that it distracts from the wider purpose of the document.

*For example*

“We sell a range of products from a variety of firms; some of these firms provide us with annual training, which allows us to offer you a better service. This year we expect to receive in total [XX] hours worth of training from XYZ, ABC and DEF firms, predominantly from ABC. Some of the cost of this training may be passed to you as part of the total charges you pay should you choose a product provided by XYZ, ABC or DEF. Further information regarding these arrangements is available on request.”

#### **Notes for advised services**

**Note 24** – *firms* proposing to provide a *personal recommendation* on *packaged products* should use the following notes to provide information to the *client* on the *firm's* charging structure and the *client's* payment options.

**Note 25** – a *firm* should include here its charging structure, outlining as closely as possible the services that it offers and the charge for each service. The *firm* should ensure that this is presented in clear and plain language and, as far as practicable, uses cash terms.

**Note 26** – the charging structure should be expressed in pounds sterling or, where relevant, another appropriate currency. Where a *firm's* charging structure is in non-cash terms, examples in cash terms should be used to illustrate how the charging structure will be applied in practice. Where a *firm* uses hourly rates in its charging structure, it should state whether the rates are actual or indicative and provide an approximate indication of the number of hours a particular service may take. If a *firm* chooses to provide the *client* with the total *adviser charge* in this section and any part of that *adviser charge* is to be paid in or represents an amount of foreign currency, the *firm* should provide an indication of the currency and the applicable currency conversion rates and costs.

*For example*

### Our charging structure

Service	Initial charge	Ongoing charge for twice yearly reviews
Review of your pension arrangements (pre-retirement)	Charged at £100 per hour (exc. VAT) - approx. 4-6 hours	
Advice on what to do with your pension fund (at retirement)	Charged at £130 per hour (exc. VAT) - approx. 2-3 hours	
Where to put your savings (for those with up to £25,000 to invest)	3% of your investment, if you go ahead with our recommendations	Service available on request for 0.5% of your investment per year

**Note 27** – where a *firm* provides an ongoing service it should disclose the ongoing service that will be offered and that there will be an *adviser charge* for that service. The *firm* can also include in this section additional information the *client* would receive before the provision of the *personal recommendation* or related services.

*For example*

“There will be an additional charge for any ongoing work, such as periodic or ongoing reviews, we carry out on your behalf. We will confirm the rate, frequency and length of this ongoing service before beginning any ongoing service.”

**Note 28A** – a *firm* must use the headings (i) “Your payment options” and (ii) the following sub-headings as applicable: “Settling your adviser charge in a single payment” and/or “Settling your adviser charge by instalments”. A *firm* should outline the payment options offered to *clients* and any restrictions on these payment options. In addition, a *firm* should provide an explanation relating to each option offered in clear and plain language.

**Note 28B** – Additional text to be included under the heading “Settling your adviser charge in a single payment”

The text for describing how the *client* can settle the *adviser charge* through a single payment is not prescribed, but should be clear and in plain language. This could commence with an explanation of the arrangements relating to the single payment of the *adviser charge*, including any specific provision as to the circumstances when an *adviser charge* will be payable (including where relevant, payment of any “non-contingent” *adviser charge* (i.e. where the *client* will be charged even if they do not purchase a product)), the type of payments accepted by the *firm* and the timing for the payment of the *adviser charge*. For example:

“Whether you buy a product or not, you will pay us an adviser charge for our advice and services, which will become payable on completion of our work.”

“You will be required to settle the payment of your adviser charge on completion of our work in [insert number of days] days. We accept cheque or card payments. We do/do not accept payment by cash. You will be provided with a receipt upon payment.”

**Note 28C – Additional text to be included under the heading “Settling your adviser charge by instalments”**

This text should be included where a *firm* is offering payment of its *adviser charge* by instalments and no ongoing service is provided. *Firms* should make it clear that the option to pay by instalment does not relate to an ongoing service. A *firm* which offers the payment of an *adviser charge* over a period of time for ongoing services should use the text in **Note 30** below.

A *firm* should note that the option for *clients* to pay their *adviser charge* by instalments is only permitted where regular premium products are recommended (see *COBS* 6.1A.22R). If a *firm* offers the option to pay the *adviser charge* by instalments, the *firm* must use the headings (i) “Settling your adviser charge by instalments” and (ii) the following sub-headings as applicable: “Paying by instalments through your recommended product” and/or “Paying by other arrangements”.

The text for describing the option to pay for the *adviser charge* by instalments is not prescribed, but should be clear and in plain language. This should commence with an explanation of the arrangements relating to the payment of the *adviser charge* over time.

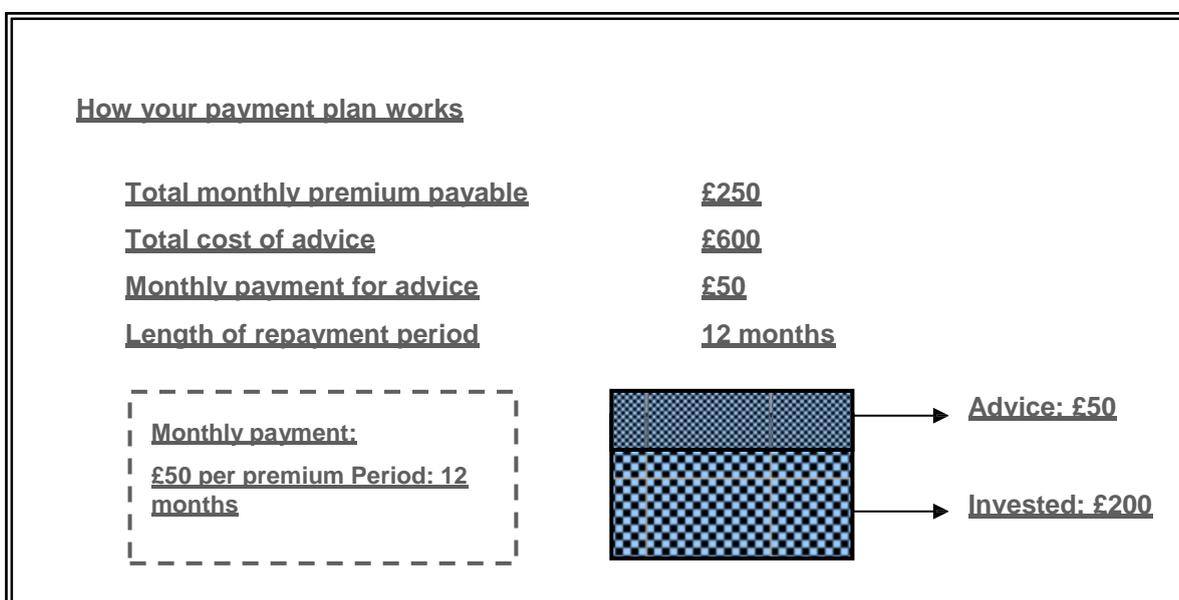
**Note 28D – Additional text to be included under the heading “Paying by instalments through your recommended product”**

A *firm* which offers the *client* the option to have the *adviser charge* facilitated through a *retail investment product* should include this heading. The text for describing a *client’s* option to pay by instalment through the recommended *retail investment product* is not prescribed, but should be clear and in plain language. This could commence with an explanation of the arrangements including any specific provision as to the circumstances when this option is permitted/not permitted and the frequency and period over which this arrangement will operate. A *firm* could consider the use of graphical representations to ensure that the *client* understands what they are paying for, how much they are required to pay and how frequently.

*For example*

“If you buy a financial product, you can choose to have your adviser charge deducted from the product through instalments. Although you pay nothing to us up front, that does not mean that our service is free. You still pay us indirectly through deductions from the amount you pay into your product. These deductions will pay towards settling the adviser charge. These deductions could reduce the amount left for investment.”

*and*



With the following text:

“You have chosen to pay for the advice you have received today through instalments. These instalments will be deducted from the premium you pay each month and allocated towards settling the adviser charge. For example, the total cost of advice is £600. You have been recommended a regular premium product of which £250 will be paid each month. £50 will be taken from this amount to pay off your adviser charge over 12 months. The remaining £200 will be invested during this time. At the end of this period the adviser charge would have been settled in full. From month 13 the full £250 will be invested.”

**Note 28E – Additional text to be included under the heading “Paying through other arrangements”**

Where a *firm* is offering the option to pay its *adviser charge* by instalments through arrangements other than facilitating payment through the recommended *retail investment product*, it must use the heading “Paying through other arrangements”. The text for describing the *client’s* option to pay through other arrangements is not prescribed, but should be in clear and plain language. This could commence with an explanation of the option to pay

through other arrangements and how this could work in practice.

### **Note 29 – Keeping up with your payments**

This text is not prescribed but a *firm* must include the heading “Keeping up with your payments” if it is offering the *client* the option to pay by instalments. In this section the *firm* should outline the implications for the *client* if they fail to keep up with their payments before the *adviser charge* has been paid, including if its recommended product is cancelled before the *adviser charge* is paid.

### **Note 30 – Payment for ongoing services**

If a *firm* provides an ongoing service to the *client* for which there is an *adviser charge* payable over a period of time, the *firm* must include the heading “Payment for ongoing services”. The text for describing how the *client* pays for ongoing service is not prescribed but should be in clear and plain language and should also include the nature of the service to be provided.

*For example*

“We have a range of ongoing services we can provide to ensure that your personal recommendation is reviewed frequently and remains relevant to your changing circumstances. The frequency of the charge will depend on the service you choose and is usually made by direct debit on the 1<sup>st</sup> of every month. Ask you adviser for more details.”

“We offer an ongoing service where we review your account every 3 months and inform you of new recommendations or changes that may be relevant to your circumstances. This service is provided at a charge of [insert charge here] per month and can be either deducted from your investment or paid by direct debit. This service can be cancelled at any time. Please ask your adviser for more details.”

**Note 31** – in order to comply with COBS 2.3.1R as qualified by 2.3.2R, a *firm* receiving a benefit, in relation to the facilitation of the payment of an *adviser charge* may wish to disclose those benefits in summary form here, under the heading “**Other benefits we may receive**”. If a *firm* does so, it should provide the undertaking described in COBS 2.3.2R(1) (to provide further details on request) in writing, in this section and honour that undertaking.

*For example*

“ABC firm provides us with a specialised software CD-ROM and accompanying [XX] hours worth of training per annum. We use this software in processing your details when you apply for an investment product and wish to facilitate the payment of the adviser charge through deductions from your investment. Some of the cost of this software may be passed on to you as part of the total charges you pay ABC firm. Further information regarding this arrangement is available on request.”

**Note 32** – if the *customer* will be charged a *fee* for *insurance mediation activities* in connection with *non-investment insurance contracts*, insert a plain language description of what each *fee* is for and when each *fee* is payable. This should include any *fees* for *advising on* or *arranging a non-investment insurance contract* and any *fees* over the life of the contract, for example, for mid-term adjustments. If a *firm* does not charge a *fee* the text in the first box should be abbreviated to ‘A fee’. If the *firm* is offering more than one type of service in connection with *non-investment insurance contracts*, the *firm* may aggregate the *fees* over all the services provided, and (if that is the case) identify the services for which there is no *fee*.

**Note 33** – if the *firm* receives commission instead of, or in addition to, *fees* from the *client* for services relating to *home finance transactions*, it should insert a plain language explanation of this (see specimen for a plain language example). If the *firm* will pay over to the *client* any commission the *firm* receives, it may refer to that fact here.

**Note 34** – insert a plain language description of when any *fees* are payable for services relating to *home finance transactions*. This description could include, for example, a cash amount, a percentage of the loan or reversion amount or the amount per hour, as appropriate. However, where a cash amount is not disclosed, one or more examples of the cash amount should be included. If a *firm* offers more than one pricing option in relation to *equity release transactions*, it should specify the pricing policy for each of them. For example, “A fee of £[XX] payable at the outset and £[YY] when you apply for a lifetime mortgage and £[ZZ] when you apply for a home reversion plan”. If a *firm* does not charge a *fee*, the text for the second box should be abbreviated to ‘A fee’.

**Note 35** – a *firm* may omit this part of the *combined initial disclosure document* on ‘Refund of fees’ if the *firm* has indicated that there will be “No fee” for services in relation to *home finance transactions* or that any *fee* will be payable only if the product completes.

**Note 36** – *firms* may select as many boxes as appropriate.

**Note 37** – insert a short, plain language description of the circumstances in which the *fee* for services in relation to *home finance transactions* is refundable or not refundable as described. If the refund policy is different depending on the *equity release transaction* in question, the *firm* should specify the refund policy for each of them. For example, “A refund of £[XX] if your lifetime mortgage application falls through and a refund of £[YY] if your home reversion plan application falls through.”

**Note 38** – a *firm* may delete this line if it does not offer a partial refund for services in relation to *home finance transactions* in any circumstances.

## **Section 5: Who regulates us?**

**Note 39** – the *firm* may omit this section for services relating to *packaged products* if the *firm* has, on first contact with the *client*, provided the *client* with its *client agreement* which contains that information. This section may be omitted for services relating to *non-investment insurance contracts* if the information covered by this section is not required by *ICOBS* or is required by *ICOBS* but is provided to the *customer* by some other means. This section may be omitted for services relating to *home finance transactions* in accordance with *MCOB* 4.4.1R(3). If this section is omitted, the other sections of the *combined initial disclosure document* should be renumbered accordingly.

**Note 40** – if the *firm*'s address on the *FSA Financial Services Register* differs from that given on the *combined initial disclosure document*, the address on the *FSA Financial Services Register* should be given in this section.

**Note 41** – where the *authorised firm* trades under a different name from that under which it is *authorised*, it should include the name under which it is *authorised* and listed in the *Financial Services FSA Register*. It may also include its trading name(s) if it wishes.

**Note 42** – A UK domestic firm (or an overseas firm) will need to use the appropriate wording to describe its regulator(s) as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An appointed representative will also need to use the appropriate wording for appointed representatives as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An EEA incoming firm will also need to modify this section if it chooses to use the services and costs disclosure document (see GEN 4 Annex 1R(2) or (3), or GEN 4 Annex 1AR (3) or (4)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section. an incoming EEA firm will need to modify this section if it chooses to use this combined initial disclosure document (see GEN 4 Annex 1R(2)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section.

**Note 43** – insert a short, plain language description of the business for which the *firm* has a *permission* which relates to the service it is providing.

**Note 44** – where the information is provided by an *appointed representative* or *tied agent*, the *appointed representative* or *tied agent* should use this text instead. The *appointed representative* or *tied agent* should give details of the *authorised firm(s)* that is its *principal(s)* for each type of service that it is providing to a particular *client*.

## **Section 6: Loans and ownership**

**Note 45** – omit this section where there are no relevant loan or ownership arrangements under the following notes or if the *firm* is an *insurer* selling its own *non-investment insurance contracts*. If this section is omitted the other sections of the *combined initial disclosure document* should be renumbered accordingly. If the *firm* is not providing services in relation to *packaged products*, the heading of this section should be changed to 'Ownership'. Where the information is provided by an *appointed representative* or *tied agent*, it should cover loans made to or by that *appointed representative* or *tied agent* or holdings in, or held by, that *appointed representative* or *tied agent* as appropriate.

**Notes 46, 47 and 48** apply only to a *firm* making a *personal recommendation, dealing in, or arranging* in relation to *packaged products*.

**Note 46** – insert, in the *firm's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of the *firm* which is held by a provider or *operator* of a *packaged product* or by the parent of the provider or *operator*.

**Note 47** – insert, in the *firm's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of a provider or *operator* of a *packaged product* which is held by the *firm*.

**Note 48** – insert, in the *firm's* own words, a short description of any *credit* provided to the *firm* by a *product provider* (other than *commission* due to the *firm* in accordance with an indemnity claw-back arrangement) or by any *undertaking* in the *immediate group* of the *product provider* where the amount of the *credit* exceeds 10 per cent of the share and loan capital of the *firm*.

**Notes 49 and 50** apply to an *insurance intermediary* providing services in relation to *non-investment insurance contracts*.

**Note 49** – insert, in the *insurance intermediary's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of the *insurance intermediary* which is held by an *insurance undertaking* or by the parent of an *insurance undertaking*.

**Note 50** – insert, in the *insurance intermediary's* own words, a short description of any direct or indirect holding of more than 10 per cent in the capital or voting power of an *insurance undertaking* which is held by the *insurance intermediary*.

## **Section 7: What to do if you have a complaint**

**Note 51** – if different to the address in Note 3, give the address and telephone number which is to be used by *clients* wishing to complain.

**Note 52** – this text may be omitted for *non-investment insurance contracts* if the *insurance intermediary* or *insurer* is aware that a *commercial customer* would not be an *eligible complainant*.

**Note 53** – if the *combined initial disclosure document* is provided by an *authorised professional firm* which is exclusively carrying on *non-mainstream regulated activities*, the *authorised professional firm* should delete this sentence and refer to the alternative complaints handling arrangements.

**Note 54** – if the *firm* is carrying on an activity from an establishment which is outside the *United Kingdom* it should make clear that the *Financial Ombudsman Service* will not be

available. The *firm* may refer to any similar complaints scheme that may be applicable.

### **Section 8: Are we covered by the Financial Services Compensation Scheme (FSCS)?**

**Note 55** – when an *incoming EEA firm* provides the *combined initial disclosure document*, it should modify this section as appropriate.

**Note 56**- when a *firm* which is not a *participant firm* provides the *combined initial disclosure document*, it should answer this question ‘No’ and should state the amount of cover provided (if any) and from whom further information about the compensation arrangements may be obtained.

**Note 57** – where the *insurance intermediary* or *insurer* provides a service in relation to a compulsory class of insurance, such as *employers’ liability insurance*, it should use this alternative text.

**Note 58** – where the *insurance intermediary* or *insurer* provides a service in relation to a contract which covers both a compulsory class of insurance and a class of insurance which is not compulsory, it should indicate the level of compensation that applies to each class.

### **Home finance products warning**

**Note 59** – this warning box should be added when the *firm* sells *lifetime mortgages* or home reversion plans or both.

**Note 60** – a *firm* should only include this paragraph if the services to which the *combined initial disclosure document* relates include *home purchase activities*. If the *firm* does not carry on *regulated mortgage activities*, it should include the second sentence and delete the third. If the *firm* carries on *regulated mortgage activities* as well as *home purchase activities* it should omit the second sentence and include the third.

**Annex 16**

**Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>ICOBS 1 Annex 1 Part 1 para 3.1R(4)</p> <p>ICOBS 1 Annex 1 Part 4 paras 3.3G, 7.2G, 7.5G, 8.4G, 8.6G;</p> <p>ICOBS 2.1.4G, 2.4.1G;</p> <p>ICOBS 3 Annex 1 Q7;</p> <p>ICOBS 3 Annex 2R(4);</p> <p>ICOBS 7.2.4G;</p> <p>ICOBS 8.4.4R(1)(b), (1)(c) and (3)(b), 8.4.5G(2) and (3), 8.4.6R(1), 8.4.6AR, 8.4.7R(1)(a)(i), 8.4.10G(1), 8.4.11R(1), (1)(a), (2)(d) and (e);</p> <p>ICOBS 8 Annex 1 Part 2 paras 2.1R, 2.1AR, 2.1BR(1);</p> <p>ICOBS 3 Annex 2(4) (FCA registration number);</p> <p>ICOBS TP 1 8BR(1);</p> <p>ICOBS Sch 5.2G;</p>
<i>FSA firm reference number</i>	<i>firm reference number</i>	ICOBS 8.4.6R(1)(d), 8.4.7R(2)(d)
<i>FSA Register</i>	<i>Financial Services Register</i>	<p>ICOBS 3.2.2R(4);</p> <p>ICOBS 3 Annex 2(4);</p> <p>ICOBS 4.1.2R(2)</p>

Section 150	Section 138D	ICOBS 8.2.9R; ICOBS Schs 5.1G, 5.2G, 5.4G
Section 150(2)	Section 138D(3)	ICOBS Sch 5.2G

Amend the following provisions as follows.

8.4.5 G ...

**~~FSA~~ FCA notification requirements**

...

8.4.10 G ...

- (3) In order to assist *firms* with their obligations under these *rules* the ~~FSA~~ FCA has agreed to publish on its website at [http://www.fsa.gov.uk/Pages/consumerinformation/product\\_news/insurance/employers\\_liability/index.shtml](http://www.fsa.gov.uk/Pages/consumerinformation/product_news/insurance/employers_liability/index.shtml) [tbc] a list of *persons* providing tracing office facilities which have published the *directors'* certificate and independent assurance report referred to in ICOBS 8.4.9R(7).

**ICOBS 8 Annex 1 – Employers’ Liability Register**

**EMPLOYERS' LIABILITY REGISTER (effective date:[ ])**

FRN (Firm Reference Number)	Name of Insurer						
Policy Number	Policy inception date	Policy end date	Name of Original Insurer				
Policyholder name							
Employer's Name 1.1	Postcode	Address Line 1	Address Line 2	Town/City	County	ERN(s) (HMRC Employer reference number(s))	CHRN (Companies House reference number)
Employer's Name 1.2	Postcode	Address Line 1	Address Line 2	Town/City	County		
Employer's Name 1.3	Postcode	Address Line 1	Address Line 2	Town/City	County		
...							
Policy Number 2	Policy inception date	Policy end date					
Employer Name 2.1	Postcode	Address Line 1	Address Line 2	Town/City	County	ERN(s) (HMRC Employer reference number(s))	CHRN (Companies House reference number)
...							

NOTES

1. The register must be completed by all insurers and managing agents managing the insurance business of *syndicates* of Lloyd's members that are carrying out contracts of insurance that provided commercial lines employers' liability cover to employers carrying on, or who carried on, business in, and in relation to their employees' course of employment in, the *UK*.

2. All *policies* under which *UK* commercial lines employers' liability cover has been provided to employers which commenced or were renewed or for which claims were made on or after 1 April 2011 must be included.
3. The register must include all employers covered by a *policy*, for example, all employers in a group where the *policy* is taken out in the name of one entity in the group.
4. The FRN number is that given to the insurer by the ~~FSA~~ *FCA*. The FRN is not required to be included in the form if a *firm* uses a qualifying tracing office to make available its register in accordance with *ICOBS* 8.4.7R(1)(a)(ii).
5. The register must include all names by which an employer was known between the *policy* inception date and the *policy* end date must be listed including the name registered with Companies House where applicable and trading names. Trading names, if different from the registered name, should be appended to the registered name.
6. The employer's address is the latest address for that employer. Where the employer is registered with Companies House, the employer's address is the latest address registered with Companies House.
7. The ERN is the employers' reference number provided by Her Majesty's Revenue and Customs for that employer. If the employer has more than one ERN then all ERNs must be included in the register, if it is practicable to do so. Otherwise, the *firm* must include the ERN that applies to the largest number of employees.
8. The CHRN is the employers' reference number provided, where relevant, by the Registrar of Companies. The CHRN may be included by utilising a facility which searches data obtained or downloaded from Companies House.

## ICOBS 4 Annex 1G: Initial disclosure document

This annex belongs to *ICOBS* 4.5.1G.

A *firm* should omit the notes and square brackets in the following *initial disclosure document*, but must not include the keyfacts logo unless it uses the *initial disclosure document* in full and in accordance with its notes. Subject to this, a *firm* may use its own house style and brand.

---



**keyfacts**® **about our insurance services** [Note 1]



**XYZ** Financial Services [Note 3]

[123 Any Street  
Some Town  
ST21 7QB]

[Note 2]

---

### 1 ~~The Financial Services Authority~~ Financial Conduct Authority (FSA-FCA)

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The ~~FSA-FCA~~ is ~~the~~ an independent watchdog that regulates financial services. Use this information to decide if our services are right for you.

### 2 **Whose products do we offer?** [Note 4]

---

- We offer products from a range of insurers [for ...].
- We [can] [Note 5] only offer products from a limited number of insurers [for ...].  
Ask us for a list of insurers we offer insurance from. [Note 6]
- We [can] [Note 5] only offer [a] product[s] from [a single insurer] [name of single *insurance undertaking*] [for ...]. [Note 7]

[or] [Note 8]

We only offer products from a single insurer.

[or] [Note 9]

We only offer our own products for [list the types of *policies*].

---

### 3 Which service will we provide you with? [Note 10] [Note 11]

---

- We will advise and make a recommendation for you after we have assessed your needs [for] [list the types of *policies*].
- You will not receive advice or a recommendation from us [for] [list the types of *policies*]. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

---

### 4 What will you have to pay us for our services? [Note 12]

---

- A fee [of £ [ ] ] [for] [list the types of insurance services provided].
- No fee [for] [list the types of insurance services provided].

You will receive a quotation which will tell you about any other fees relating to any particular insurance policy.

---

### 5 Who regulates us? [Note 13]

---

[Registered name and address as shown on *FSA Register Financial Services Register* (trading name(s) may also be stated)] is authorised and regulated by [ ] [Note 14]. Our *FSA Register Financial Services Register* number is [ ]. [Note 14]

Our permitted business is [short, plain language description of relevant *permitted* business].

[or] [Note 15]

[Name of *appointed representative*] [Note 2] is an appointed representative of [registered name and address of *principal* as shown on *FSA Register Financial Services Register*] which is authorised and regulated by [ ] [Note 14]. [Name of *principal*]'s *FSA Register Financial Services Register* number is [ ].

[Name of *principal*]'s permitted business is [short, plain language description of relevant business].

You can check this on the *FSA's Financial Services Register* by visiting the *FSA's FCA's* website [www.fsa.gov.uk/register/home.do](http://www.fsa.gov.uk/register/home.do) or by contacting the *FSA FCA* on 0845 606 1234 0800 111 6768.

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## 6 Ownership [Note 16]

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[Short description of any direct or indirect holding representing more than 10% of the voting rights or capital in the *firm* held by an *insurance undertaking* (other than a *reinsurance undertaking*) or its *parent undertaking*, e.g. “B&C Insurer owns 20% of our share capital.”]

[Short description of any direct or indirect holding by the *firm* representing more than 10% of the voting rights or capital in a given *insurance undertaking* (other than a *reinsurance undertaking*), e.g. “We have 20% of the voting rights in Royal Edinburgh.”]

---

## 7 What to do if you have a complaint [Note 17]

---

If you wish to register a complaint, please contact us:

**...in writing** Write to [XYZ Financial Services], [Complaints Department, 123 Any Street, Some Town, ST21 7QB].

**... by phone** Telephone [0121 100 1234]

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service. [Note 18] [Note 19]

---

## 8 Are we covered by the Financial Services Compensation Scheme (FSCS)? [Note 13] [Note 20]

---

We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of business and the circumstances of the claim.

Insurance advising and arranging is covered for 90% of the claim, without any upper limit.

[or] [Note 21]

For compulsory classes of insurance, insurance advising and arranging is covered for 100% of the claim, without any upper limit.

Further information about compensation scheme arrangements is available from the FSCS.

The following notes do not form part of the *initial disclosure document*.

**Note 1** – For requirements on using the keyfacts logo, see *GEN 5.1* and *GEN 5 Annex 1G*.

**Note 2** – Insert the *firm's* or *appointed representative's* name (either the name under which it is *authorised* or the name under which it trades). If an individual who is employed or engaged by an *appointed representative* provides the information, the individual should not put his or her own name on the *initial disclosure document*. A corporate logo or logos may be included.

**Note 3** – Insert the head office or if more appropriate the principal place of business from which the *firm* or *appointed representative* expects to conduct business with *customers*. An *appointed representative* should state its own name and address.

### **Section 2: Whose products do we offer?**

**Note 4** – Select, for example by ticking, the box(es) which are appropriate for the service that it expects to provide to the *customer*. More than one box can be selected if the scope of the service provided to a particular *customer* varies by type of contract, for example, if a *firm* deals with a single *insurance undertaking* for motor insurance and a range of *insurance undertakings* for household insurance. If more than one box is selected, specify which relates to which type of *policy*, by adding text to the *initial disclosure document*. This needs to be done only in relation to the service offered to a particular *customer*. Do not remove boxes that are not selected.

**Note 5** – Insert “can” if the range of *policies* is determined by any contractual obligation. This does not apply to an *insurer* selling its own products.

**Note 6** – This sentence is required only if this service option is selected.

**Note 7** – If the *firm* deals with a different *insurance undertaking* for different types of *policy*, identify all the *insurance undertakings* and specify the types of contract to which they relate. This needs to be done only in relation to the service offered to a particular *customer*. For example, “we can only offer products from ABC Insurance for motor insurance and XYZ Insurance for household insurance”.

**Note 8** – If this box is not selected, use this alternative text.

**Note 9** – An *insurer* offering only its own *policies*, or part of an *insurer* offering only *policies* sold under that part's trading name, should use this alternative text.

### **Section 3: Which service will we provide you with?**

**Note 10** – This section may be omitted if the *customer* receives this information as part of a demands and needs statement. Renumber remaining sections.

**Note 11** – Select, for example by ticking, the box which is appropriate for the service expected to be provided to the *customer*. Both boxes can be selected if different services are offered in relation to different types of *policy*. If more than one box is selected, specify which box relates to which type of *policy*. Do not remove an unselected box.

### **Section 4: What will you have to pay us for our services?**

**Note 12** – If the *customer* will be charged a *fee* for *insurance mediation activities*, insert a plain language description of what each *fee* is for and when each *fee* is payable. This should include any *fees* over the life of the contract, for example, for mid-term adjustments. If a *firm* does not charge a *fee* the first box should be abbreviated to 'A fee'. If more than one type of service is offered, *fees* may be aggregated over all the services provided and the services for which there is no *fee* identified.

### **Section 5: Who regulates us?**

**Note 13** – This section may be omitted if the information is provided by other means.  
Renumber remaining sections.

**Note 14** – ~~Modify this section for incoming EEA firms (see GEN 4 Ann 1R(2)).~~ A UK domestic firm (or an overseas firm) will need to use the appropriate wording to describe its regulator(s) as set out in GEN 4 Annex 1R (firms that are not PRA-authorized persons) or GEN 4 Annex 1AR (PRA-authorized persons). An appointed representative will also need to use the appropriate wording for appointed representatives as set out in GEN 4 Annex 1R (firms that are not PRA-authorized persons) or GEN 4 Annex 1AR (PRA-authorized persons). An EEA incoming firm will also need to modify this section if it chooses to use this initial disclosure document (see GEN 4 Annex 1R(2) or (3), or GEN 4 Annex 1AR (3) or (4)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section.

**Note 15** – An appointed representative should use this text instead. It should give the details of its principal for each type of policy that it is offering to a particular customer.

### **Section 6: Ownership**

**Note 16** – Omit this section (and renumber remaining sections) if there are no relevant ownership arrangements under the following notes or the firm is an insurer selling its own policies. In an initial disclosure document provided by an appointed representative, cover holdings in or held by that appointed representative, as appropriate.

### **Section 7: What to do if you have a complaint**

**Note 17** – If different to the address in note 5, give the address and telephone number which is to be used by customers wishing to complain.

**Note 18** – This text may be omitted for a customer who would not be an eligible complainant.

**Note 19** – An authorised professional firm which is exclusively carrying on non-mainstream regulated activities should delete this sentence and refer to the alternative complaints handling arrangements.

### **Section 8: Are we covered by the Financial Services Compensation Scheme (FSCS)?**

**Note 20** – An incoming EEA firm should modify this section as appropriate. A firm which is not a participant firm must answer this question 'No' and should state the amount of cover provided (if any) and from whom further information about the compensation arrangements may be obtained.

**Note 21** – Use this alternative text if providing a service in relation to a compulsory class of insurance, such as employer's liability insurance. If providing a service in relation to a contract which covers both a compulsory class of insurance and a class of insurance which is not compulsory, indicate the level of compensation that applies to each class.

**Annex 17**

**Amendments to the Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA Register</i>	<i>Financial Services Register</i>	MCOB 2.7A.2R(4);  MCOB 4.4A.18R(4);  MCOB 6.5.6R(4)(b)(ii), 6 Annex 1 row 1.1R(4)
<i>FSA</i>	<i>FCA</i>	MCOB 1.2.5G(2), 1.6.1G, 1.6.2G, 1.6.4R(1)(a), 1.6.5G(2) to (3);  MCOB 2.2.1G, 2.2.8BG(4), 2.6A.4G(1), 2.6A.10G, 2.6A.14G, 2.6A.18G, 2.8.2R, 2.8.4G(1);  MCOB 3.5.3G, 3.6.2G(3), 3.6.4E(1)(k), 3.6.14G(1), 3.6.24G(1), 3.8A.4E(1)(k), 3.8A.7G, 3.8B.6E(1)(k), 3.8B.10G, 3.9.4G(2);  MCOB 4.1.8G, 4.4.3G(2), 4.4A.18R(4), 4.5.1G(2), 4.8.2G(2), 4.10.11R(2), 4.11.7G(3);  MCOB 5.1.10G, 5.6.106R, 5.9.1R(1A)(ea), 5.9.3R(2)(a), 5.9.5G;  MCOB 6.4.2G, 6.4.4R(4)(a), 6.9.8R(1), 6 Annex 1 row 1.1(5);  MCOB 7.6.16R(1) and (2), 7.6.23G;  MCOB 9.4.106R(1), 9.4.145R(10)(a), 9.5.4R(5)(a), 9.8.7.R;  MCOB 10.4.3G(2) and (3), MCOB 10 Annex 1G;

		<p>MCOB 11.2.1G, 11.3.5(2);</p> <p>MCOB 12.1.5G, 12.2.1G, 12.7.1G;</p> <p>MCOB 13.1.5G, 13.3.4CG, 13.3.4DG, 13.3.6G, 13.3.8G;</p> <p>MCOB Sch 5.1G</p>
<i>Financial Services Authority</i>	<i>Financial Conduct Authority</i>	<p>MCOB 6.4.4R(4)(a),</p> <p>MCOB 7.6.16R;</p> <p>MCOB 9.5.4R(5)(a), 9.8.7R;</p>
Section 145(3)	Section 137R(3)	MCOB 5.1.8G
Section 150	Section 138D	<p>MCOB 2.2.1G;</p> <p>MCOB Schs 5.1G and 5.2G</p>
Section 150(2)	Section 138D(3)	MCOB Sch 5.1G

Amend the following provisions as follows.

**Referring to the ~~FSA~~ FCA**

3.8A.7 G ...

...

**Referring to the ~~FSA~~ FCA**

3.8B.10 G ...

...

3.12.5 G ~~The FSA website~~ <http://www.fsa.gov.uk> [Web address tbc] contains a wide range of information including pages of specific relevance to *customers*. *Firms* may, if they wish, include a reference or hyperlink to the ~~FSA's~~ FCA's site; this will not, however, replace any requirements of the *financial promotion rules*.

...

- 4.11.1 R (1) A *regulated sale and rent back firm*, on first making contact with a potential *SRB agreement seller* for whom it might reasonably be expected to carry on *any regulated sale and rent back activity*, must make the following disclosures to him, both orally and in writing:
- (a) the service the *firm* is offering the customer, making it clear whether the firm will be acting as a *SRB agreement provider*, a *SRB adviser* or a *SRB arranger* and the particular *regulated sale and rent back activities* for which the *firm* has a ~~*Part IV permission*~~ *Part 4A permission*;

...

~~FSA~~ FCA consumer factsheet on sale and rent back

- 4.11.2 R (1) As soon as the *customer* expresses an interest in becoming a *SRB agreement seller*, a *regulated sale and rent back firm* must provide him with the ~~*FSA consumer factsheet*~~ Money Advice consumer factsheet on sale and rent back in a *durable medium* which may be accessed through [www.fsa.gov.uk](http://www.fsa.gov.uk) [www.moneyadvice.service.org.uk](http://www.moneyadvice.service.org.uk)
- (2) The *firm* on providing the ~~*FSA*~~ Money Advice Service consumer factsheet in (1) to the *customer* must give him an oral explanation of it, so as to ensure that the *customer* fully understands its contents.

...

- 6.5.6 R If a *firm* makes an offer to a *consumer* with a view to *entering into a regulated mortgage contract* which is a *distant contract*, it must provide the *consumer* with the following information with the *offer document*:

...

- (4) If not provided previously:

...

- (b) ...

- (iii) confirmation that the *customer* can check the ~~*FSA register*~~ Financial Services Register on the ~~*FSA's*~~ FCA's website [www.fsa.gov.uk/register](http://www.fsa.gov.uk/register) [web address tbc] or by contacting the ~~*FSA*~~ FCA on 0845 606 1234 0800 111 6768.

...

6.9.3 R ...

- (3) The written pre-offer document must be accompanied by the FSA Money Advice Service consumer factsheet on sale and rent back (even if the *firm* has already provided this) which the *firm* must provide to the *customer* in a *durable medium* and which may be accessed through ~~www.fsa.gov.uk~~ [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk)
- (4) On providing the FSA Money Advice Service consumer factsheet to the *SRB agreement seller*, the *firm* must give him an oral explanation of what it contains, so as to ensure that he understands its contents, unless the *firm* has already done so.

## Annex 1R: Initial disclosure document

This Annex belongs to *MCOB 4.4.1R(1)* and *MCOB 4.10.2R*.

Firms must omit the notes and square brackets that appear in the following IDD. The IDD must contain the 'key facts' logo, headings and text in the order shown and in accordance with the Notes.[Note 1]



about our [mortgage/Islamic  
home purchase plan]  
services [Note 1A] [Note 2]



Financial Services

[Note 5]  
[123 Any Street  
Some Town  
ST21 7QB]

[Note 3] [Note 4]

---

### **1. The ~~Financial Services Authority~~ Financial Conduct Authority (FSA) (FCA)**

The ~~FSA~~ FCA is the an independent watchdog that regulates financial services. It requires us to give you this document. Use this information to decide if our services are right for you.

---

### **1A. Compliance with Islamic law [Note 5A]**

Our services are regularly checked by [names(s) of scholar(s)] to ensure compliance with Islamic law. Ask us if you want further information about the role of our scholar(s).]

---

### **2. Whose [mortgages/Islamic home purchase plans] do we offer? [Note 6] [Note 7]**

- We offer [mortgages/Islamic home purchase plans] from the whole market.
- We [can] [Note 8] only offer [mortgages/Islamic home purchase plans] from a limited number of [lenders/providers].
- Ask us for a list of [lenders/providers] we offer [mortgage/Islamic home purchase plans] from . [Note 9]
- We [can] [Note 8] only offer [a limited range of the] [a] [mortgage[s]/Islamic home purchase plan[s]] from [a single lender/provider] [name of single lender/provider]. [Note 10]
- [or]  
We only offer our own [mortgages/Islamic home purchase plans]. [Note 11]

---

**3. Which service will we provide you with? [Note 6]**

---

We will advise and make a recommendation for you after we have assessed your needs.

You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of products that we will provide details on. You will then need to make your own choice about how to proceed.

---

**4. What will you have to pay us for this service? [Note 6]**

---

No fee. [We will be paid by commission from the lender/provider.] [Note 12]

A fee [of £ [] payable at the outset and £ [] payable when you apply for a/an mortgage/Islamic home purchase plan]. [We will also be paid commission from the lender/provider.] [Note 12] [Note 13]

You will receive a key facts illustration when considering a particular mortgage which will tell you about any fees relating to it. [Note 13A]

**5. Refund of fees [Note 14] [Note 15]**

If we charge you a fee, and your [mortgage/Islamic home purchase plan] does not go ahead, you will receive:

A full refund [if the lender/provider rejects your application]. [Note 16]

A refund of £ [] [if the purchase falls through]. [Note 16] [Note 17]

No refund [if you decide not to take out a [mortgage/Islamic home purchase plan]]. [Note 16]

---

**6. Who regulates us? [Note 18]**

---

[XYZ Financial Services] [123 Any Street, Some Town, ST21 7QB] [Note 19] [Note 19A] is authorised [Note 20] and regulated by [ ] [Note 20] ~~the Financial Services Authority~~. Our ~~FSA Register~~ Financial Services Register number is [ ].

Our permitted business is [ ]. [Note 21]

[or] [Note 19B]

[Name of *appointed representative*] [Notes 3 and 4] is an appointed representative of [name of *firm*] [address of *firm*] [Note 19] [Note 19A] which is authorised and regulated by [ ] [Note 20] ~~the Financial Services Authority~~. [Name of *firm's*] ~~FSA Register~~ Financial Services Register number is [ ].

[Name of *firm's*] permitted business is [ ] [Note 21]

You can check this on the ~~FSA's Register~~ Financial Services Register by visiting the FSA's FCA's website [www.fsa.gov.uk/register/home.do](http://www.fsa.gov.uk/register/home.do) or by contacting the ~~FSA~~ FCA on ~~0845 606 1234~~ 0800 111 6768.

---

## 7. What to do if you have a complaint [Note 18]

---

If you wish to register a complaint, please contact us:

...in writing      Write to [XYZ Financial Services], [Complaints Department, 123 Any Street, Some Town, ST21 7QB]. [Note 22]

... by phone      Telephone [0121 100 1234]. [Note 22]

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service. [Note 22A]

---

## 8. Are we covered by the Financial Services Compensation Scheme (FSCS)? [Note 18] [Note 23] [Note 24]

---

We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of business and the circumstances of the claim.

[Mortgage/Home purchase plan] advising and arranging is covered up to a maximum limit of £50,000.

Further information about compensation scheme arrangements is available from the FSCS.

**Think carefully about the product and services you need. [We can only offer services in relation to Islamic home purchase plans and cannot provide advice on standard mortgages.] [If you want [information] [or ] [advice] standard mortgages, please ask.]**  
[Note 25]

The following notes do not form part of the IDD.

## Section 1

**Note 1** – subject to this, a *firm* may use its own house style and brand.

**Note 1A** –insert the appropriate description using the words in square brackets based on the *firm's* scope of service. A *firm's* scope of service cannot combine *regulated mortgage activities* and *home purchase activities* in the same IDD. A *firm* that carries on *home purchase activities* may omit the word "Islamic" from "Islamic home purchase plan(s)" provided that it does so consistently throughout the document. However, a *firm* may omit the word "Islamic" in sections 6 and 8 without having to omit it throughout the document. A *firm* that wishes to hold itself, its products or services out as compliant with religious or philosophical beliefs other than Islamic law in the IDD may make appropriate amendments to references to 'Islamic' and 'Islamic law'

**Note 2** – the ~~Financial Services Authority~~ Financial Conduct Authority has developed a common 'keyfacts' logo to be used on significant pieces of information directed to *customers*. The 'keyfacts' logo and the text "about our [mortgage/Islamic home purchase plan] services" must be used and positioned as shown in the IDD. The logo may be re-sized, but it must be reasonably prominent and its proportions must not be distorted. When reproducing the logo, *firms* may use colour providing this does not diminish the prominence of the logo.

**Note 3** – insert the *firm's* or *appointed representative's* name (either the name under which it is *authorised* or the name under which it trades). A corporate logo or logos may be included.

**Note 4** – if the IDD is provided by an *appointed representative*, insert the name of the *appointed representative*. (If an individual who is employed or engaged by an *appointed representative* provides the information, the individual should not put his or her own name on the IDD.)

**Note 5** – insert the head office or if more appropriate the principal place of business from which the *firm* or *appointed representative* expects to conduct business with *customers*. (An *appointed representative* must not include the name and address of the *authorised firm* instead of its own.)

### Section 1A: Compliance with Islamic law

Note 5A – Section 1A is optional unless the *firm* holds itself, its products or services out as compliant with Islamic law in the IDD. If a *firm* includes Section 1A then it must describe the section on the IDD as section 2 and renumber subsequent sections accordingly.

A *firm* that wishes to hold itself, its products or services out as compliant with religious or philosophical beliefs other than Islamic law in the IDD may also use Section 1A in accordance with this note and modify the wording in the section to the extent appropriate.

## Section 2: Whose [mortgages/Islamic home purchase plans] do we offer?

**Note 6** – *firms* must select, for example by ticking, one box which is appropriate for the service which it expects to provide to the *customer*.

**Note 7** - if the IDD is provided by an *appointed representative*, the service described must be that offered by the *appointed representative*, in accordance with MCOB 4.3.10R.

**Note 8** – insert “can” if the *firm*’s range of *regulated mortgage contracts or home purchase plans* is determined by any contractual obligation.

**Note 9** – this sentence is required only where a firm selects this service option. It may also be omitted if a *firm* chooses to list all of the lenders or providers it offers *home finance transactions* from instead of the text "a limited number of [lenders/providers]", in the previous line, so long as the *firm* offers all of the mortgages or *home purchase plans* generally available from each lender or provider.

**Note 10** – if the *firm* selects this box, it must insert the name of the lender or provider. If the *firm* does not select this box, it must insert the words "a single lender/provider" instead. If the *firm* does not offer all of the mortgages or *home purchase plans* generally available from that lender or provider, it must insert the words "a limited range of", as shown. If the lender or provider only has one relevant product, the *firm* should amend the text to "We can only offer a [mortgage/home purchase plan] from [name of single lender/provider]."

**Note 11** – if the *firm* is a provider or lender offering only its own *home finance transactions*, or is part of a provider or lender offering only the *home finance transactions* sold under that part's trading name, it may use this alternative text.

## Section 4: What will you have to pay us for this service?

**Note 12** – if the *firm* receives commission instead of, or in addition to, *fees* from the *customer*, it must insert a plain language explanation of this case (see specimen for a plain language example). If the *firm* will pay over to the *customer* any commission the *firm* receives, it may refer to the fact here.

**Note 13** – insert a plain language description of when any *fees* are payable. This description could include, for example, a cash amount, a percentage of the loan amount or the amount per hour, as appropriate. However, where a cash amount is not disclosed, one or more examples of the cash amount must be included. If the *firm* offers more than one pricing option, it may illustrate each with a separate box. If a *firm* does not charge a *fee*, the text for the second box should be abbreviated to 'A fee'.

**Note 13A** – A *firm* must not include this paragraph if the services to which the IDD relates are *home purchase activities*.

## Section 5: Refund of fees

**Note 14** – if, in section 4, it has been indicated that there will be 'No fee' or that any *fee* will be payable only if the transaction completes, section 5 may be omitted altogether, and the following sections re-numbered accordingly.

**Note 15** – firms must select as many boxes as are appropriate.

**Note 16** – insert a short, plain language description of the circumstances in which the *fee* is refundable or not refundable as described.

**Note 17** – the *firm* may delete this line if it does not offer a partial refund in any circumstances

## Section 6: Who regulates us?

**Note 18** – A *firm* may choose not to include these sections if it provides the *customer* with the information required by them in some other *durable medium* before the *customer* makes an application for a *home finance transaction*. If this section is omitted, the other sections of the IDD must be renumbered accordingly.

**Note 19** – where the *authorised firm* trades under a different name from that under which it is *authorised*, it must include the name under which it is *authorised* and listed on the *FSA* register. It may also include its trading name if it wishes.

**Note 19A** – if the *firm's* address on the ~~*FSA Register*~~ *Financial Services Register* differs from that given on the IDD under **Note 5**, the address on the ~~*FSA Register*~~ *Financial Services Register* must be given in this section. If the address is the same as that given under **Note 5**, it should be repeated in this section.

**Note 19B** – where the information is provided by an *appointed representative*, the *appointed representative* must use this text instead.

**Note 20** – ~~An incoming EEA firm will need to modify this section if it chooses to use this IDD (see GEN 4 Ann 1R(2)).~~ A UK domestic firm (or an overseas firm) will need to use the appropriate wording to describe its regulator(s) as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An appointed representative will also need to use the appropriate wording for appointed representatives as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An EEA incoming firm will also need to modify this section if it chooses to use this initial disclosure document (see GEN 4 Annex 1R(2) or (3), or GEN 4 Annex 1AR (3) or (4)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section.

**Note 21** – insert a plain language description of the business for which the *firm* has *permission* in relation to either *regulated mortgage contracts* or *home purchase plans*, as relevant to the scope of service described.

## Section 7: What to do if you have a complaint

**Note 22** - if different to the address in **Note 5**, give the address and telephone number which is to be used by *customers* wishing to complain.

**Note 22A** – if the IDD is provided by an *authorised professional firm* which is exclusively carrying on *non-mainstream regulated activities*, the *authorised professional firm* should delete this sentence and refer to the alternative complaints handling arrangements.

**Section 8: Are we covered by the Financial Services Compensation Scheme (FSCS)?**

**Note 23** – when an *incoming EEA firm* provides the IDD, it must modify this section as appropriate.

**Note 24** - when a *firm* which is not a *participant firm* provides the IDD, it must answer this question 'No' and should state the amount of cover provided (if any) and from whom further information about the compensation arrangements may be obtained.

**Note 25** – a *firm* must only include this paragraph if the services to which the IDD relates are *home purchase activities*. If the *firm* does not carry on *regulated mortgage activities*, it must include the second sentence and delete the third. If the *firm* carries on *regulated mortgage activities* as well as *home purchase activities* it must omit the second sentence and include the third.

## MCOB 5 Annex 1R

The mortgage illustration: table of contents, prescribed text and prescribed section headings and subheadings.

1. This annex belongs to *MCOB 5.6.2R*.

2. The underlined text indicates instructions that must not be included in the *illustrations* provided to *customers*.



about this mortgage

**Personalised illustration for:** insert *customer's* name – see *MCOB 5.6.15R (1)*

**Date produced:** insert date – see *MCOB 5.6.15R (2)*

**Insert details of how long the *illustration* is valid for, and if appropriate when the mortgage needs to commence by** – see *MCOB 5.6.15R (3)*

This is not a legally binding mortgage offer and it does not oblige [name of *mortgage lender*] to provide you with the mortgage described in this illustration.

### 1. About this illustration

We are required by the ~~Financial Services Authority~~ Financial Conduct Authority (FSA/FCA) – the independent watchdog that regulates, financial services – to provide you with this illustration.

All firms selling mortgages are required to give you illustrations like this one, that contain similar information presented in the same way.

Ensure that you obtain other illustrations if you want to compare this mortgage with mortgages from other lenders.

### 2. Which service are we providing you with?

We recommend, having assessed your needs, that you take out this mortgage.

We are not recommending a particular mortgage for you. However, based on your answers to some questions, we are giving you information about this mortgage so that you can make your own choice.

### 3. What have you told us

See *MCOB 5.6.18R* to *MCOB 5.6.24G*

### 4. Description of this mortgage

See *MCOB 5.6.25R* to *MCOB 5.6.30G*

For *foreign currency mortgages* see also *MCOB 5.6.127R* to *MCOB 5.6.128R*

For *shared appreciation mortgages* see also *MCOB 5.6.129R* to *MCOB 5.6.131R*

### 5. Overall cost of this mortgage

See <i>MCOB</i> 5.6.31R to <i>MCOB</i> 5.6.38R	
See <i>MCOB</i> 5.6.34R to <i>MCOB</i> 5.6.36G	
The total amount you must pay back, including the amount borrowed is	£[insert details]
This means you pay back	£[insert details] for every £1 borrowed
The overall cost for comparison is	[insert details] % APR
See <i>MCOB</i> 5.6.37R	
For <i>shared appreciation mortgages</i> see <i>MCOB</i> 5.6.129R(2)	

<b>6. What you will need to pay each [insert frequency of payments from <i>MCOB</i> 5.6.40R e.g. monthly]</b>	<b>[insert frequency of payments from <i>MCOB</i> 5.6.40R e.g. monthly] payments</b>
See <i>MCOB</i> 5.6.41R to <i>MCOB</i> 5.6.51R	Insert amounts(s)
For multi-part mortgages see <i>MCOB</i> 5.6.45R	
For mortgages without a term or a regulator payment plan (e.g. secured bridging loans or <i>mortgage credit cards</i> ) see <i>MCOB</i> 5.6.134R to <i>MCOB</i> 5.6.138G	

This box is required only where all or part of the mortgage is an <i>interest-only mortgage</i> . It must be deleted for <i>repayment mortgages</i> .	Insert amounts(s)
<b>Cost of repaying the capital</b>	
See <i>MCOB</i> 5.6.52R to <i>MCOB</i> 5.6.53G	
This section is required only for multi-part mortgages where there is a future change in the interest rate(s) charges. It must be numbered as a subset (e.g. 6a) to follow the preceding section.	<b>[insert frequency of payments from <i>MCOB</i> 5.6.40R e.g. monthly] payments</b>
<b>6a. What will you need to pay in future</b>	
See <i>MCOB</i> 5.6.55R to <i>MCOB</i> 5.6.57G	Insert amounts(s)

This section is required only for deferred interest rate mortgages. It must be numbered as a subset (e.g. 6b) to follow the preceding section.				
<b>[...]. Effect of deferring interest on the amount you owe</b>				
This table shows the effect of the deferred interest being added to the amount you owe. <u>Where the interest rate is variable</u> : The amounts shown in the table could be considerably different if the interest rate changes.				
See <i>MCOB</i> 5.6.132R				
Year	Interest deferred	Amount of deferred interest that is added to the mortgage	Remaining debt before deferred interest is added	Remaining debt with deferred interest added
<b>7. Are you comfortable with the risks?</b>				

See *MCOB 5.6.59R* to *MCOB 5.6.65R*

For mortgages without a term or a regular payment plan (e.g. secured bridging loans or *mortgage credit cards*) see *MCOB 5.6.140R* to *MCOB 5.6.145R*

8. What fees must you pay?	Fee amount
<b>Fees payable to</b> [insert name of <i>mortgage lender</i> ]  See <i>MCOB 5.6.66</i> to <i>MCOB 5.6.71G</i>	Insert amount of each fee
<b>Other Fees</b>  See <i>MCOB 5.6.66</i> to <i>MCOB 5.6.71G</i>	Insert amount of each fee

9. Insurance	[insert frequency of payments for premium quoted payments]
<b>Insurance you must take out through</b> [insert name of <i>mortgage lender</i> or <i>mortgage intermediary</i> ]  See <i>MCOB 5.6.73R</i> to <i>MCOB 5.6.76G</i>	Insert amounts(s) if appropriate
<b>Insurance you must take out as a condition of this mortgage but that you do not have to take out through</b> [insert name of <i>mortgage lender</i> or <i>mortgage intermediary</i> ]  See <i>MCOB 5.6.77R</i> to <i>MCOB 5.6.83G</i>	Insert amounts(s) if appropriate
This box is required only where quotations for optional insurance are provided in the <i>illustration</i>  <b>Optional Insurance</b>  See <i>MCOB 5.6.80R</i> to <i>MCOB 5.6.83G</i>	Insert amounts(s)

10. What happens if you do not want this mortgage any more?
<b>Early repayment charges</b>  See <i>MCOB 5.6.84R</i> to <i>MCOB 5.6.89R</i>  <b>What happens if you move house?</b>  See <i>MCOB 5.6.84R</i> (2)

11. What happens if you want to make overpayments?
See <i>MCOB 5.6.90R</i> to <i>MCOB 5.6.91G</i>

12. Additional features
See <i>MCOB 5.6.92R</i> to <i>MCOB 5.6.112G</i>

13. Using a mortgage intermediary
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[This section is required only when the *illustration* is provided to a *customer* by, or on behalf of, a *mortgage intermediary*. If the *illustration* is provided by a *mortgage lender*, this section must be removed and Section 14 must be renumbered Section 13]

See *MCOB* 5.6.113R to *MCOB* 5.6.116G

**[...]. Where can you get more information about mortgages?**

The Money Advice Service publishes useful guides on choosing a mortgage. These are available free through its website: [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk), or by calling 0300 500 5000. The website also provides Comparative Tables to help you shop around.

**Contact details**

See *MCOB* 5.6.122R to *MCOB* 5.6.123G

**Your home may be repossessed if you do not keep up repayments on your mortgage – see *MCOB* 5.6.124R to *MCOB* 5.6.125G**

For *foreign currency mortgages* add the following risk warning (see *MCOB* 5.6.128R):

**Changes in the exchange rate may increase the sterling equivalent of your debt**

Last updated: ~~06 July 2010~~ April 2013

## MCOB 8 Annex 1R: Initial Disclosure Document

Firms must omit the notes and square brackets that appear in the following IDD. The IDD must contain the 'key facts' logo, headings and text in the order shown and in accordance with the Notes. [Note 1]



about our equity release  
services [Note 2]



Financial Services

[Note 6]  
[123 Any Street  
Some Town  
ST21 7QB]

[Note 4] [Note 5]

---

### 1. ~~The Financial Services Authority~~ Financial Conduct Authority (FSA FCA)

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The ~~FSA~~ FCA is ~~the~~ an independent watchdog that regulates financial services. It requires us to give you this document. Use this information to decide if our services are right for you.

---

### 2. Whose products do we offer? [Note 3] [Note 7] [Note 8]

---

We offer [lifetime mortgages] [home reversion plans] [equity release products] from the whole market.

We [can] [Note 9] only offer [lifetime mortgages] [home reversion plans] [equity release products] from a limited number of companies.

Ask us for a list of the companies we offer products from. [Note 10]

We [can] [Note 9] only offer [a limited range of ] [lifetime mortgages] [home reversion plans] [equity release products] from [a single lender/company] [name of single company]. [Note 11] [Note 11A]

[or]  
We only offer our own [lifetime mortgages] [home reversion plans] [equity release products]. [Note 12]

We do not offer [lifetime mortgages] [home reversion plans]. [Note 8A]

---

**3. Which service will we provide you with? [Note 3] [Note 7]**

---

We will advise and make a recommendation for you on [lifetime mortgages] [home reversion plans] [equity release products] after we have assessed your needs.

You will not receive advice or a recommendation from us. We may ask some questions to narrow down the selection of [lifetime mortgages] [home reversion plans] [equity release products] that we will provide details on. You will then need to make your own choice about how to proceed.

---

**4. What will you have to pay us for this service? [Note 3] [Note 7]**

---

No fee. [We will be paid by commission from the company that [lends you money] [buys your home].] **[Note 13]**

A fee [of £ [] payable at the outset and £ [] payable when you apply for a/an [lifetime mortgage] [home reversion plan][equity release product]]. [We will also be paid commission from the company that [lends you money] [buys your home].] **[Note 13] [Note 14]**

You will receive a key facts illustration when considering a particular equity release product, which will tell you about any fees relating to it.

**5. Refund of fees [Note 15] [Note 16]**

If we charge you a fee, and your equity release sale does not go ahead, you will receive:

A full refund [if the lender rejects your application]. **[Note 17]**

A refund of £ [] [if the purchase falls through]. **[Note 17] [Note 18]**

No refund [if you decide not to proceed]. **[Note 17]**

---

**6. Who regulates us? [Note 19]**

---

[XYZ Financial Services] [123 Any Street, Some Town, ST21 7QB] **[Note 20] [Note 20A]** is authorised **[Note 21]** and regulated by [ ] **[Note 21]** ~~the Financial Services Authority.~~ Our ~~FSA Register~~ Financial Services Register number is [ ].

Our permitted business is [ ]. **[Note 22]**

[or] **[Note 20B]**

[Name of *appointed representative*] **[Notes 4 and 5]** is an appointed representative of [name of *firm*] [address of *firm*] **[Note 20] [Note 20A]** which is authorised and regulated by [ ] **[Note 21]** ~~the Financial Services Authority.~~ [Name of *firm's*] ~~FSA Register~~ Financial Services Register number is [ ].

[Name of *firm's*] permitted business is [ ] [Note 22]

You can check this on the ~~FSA's Register~~ Financial Services Register by visiting the ~~FSA's FCA's~~ website [www.fsa.gov.uk/register](http://www.fsa.gov.uk/register) [website address tbc] or by contacting the ~~FSA FCA~~ on ~~0845 606 1234~~ 0800 111 6768.

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## 7. What to do if you have a complaint [Note 19]

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If you wish to register a complaint, please contact us:

...in writing      Write to [XYZ Financial Services], [Complaints Department, 123 Any Street, Some Town, ST21 7QB]. [Note 23]

... by phone      Telephone [0121 100 1234]. [Note 23]

If you cannot settle your complaint with us, you may be entitled to refer it to the Financial Ombudsman Service. [Note 23A]

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## 8. Are we covered by the Financial Services Compensation Scheme (FSCS)? [Note 19] [Note 24] [Note 25]

---

We are covered by the FSCS. You may be entitled to compensation from the scheme if we cannot meet our obligations. This depends on the type of business and the circumstances of the claim.
---

Equity release advising and arranging is covered up to a maximum limit of £50,000.
--

Further information about compensation scheme arrangements is available from the FSCS.
--

<b>Message from the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u></b>
--

<b>Think carefully about this information before deciding whether you want to go ahead.</b>
---

<b>If you are at all unsure about which equity release transaction is right for you, you should ask your adviser to make a recommendation.</b>
--

**The following notes do not form part of the IDD.**

**Note 1** – subject to this, a *firm* may use its own house style and brand.

**Note 2** – the ~~Financial Services Authority~~ Financial Conduct Authority has developed a common 'key facts' logo to be used on significant pieces of information directed to *customers*. The 'key facts' logo and the text "about our equity release services" must be used and positioned as shown in the IDD. The logo may be re-sized, but it must be reasonably prominent and its proportions must not be distorted. When reproducing the logo, *firms* may use colour providing this does not diminish the prominence of the logo. Further requirements regarding the use of the keyfacts logo are set out in *GEN* 5.1 and *GEN* 5 Annex 1G.

**Note 3** – *firms* must insert the text in square brackets relating to *lifetime mortgages* if their scope of services includes *lifetime mortgages*; the text in square brackets relating to home reversion plans if their scope of service includes *home reversion plans*; and the text in square brackets relating to equity release products if their scope of service includes products from both market sectors. The texts in square brackets are mutually exclusive. This means that *firms* should use only one of the square bracketed texts and must omit those not used.

**Note 4** – insert the *firm* or *appointed representative's* name (either the name under which it is *authorised* or the name under which it trades). A corporate logo, or logos, may be included.

**Note 5** – if the IDD is provided by an *appointed representative*, insert the name of the *appointed representative*. (If an individual who is employed or engaged by an *appointed representative* provides the information, the individual should not put his or her own name on the IDD.)

**Note 6** – insert the head office or if more appropriate the principal place of business from which the *firm* or *appointed representative* expects to conduct business with *customers*. (An *appointed representative* must not include the name and address of the *authorised firm* instead of its own.)

**Section 2: Whose mortgages do we offer?**

**Note 7** – *firms* must describe their scope of service by selecting and ticking, the box or boxes that describe the products and services that the firm expects to provide to the *customer*. *Firms* must not delete the boxes not selected (but see Note 8A). In the text associated with boxes that are not ticked:

- a. in Section 2 a *firm* must delete references to 'home reversions' and 'lifetime mortgages' but leave references to 'equity release products'. This is so that a *customer* can see other possible options, even if not available from the *firm* issuing the IDD, and
- b. in Section 3, a *firm* must use the words in square brackets that reflect the products it is offering in Section 2. If the *firm* advises or gives personalised

information on products from both equity release market sectors, it must use the term 'equity release products'.

**Note 8** - if the IDD is provided by an *appointed representative*, the service described must be that offered by the *appointed representative*, in accordance with MCOB 4.3.10R.

**Note 8A** – if the *firm's* scope of service does not include both types of *equity release transactions*, it must use this box to indicate to the *customer* the sector that it does not cover.

**Note 9** – insert “can” if the *firm's* range of *equity release transactions* is determined by any contractual obligation.

**Note 10** – this sentence is required only where a *firm* selects this service option. It may also be omitted if a *firm* chooses to list all of the lenders it offers mortgages from instead of the text "a limited number of companies", in the previous line, so long as the *firm* offers all of the products generally available from each company.

**Note 11** – if the *firm* selects this box, it must insert the name of the company. If the *firm* does not select this box, it must insert the words "a single company" instead. If the *firm* does not offer all of the mortgages generally available from that company, it must insert the words "a limited range of", as shown. If the company only has one product, the *firm* should amend the text to "We can only offer a product from [name of company]."

**Note 11A** – if the *firm* offers *home reversion plans* from only one *reversion provider*, and *lifetime mortgages* from only one *lender*, which is different from the *reversion provider*, then the *firm* should identify the *lender* and the *reversion provider* and specify the *equity release transaction* to which they relate. For example, "We can only offer lifetime mortgages from ABC Mortgages Ltd and home reversion plans from XYZ Reversions Ltd."

**Note 12** – if the *firm* offers only its own products, or is part of a *firm* offering only the products sold under that part's trading name, it may use this alternative text.

#### **Section 4: What will you have to pay us for this service?**

**Note 13** – if the *firm* receives commission instead of, or in addition to, *fees* from the *customer*, it must insert a plain language explanation of this case (see specimen for a plain language example). If the *firm* will pay over to the *customer* any commission the *firm* receives, it may refer to the fact here.

**Note 14** – insert a plain language description of when any *fees* are payable. This description could include, for example, a cash amount, a percentage of the loan amount or the amount per hour, as appropriate. However, where a cash amount is not disclosed, one or more examples of the cash amount must be included. If the *firm* offers more than one pricing option, it should specify the pricing policy for each product. For example, "A fee of £100 payable at the outset and £120 when you apply

for a lifetime mortgage and £80 when you apply for a home reversion plan." If a *firm* does not charge a *fee*, the text for the second box should be abbreviated to 'A fee'.

### Section 5: Refund of fees

**Note 15** – if, in section 4, it has been indicated that there will be 'No fee' or that any *fee* will be payable only if the mortgage completes, section 5 may be omitted altogether, and the following sections re-numbered accordingly.

**Note 16** – *firms* must select as many boxes as are appropriate.

**Note 17** – insert a plain language description of the circumstances in which the *fee* is refundable or not refundable as described. If the refund policy is different depending on the *equity release transaction* in question, the *firm* should specify the refund policy for each of them. For example, "A refund of £100 if your lifetime mortgage application falls through and a refund of £120 if your home reversion plan application falls through."

**Note 18** – the *firm* may delete this line if it does not offer a partial refund in any circumstances

### Section 6: Who regulates us?

**Note 19** – these sections may be omitted in accordance with *MCOB* 4.4.1R(3). If this section is omitted, the other sections of the IDD must be renumbered accordingly.

**Note 20** – where the *authorised firm* trades under a different name from that under which it is *authorised*, it must include the name under which it is *authorised* and listed on the ~~FSA register~~ Financial Services register. It may also include its trading name if it wishes.

**Note 20A** – if the *firm's* address on the ~~FSA register~~ Financial Services register differs from that given on the IDD under **Note 6**, the address on the ~~FSA register~~ Financial Services register must be given in this section. If the address is the same as that given under **Note 6**, it should be repeated in this section.

**Note 20B** – where the information is provided by an *appointed representative*, the *appointed representative* must use this text instead. The *appointed representative* must give details of the authorised *firm(s)* that is its *principal(s)* for each type of service that it is providing to a particular *customer*.

**Note 21** – ~~An incoming EEA firm will need to modify this section if it chooses to use this IDD (see GEN 4 Ann 1R(2)). A UK domestic firm (or an overseas firm) will need to use the appropriate wording to describe its regulator(s) as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An appointed representative will also need to use the appropriate wording for appointed representatives as set out in GEN 4 Annex 1R (firms that are not PRA-authorised persons) or GEN 4 Annex 1AR (PRA-authorised persons). An EEA incoming firm will also need to modify this section if it chooses to use this initial disclosure document (see GEN 4 Annex 1R(2) or (3), or GEN 4 Annex 1AR (3) or (4)). A tied agent that is regulated in an EEA State other than the United Kingdom will similarly need to modify this section.~~

**Note 22** – insert a short, plain language description of the business for which the *firm* has *permission* in relation to *equity release transactions*.

### **Section 7: What to do if you have a complaint**

**Note 23** - if different to the address in **Note 6**, give the address and telephone number which is to be used by *customers* wishing to complain.

**Note 23A** – if the IDD is provided by an *authorised professional firm* which is exclusively carrying on *non-mainstream regulated activities*, the *authorised professional firm* should delete this sentence and refer to the alternative complaints handling arrangements. It should also omit the information required under Note 3.

### **Section 8: Are we covered by the Financial Services Compensation Scheme (FSCS)?**

**Note 24** – when an *incoming EEA firm* provides the IDD, it must modify this section as appropriate.

**Note 25** - when a *firm* which is not a *participant firm* provides the IDD, it must answer this question 'No' and should state the amount of cover provided (if any) and from whom further information about the compensation arrangements may be obtained. It should also omit the information required under Note 3.

Last updated: ~~06 November 2006~~  
April 2013

## MCOB 9 Annex 1R

**The illustration: table of contents, prescribed text and prescribed section headings and subheadings (R).**

1. This annex belongs to *MCOB 9.4.2R*.

2. The underlined text indicates instructions that must not be included in the *illustrations* provided to *customers*.



about this lifetime mortgage

**Personalised information on a lifetime mortgage for:** insert *customer's* name – see *MCOB 9.4.17R* (1)

**Date produced:** insert date – see *MCOB 9.4.17R* (2)

Insert details of how long the *illustration* is valid for, and if appropriate when the mortgage needs to commence by – see *MCOB 9.4.17R* (3)

This is not a legally binding mortgage offer and it does not oblige [name of *mortgage lender*] to provide you with the mortgage described in this illustration.

### 1. About this information

We are required by the ~~Financial Services Authority~~ Financial Conduct Authority (FSA FCA) – the independent watchdog that regulates, financial services – to provide you with this illustration.

All firms selling lifetime mortgages are required to give you illustrations like this one, that contain similar information presented in the same way.

Ask for other illustrations if you want to compare this lifetime mortgage with lifetime mortgages from other lenders.

The Money Advice Service provides useful information on lifetime mortgages and other ways of releasing equity from your home in a booklet called 'Raising money from your home'. You can get this free through the Money Advice Service website [www.moneyadvice.org.uk](http://www.moneyadvice.org.uk) or by calling 0300 500 5000.

### 2. Which service are we providing you with?

We recommend, having assessed your needs, that you take out this lifetime mortgage.

We are not recommending a particular lifetime mortgage for you. However, based on your answers to some questions, we are giving you information about this lifetime mortgage so that you can make your own choice, or find out about other ways in which you may be able to release equity from your home.

### 3. What is a lifetime mortgage?

Important information from the ~~Financial Services Authority~~ Financial Conduct Authority:

- A lifetime mortgage is a special type of loan which is usually designed to run for the rest of your life, and which means that you borrow money that is secured on your home to give you a

lump sum/or a regular income. The amount you owe to the lender is usually paid back from the proceeds of the sale of your home after death. If you are borrowing with someone else this would be after the death of the last borrower. Any money left over would be paid to your beneficiaries.

- If you buy a new home, you may be able to transfer your lifetime mortgage to your new home, or you may be able to get a new lifetime mortgage. Otherwise you will usually have to repay the amount you owe to the lender from the money you get from the sale of your home. Any money left over belongs to you.
- If you move into sheltered accommodation or long term care you will usually have to repay the amount you owe to the lender from the money you get from the sale of your home. Again any money left over belongs to you. If you are borrowing jointly with someone else and one of you needs to move into long-term care, you don't usually have to sell your home until the last borrower either dies or moves into long-term care or another property.
- If you decide that you simply don't want the lifetime mortgage any more, you can repay the amount you owe to the lender at any time, but the lender may make an early repayment charge if you do. Section 13 of this illustration will tell you if any early repayment charges apply to this mortgage.
- Some lifetime mortgages are linked to an investment – this means you borrow a lump sum which is invested (for example in an annuity) to give you a regular income. If this happens the full details of the investment will be shown in a separate document and it is important to read both documents together.

#### 4. What have you told us

See *MCOB 9.4.21R - MCOB 9.4.23G*

#### 5. Overall cost of this mortgage

See *MCOB 9.4.24R - MCOB 9.4.30G*

For foreign currency mortgages see *MCOB 9.4.128R – MCOB 9.4.129R*

For *shared appreciation mortgages* see *MCOB 9.4.130R – MCOB 9.4.132R*

#### 6. Benefits

See *MCOB 9.4.31R(1)*

£X

#### Your net income:

This box only required where the *regulated lifetime mortgage contract* is linked to an *investment* and the payments due on the *regulated lifetime mortgage contract* are deducted from the income from the *investment* – see *MCOB 9.4.31R(2)*.

#### Other benefits and incentives

See *MCOB 9.4.31R(3)*

#### 7. Risks – important things you must consider

#### 8. What will you owe and when

[insert frequency of

(A) details of mortgage payments – this section is only required where the <i>customer</i> is required to make payments to the <i>mortgage lender</i> in respect of all or part of the interest payable See <i>MCOB</i> 9.4.36G	payments- see <i>MCOB</i> 9.4.37R]
See <i>MCOB</i> 9.4.37R to <i>MCOB</i> 9.4.46R	£
This section is required only for multi-part mortgages where there is a future change in the interest rate(s) charged. <b>What you will owe in future</b>	[insert frequency of payments – see <i>MCOB</i> 9.4.37R]
See <i>MCOB</i> 9.4.47R to <i>MCOB</i> 9.4.48R	Insert amounts(s)

### 8. What will you owe and when

(B) projection of roll-up of interest – this section is only required where the *customer* is not required to make payments to the *mortgage lender* in respect of all or part of the interest payable - see *MCOB* 9.4.49G

See *MCOB* 6.4.50R

"This shows how the amount(s) paid to you and the interest and any fees that we charge mount up over [insert number of years] years. It has been calculated using the current interest rate of [insert interest rate]. Interest is added to the amount you owe [insert frequency of roll-up of interest – e.g. monthly] Remember that the mortgage could run for a longer or shorter time than [insert number of years] years, and if it runs for longer the amount you owe will carry on increasing."

Year	Balance at start of year	Amount paid to you during the year £	Interest charged at x%	Fees charged during the year	What you owe at end of year £
See <i>MCOB</i> 9.4.51R(1)	See <i>MCOB</i> 9.4.51R (2)	See <i>MCOB</i> 9.4.51R(3).	See <i>MCOB</i> 9.4.51R(4).	See <i>MCOB</i> 9.4.51R(5).	See <i>MCOB</i> 9.4.51R(6)

### 9. Total borrowing [for further advances only – if used subsequent section will be renumbered]

See *MCOB* 9.5.8R ~~9.5.8R~~ 9.8.5R

### 9. Will the interest rate change?

See *MCOB* 9.4.53R - *MCOB* 9.4.61G

### 10. How the value of your home could change

See *MCOB* 9.4.62R - *MCOB* 9.4.64R

For *shared appreciation mortgages* see *MCOB* 9.4.130R(2)

### 11. What fees must you pay?

**Fees payable to [insert name of mortgage lender]**

See *MCOB* 9.4.65R to *MCOB* 9.6.71R

**Other fees**

See *MCOB* 9.4.65R to *MCOB* 9.6.71R

**Fee amount**

Insert amount of each fee

Insert amount of each fee

### 12. Insurance

[insert frequency of payments for premium quoted payments]

Insurance you must take out through [insert name of mortgage lender or mortgage intermediary]

£

See <i>MCOB 9.4.72R</i> to <i>MCOB 9.4.75R</i> and <i>MCOB 9.4.81R</i>	
<b>Insurance you must take out as a condition of this lifetime mortgage but that you do not have to take out through [insert name of mortgage lender or mortgage intermediary]</b> See <i>MCOB 9.4.76R</i> to <i>MCOB 9.4.78G</i> <i>MCOB 9.4.81R</i>	£
<b>Optional Insurance</b> This box is only required where quotations for optional insurance are provided in the <i>illustration</i> . See <i>MCOB 9.4.79R</i> to <i>MCOB 9.4.80R</i> and <i>MCOB 9.4.81R</i>	£

<b>13. What happens if you do not want this mortgage any more?</b>	
<b>Early repayment charges</b> See <i>MCOB 9.4.38R</i> to <i>MCOB 9.4.90R</i>	
For <i>shared appreciation mortgages</i> see <i>MCOB 9.4.130R(3)</i>	
<b>Circumstances in which early repayment charges do not apply</b> See <i>MCOB 9.4.38R(2)</i>	

<b>14. Additional features</b>	
See <i>MCOB 9.4.91R</i> to <i>MCOB 9.4.110R</i>	

<b>15. Overall cost of this mortgage</b>	
See <i>MCOB 9.4.111R</i> to <i>MCOB 9.4.112G</i>	
See <i>MCOB 9.4.113R</i>	
The total amount you would pay back over the example term of [insert number of years] including the amount borrowed is:	£[insert details]
The overall cost for comparison:	[insert details]% APR
See <i>MCOB 9.4.116R</i>	
For <i>shared appreciation mortgages</i> see <i>MCOB 9.4.130R(4)</i>	

<b>16. Using a mortgage intermediary</b>	
This section is required only when the illustration is provided to a customer by a mortgage intermediary. If the illustration is provided by a mortgage lender, this section must be removed.	
See <i>MCOB 9.4.119R</i> to <i>MCOB 9.4.125G</i>	

**Contact details**

See *MCOB 9.4.126R* to *MCOB 9.4.127G*

## MCOB 9 Annex 2R

The illustration: table of contents, prescribed text and prescribed section headings and sub-headings.

1. This annex forms part of *MCOB 9.4.2R*.
2. Text in square brackets indicates instructions that must not be included in the *illustrations* provided to *customers*.

	about this home reversion plan
<p><b>Personalised information on a home reversion plan for</b> [insert <i>customer's</i> n <i>MCOB 9.4.17R(1))</i>]</p> <p><b>Date produced:</b> [insert date (see <i>MCOB 9.4.17R(2))</i>]</p> <p>[Insert details of how long the <i>illustration</i> is valid for, and, if appropriate, needs to commence by (see <i>MCOB 9.4.17R(3)</i>)]</p> <p style="text-align: right;"> Alpha Beta Properties</p>	

This is not a legally binding offer of a home reversion plan and it does not oblige [insert name of the *reversion provider*] to provide you with the home reversion plan described in this illustration.

### 1. About this information

We are required by the ~~Financial Services Authority~~ Financial Conduct Authority (FSA FCA) - the independent watchdog that regulates financial services - to provide you with this illustration.

All firms selling home reversion plans are required to give you illustrations like this one, containing similar information presented in the same way.

Ask for other illustrations if you want to compare this home reversion plan with other products designed to release equity from your home.

The Money Advice Service provides useful information on ways of releasing equity from your home in a booklet called 'Raising money from your home'. You can get this free through the Money Advice Service website [www.moneyadviceservice.org.uk](http://www.moneyadviceservice.org.uk) or by calling 0300 500 5000.

## 2. Which service are we providing you with?

We recommend, having assessed your needs, that you take out this home reversion plan.

We are not recommending a particular home reversion plan for you. However, based on your answers to some questions, we are giving you information about this home reversion plan so that you can make your own choice or find out about other ways in which you may be able to release equity from your home.

## 3. What is a home reversion plan?

### How home reversions work

- A home reversion is an arrangement designed to run for the rest of your life or until the occurrence of certain events. You sell all or part of your home to give you a lump sum and/or an income. **You no longer own your home** (or the part of it that you have sold) but you have the right to live there, for the rest of your life or until the occurrence of certain events, [insert capacity in which the *customer* will occupy the premises, e.g. "as the tenant of the firm or person who bought it"]. We call this person or firm "the reversion provider". At the end of the plan (this is explained below), the property is put up for sale by the provider. If you sold only part of your home, the value of the part you did not sell is paid to you or your estate.
- The amount you receive for your property, or the portion of it that you sell, will normally be less than its market value. This will reflect factors such as your age, the value of your property and how much property prices are expected to change in the future.
- You may be required to pay rent. This is usually a token sum but it may be more.

### Income Plans

- Some home reversions give you an income instead of, or as well as, a lump sum. If an income option is available, your adviser will tell you how it would work and how much you would receive and for how long.

### When does a home reversion plan end?

- This depends on the terms of the plan but will usually include death or where you (or, in the case of a joint plan, the survivor) move out permanently, for example into long-term residential care. The property will be put up for sale by the provider and the value of any part you do not sell to the provider will be paid to you or your estate. See also "Cancelling a home reversion", below.

### **Moving home**

- Not all home reversion plans can be transferred to a new property, if you should want to move home in the future. Section 5 will tell you if this plan cannot be transferred. You may incur costs with such a transfer, such as fees for a solicitor or surveyor. If you think you may want to move home in the future, check to see if the plan can be transferred before taking out the plan.

### **Cancelling a home reversion plan**

- A home reversion plan is designed to run for the rest of your life or until the occurrence of certain events. However, if you decide that you no longer want the plan, it may be possible to buy back the property but this is likely to be at the full market rate at the time and may cost you more than you received for it under the reversion plan. Section 11 will tell you if you can buy back your property.

#### **4. What you have told us**

See *MCOB 9.4.136R – MCOB 9.4.138G*

#### **5. Description of this home reversion plan**

See *MCOB 9.4.139R – MCOB 9.4.141G*

#### **6. Benefits**

See *MCOB 9.4.142R – MCOB 9.4.144G*

**£X**

#### **7. Risks -important things that you must consider**

See *MCOB 9.4.145R – MCOB 9.4.147R*

<b>8. What you will have to pay and when</b>	[insert frequency of payments – see <i>MCOB 9.4.148R</i> ]
See <i>MCOB 9.4.148R – MCOB 9.4.151R</i>	<b>£X</b>

<b>9. What fees must you pay?</b>	<b>Fee amount</b>
See <i>MCOB 9.4.152R – MCOB 9.4.158R</i>	[insert amount of each fee]

<b>10. Insurance</b>	[insert frequency of payments for premium quoted payments]
See <i>MCOB 9.4.159R– MCOB 9.4.166G</i>	<b>£X</b>

<b>11. What happens if you do not want this home reversion plan any more?</b>
See <i>MCOB 9.4.167R</i>

<b>12. Using a home reversion intermediary</b>
This section is required only when the <i>illustration</i> is provided to a <i>customer</i> by a <i>reversion intermediary</i> . If the <i>illustration</i> is provided by a <i>reversion provider</i> , this section must be removed.
See <i>MCOB 9.4.168R – MCOB 9.4.174G</i>

**Contact details**

See *MCOB 9.4.175R* and *MCOB 9.4.176G*

## Annex 18

### Amendments to the Banking: Conduct of Business sourcebook (BCOBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>FCA</i>	BCOBS 3.2.2R(4); BCOBS 3 Annex 1R(4); BCOBS 4.1.4AG(2)(b); BCOBS Sch 5.2
<i>FSA Register</i>	<i>Financial Services Register</i>	BCOBS 3.2.2R(4); BCOBS 3 Annex 1R(4)
Section 150	Section 138D	BCOBS Schs 5.1, 5.2
Section 150(2)	Section 138D(3)	BCOBS Sch 5.2

Amend the following provisions as follows.

2.2.4 G ~~Sections 397 (Misleading statements and practices) of the *Act* creates a criminal offence relating to certain misleading statements and practices.~~ Part 7 (Offences relating to Financial Services) of the Financial Services Act 2012 creates criminal offences relating to certain misleading statements and practices

...

2.3.4 G If a communication or a *financial promotion* names the ~~*FSA*~~ *FCA, PRA* or both as the regulator of a *firm* and refers to matters not regulated by ~~the *FSA*~~ the *FCA, PRA* or both, the *firm* should ensure that the communication or *financial promotion* makes clear that those matters are not regulated by the ~~*FSA*~~ *FCA, PRA* or both.

**Annex 19**

**Amendments to the Client Assets sourcebook (CASS)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>CASS 1.2.5R(2);</p> <p>CASS 1A.2.5R(2)(a) and (c), 1A.2.9R, 1A.2.11G, 1A.2.12R(1) and (2), 1A.2.13G, 1A.3.1AR(3), 1A.3.1CR(2)(c);</p> <p>CASS 5.5.6G, 5.5.37G, 5.5.61R, 5.5.76R, 5.5.77R, 5.6.5R(4), 5.6.6R(1);</p> <p>CASS 6.5.5R, 6.5.13R, 6.5.14G, 6.5.15G;</p> <p>CASS 7.4.9CG, 7.4.15R, 7.4.35R, 7.6.6G(3), 7.6.8R, 7.6.11G, CASS 7.6.16R, 7.6.17G, 7.6.18G, 7.6.19G, 7 Annex 1G,</p> <p>CASS 7A.2.2R(4), 7A.2.3R(1), 7A.3.19R;</p> <p>CASS 10.1.7R, 10.1.16R</p> <p>CASS Sch 5.1G</p>
Section 139(1)	Section 137B(1)	<p>CASS 5.3.1G;</p> <p>CASS 7.7.1G</p>
Section 150	Section 138D	CASS Schs 5.1G(1) to (2) and 5.2G
Section 150(2)	Section 138D(3)	CASS Sch 5.1G(2)
Section 48	Section 55P(1)(b) or (c) (as the case may be)	<p>CASS 5.6.5R(2);</p> <p>CASS 7A.2.2R</p>

Amend the following provisions as follows.

5.5.60 R ...

**Notifications to the ~~FSA~~ FCA: failure of a bank, broker or settlement agent**

...

7.4.32 G United States (US) legislation restricts the ability of non-US firms to trade on behalf of US customers on non-US futures and options exchanges. The relevant US regulator (the *CFTC*) operates an exemption system for *firms* authorised by the ~~FSA~~ FCA under the *Act*. The ~~FSA~~ FCA or the *PRA* sponsors the application from a *firm* for exemption from Part 30 of the General Regulations under the US Commodity Exchange Act in line with this system.

...

7A.3.18 R ...

**Notification to the ~~FSA~~ FCA: failure of a bank, intermediate broker, settlement agent or OTC counterparty**

...

**Annex 20**

**Amendments to the Market Conduct sourcebook (MAR)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>MAR 1.1.2G(2), 1.1.3G, 1.1.5G(1), 1.1.5G(3), 1.1.6G, 1.1.6G(2), 1.2.5E, 1.2.6E, 1.2.8E, 1.2.12E, 1.2.16E, 1.2.22UK, 1.3.2E, 1.3.3E, 1.3.5E, 1.3.9E, 1.3.10E, 1.3.11E, 1.3.14E, 1.3.15E, 1.3.19E, 1.4.2E, 1.4.5E, 1.4.5E(1), 1.5.2E, 1.5.3G, 1.5.6E, 1.5.7E, 1.6.2E, 1.6.4E, 1.6.5E, 1.6.6E, 1.6.9E, 1.6.10E, 1.6.11E, 1.7.2E, 1.7.3E, 1.8.3E, 1.8.4E, 1.8.5E, 1.9.2E, 1.9.4E, 1.9.5E;</p> <p>MAR 1 Annex 1.1G paras 1.1.8G, 1.1.11G;</p> <p>MAR 1 Annex 1.2G para 2G;</p> <p>MAR 2.3.3R, 2.3.6G, 2.4.4R(1)(a);</p> <p>MAR 4.3.2G(2) to (3), 4.3.4G(2);</p> <p>MAR 5.3.2G, 5.6.1R(1) to (3), 5.7.12G, 5.8.3G, 5.8.4G(1) to (4), 5.9.6AG, 5.9.7R;</p> <p>MAR 6.1.2R, 6.2.1G, 6.4.1R, 6.4.2G, 6.8.1G, 6.8.2G, 6.8.8G;</p> <p>MAR 7.2.6AG, 7.2.12AG(1) to (2), 7.2.14G;</p> <p>MAR Sch 5.1G(2)</p>
Section 150	Section 138D	<p>MAR 2.2.9R;</p> <p>MAR Sch 5.1G(1) to (2)</p>
Section 150(2)	Section 138D(3)	<p>MAR 2.2.9R;</p> <p>MAR Sch 5.1G(2)</p>

Amend the following provisions as follows.

## 1.1 Application and interpretation

[**Note:** ESMA has also issued guidelines under article 16(3) of the ESMA Regulation covering various topics relating to automated trading and direct electronic access. See <http://www.fsa.gov.uk/static/pubs/other/esma-guidelines.pdf> [web address tbc]

...

### 1.10.1 G ...

#### ~~FSA~~ FCA rules

...

2.3.9 G For the purposes of article 9(2) of the *Buy-back and Stabilisation Regulation*, the ~~FSA~~ FCA is the competent authority of those markets listed as *regulated markets* at <http://www.fsa.gov.uk/register/exchanges.do> [web address tbc]. *Persons* undertaking *stabilisation* will be taken to have notified the ~~FSA~~ FCA for the purposes of article 9(2) if they email details of all their *stabilisation* transactions to [stabilisation@fsa.gov.uk](mailto:stabilisation@fsa.gov.uk) [stabilisation@fca.org.uk](mailto:stabilisation@fca.org.uk) clearly identifying the offer being *stabilised* and the contact details for the *persons* undertaking the *stabilisation*.

...

## 5.1 Application

[**Note:** ESMA has also issued guidelines under article 16(3) of the ESMA Regulation covering various topics relating to automated trading and direct electronic access. See <http://www.fsa.gov.uk/static/pubs/other/esma-guidelines.pdf> [web address tbc]

...

5.3.7 G The ~~FSA~~ FCA will be minded to impose a variation on the ~~Part IV permission~~ *Part 4A Permission* of an *MTF* operator that operates a primary market in shares not *admitted to trading* on a *regulated market* in order to ensure its fulfilment of the requirements in *MAR* 5.3.1R as regards fair and orderly trading.

...

7.2.13 G The information relating to 'minimum qualifying size' referred to in Article 28 of the *MiFID Regulation* (see *MAR* 7.2.6 EU) and the results of calculations and estimates required to be published as a result of Articles 33 and 34 of the *MiFID Regulation* are available at ~~www.fsa.gov.uk~~ [web address tbc] and at ~~mifiddatabase.esma.eu/~~ http://mifiddatabase.esma.europa.eu/.

7.2.14 G The *FSA* considers that a *firm* will satisfy its obligations under *MAR* 7.2.12EU if:

(1) in assessing the arrangements, the *firm* follows the guidelines published on the ~~FSA's~~ *FCA's* website at www.fsa.gov.uk/pubs/international/guidelines\_tdm.pdf [web address tbc]; and

...

**Annex 21**

**Amendments to the Supervision manual (SUP)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority</i>	<i>Financial Conduct Authority</i>	SUP 12.7.5G
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	SUP 2.2.1G, 2.2.2G, 2.3.1G to 2.3.8G, 2.3.10G to 2.3.11G;  SUP 3.2.1G, 3.3.1G, 3.3.2R(2) and (5), 3.3.7R(2), 3.3.9G, 3.3.10R, 3.4.1G, 3.4.7R, 3.4.8G, 3.5.3R, 3.5.4G, 3.7.2G, 3.8.1G, 3.8.2R, 3.8.3G, 3.8.7G, 3.8.9G, 3.8.10G, 3.8.11R, 3.8.12R
<i>FSA</i>	<i>FCA</i>	SUP 2.1.4G, 2.1.6G, 2.1.7G, 2.1.8G, 2.1.9G, 2.4.1G to 2.4.5G;  SUP 3.2.5G, 3.10.4R, 3.10.5BG, 3.10.7R, 3.10.8R, 3.10.8AR(2), 3.10.8BG, 3.10.8CG, 3.10.8DR(2), 3.10.9CG, 3.10.13G, 3.11.1G, 3.11.3G, 3.11.4G;  SUP 9.1.1G(2), 9.1.2G, 9.1.3G, 9.1.4G, 9.2.1G to 9.2.6G, 9.3.1G, 9.3.3G, 9.3.4G, 9.4.1G, 9.4.4G, 9.5.1G to 9.5.5G, 9.5.7G;  SUP 12.1.3G, 12.1.4G, 12.1.5G, 12.2.16G(5), 12.2.16G(7), 12.3.6G, 12.4.8G, 12.4.9G(2), 12.4.10G, 12.4.11R, 12.4.12G, 12.5.3G(2), 12.5.9G, 12.6.2G, 12.6.9G, 12.7.1AR, 12.7.3G, 12.7.7R, 12.7.8R, 12.7.8AR, 12.7.10G, 12.8.1R, 12.8.1AR, 12.8.1BG, 12.8.2G, 12.8.4G, 12.8.5G, 12 Annex 2G 2. 3. (1)(a)(i);  SUP 17.1.1R(3), 17.1.2G, 17.1.3AG, 17.1.4R, 17.1.5R, 17.2.1R, 17.2.2G, 17.2.3R, 17.2.3AG, 17.2.4G, 17.2.5R,

		17.2.7R, 17.3.1EU(e), 17.3.3EU, 17.3.4G, 17.3.5G, 17.3.6G, 17.4.1EU, 17.4.3R, 17.4.4G;  SUP 21.1.1G, 21.1.2G, 21.1.3G, 21.1.4G  SUP App 2.15.7G, 2.15.15G
<i>FSA</i>	<i>PRA</i>	SUP 3.3.8G;  SUP 4.3.1G, 4.3.3G, 4.3.4G, 4.3.6G, 4.3.7G;  SUP 4.6.1G, 4.6.8G, 4.6.17G;  SUP App 2.3.2G, 2.3.3G, 2.3.6G, 2.3.7G;  SUP App 2.4.1G, 2.5.1G, 2.5.3G, 2.6.1G, 2.7.2G;  SUP App 2.11.1G, 2.13.1G, 2.13.3G, 2.13.4G, 2.14.1G
<i>FSA reference number</i>	<i>firm reference number</i>	SUP 17 Annex 1
<a href="http://www.fsa.gov.uk/Pages/doing/index.shtml">http://www.fsa.gov.uk/Pages/doing/index.shtml</a>	[web address tbc]	SUP 12 Annex 3, 4, 5
<i>Register</i>	<i>Financial Services Register</i>	SUP 12.4.5A, 12.4.9, 12.4.10G, <del>12.5.2A</del> , 12.7.7R, 12.8.5G
Section 148	Sections 138A and 138B	SUP 21.1.1G
Section 150	Section 138D	SUP 9.4.4G
Section 157	Section 139A	SUP 9.1.3G
www.fsa.gov.uk	[web address tbc]	SUP 4.3.12G, 4.4.5G;  SUP 12.7.1AR(1), 12.7.8AR(1), 12.8.1AR

Amend the following provisions as follows.

- 2.1.3 G Achieving the *regulatory objectives* involves the *FSA* informing itself of developments in *firms* and in markets. The *Act* requires the *FSA FCA* to monitor a *firm's* compliance with requirements imposed by or under the *Act*, or by directly applicable Community regulation or decision made under *MiFID* or the *UCITS Directive* or the *auction regulation* (paragraph 6(1) of

Schedule 1). The *Act* also requires the ~~FSA~~FCA to take certain steps to cooperate with other relevant bodies and regulators (section 354A). For these purposes, the ~~FSA~~FCA needs to have access to a broad range of information about a *firm's* business.

...

3.1.11 G The *insurance market direction* in this chapter is given under section 316(1) of the Act (Direction by ~~Authority~~ a regulator) and applies to *members*.

...

3.3.7 R ...

#### **Appointment by ~~FSA~~ appropriate regulator**

...

3.4.7 R ...

#### **Request for information on qualifications by the ~~FSA~~ appropriate regulator**

...

3.8.2 R ...

#### **Cooperation with the ~~FSA~~ appropriate regulator**

...

3.8.9 G ...

#### **Communication between the ~~FSA~~ appropriate regulator, the firm and the auditor**

...

3.8.10 G (1) Auditors are subject to regulations made by the Treasury under sections 342(5) and 343(5) of the *Act* (Information given by auditor or actuary to ~~the FSA~~ a regulator). Section 343 and the regulations also apply to an auditor of an *authorised person* in his capacity as an auditor of a *person* who has *close links* with the *authorised person*. In relation to Lloyd's, an effect of the *insurance market direction* set out at SUP 3.1.13D is that sections 342(5) and 343(5) of the *Act*

(Information given by an auditor or actuary to ~~the Authority a~~ regulator) apply also to auditors appointed to report on the *insurance business of members*.

...

- 3.10.8B G The rights and duties of auditors are set out in *SUP* 3.8 (Rights and duties of all auditors) and *SUP* 3.10 (Duties of auditors: notification and report on client assets). *SUP* 3.8.10 G also refers to the auditor's statutory duty to report certain matters to the ~~FSA~~ FCA imposed by regulations made by the Treasury under sections 342(5) and 343(5) of the *Act* (information given by auditor or actuary to ~~the FSA a~~ regulator). An auditor should bear these rights and duties in mind when carrying out *client* asset report work, including whether anything should be notified to the ~~FSA~~ FCA immediately.

...

- 9.2.4A G ...

#### **The ~~FSA's~~ FCA's response to a reasonable request**

...

- 9.2.5 G ...

#### **Information required by the ~~FSA~~ FCA**

...

...

- 9.3 **Giving individual guidance to a firm on the ~~FSA's~~ FCA's own initiative**

...

- 12.1.4 G The ~~FSA~~ FCA has produced a leaflet entitled "Becoming an appointed representative" which provides a comprehensive summary of some of the main features of the appointed representative regime. You may download a copy of this leaflet from our website at [http://www.fsa.gov.uk/pubs/other/factsheet\\_appointed.pdf](http://www.fsa.gov.uk/pubs/other/factsheet_appointed.pdf) [web address tbc].

- 12.4.10 R ...

#### **Appointment of an ~~FSA~~ FCA registered tied agent**

...

12.5.2 G ...

- (3) If the scope of appointment covers, in relation to a *contract of insurance, dealing in investments as agent, arranging, assisting in the administration and performance of a contract of insurance or advising on investments*, regulation 3(4) of the *Appointed Representatives Regulations* makes it a requirement that the contract between the *firm* and the appointed representative contains a provision providing that the appointed representative is not permitted or required to carry on such business unless he is included in the *Financial Services Register* as carrying on *insurance mediation activities*.

...

12.5.8 G ...

#### **Required contract terms for ~~FSA~~ FCA registered tied agents**

...

12.7.5 G To contact the Individuals, Mutuals and Policy Department:

...

- (3) email [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)

...

12.7.6 R ...

#### **Notification of changes in information given to the ~~FSA~~ FCA**

...

12.7.9 G ...

#### **Submission in the event of failure of ~~FSA~~ FCA information technology systems**

...

SUP 17.2.3A G The *regulated markets* and *MTFs* that report *transactions* undertaken on their systems to the ~~FSA~~ FCA are listed on the ~~FSA's~~ FCA's website at: [www.fsa.gov.uk/Pages/Doing/Regulated>Returns/mtr/liffe\\_feed/index.shtml](http://www.fsa.gov.uk/Pages/Doing/Regulated>Returns/mtr/liffe_feed/index.shtml) [web address tbc]

...

- 17.3.4 G The *approved reporting mechanisms* are listed on the ~~FSA's~~ FCA's website at: <http://www.fsa.gov.uk/pages/Doing/Regulated/Returns/mtr/arms/index.shtml>  
<http://www.fca.org.uk/firms/regulate/reporting/mtr/arm>

...

- 17.3.6 G ...

**Receipt of transaction reports by the ~~FSA~~ FCA**

...

17  
Annex 1 **Minimum content of a transaction report**

...

	Field identifier	Description
EU	1. Reporting Firm Identification	A unique code to identify the <i>firm</i> which executed the <i>transaction</i> .
G		This code should be the <del>FSA</del> <i>firm</i> reference number of the firm or the Swift Bank Identifier Code (BIC).
...		

SUP 3 Annex 1R

**Auditor's client assets report Part 1 – Auditor's Opinion**

**Independent auditor's report on client assets to the ~~Financial Services Authority~~ Financial Conduct Authority in respect of [*Firm name*], ~~FSA FCA~~ firm reference number [*number*], for the period started [*dd/mm/yyyy*] and ended [*dd/mm/yyyy*]**

**Part 1: Auditor's Opinion on Client Assets**

We report in respect of [*Firm name*] ('the firm') on the matters set out below for the period started [*dd/mm/yyyy*] and ended [*dd/mm/yyyy*] ('the period').

Our report has been prepared as required by SUP 3.10.4R and is addressed to the ~~Financial Services Authority~~ Financial Conduct Authority ('the ~~FSA~~ FCA') in its capacity as regulator of financial services firms under the Financial Services and Markets Act 2000.

**Basis of opinion**

We have carried out such procedure as we considered necessary for the purposes of this report in accordance with [*specify Standard/Guidance used*] issued by the [*specify organisation name*].

This opinion relates only to the period and should not be seen as providing assurance as to any future position, as changes to systems or control procedures may alter the validity of our opinion.

**Opinion**

In our opinion:

[The firm has maintained] [Except for...the firm has maintained] [Because of...the firm did not maintain] systems adequate to enable it to comply with [the custody rules,] [the collateral rules,] [the mandate rules] [and] [the client money rules] throughout the period since [the last date at which a report was made] [the firm was authorised] [the firm became subject to SUP 3.11 and we, its auditor, became subject to SUP 3.10].\*

[The firm was] [Except for...the firm was] [Because of...the firm was not] in compliance with the [the custody rules,] [the collateral rules,] [the mandate rules] [and] [the client money rules] as at the period end date.\*

~/~

The scope of the firm's permissions did not allow it to hold [client money] [or] [custody assets].

The directors (or equivalent corporate officers) of the firm have stated that the firm did not hold [client money] [or] [custody assets] during the period. Based on review procedures performed, nothing has come to our attention that causes us to believe that the firm held [client money] [or] [custody assets] during the period.

~/~

In our opinion, [*name of nominee companies*], subsidiaries of the firm which are nominee companies during the period in whose name custody assets are registered, those nominee companies have maintained throughout the period systems for the custody, identification and control of custody assets which:

a) were adequate; and

b) included reconciliations at appropriate intervals between the records maintained (whether by the firm or the nominee company) and statements or confirmations from custodians or from the person who maintained the record of legal entitlement. \*\*

~/~

In relation to the secondary pooling event during the period, the firm has complied with the rules in [CASS 5.6] [and] [CASS 7A (client money distribution)] in relation to that pooling event.

~/~

### **Other matters**

The report should be read in conjunction with the Breaches Schedule that we have prepared and which is appended to it. [Our opinion expressed above does not extend to the Breaches Schedule.]

[*Signature of the partner/individual with primary responsibility within the audit firm*] [*Typed name of signing individual*]

for and on behalf of [*Name of the audit firm*]

[*registered office*]

[*Date report*]

#### Instructions for Part 1:

\* If the auditor expresses an adverse opinion (i.e. states the firm 'did not maintain...' or 'was not in compliance...') he must set out the reasons why. This can be done by reference to items in columns A to D in Part 2 of the auditor's report on client assets.

If the auditor expresses a qualified opinion (i.e. states 'that except for ..., the firm did maintain' or 'that except for ..., the firm was in compliance') he must do so by reference to items in columns A to D in Part 2 of the auditor's report on client assets.

\*\* In accordance with SUP 3.10.5R(3), the opinion relating to the nominee company is only required to be included in the case of a nominee company in whose name custody assets are registered where that company is a subsidiary of an investment management firm, personal investment firm, a UCITS firm, securities and futures firm or BIRPU investment firm.

**Auditor's client assets report Part 2 – Breaches Schedule**

**Part 2: Identified CASS Breaches that have occurred during the period**

[*Firm name*], FSA ~~FCA~~ FCA firm reference number [*number*], for the period started [*dd/mm/yyyy*] and ended [*dd/mm/yyyy*]

In accordance with SUP 3.10.9AR, Columns A to D are to be completed by and are the responsibility of the auditor. In accordance with SUP 3.11.1G, Column E should be completed by the firm. The auditor has no responsibility for the content of Column E.

Column A	Column B	Column C	Column D	Column E
Item No.	Rule Reference(s)	Identifying party	Breach Identified	Firm's Comment
1				
...				

Instructions for Part 2:

In Columns A to D of the above schedule the auditor is to set out all the breaches of CASS by the firm occurring during the period subject to the auditor's report. These must include the breaches the auditor has identified through its work (such as in the sample testing of reconciliations) and breaches identified by the firm or any other party (such as those included in the firm's breaches register). In relation to any breach identified, the auditor must provide in Column D any information that it has as respects the severity and duration of the breach identified and, where relevant, the frequency with which that breach has occurred.

The auditor must provide a 'nil' return for this part of the report where no CASS rule breach has been identified.

In Column E the firm should set out any remedial actions taken (if any) associated with the breaches cited, together with an explanation of the circumstances that gave rise to the breach in question.

## Form of Waiver: Energy Market Participant

### Power

1. This waiver is given by the ~~FSA~~ FCA under section 448 138A of the Act (Modification and waiver of rules).

### Authorised person to whom this waiver applies

2. This waiver applies to ..... (the "firm").

### Guidance Note

In addition to the provisions of this waiver, the following special application provisions in the Handbook will apply to the firm because it is an energy market participant: COBS 18.2 and SUP 3.1.2R, SUP 10.1.21R and SUP 10.1.22G.

### Term

3. (1) This waiver takes effect from the date of this notice.
- (2) However, if the firm is not then an energy market participant, this waiver takes effect only when the firm becomes one.
- (3) This waiver ends when the firm first stops being an energy market participant.

### Waiver: Capital and financial reporting requirements<sup>1</sup>

4. The ~~FSA~~ FCA directs that the parts of the Handbook mentioned in the table do not apply to the firm, if the firm satisfies both the following conditions:
  - (1) the firm's main business consists of the generation, production, storage, distribution, or transmission of energy; and
  - (2) the firm does not engage in oil market activity as a member of a recognised investment exchange or designated investment exchange which is under the rules of that exchange entitled to trade with other members.

### Table:

Part of Handbook	Waiver
IPRU(INV) 3	IPRU(INV) 3 (Financial resources for Securities and Futures Firms which are not Investment Firms) does not apply to the firm if the firm satisfies both the conditions in this clause.
<sup>1</sup> For whether this clause would be inserted in a particular case see SUP 21.1.4.	
Part of Handbook	Waiver
SUP 16.7	SUP 16.7 (Financial reports) does not apply to the firm if the firm satisfies both the conditions in this clause.

# Ann 1G

## Guidance Notes

An energy market participant to which IPRU(INV) 3 does not apply is still subject to the requirement of Principle 4 to have adequate financial resources.

The conditions in this clause are imposed under ~~s.148(5)~~ s. 138A(6) of the Act. For guidance on the effect of conditions attached to a waiver, see SUP 8.4.1G(2).

## Modification: Transaction reports

5. The ~~FSA~~ FCA directs that the part of the Handbook mentioned in the table apply to a firm which is not a MiFID investment firm or a third country investment firm with the modifications specified in the table.

### Table:

Part of Handbook	Modification
SUP 17	SUP 17 (Transaction reports) does not apply to the firm in relation to its energy market activity.

## Interpretation

6. Unless the contrary intention appears, interpretative provisions in GEN 2 (Interpreting the Handbook) apply to this waiver in the same way they apply to the Handbook.

### Guidance Note

Defined terms in this waiver (other than the term "the firm") are italicised.

Annex 22

**Amendments to the Dispute Resolution: Complaints sourcebook (DISP)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>DISP INTRO 1 Introduction;</p> <p>DISP 1.1.12R, 1.1.12R(3), 1.1.13G, 1.3.2AG(3), 1.3.8G, 1.4.2G(3), 1.6.8G, 1.10.1R, 1.10.1CR, 1.10.2AR, 1.10.2AR(3), 1.10.5R, 1.10.6R, 1.10.6AR(2), 1.10.9R, 1.10.9R(1) to (2), 1.10A.1R(1), 1.10A.4R, 1.10A.7G, 1.10A.8G(1) to (2), 1.11.5R(1) to (2), 1.11.6R, 1.11.6AR, 1.11.6DR, 1.11.6EG, 1.11.9G, 1.11.19G;</p> <p>DISP 3.3.4R5(c), 3.5.12G, 3.8.3R, 3.9.1AR(2);</p> <p>DISP 4.2.1R, 4.2.6R(1), 4.2.6R(4)(b), 4.2.6R(6)(a), 4.2.6R(10);</p> <p>DISP App 1.1.4G, 1.1.8G, 1.5.10G, 1.5.11G, 1.5.12G, 1.5.15G, 1.6.14G;</p> <p>DISP App 3.1.2G(1);</p> <p>DISP TP 1.1(24), 1.1(27), 1.1(30);</p> <p>DISP Schs 2.1G, 5.1G(2)</p>
FSA Individual Reference Number	Individual reference number	DISP 1.10.2AR(3)
Section 150	Section 138D	DISP 1.11.21R, DISP Sch 5.1G(1) to (2)
Section 150(2)	Section 138D(3)	DISP 1.11.21R; DISP Sch 5.1G(2)

Amend the following provisions as follows.

1.10A.4 R A *firm* must immediately confirm to the ~~FSA~~ FCA, in an email submitted to ~~complaintsdatasummary@fsa.gov.uk~~, complaintsdatasummary@fca.org.uk that the *complaints* data summary accurately reflects the report submitted to the ~~FSA~~, FCA, that the summary has been published and where it has been published.

...

1.11.6D R The *Society* must immediately confirm to the ~~FSA~~, FCA in an email submitted to ~~complaintsdatasummary@fsa.gov.uk~~ complaintsdatasummary@fca.org.uk, that the *complaints* data summary accurately reflects the report submitted to the ~~FSA~~, FCA that the summary has been published and where it has been published.

...

TP1.1		Transitional Provisions table			
(1)	(2) Material provision to which transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provisions: dates in force	(6) Handbook provision: coming into force
...	....	...	...	...	...
27	...	...	[...] "Reports are to be submitted to the <del>FSA</del> <u>FCA</u> within 30 <i>business days</i> of the end of the relevant reporting periods either in hard copy form or by email, to <del>dmt.inbox@fsa.gov.uk</del> .  <u>regulatory.returns@fca.org.uk</u> "	...	...

## Annex 23

### Amendments to the Consumer Redress Schemes sourcebook (CONRED)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>FCA</i>	CONRED 2.3.1R, 2.3.2G, 2.5.10G, 2.5.12R, 2.5.12R(1) and (2), 2.5.13G, 2.5.14R, 2.5.15R(1) and (2), 2.5.17G to 2.5.20G, 2.6.2R(note);  CONRED 2 Annex 13 rows 5.3G, 6.2G, 6.6R, 10.4R(4), 10.14G, 10.15G;  CONRED 2 Annex 15 rows 10, 13, 16, 19, 24, 27;  Schedule 3;  Schedule 5.2G;  Schedule 6.1G
<i>FSA Register</i>	<i>Financial Services Register</i>	CONRED 2 Annex 13 para 4.1R(1)
Section 150	Section 138D	CONRED Schs 5.1G, 5.2G, 5.4G
Section 150(2)	Section 138D(3)	CONRED Sch 5.2G

Amend the following provisions as follows.

2.1.2 R (1) ...

(2) A *person* in (1) must either:

- (a) perform such of the obligations as the *firm* is required to perform under this chapter; or
- (b) ensure that those obligations are performed by the *firm*;

and must notify the ~~FSA~~*FCA*, by 29 April 2013, by email to ~~ArchCruProject@fsa.gov.uk~~*ArchCruProject@fca.org.uk*, as to

whether that *person* or the *firm*, or both, will be performing those obligations.

...

## 2.3 Notifications and reports to the ~~FSA~~ FCA

...

- 2.4.9 R By 29 July 2013, a *firm* must report to the ~~FSA~~ FCA by email to ~~areherureview@fsa.gov.uk~~ archcrureview@fca.org.uk; or (if the email is encrypted) ~~areherureviewpgp@fsa.gov.uk~~ archcrureviewpgp@fca.org.uk with the following information:

...

- 2.5.11 R ...

### Taking steps by or on behalf of ~~FSA~~ FCA

...

- 2.5.16 R Part ~~XXVI~~ 26 of the *Act* (including the provisions as to final notices) applies in respect of notices given under *CONRED* 2.5.14R and *CONRED* 2.5.15R.

...

## 2.9 Consumer redress scheme: information requirements

### Requests for information by the ~~FSA~~ FCA

- 2.9.1 R In relation to any matter concerning or related to the consumer redress scheme created by this chapter, section 165 (~~FSA's~~ Regulators' power to require information: authorised persons etc) of the *Act* and any provision of Part ~~XI~~ 11 (Information Gathering and Investigations) of the *Act* which relates to that section, apply to any *firm* (or *person* in *CONRED* 2.1.2R) which is not an *authorised person* as if it were an *authorised person*.

Reporting requirement: by 9 December 2013

- 2.9.2 R By 9 December 2013, a *firm* must report to the ~~FSA~~ FCA by email to ~~areherureview@fsa.gov.uk~~ archcrureview@fca.org.uk; or (if the email is encrypted) ~~areherureviewpgp@fsa.gov.uk~~ archcrureviewpgp@fca.org.uk with the following information:

...

## 2 Annex 13 CF Arch cru funds template instructions

...

10.13	R	To submit a redress calculation request, send a completed copy of the template to the <del>FSA-FCA</del> by email to <del>archcrureview@fca.gov.uk</del> <del>archcrureviewpgp@fca.gov.uk</del> or (if the email is encrypted) <del>archcrureviewpgp@fca.gov.uk</del> <del>archcrureviewpgp@fca.org.uk</del> .
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### App 1.1 Key definitions

[Note: the following definitions relevant to *CONRED* are extracted from the *Glossary*.]

<i>CF Arch cru payment scheme</i>	the requirements included in the <i>permissions</i> of Capita Financial Managers Limited, BNY Mellon Trust & Depository (UK) Limited and HSBC Bank plc at their request under <u>what was then (but is no longer)</u> section 44 of the <i>Act</i> on 31 August 2011.
...	

**2 Annex 1R**

[Firm details]  
[Date]

[Customer details]

Fund name(s): [insert fund name(s)]

Amount(s) invested: [insert amount(s) invested]

Date(s) of advice given: [insert date(s) of advice given]

**Redress determination in relation to your investment in the CF Arch cru [insert fund name]**

Dear [Insert name]

- **We will not be taking any action to review the way the CF Arch cru [insert fund name(s)] was sold to you because specific circumstances exclude you from the scheme.**
- **If you want to query our decision you have to contact the Financial Ombudsman Service (FOS) within six months.**

The Financial Services Conduct Authority (FSA FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We will not be taking any action to review the way the funds were sold to you to see if you might be entitled to compensation for the following reason(s).

*[We did not advise you to invest in the funds so your case does not fall within the scope of this scheme.] OR*

*[You were not a private customer or retail client at the time of our advice to you so you do not fall within the scope of this scheme.] OR*

*[You previously complained about our advice to you to invest in the funds. We responded to this complaint in our letter of [insert date of final response] setting out our conclusions and you accepted this response in full and final settlement.] OR*

*[You previously complained about our advice to you to invest in the funds. We responded to this complaint in our letter of [insert date of final response] setting out our conclusions. You subsequently referred this complaint to the Financial Ombudsman Service.] OR*

*[For England, Wales and Northern Ireland cases:]*

*[The consumer redress scheme does not include cases where the investment in the CF Arch cru investment or diversified fund was made before 13 December 2006 (where the case is under the law of England and Wales or Northern Ireland). Your investment in the fund was made on [insert date of investment] so in our view does not fall within the scope of the compensation scheme.] OR*

*[For Scotland Cases:]*

*[The consumer redress scheme does not include cases where the consumer should have reasonably become aware of a loss more than five years before the start date of the scheme*

*(where the case is under the law of Scotland). In our view your case does not fall within the scope of the scheme because you should have been aware of a loss on [insert date].]*

**What you can do next**

If you think we should review the way we sold the CF Arch cru *[insert fund name(s)]* to you, you have to contact the Financial Ombudsman Service (FOS) within six months of the date of this letter.

The FOS will decide whether we have applied the rules of the consumer redress scheme correctly in our decision to exclude you.

Enclosed is a leaflet explaining the role of the FOS, which you can contact at:

Financial Ombudsman Service

South Quay Plaza

183 Marsh Wall

London E14 9SR

Tel: 0800 023 4567 or 0300 123 9 123

Email: [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

**CF Arch cru payment scheme**

You may still be able to apply to the CF Arch cru payment scheme for a payment. The scheme will run until 31 December 2013 and is separate to the consumer redress scheme.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fsa.gov.uk~~ consumer.enquiries@fca.org.uk.

You should write to us directly if you have any other complaint about our services.

Yours sincerely

<signature>

<name of adviser or customer service>

**2 Annex 2R**

*[Firm details]*  
*[Date]*

*[Consumer details]*

Fund name(s): *[insert fund name(s)]*

Amount(s) invested: *[insert amount(s) invested]*

Date(s) of advice given: *[insert date(s) of advice given]*

**You have until 22 July 2013 to respond to this letter**

Dear *[Insert name]*

- **You may be entitled to compensation on the basis of how we sold you an investment in the CF Arch cru *[insert fund name(s)]***
- **If you want us to review how your investment was sold you have to complete the enclosed form and return it to us by 22 July 2013.**

The Financial Services Conduct Authority (~~FSA~~ FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We now have to ask our customers that invested in the funds whether they want us to review the way we sold the funds to them, to determine if they were mis-sold.

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

**Response required by 22 July 2013**

If you want us to review the way we sold the CF Arch cru *[insert fund name(s)]* to you please complete the enclosed form and return it to us as soon as possible, but not later than 22 July 2013.

If you do not respond by 22 July 2013 we will not take any action to review our sale of the funds to you.

**CF Arch cru payment scheme**

If we pay you compensation, we will subtract from the final amount the current value of the funds and the money that you could claim from the CF Arch cru payment scheme. You should also consider applying to this scheme which will run until 31 December 2013 and is separate from the review process we are carrying out.

**Why the ~~FSA~~ FCA identified problems with advice to invest in certain Arch cru funds**

The ~~FSA~~ FCA has said the CF Arch cru investment and diversified funds were high-risk products and should only have been recommended to investors who fully understood, and were willing and able to accept the risks.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fsa.gov.uk~~ consumer.enquiries@fca.org.uk.

If you have any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

Yours sincerely

<signature>

<name of adviser or customer service>

*[I/We]* have enclosed two copies of this letter. Please complete both copies below, returning one to *[me/us]* and keeping the other for your records.

Please tick the box below to confirm that you want us to review how we sold the CF Arch cru *[insert fund name(s)]* to you.

**I want you to review the way you sold the CF Arch cru *[insert fund name(s)]* to me to see if I am entitled to compensation.**

Signed:

Please print name:

Date:

Alternatively, call us on <phone number> or email us at <insert e-mail address> to confirm you want us to review the way we sold the funds to you.

**2 Annex 3R**

**You have to respond to this letter by 22 July 2013**

Dear *[Insert name]*

- **You may be entitled to compensation if you invested in the CF Arch cru investment or diversified funds and they were mis-sold.**
- **You have until 22 July 2013 to complete the enclosed form and return it to us, if you want us to review the way we sold the funds to you.**

The Financial Services ~~Conduct~~ Authority (~~FSA~~ FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We now have to ask our customers that invested in the funds whether they want us to review the way we sold the funds to them, to determine if they were mis-sold.

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

**Response required by 22 July 2013**

If you want us to review the way we sold the CF Arch cru *[insert fund name(s)]* to you please complete the enclosed form and return it to us as soon as possible, but not later than 22 July 2013.

If you do not respond by 22 July 2013 we will not take any action to review our sale of the funds to you.

**CF Arch cru payment**

If we pay you compensation, we will subtract from the final amount the current value of the funds and the money that you could reclaim from the CF Arch cru payment scheme. You should also consider applying to this scheme which will run until 31 December 2013 and is separate from the review process we are carrying out.

**Why the ~~FSA~~ FCA identified problems with advice to invest in certain Arch cru funds**

The ~~FSA~~ FCA has said the CF Arch cru investment and diversified funds were high-risk products and should only have been recommended to investors who fully understood, and were willing and able to accept the risks.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234 0800 111 6768~~ or email ~~consumer.queries@fsa.gov.uk~~  
consumer.enquiries@fca.org.uk

If you have any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

Yours sincerely,

<signature>

<name of adviser or customer service>

[I/We] have enclosed two copies of this letter. Please complete both copies below, returning one to [me/us] and keeping the other for your records.

Please tick the box below to confirm that you want us to review how we sold the CF Arch cru [insert fund name(s)] to you.

**I want you to review the way you sold the CF Arch cru [insert fund name(s)] to me to see if I am entitled to compensation.**

Signed:

Please print name:

Date:

Alternatively, call us on <phone number> or email us at <insert e-mail address> to confirm you want us to review the way we sold the funds to you.

**2 Annex 4R**

**Final reminder: We will not take any action to review the way we sold the CF Arch cru [insert fund name(s)] if you do not respond to this letter by 22 July 2013**

Dear [Insert name]

- **You have until 22 July 2013 to complete the enclosed form and return it to us, if you want to find out if you are entitled to compensation.**
- **You may be entitled to compensation if you invested in the CF Arch cru investment or diversified funds and they were mis-sold.**

The Financial ~~Services~~ Conduct Authority (~~FSA~~ FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We now have to ask our customers that invested in the funds whether they want us to review the way we sold the funds to them, to determine if they were mis-sold.

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

**Response required by 22 July 2013**

If you want us to review the way we sold the CF Arch cru [insert fund name(s)] to you please complete the enclosed form and return it to us as soon as possible, but not later than 22 July 2013.

If you do not respond by 22 July 2013 we will not take any action to review our sale of the funds to you.

**CF Arch cru payment scheme**

If we pay you compensation, we will subtract from the final amount the current value of the funds and the money that you could claim from the CF Arch cru payment scheme. You should also consider applying to this scheme which will run until 31 December 2013 and is separate from the review process we are carrying out.

**Why the ~~FSA~~ FCA identified problems with advice to invest in certain Arch cru funds**

The ~~FSA~~ FCA has said the CF Arch cru investment and diversified funds were high-risk products and should only have been recommended to investors who fully understood, and were willing and able to accept the risks.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fsa.gov.uk~~ consumer.enquiries@fca.org.uk

If you have any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

Yours sincerely,

<signature>

<name of adviser or customer service>

[I/We] have enclosed two copies of this letter. Please complete both copies below, returning one to [me/us] and keeping the other for your records.

Please tick the box below to confirm that you want us to review how we sold the CF Arch cru [insert fund name(s)] to you.

**I want you to review the way you sold the CF Arch cru [insert fund name(s)] to me to see if I am entitled to compensation.**

Signed:

Please print name:

Date:

Alternatively, call us on <phone number> or email us at <insert e-mail address> to confirm you want us to review the way we sold the funds to you.

**2 Annex 5R**

**We will not be taking any action to review our sale of the CF Arch cru *[insert fund name(s)]* to you**

Dear *[Insert name]*

- We will not be reviewing the way we sold the CF Arch cru *[insert fund name(s)]* to you.
- You did not respond to our letters on *[insert date of initial letter and subsequent letters]* to say you wanted us to review the way we sold the funds to you and find out if you are entitled to compensation.
- We will only consider your case if you make a complaint to us or if you tell us you were not able to respond to our letters due to exceptional circumstances which caused the delay (for example if you were incapacitated by illness).

The Financial Services Conduct Authority (~~FSA~~ FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We have asked our customers that invested in the funds whether they want us to review the way we sold the funds to them, to determine if they were mis-sold.

However, we will not be reviewing the way we sold the funds to you as you did not respond to our letters to say you wanted us to, **unless there are exceptional circumstances which caused the delay (for example if you were incapacitated by illness) or unless you complain to us.**

**Exceptional circumstances**

If you were not able to respond to our letters due to exceptional circumstances, please write to us and include evidence of the circumstances.

**What you can do next**

This letter does not affect your ability to complain to us or to take legal action.

**CF Arch cru payment scheme**

You may still be able to apply to the CF Arch cru payment scheme for a payment. The scheme will run until 31 December 2013 and is separate to the review process we are carrying out.

Yours sincerely,

<signature>

<name of adviser or customer service>

**2 Annex 6R**

## Redress determination in relation to advice to invest in Arch cru funds

### **We will not be taking any action to review our sale of the CF Arch cru *[insert fund name(s)]* fund to you**

Dear *[Insert name]*

- We will not be reviewing the way we sold the CF Arch cru *[insert fund name(s)]* to you as you contacted us after the 22 July 2013.
- We wrote to you on *[insert date]* stating that you had until 22 July 2013 to complete the enclosed form and return it to us, if you wanted us to review the way we sold the funds to you
- You contacted us after the 22 July 2013 deadline and we do not consider that the delay was due to exceptional circumstances. If you think the delay was due to exceptional circumstances, you can refer your complaint to the Financial Ombudsman Service.
- If you still want us to review the way we sold the funds to you, you can complain to us under our usual complaints procedure, details of which are attached.

*(Insert summary of consumer's explanation for the delay and the reasons why the firm does not consider it to be an exceptional circumstance (see the guidance in CONRED 2.6.3(G))*

#### **What you can do next**

This letter does not affect your ability to complain to us or to take legal action.

If you think we should review the way we sold the CF Arch cru *[insert fund name(s)]* to you, you have to contact the Financial Ombudsman Service (FOS) within six months of the date of this letter.

The FOS will decide whether we have applied the rules of the scheme correctly in our decision to exclude you.

Enclosed is a leaflet explaining the role of the FOS, which you can contact at:  
Financial Ombudsman Service  
South Quay Plaza  
183 Marsh Wall  
London E14 9SR

Tel: 0800 023 4567 or 0300 123 9 123  
Email: [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

If you still want us to review the way we sold the funds to you, you can complain to us under our usual complaints procedure, which is attached.

#### **CF Arch cru payment scheme**

You may still be able to apply to the CF Arch cru payment scheme for a payment. The scheme will run until 31 December 2013 and is separate to the review process we are carrying out.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~  
0800 111 6768 or email ~~consumer.queries@fca.gov.uk~~ consumer.enquiries@fca.org.uk

Yours sincerely,

<signature>

<name of adviser or customer service>

**2 Annex 7R**

Dear [Insert name]

**Sale of the CF Arch cru [insert fund name(s)] to you will be reviewed**

- **We will review the way we sold the CF Arch cru [insert fund name(s)] to you to see if you are entitled to compensation.**
- **We will tell you the outcome of our review by [insert date]. You do not have to respond to this letter.**

The Financial ~~Services~~ Conduct Authority (~~FSA~~ FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We will review the way we sold the funds to you in line with the ~~FSA~~ FCA requirements.  
*[We have contracted [Name of firm] to undertake this review on our behalf.]*

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

We will tell you the outcome of our review by *[insert date]*.

If you have any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 4234~~ 0800 111 6768 or email ~~consumer.queries@fca.gov.uk~~  
consumer.enquiries@fca.org.uk.

Yours sincerely,

<signature>

<name of adviser or customer service>

**2 Annex 8R**

[Firm details]  
[Date]

[Consumer details]

Fund name(s): [insert fund name(s)]

Amount(s) invested: [insert amount(s) invested]

Date(s) of advice given: [insert date(s) of advice given]

**Further information required to review our sale of the CF Arch cru [insert fund name(s)] to you**

Dear [Insert name]

- **You have to provide further information so we can review the way we sold the CF Arch cru [insert fund name(s)] to you.**
- **We wrote to you on [insert date] to confirm we will review our advice to you to invest in the above-named fund.**
- **Please send this information to us as soon as possible.**
- **If we do not hear from you we will not be able to review the way we sold the funds to you and see if you are entitled to compensation.**
- **Please contact us if you have difficulties providing this information.**

The Financial Services Conduct Authority (FSA FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We wrote to you on [insert date] to confirm we will review the way we sold the CF Arch cru [insert fund name(s)] to you. [We have contracted [Name of firm] to undertake this review on our behalf.]

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

**Further information required**

We now require further information so we can review the way we sold the CF Arch cru [insert fund name(s)] to you.

[Please provide us with [insert information requested] OR Please complete the enclosed questionnaire.]

You have to send this information to us if you want us to continue reviewing the way we sold the funds to you.

If you have any difficulties providing this information or any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

If we do not hear from you we will not take any further action to review the way we sold the funds to you.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fca.gov.uk~~  
consumer.enquiries@fca.org.uk.

Yours sincerely,

<signature>

<name of adviser or customer service>

## Questionnaire

This questionnaire relates to your investment in the Arch cru [complete fund] based on the advice of [insert adviser name].

Please complete it as accurately as possible using information that reflects your circumstances as at [complete date], when you invested in the above-named fund.

### Personal details

Name

Date of birth

Employment status at time of sale (employed/self-employed/retired/not working/other)

Annual income at time of sale £

[Second investor

Name

Date of birth

Employment status at time of sale (employed/self-employed/retired/not working/other)

Annual income at time of sale]

Amount(s) invested £\_\_\_\_\_

Arch cru fund(s) invested in [investment/specialised/income/balanced/global growth/finance]

\_\_\_\_\_

### Your investment objectives at the time

Were you saving for some specific purpose? Y/N

If yes, what was this? \_\_\_\_\_

Were you investing for growth (i.e. to accumulate capital to use later) Y/N

Were you investing for income (i.e. to receive regular payments) Y/N

If you were investing for income, what level of income did you require from the investment, per month or year? £\_\_\_\_\_ per \_\_\_\_\_

Was your aim to diversify your existing portfolio? Y/N

Was your aim to change the risk profile of your existing portfolio? Y/N

Did you have some other objective for this investment? Y/N

If yes, what was this? \_\_\_\_\_

Were you prepared to accept that you might get back less than what you originally invested?  
Y/N

### **Your financial situation at the time**

Please fill in as much as you can in the boxes below.

Amounts held in:

Cash £

Existing investments in Arch cru funds £

Other investments £

What was the source of the money invested in Arch cru funds on this occasion?

Switch from \_\_\_\_\_ above.

### **Your understanding of the investment at the time**

What did you understand the risk of capital losses to be at the time you invested?

Please indicate on this line:

Low \_\_\_\_\_ High

What kind of assets did you understand that the Arch cru funds would invest in?

Tick all that apply:

Cash

Bonds

Listed UK equities

Listed overseas equities

Listed higher risk equities (e.g. emerging markets)

Property

Private (i.e. unlisted) equity

Private (i.e. unlisted) debt

Other assets

### **Your Arch cru investment**

Which fund did you invest in? \_\_\_\_\_

Which share class?

\_\_\_\_\_ Amount(s)

invested £ \_\_\_\_\_

Date(s) of investment

Was this a single investment or did you make regular contributions? If you made regular contributions, please provide details of the dates of these investments and the amounts invested.

Do you still have this investment? Yes

N

o

If no, or if you withdrew some of your shares prior to the fund suspension, please list the dates of withdrawal(s) below and the number of shares that you hold now:

Date(s) of withdrawal	Amount of withdrawal (£)	Number of shares held today

Have you received capital distributions since the fund suspension?

If yes, please list the dates of the capital distributions and the amount of the distributions:

Date(s) of distribution	Amount of distribution (£)

**2 Annex 9R**

[Firm details]  
[Date]

[Consumer details]

Fund name(s): [insert fund name(s)]

Amount(s) invested: [insert amount(s) invested]

Date(s) of advice given: [insert date(s) of advice given]

**Final reminder: Further information required from you to enable us to review our sale of the CF Arch cru [insert fund name(s)] to you**

Dear [Insert name]

- **You have to provide further information so we can review the way we sold the CF Arch cru [insert fund name(s)] to you, as we stated in our letter of [insert date].**
- **Please send us this information within 4 weeks.**
- **If we do not hear from you we will not take any further action to review the way we sold the funds to you to see if you are entitled to compensation.**
- **Please contact us if you have difficulties providing this information.**

The Financial Services Conduct Authority (FSA FCA) has identified problems with advice to invest in the CF Arch cru investment and diversified funds.

We wrote to you on [insert date] to confirm we will review the way we sold the CF Arch cru [insert fund name(s)] to you. [We have contracted [Name of firm] to undertake this review on our behalf.]

If our review finds you were mis-sold the funds you may be entitled to compensation. This will aim to put you in the position you would have been in had you received suitable advice and not been mis-sold the funds.

**Further information required**

We now require further information so we can review the way we sold the CF Arch cru [insert fund name(s)] to you.

[Please provide us with [insert information requested] OR Please complete the enclosed questionnaire.]

Please send this information to us within four weeks of the date of this letter if you want us to continue reviewing the way we sold the funds to you.

If you have any difficulties providing this information or any queries about our review call us on <phone number>. We are available between <times and days that phones answered>.

If we do not hear from you within four weeks we will not take any further action to review the way we sold the funds to you.

If you want to contact the FSA FCA you can call its Consumer Helpline on ~~0845 606 4234~~ 0800 111 6768 or email [consumer.queries@fsa.gov.uk](mailto:consumer.queries@fsa.gov.uk)  
[consumer.enquiries@fca.org.uk](mailto:consumer.enquiries@fca.org.uk).

Yours sincerely,

<signature>

<name of adviser or customer service>

**2 Annex 10R**

**Redress determination in respect of advice to invest in the Arch cru *[insert fund name(s)]***

*[Firm details]*

*[Date]*

*[Consumer details]*

Fund name(s): *[insert fund name(s)]*

Amount(s) invested: *[insert amount(s) invested]*

Date(s) of advice given: *[insert date(s) of advice given]*

**We will not take any further action to review our sale of the CF Arch cru *[insert fund name(s)]* to you**

Dear *[Insert name]*

- **We are not able to complete our review of the way we sold the funds to you as you did not provide the extra information we requested. You confirmed you wanted us to review our advice to you to invest in the above-named fund.**
- **We wrote to you on *[insert dates of initial letter and subsequent letter]* to tell you that we needed additional information from you to complete this review. We also attempted to contact you *[insert details]*.**

**What you can do next**

This letter does not affect your ability to complain to us or to take legal action.

If you are dissatisfied with this outcome you have to contact the Financial Ombudsman Service (FOS) within six months of the date of this letter.

The FOS will decide whether we have applied the rules of the consumer redress scheme correctly.

Enclosed is a leaflet explaining the role of the FOS, which you can contact at:

Financial Ombudsman Service

South Quay Plaza

183 Marsh Wall

London E14 9SR

Tel: 0800 023 4567 or 0300 123 9 123

Email: [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

If you still want us to review the way we sold the funds to you, you can complain to us under our usual complaints procedure, which is attached.

**CF Arch cru payment scheme**

You may still be able to apply to the CF Arch cru payment scheme for a payment. The scheme will run until 31 December 2013 and is separate to the review process we are carrying out.

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fsa.gov.uk~~ consumer.enquiries@fca.org.uk.

Yours sincerely,

<signature>

<name of adviser or customer service>

**2 Annex 11R**

[Consumer details]

[Firm details]

[Date]

Dear [Insert name]

**Redress determination in respect of advice to invest in the Arch cru [insert fund name(s)]**

[WHERE INFORMATION HAS BEEN SUFFICIENT TO REACH A CONCLUSION:]

- **Our review found that our advice was suitable/unsuitable.**
- **We have found that you are/are not owed compensation for our advice to you on investing in the Arch cru [insert fund name(s)].**
- **[if owed compensation] The amount you are owed is:**
- **[if owed compensation] We were required by the FSA FCA to subtract from the total the current value of the funds and the amount you could receive under the separate CF Arch cru payment scheme – you have until 31 December 2013 to apply to that scheme;**

**Why did we reach this decision?**

[Insert reason: summarise the information in the template which led to the finding]

[If advice unsuitable, but firm believes it did not cause the consumer's loss:]

Although we have decided the advice to you to invest in the Arch cru funds was unsuitable given your circumstances at the time, based on the evidence available we believe our unsuitable advice did not cause your loss. [Insert further detail of the evidence.]

[If advice unsuitable, but no compensation is payable according to calculator:]

Although we have decided the advice to you to invest in the Arch cru funds was unsuitable given your circumstances at the time, the redress calculator provided by the FSA FCA shows that you suffered no financial loss as a result. This calculation is enclosed.

[If advice unsuitable, i.e. firm is applying FSA FCA comparator in calculation, and compensation is payable as a result:]

We have applied the findings of the review to the calculator provided by the FSA FCA. It has found you are owed £\_\_\_\_\_. This calculation is enclosed.

As part of our calculation, we assessed the position that you would be in now if you had taken out an investment that correctly matched the level of risk you wanted to take with your money. In your case, we estimated that at the time we advised you, the level of risk you were prepared to take was [Insert explanation of the relevant point on the risk scale, setting out why the customer was rated in this way] and so a relevant comparator investment for your case was [insert description of relevant comparator as provided in FSA FCA template instructions].

[If advice unsuitable and firm is not applying FSA FCA comparator in calculation:]

As part of our calculation, we assessed the position that you would be in now if you had taken out an investment that correctly matched the level of risk you wanted to take with your money. In your case, we estimated that at the time we advised you, the level of risk you were prepared to take was [*Insert explanation of the relevant point on the risk scale, setting out why the customer was rated in this way*] and so a relevant comparator investment for your case was [*insert details of comparator*] because [*insert reason*].

*[Where compensation is payable]*

The ~~FSA~~ FCA has required us to subtract the current value of the funds and the amount you are eligible to receive under the separate CF Arch cru payment scheme, from the compensation payment. This was subtracted whether or not you have made a claim under the payment scheme.

You have until 31 December 2013 to apply to the payment scheme.

You should have already received letters explaining how the payment scheme works and details of how CFM calculated each investor's share of the £54m package.

**You can apply to the CF Arch cru payment scheme whether you accept or refuse our offer.**

*[Firm may include this wording if it wishes:]*

If you accept this payment, it will be in full and final settlement of all claims against [*me/us/name of firm which provided the advice*] arising out of the advice given by [*me/us/it*] to you to invest in the above-named fund.

*[Where compensation is payable]*

If you want to accept this payment please sign below and indicate how you would like to receive the funds. Please also provide a daytime telephone number in case we have to contact you to finalise the payment.

We intend to make payments within 28 days of the date of this letter.

If we do not pay or contact you within 28 days of receiving your acceptance, you can contact the ~~FSA~~ FCA using the contact details below:

You are not obliged to accept this payment but if you want to you must **respond within six months of the date of this letter**, unless there are exceptional circumstances.

The review was completed by [*insert name of reviewing party*].

Enclosed is a copy of the completed review template used to assess your case.

*[In all cases:]*

**What you can do next**

If you are dissatisfied with this outcome you may refer this determination to the Financial Ombudsman Service (FOS) within six months of the date of this letter.

The FOS will decide whether we have applied the rules of the consumer redress scheme correctly in our decision to exclude you.

Enclosed is a leaflet explaining the role of the FOS, which you can contact at:  
Financial Ombudsman Service  
South Quay Plaza  
183 Marsh Wall  
London E14 9SR

Tel: 0800 023 4567 or 0300 123 9 123  
Email: [complaint.info@financial-ombudsman.org.uk](mailto:complaint.info@financial-ombudsman.org.uk)

If you want to contact the ~~FSA~~ FCA you can call its Consumer Helpline on ~~0845 606 1234~~ 0800 111 6768 or email ~~consumer.queries@fca.gov.uk~~  
[consumer.enquiries@fca.org.uk](mailto:consumer.enquiries@fca.org.uk).

Yours sincerely,

<signature>

<name of adviser or customer service>

[I/We] have enclosed two copies of this letter. Please complete both copies below, returning one to [me/us] and keeping the other for your records.

Signed:

Please print name:

Please indicate below how you would like to receive the funds:

By cheque

By payment into (non-ISA) bank account  
Sort code: Account number:

By payment into an existing tax wrapper such as an ISA or personal pension (if you select this option, we will contact you to discuss this, as there may be tax consequences that we should discuss.)

Please write your contact telephone number here



**Annex 24**

**Amendments to the Compensation sourcebook (COMP)**

In this Annex, in the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	COMP 1.1.6G; COMP 2.2.7R, 2.2.9G; COMP 6.3.1R, 6.3.2R; COMP 14.4.2R
<i>FSA</i>	<i>FCA</i>	COMP 12.4.6R(3), 12.4.7R(3), 12.4.22R; COMP Sch 5.1G(2)
<i>FSA</i>	<i>PRA</i>	COMP 1.5.1G; COMP 3.3.4AR, 3.3.6R; COMP 6.3.1AG; COMP 16.3.7G, 16.3.9G, 16.4.7G, 16.4.8G; COMP 17.2.7R, 17.3.1R to 17.3.6R; 17.3.9R, 17.3.12R
Part IV	Part 4A	COMP TP 1.1 5R2(a), 5R2(b), 6G(b),
Part X	Part 9A	COMP 1.5.1G, 1.5.5D
Section 150	Section 138D	COMP 1.5.12R; COMP Sch 5.1G(1),(2),(5)
Section 150(2)	Section 138D(3)	COMP 1.5.12R; COMP Sch 5.1G(2)
Section 316	Section 316	COMP 1.5.1G

## Annex 25

### Amendments to the Building Societies sourcebook (BSOCS)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>PRA</i>	BSOCS 1.1.2G, 1.2.3G(2), 1.3.3G, 1.4.1G, 1.4.2G, 1.4.3G, 1.8.2G, 1.15.1G, 1.15.2G;  BSOCS 2.1.1G(1), 2.2.14G, 2.2.15G(2), 2.2.17G(1), 2.2.18G(3), 2.5.2G, 2.6.3G;  BSOCS 3.1.1G(1) to (2), 3.3.3G, 3.3.12G;  BSOCS 4.1.4G, 4.4.1G, 4.5.1G;  BSOCS 5.1.3G, 5.5.1G(2) to (3), 5.5.5G, 5.5.6G, 5.5.8G, 5.7.3G;  BSOCS 6.1.1G.

Amend the following provision as follows.

- 1.16.5 G The status of the provisions in *BSOCS* is indicated by icons containing the letters R or G. Please refer to chapter six of the Reader's Guide for further explanation about the significance of these icons. The Reader's Guide can be found at <http://fsahandbook.info/FSA/pdf/rguide.pdf> [web address tbc]

Annex 26

**Amendments to the Collective Investment Schemes sourcebook (COLL)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	COLL 2.1.5G
<i>FSA</i>	<i>FCA</i>	<p>COLL 1.1.2G, 1.2.2G(4);</p> <p>COLL 2.1.3G(2), 2.1.4D;</p> <p>COLL 3.3.2G(2);</p> <p>COLL 4.2.3R(1)(b), 4.2.3AR(1)(b), 4.2.3BR(1), 4.2.5R(2)(d), 4.2.5(11)(g)(i), 4.2.6G(2), 4.3.2G(2), 4.4.13R(1), 4.4.15G, 4.5.14R(2)(D), 4.5.15R, 4.5.16R(1), 4.6.4G, 4.6.5R(1), 4.6.7G(1), 4.6.8R(14)(2), 4.6.8R(21), 4.6.10G, 4.6.11G, 4.7.7R, 4.8.3R(1), 4 Annex 2;</p> <p>COLL 5.2.10B(1)(c)(ii), 5.2.10EG, 5.2.22AG(1), 5.2.35G, 5.6.7AG(2), 5.7.6G(2);</p> <p>COLL 6.2.12G(3), 6.3.6G(4), 6.3.6G(5)(6), 6.5.3R(5), 6.5.10R(2), 6.6.4AG, 6.6.7R, 6.6.11G, 6.6.15AR(2)(iv)(B), 6.6.16G, 6.9.2G(1), 6.9.3G(3), 6.9.4G, 6.9.5G, 6.9.6G, 6.9.8G, 6.9.11R, 6.12.2G, 6.12.3R, 6.12.7R, 6.12.8G, 6.13.4R, 6 Annex 1 para (2)(b);</p> <p>COLL 7.1.3G, 7.2.1R(2)(a), 7.2.1R(2)(b)(i), 7.2.1R(4A) and (5), 7.2.1AR(1) and (3), 7.3.1G(2) and (4), 7.3.3G(2)(3)(7) and (8), 7.3.4R, 7.3.5R, 7.3.7R(9), 7.3.8R(6), 7.3.13R(2), 7.4.1G, 7.4.2A, 7.4.3R(2)(c) and (d), 7.4.4.R(6), 7.4.5R(5), 7.5.1G, 7.5.2G, 7.6.1G, 7.7.4R(1), 7.7.6G(1)(b) and</p>

		(c), 7.7.6G(2), 7.7.10R, 7.7.21G, 7.7.22R; COLL 8.1.5G, 8.3.4R, 8.3.5R, 8.6.3R; COLL 9.1.2G, 9.3.1D, 9.3.2(1); COLL 11.2.1G, 11.3.9R, 11.3.10R, 11.4.3R(1)(a), 11.4.4G, 11.6.1G, 11.6.3R, 11.6.4R(2), 11.6.5R, 11.6.7R, 11.6.8G, 11.6.9R(1)(b), 11.6.10R, 11.6.11G, 11.6.12R, 11.6.13R; COLL 12.2.5G, 12.3.4R, 12.3.5R(1), 12.3.6R, 12.4.1R(2), 12.4.4R(3), 12.4.8R; COLL TP 1 rows 14R(2), 26D, 27G; COLL Schedule 2 paras 2.1G, 2.2G; COLL Schedule 5 para 5.1G; COLL Schedule 6 paras 6.1G, 6.2G
<i>FSA Handbook</i>	<i>FCA Handbook</i>	COLL 12.3.2G(4)
<i>FSA Register</i>	<i>Financial Services Register</i>	COLL 5.2.23R(1)(b)
<i>Handbook</i>	<i>FCA Handbook</i>	COLL 12.3.5R
<i>Part IV</i>	<i>Part 4A</i>	COLL 6.6.15AR(2)(a)(iii)
<i>regulatory objectives</i>	<i>statutory objectives</i>	COLL 1.1.2G; COLL 2.1.2G; COLL 3.1.2G; COLL 4.1.2G; COLL 5.1.2G; COLL 6.1.2G, 6.2.2G(1), 6.7.3G(1); COLL 7.1.3G; COLL 8.1.2G(1)
Section 148	Sections 138A and 138B	COLL 5.2.10EG COLL Sch 6 para 6.1G

Section 149	Section 138C	
Section 150	Section 138D	COLL Schs 5.1G and 5.2G
Section 150(2)	Section 138D(3)	COLL Sch 5.1G

Amend the following provisions as follows.

4.6.13 R A *simplified prospectus* may include the "keyfacts" logo if:

...

(2) The *document* also contains the following statement in a prominent position:

"The ~~Financial Services Authority~~ Financial Conduct Authority is ~~the~~ an independent financial services regulator. It requires us, [provider name], to give you this important information to help you to decide whether our [product name] is right for you. You should read this document carefully so that you understand what you are buying, and then keep it safe for future reference".

...

4.7.8 G ...

(2) In line with the *KII Regulation*, firms in producing their *key investor information documents* should take account of CESR's methodologies in calculating the figures for the *synthetic risk and reward indicators* and for ongoing charges to be disclosed in those documents. For ease of reference links to these guidelines are shown below, as follows:

Methodology for the calculation of the synthetic risk and reward indicator in the KII (CESR/10-673)

~~[www.esma.europa.eu/index.php?page=document\\_details&id=6961&from\\_id=28](http://www.esma.europa.eu/index.php?page=document_details&id=6961&from_id=28)~~ <http://www.esma.europa.eu/node/49058>

Methodology for the calculation of the ongoing charges figure in the KII (CESR/10-674)

~~[www.esma.europa.eu/index.php?page=document\\_details&id=6962&from\\_id=28](http://www.esma.europa.eu/index.php?page=document_details&id=6962&from_id=28)~~ <http://www.esma.europa.eu/node/49059>

...

- 4.7.9 G *Authorised fund managers* are further advised that CESR issued guidelines in relation to several other matters concerning *key investor information*. These are:

Guidelines - Selection and presentation of performance scenarios in the Key Investor Information document (KII) for structured UCITS (CESR/10-1318)

~~www.esma.europa.eu/index.php?page=document\_details&id=7333&from\_id=28~~ <http://www.esma.europa.eu/node/49173>

Guidelines - Transition from the Simplified Prospectus to the Key Investor Information document (CESR/10-1319)

~~www.esma.europa.eu/index.php?page=document\_details&id=7334&from\_id=28~~ <http://www.esma.europa.eu/node/49174>

CESR's guide to clear language and layout for the Key Investor Information document (CESR/10-1320)

~~www.esma.europa.eu/index.php?page=document\_details&id=7335&from\_id=28~~ <http://www.esma.europa.eu/node/49175>

CESR's template for the Key Investor Information document (CESR/10-1321)

~~www.esma.europa.eu/index.php?page=document\_details&id=7336&from\_id=28~~ <http://www.esma.europa.eu/content/CESR%E2%80%99s-template-Key-Investor-Information-document>

CESR's guidelines on a common definition of European money market funds, which refer to matters that should be included in the key investor information for money market funds and short-term money market funds (CESR/10-049)

~~www.esma.europa.eu/index.php?page=document\_details&id=6638&from\_id=28~~ <http://www.esma.europa.eu/content/Guidelines-Common-definition-European-money-market-funds>

...

- 5.2.2A G In addition to the parts of *CESR's UCITS eligible assets guidelines* specifically referred to in this section, the *authorised fund manager* of a *UCITS scheme* should have regard to the other parts of those guidelines when applying the *rules* in this section. *CESR's UCITS eligible assets guidelines* are available at

[http://www.fsa.gov.uk/pages/Library/Other\\_publications/EU/eu\\_docs/index](http://www.fsa.gov.uk/pages/Library/Other_publications/EU/eu_docs/index)

~~.shtml~~ [web address tbc].

...

5.2.20B G ...

- (4) When assessing whether a hedge fund index satisfies the requirements for a financial index set out in this section, *firms* should consider The Committee of European Regulators' guidelines on the classification of hedge fund indices as financial notices (CESR/07-434). Those guidelines are available at [http://www.fsa.gov.uk/pages/Library/Other\\_publications/EU/eu\\_does\\_index.shtml](http://www.fsa.gov.uk/pages/Library/Other_publications/EU/eu_does_index.shtml) [web address tbc].

...

5.3.11 G *Authorised fund managers* are advised that both CESR and its successor body, the European Securities and Markets Authority (ESMA) have issued guidelines which, in accordance with the *UCITS implementing Directive*, *authorised fund managers* should comply with in applying the *rules* in this section.

Guidelines: Risk Measurement and the Calculation of Global Exposure and Counterparty Risk for UCITS (CESR/10-788)

~~www.esma.europa.eu/index.php?page=document\_details&id=7000&from\_id=28~~ <http://www.esma.europa.eu/content/Guidelines-Risk-Measurement-and-Calculation-Global-Exposure-and-Counterparty-Risk-UCITS>

Guidelines to competent authorities and UCITS management companies on risk measurement and the calculation of global exposure for certain types of structured UCITS (ESMA/2011/112)

~~www.esma.europa.eu/index.php?page=document\_details&id=7542&from\_id=28~~ <http://www.esma.europa.eu/content/Final-report-Guidelines-competent-authorities-and-UCITS-management-companies-risk-measureme>

...

6.6.10 R ...

**Duty to inform the ~~FSA~~ FCA**

...

6.9.10 G ...

**Notification to the ~~FSA~~ FCA in its role as registrar of ICVCs**

...

6.12.13 G *Authorised fund managers* are advised that CESR issued guidelines prior to the revision of the *UCITS Directive* in 2009 which, to the extent they remain compatible with the *rules* and other *guidance* in *COLL*, should be complied with in applying the *rules* in this section. These guidelines are available at:

Guidelines - Risk management principles for UCITS (CESR/09-178)

[http://www.esma.europa.eu/index.php?page=document\\_details&id=5620&from\\_id=28](http://www.esma.europa.eu/index.php?page=document_details&id=5620&from_id=28) <http://www.esma.europa.eu/content/Guidelines-Risk-management-principles-UCITS>

...

7.5.1 G ...

**Information to be provided to the ~~FSA~~ FCA**

...

11.6.1 G ...

**Winding up and liquidation of master UCITS: Time limit within which a master UCITS is to be wound up pursuant to ~~FSA~~ FCA direction**

...

11.6.11 G ...

**Requirements following approval by the ~~FSA~~ FCA**

...

12.3.3 G ...

**Provision of documentation to the ~~FSA~~ FCA: EEA UCITS management companies**

...

12.3.5 R ...

**Requirement to make information available to the public or the ~~FSA~~ FCA**

12.3.6 R ...

**EEA UCITS management companies: compliance with ~~FSA~~ FCA rules**

...

## Form 12

### Application for an order declaring an investment company with variable capital to be authorised

#### Name of Scheme

We need the information in this form under OEIC regulation 12 to authorise an ICVC under OEIC regulation 14.

You must keep a copy of your completed form and any supporting documents that you send us for future reference.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, it may take us longer to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'ACD' refers to the Authorised Corporate Director

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the FSA Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the FSA Handbook

'~~FSA FCA~~ ', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA Handbook~~' refers to the ~~FSA Handbook of Rules~~ which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'FSMA' or 'the Act' refers to the Financial Services and Markets Act 2000

'IMA' refers to the Investment Management Association

'ICVC' refers to Investment Company with Variable Capital

'OEIC Regulations' refers to The Open-Ended Investment Companies Regulations 2001

'UCITS' refers to a scheme which complies with the UCITS Directive

'UCITS Directive' refers to the European Parliament and Council Directive 2009/65/EC of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities, as amended

'UK' refers to the United Kingdom

'You' refers to the person signing the form on behalf of the ACD or depositary

#### Purpose of this form

We may, after considering information in this form and the supporting documents, declare an ICVC to be authorised. The authorisation order is made under OEIC regulation 14.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form and sign the declaration.
- 2 If you are filling in the form by hand:
  - use black ink;
  - write clearly in BLOCK LETTERS; and
  - sign the declaration.
- 3 If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we may have to treat the application as incomplete. This may increase the time it takes us to deal with your application.
- 4 We have left space in Section 7.2 for additional information. If there is not enough space on the form, you must continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of FSMA, the OEIC Regulations, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to the authorisation of ICVCs.
- 6 Your application should include:
  - this Form 12;
  - the draft of the proposed instrument of incorporation constituting the ICVC and a solicitor's certificate (If the draft is based on the IMA model instrument of incorporation all deviations should be highlighted, including proposed omissions);
  - the draft prospectus and a checklist indicating where the information required by COLL 4.2.5R or COLL 8.3.4R is located in the prospectus;
  - where the application is in respect of a UCITS scheme, the draft key investor information document;
  - documents to evidence any guarantee arrangement; and
  - the application fee.

Send your application to us at:

~~CIS Authorisations Team~~ Investment Funds Team  
~~The Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## **Explanatory Notes**

**You should read these notes before you complete and sign the declaration to confirm the information you give in Sections 1 - 7 is correct**

### **Section 1: Details of the ICVC**

- 1.2** We need this and other information to help us decide whether the aims of the ICVC are reasonably capable of being achieved. This section should be about the investment objectives of the ICVC. In the case of an umbrella, you should describe the investment objectives of each of the proposed sub-funds.
- 1.5** You must refer to 'Types of authorised fund' at COLL 1.2.1R.
- 1.6** You should give enough detail to enable us to assess the intention and effect of the feature in question. A novel feature for the purposes of 1.6 will be any feature new to the ACD and/or which the ACD considers to be innovative, or of interest to us when we consider the application.
- 1.9** You must refer to COLLG 2.
- 1.11** You should submit the information in enough detail to enable us to assess the features of the proposed share classes. If certain share classes are only available to specific sub-funds, you should identify these.
- 1.12** In particular, you should give the following information:
- a. how the shares will be sold and to whom;
  - b. the countries in which it is proposed that the shares will be marketed;
  - c. the initial price of shares;
  - d. any minimum transaction size, both initially and subsequently, if different; and
  - e. details of any proposal to convert or amalgamate a scheme or sub-fund into/with the ICVC.

### **Section 2 and 3: Details of the ACD and depositary**

**2.1 and 3.1** Where authorised by the ~~FSA~~ FCA, the proposed ACD/depositary of the ICVC should have the necessary permission under Part ~~IV~~ 4A of FSMA to carry out the relevant regulated activities. Where the ACD is an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in association with this application. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

#### **2.4 and 3.4**

Regulation 15(8)(f) of the OEIC Regulations requires that the depositary must be independent of the ICVC, the ACD and any other director. Independence may be compromised in various ways, so it is in the interests of all concerned that any facts, relationships, arrangements or circumstances, which might at any stage be considered to bring that independence into question, are declared to us at the time of application. You may wish to refer to the guidance set out in COLL 6.9.

**2.5** See Supervision Forms, Chapter 10 Annex 4D.

**2.7** This information is required to enable us to be satisfied that the requirements of OEIC regulation 15(7) will be met.

### **Section 4: Auditor of the ICVC**

**4.4** Under the OEIC Regulations, Schedule 5, paragraph 1, no person is eligible for appointment as auditor unless they are also eligible under section 25 of the Companies Act 1989 (eligibility for appointment).

**Solicitor's certificates**

OEIC regulation 14(1)(c) requires that a copy of the ICVC's proposed instrument of incorporation to be accompanied by a certificate signed by a solicitor. The certificate should state that the instrument complies with any requirements of the regulations made under Schedule 2 to the OEIC Regulations and with any requirements of the COLL sourcebook which relate to its contents.

The certificate should be signed by an individual solicitor who holds a practising certificate granted by The Law Society, The Law Society of Scotland, or The Law Society of Northern Ireland.

**Fees**

The application fee payable is set out in our Fees Manual. You must send us your fee with the application, or, if sending separately, ensure that such fee has been received by the time we receive the application, for the application to be valid. Details of payment method used should be included in Section 7.1.

The different payment methods available are outlined on our website at:

<http://www.fsa.gov.uk/pages/Doing/Regulated/Fees/Periodic/Societies/Payment/index.shtml> [website address tbc]

# 1

## About the ICVC

We need to know information about the ICVC so we can process your application as efficiently as possible. We also need these details for our CIS Register, which is our public record of regulated collective investment schemes in the UK. You can access our CIS register at [www.fsa.gov.uk/Pages/register](http://www.fsa.gov.uk/Pages/register) [website address tbc]

### Information about the ICVC

**1.1 Explain reason for name chosen**

**1.2 You must describe the ICVC's purposes, including investment objectives (e.g. capital growth or income) [see Explanatory Notes]**

**1.3 You must outline how the ICVC's purposes in 1.2 are to be achieved. You should include investment policy and an indication of any techniques and instruments or borrowing powers that may be used**

**1.4 You must give details of any arrangement intended to result in a particular capital or income return from a holding of shares in the ICVC**

1.5

a Type of ICVC [see Explanatory Notes]

b In the case of an umbrella scheme, list the sub-funds

Sub-fund

1.6 You must give details of any feature or proposal connected with the ICVC, the management or marketing of the ICVC which is in any way new or unusual [see Explanatory Notes]

1.7

a Proposed launch date

b Length of any initial offer period

1.8 Duration of the ICVC if it is limited

1.9

a Is the issue of a UCITS attestation required on approval? [see Explanatory Notes]

Yes       No

b If the scheme is a UCITS scheme, you must confirm you have submitted a copy of the key investor information document prepared in accordance with COLL 4.7.2R with the application

Yes

1.10 Addresses of ICVC

a Head Office

Address	
Postcode	

b Principal place of business in the UK (if different from (a) above)

Address	
Postcode	

c Address where the register of shareholders is to be kept

Address	
Postcode	

1.11 You must give details of share classes that may be issued [see Explanatory Notes]

--

1.12 You must give details of the plan for the scheme covering three years or longer which, in the opinion of the ACD, will be necessary to enable the scheme to become of a viable size [see Explanatory Notes]

--

# 2

## Details of the authorised corporate director

See definition of authorised corporate director in the FSA Handbook Glossary

### 2.1

a Name of ACD [see Explanatory Notes]

b Country of incorporation

c You must confirm whether the manager's affairs are administered in the country in which it is incorporated

Yes  No

d Registered office or principal place of business in the EEA

Address	
Postcode	

2.2 ACD's FSA firm reference number

### 2.3

a Are any of the ACD's functions to be delegated?

Yes  No

b If yes, you must list which functions will be delegated and give details of proposed arrangements in each case

2.4 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the ACD might compromise, at any stage, the requirement of regulation 15(8)(f) of the OEIC Regulations. This states that the depositary must be independent of the ICVC and persons appointed as directors of the ICVC [see Explanatory Notes]

2.5

a Are there any proposed directors other than the ACD?

- Yes       No – Go to 3.1

b If yes, you must give their names and ensure you have completed a controlled functions application form for each of them [see Explanatory Notes]

Surname	Forenames

2.6 Where the answer to 2.5(a) is yes, you must give the names of any person whom the proposed directors intend to keep to help them perform their functions

2.7 Where the answer to 2.5(a) is yes, you must explain why the combination of expertise and experience of the proposed directors including the ACD is appropriate for the purposes of carrying on the business of the ICVC [see Explanatory Notes]

# 3

## Details of the depositary

See definition of depositary in the FSA Handbook Glossary

3.1

a Name of the depositary [see Explanatory Notes]

b Country of incorporation

c You must confirm whether the depositary's affairs are administered in the country in which it is incorporated

Yes  No – Go to 3.4

d Address of depositary's registered office or principal place of business in the UK

Address	
Postcode	

3.2 Depositary's FSA firm reference number

3.3

a Does the depositary intend to delegate any of its functions?

Yes  No – Go to 3.4

b If yes, you must list which will be delegated and give details of the proposed arrangements in each case

3.4 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the depositary, might, at any stage, compromise the requirement of regulation 15(8)(f) of the OEIC Regulations. This states that the depositary must be independent of the ICVC and persons appointed as directors of the ICVC [see Explanatory Notes]

# 4

## Details of the registrar and auditor

See definition of the registrar in the FSA Handbook Glossary

**4.1 Name of the registrar**

**4.2 Registrar's FSA firm reference number (if any)**

**4.3 Address of registrar's registered office or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

**4.4 Name of the auditor**

**4.5 Auditor's FSA firm reference number (if any)**

**4.6 Address of auditor's registered office or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

# 5

## Details of investment adviser(s)

See definition of investment adviser in the FSA Handbook Glossary

Where there is more than one investment adviser, you must provide the information required in 5.2 – 5.6 below for each. *You should photocopy and complete this page for each investment adviser*

**5.1 Total number of investment advisers**

**5.2 Name**

**5.3 Legal form of investment adviser (e.g. corporate body, partnership etc)**

**5.4 Address of investment adviser's registered or principal place of business in the UK (if any)**

<b>Address</b>	
<b>Postcode</b>	

**5.5 Investment adviser's FSA FCA reference (if any)**

**5.6 Main details of the agreement or arrangement between the manager and the investment adviser**

# 6

## Details of the standing independent valuer

See definition of the standing independent valuer in the FSA Handbook Glossary

This section applies to **NON-UCITS RETAIL SCHEMES** and **QUALIFIED INVESTOR SCHEMES** that will invest in property.

**6.1 Name of standing independent valuer**

--

**6.2 Address of the standing independent valuer's registered or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

**6.3 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the manager or trustee, might compromise the independence of the standing independent valuer**

--

# 7

## Payment and additional information

You may need to use this extra space to tell us about payment details and answer the questions

**7.1 You must give details of the payment method used, when the payment was made, who made the payment and any reference number**

**7.2 Additional information**

# 8

## Declaration

This declaration must be signed for and on behalf of both the ACD and depositary

You must tell us of any other information that is material to this application and tell us immediately of any material changes in the information provided, which occur before you receive our decision on the application.

If proposing to have directors as well as the ACD, please note the controlled functions application form will be considered an integral part of the application. So the proposed ACD should make efforts to ensure that, to the best of its knowledge, the information in any such form is correct.

Under 12(5) of the OEIC Regulations, a person commits an offence if, for the purposes of or in connection with any application under that regulation, they furnish information which they know to be false or misleading in a material particular. A person guilty of such an offence is liable:

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both; or
- (b) on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding the statutory maximum or both.

### A FOR AND ON BEHALF OF THE AUTHORISED CORPORATE DIRECTOR

I DECLARE that the information given in connection with this application is, to the best of my knowledge, complete and correct, at the time of the application, and that the contents of the proposed instrument of incorporation do not conflict with the OEIC Regulations and/or the COLL sourcebook.

Signature

Name of signatory

Position

Date

Name of person dealing with this application

Position

Address

--	--

Postcode

--	--

**Telephone number**

**Email**

**B FOR AND ON BEHALF OF THE DEPOSITARY**

**I DECLARE that the depositary intends to act in the capacity of depositary for the above named proposed ICVC**

**Signature**

**Name of signatory**

**Position**

**Date**

**Name of person dealing with this application**

**Position**

<b>Address</b>	
<b>Postcode</b>	

**Telephone number**

**Email**

## Form 242

### Joint application for an order declaring a unit trust scheme to be authorised

#### Name of Scheme



#### Important information you should read before completing this form

We need the information in this form under section 242 of FSMA to authorise a unit trust under section 243 of FSMA.

You must keep a copy of your completed form and any supporting documents that you send us for future reference.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, it may take us longer to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the FSA Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the FSA Handbook

'FSA-FCA', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ **Financial Conduct Authority**

'FSA Handbook' refers to the FSA Handbook of Rules which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook)  
[website address tbc]

'FSMA' or 'the Act' refers to the Financial Services and Markets Act 2000

'IMA' refers to the Investment Management Association

'UCITS' refers to a scheme which complies with the UCITS Directive

'UCITS Directive' refers to the European Parliament and Council Directive 2009/65/EC of 13 July 2009 on the co-ordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities, as amended

'UK' refers to the United Kingdom

'You' refers to the person signing the form on behalf of the manager or trustee

#### Purpose of this form

We may, after considering the information in this form and supporting documents, declare a unit trust scheme to be authorised. The authorisation order is issued under section 243 of FSMA.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move from to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form and sign the declaration.
- 2 If you are filling in the form by hand:
  - use black ink;
  - write clearly in BLOCK LETTERS; and
  - sign the declaration.
- 3 If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we may have to treat the application as incomplete. This may increase the time it takes us to deal with your application.
- 4 We have left space in Section 7.2 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of FSMA, COLL and COLLG before completing this form. Although ~~FSA~~-FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to the authorisation of unit trusts.
- 6 Your application should include:
  - this Form 242;
  - the draft of the proposed trust deed constituting the trust and a solicitor's certificate (if the draft is based on the IMA model trust deed all deviations should be highlighted, including proposed omissions);
  - the draft prospectus and a checklist indicating where the information required by COLL 4.2.5R or COLL 8.3.4R is located in the prospectus;
  - where the application is in respect of a UCITS scheme, the draft key investor information document;
  - documents to evidence any guarantee arrangement; and
  - the application fee.

Send your application to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

## **Explanatory Notes**

**You should read these before you complete and sign the declaration to confirm the information you give in Sections 1 - 7 is correct**

### **Section 1: Details of the scheme**

- 1.2** We need this and other information to help us decide whether the aims of the scheme are reasonably capable of being achieved. This section should be about the investment objectives of the scheme. In the case of an umbrella, you should describe the investment objectives of each of the proposed sub-funds.
- 1.5** Please refer to 'Types of authorised fund' at COLL 1.2.1R.
- 1.6** You should give enough detail to enable us to assess the intention and effect of the feature in question. A novel feature for the purposes of 1.6 will be any feature new to the manager and/or which the manager considers to be innovative or of interest to us when we consider the application.
- 1.9** ~~Please refer to COLLG.2.1.10~~ You should submit the information in enough detail to enable us to assess the features of the proposed unit classes. If certain unit classes are only available to specific sub-funds, you should identify these.
- 1.11** In particular you should give the following information:
- a.** how the units will be sold and to whom;
  - b.** the countries in which it is proposed that the units will be marketed;
  - c.** the initial price of units;
  - d.** any minimum transaction size, both initially and subsequently, if different; and
  - e.** details of any proposal to convert or amalgamate a scheme or sub-fund into/with the scheme.

### **Section 2 and 3: Details of the manager and trustee**

**2.1 and 3.1** Where authorised by the ~~FSA~~ FCA, the proposed manager/trustee of the scheme should have the necessary permission under Part ~~IV~~ 4A of FSMA to carry out the relevant regulated activities. Where the manager is an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in association with this application. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

#### **2.4 and 3.4**

Section 243(4) of FSMA requires that the manager and the trustee must be independent of each other. Independence may be compromised in various ways, so it is in the interests of all concerned that any facts, relationships, arrangements or circumstances, which might at any stage be considered to bring that independence into question, are declared to the ~~FSA~~ FCA at the time of application. You may wish to refer to the guidance set out in COLL 6.9.

### **Solicitor's certificates**

Section 243(1)(c) of FSMA requires that a copy of the trust deed be accompanied by a certificate signed by a solicitor. The certificate should state that the trust deed complies with the requirements of the rules made under section 247 of FSMA that relate to its contents.

The certificate should be signed by an individual solicitor who holds a practising certificate granted by The Law Society, The Law Society of Scotland, or The Law Society of Northern Ireland.

### **Fees**

The application fee payable is set out in our Fees Manual. You must send us your fee with the application or, if sending separately, ensure that such fee has been received by the time we receive the application, for the application to be valid. Details of payment method used should be included in Section 7.1.

The different payment methods available are outlined on our website at:

<http://www.fsa.gov.uk/pages/Doing/Regulated/Fees/Periodic/Societies/Payment/index.shtml> [website address tbc]

# 1

## Details of the scheme

We need to know information about the unit trust so we can process your application as efficiently as possible. We also need these details for our CIS Register, which is our public record of regulated collective investment schemes in the UK. You can access our CIS register at [www.fsa.gov.uk/Pages/register](http://www.fsa.gov.uk/Pages/register) [[website address tbc](#)]

### Information about the scheme

**1.1 Explain reason for name chosen**

**1.2 You must describe the purposes of the scheme, including investment objectives (e.g. capital growth or income) [see Explanatory Notes]**

**1.3 You must outline how the scheme's purposes in 1.2 are to be achieved. You should include investment policy and an indication of any techniques and instruments or borrowing powers that may be used**

**1.4 You must give details of any arrangement intended to result in a particular capital or income return from a holding of units in the scheme**

1.5

a Type of scheme [see Explanatory Notes]

b In the case of an umbrella scheme list the sub-funds

Sub-fund

1.6 You must give details of any feature or proposal connected with the scheme, the management or marketing of the scheme which is in any way new or unusual [see Explanatory Notes]

1.7

a Proposed launch date

b Length of any initial offer period

1.8 Duration of the scheme if it is limited

1.9

a Is the issue of a UCITS attestation required on approval? [see Explanatory Notes]

Yes       No- Go to 1.10

b If the scheme is a UCITS scheme, you must confirm you have submitted a copy of the key investor information document prepared in accordance with COLL 4.7.2R with the application

Yes

1.10 You must give details of unit classes that may be issued [see Explanatory Notes]

1.11 You must give details of the plan for the scheme covering three years or longer which, in the opinion of the manager, will be necessary to enable the scheme to become of a viable size [see Explanatory Notes]

# 2

## Details of the manager

See definition of manager in the FSA Handbook Glossary

### 2.1

a Name of the manager [see Explanatory Notes]

b Country of incorporation

c You must confirm whether the manager's affairs are administered in the country in which it is incorporated

Yes       No

d Registered office or principal place of business in the EEA

Address	
Postcode	

2.2 Manager's FSA firm reference number

### 2.3

a Are any of the manager's functions to be delegated?

Yes       No

b If yes, list which functions will be delegated and give details of proposed arrangements in each case

2.4 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the manager might, at any stage, compromise the requirement of section 243(4) of FSMA [see Explanatory Notes]

# 3

## Details of the trustee

See definition of trustee in the FSA Handbook Glossary

### 3.1

a Name of the trustee [see Explanatory Notes]

b Country of incorporation

c You must confirm whether the trustee's affairs are administered in the country in which it is incorporated

Yes  No - Go to 3.4

d Registered or principal office address in the UK

Address	
Postcode	

3.2 Trustee's FSA firm reference number

### 3.3

a Does the trustee intend to delegate any of its functions?

Yes  No - Go to 3.4

b If yes, list which will be delegated and give details of the proposed arrangements in each case

3.4 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the trustee, might, at any stage, compromise the requirement of section 243(4) of FSMA [see Explanatory Notes]

# 4

## Details of the registrar and auditor

See definition of the registrar in the FSA Handbook Glossary

**4.1 Name of the registrar**

**4.2 Registrar's FSA firm reference number (if any)**

**4.3 Address of registrar's registered office or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

**4.4 Name of the auditor**

**4.5 Auditor's FSA firm reference number (if any)**

**4.6 Address of auditor's registered office or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

# 5

## Details of investment adviser(s)

See definition of investment adviser in the FSA Handbook Glossary

Where there is more than one investment adviser, you must provide the information required in 5.2 – 5.6 below for each. *You should photocopy and complete this page for each investment adviser*

**5.1 Total number of investment advisers**

**5.2 Name**

**5.3 Legal form of investment adviser (e.g. corporate body, partnership etc)**

**5.4 Address of investment adviser's registered or principal place of business in the UK (if any)**

<b>Address</b>	
<b>Postcode</b>	

**5.5 Investment adviser's FSA firm reference (if any)**

**5.6 Main details of the agreement or arrangement between the manager and the investment adviser**

# 6

## Details of the standing independent valuer

See definition of the standing independent valuer in the [FSA Handbook Glossary](#)

This section applies to **NON-UCITS RETAIL SCHEMES** and **QUALIFIED INVESTOR SCHEMES** that will invest in property.

**6.1 Name of standing independent valuer**

**6.2 Address of the standing independent valuer's registered or principal place of business in the UK**

<b>Address</b>	
<b>Postcode</b>	

**6.3 You must give details of any fact, arrangement, relationship or circumstance which, in the view of the manager or trustee, might compromise the independence of the standing independent valuer**

# 7

## Payment and additional information

You may need to use this extra space to tell us about payment details and answer the questions

**7.1 You must give details of the payment method used, when the payment was made, who made the payment and any reference number**

**7.2 Additional information**

# 8

## Declaration

This declaration must be signed for and on behalf of both the manager and trustee

The joint applicants must tell us of any other information material to this application and tell us immediately of any material changes in the information provided, which occur before you receive our decision on the application.

Under section 398 of FSMA a person who knowingly or recklessly gives us information that is false or misleading in a material particular is guilty of an offence. A person guilty of such an offence is liable:

(a) on conviction on indictment, to a fine; or

(b) on summary conviction, a fine not exceeding the statutory maximum.

### A For and on behalf of the MANAGER

I DECLARE that the information given in connection with this application is, to the best of my knowledge, complete and correct, at the time of the application, and that the contents of the proposed trust deed do not conflict with FSMA and/or the COLL sourcebook.

Signature

Name of signatory

Position

Date

Name of person dealing with this application

Position

Address

Postcode

**Telephone number**

**Email**

**B FOR AND ON BEHALF OF THE TRUSTEE**

I DECLARE that the information given in connection with this application is, to the best of my knowledge, complete and correct, at the time of the application, and that the contents of the proposed trust deed do not conflict with FSMA and/or the COLL sourcebook.

**Signature**

**Name of signatory**

**Position**

**Date**

**Name of person dealing with this application**

**Position**

<b>Address</b>	
<b>Postcode</b>	

**Telephone number**

**Email**

## Form 270

### Notification by the operator of a scheme authorised in a designated country or territory that it wishes the scheme to be recognised in the UK

#### Name of scheme

#### Designated country or territory

#### Important information you should read before completing this form

We need the information in this form to recognise a scheme under section 270 of FSMA.

You must keep a copy of your completed form and any supporting documents that you send us for future reference.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, it may take us longer to deal with your notification.**

#### Terms in this pack

In this form we use the following terms:

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**COLLG**' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~ Handbook

'~~FSA FCA~~', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'**FSA Handbook**' refers to the ~~FSA~~ Handbook of rules which can be accessed at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'**FSMA**' or '**the Act**' refers to the Financial Services and Markets Act 2000

'**Marketing**' for a definition see the ~~FSA~~ Handbook Glossary

'**Operator**' refers to the collective investment scheme itself if an open-ended investment company (see section 237(2) of FSMA). For any other collective investment scheme, it is any person who, under the constitution or founding arrangements of the scheme, is responsible for managing the property held for or within the scheme (~~FSA~~ Handbook Glossary)

'**UK**' refers to the United Kingdom

'**You**' refers to the person signing the form on behalf of the Operator

**Purpose of this form**

Under section 270 of FSMA a collective investment scheme, which is not a recognised scheme by virtue of section 264 of FSMA but is managed in and authorised under the law of a designated country or territory outside the UK, may be recognised if:

- the scheme is of a class specified by the designation order; and
- the Operator of the scheme gives written notice to the ~~FSA~~ FCA that they wish the scheme to be recognised.

The information requested in this form is intended to allow the ~~FSA~~ FCA to satisfy itself that the manner in which the Operator proposes to market the scheme in the UK complies with the law in the UK.

## Filling in the form

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts and sign the declaration
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS; and
  - sign the declaration
- 3 If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we will have to treat the notification as incomplete. This will increase the time it takes us to deal with your notification.
- 4 We have left space in Section 2 for additional information. If there is not enough space on the form, you must continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 The Operator is advised to obtain a copy of FSMA, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to notifiers, they are not able to give any definitive ruling on the interpretation of legislation or regulations; only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to the recognition of the scheme.
- 6 Your application should include:
  - this Form 270;
  - a statement from the authority in the country or territory in which the scheme is authorised confirming that the scheme is so authorised and is of a class specified by the designation order for the purposes of section 270 of FSMA;
  - a copy of the scheme rules or instruments constituting the scheme;
  - a copy of the full prospectus or any similar document giving detail of the scheme;
  - a copy of the latest annual report and any subsequent half-yearly report;
  - a copy of any other document affecting the rights of participants in the scheme;
  - the notification fee, as set out in our Fees Manual. Details of payment methods can be found on the ~~FSA~~ FCA website at:  
<http://www.fsa.gov.uk/pages/Doing/Regulated/Fees/Periodic/Societies/Payments/index.shtml>.  
[website address tbc]  
Details of payment method used should be included in Section 2.1.

Send your application to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

Any document you send us which is not in English must be accompanied by an English translation.

## About the scheme

We need to know information about the scheme so that we can process your notification as efficiently as possible. We also need these details for our ~~FSA~~ FCA CIS Register, which is our public record of regulated collective investment schemes in the UK. You can access our CIS Register at ~~www.fsa.gov.uk/Pages/register~~ [\[website address tbc\]](#)

**1.1 Legal form and class of scheme**

**1.2 You must give details of the relevant designation order for the purpose of section 270 of FSMA**

**1.3 Name and address of operator**

**1.4 Name and address of depositary, trustee or custodian**

**1.5 Name and address of the place in the UK for the service of notices or other documents and invoices for periodic fees**

**1.6 Name and address of the place in the UK where scheme facilities will be maintained**

1.7 You must specify where details of the UK scheme facilities appear in the full prospectus

1.8 You must give details of the arrangement for making units in the UK:

a Does the Operator intend to market the scheme in a manner that will involve the Operator itself carrying on a regulated activity in the UK?

Yes  No

b Name of the person that will be marketing the units (see ~~FSA~~ Handbook Glossary for definition of person)

c Is this person authorised by the ~~FSA~~ FCA?

Yes  No – Go to 1.8(e)

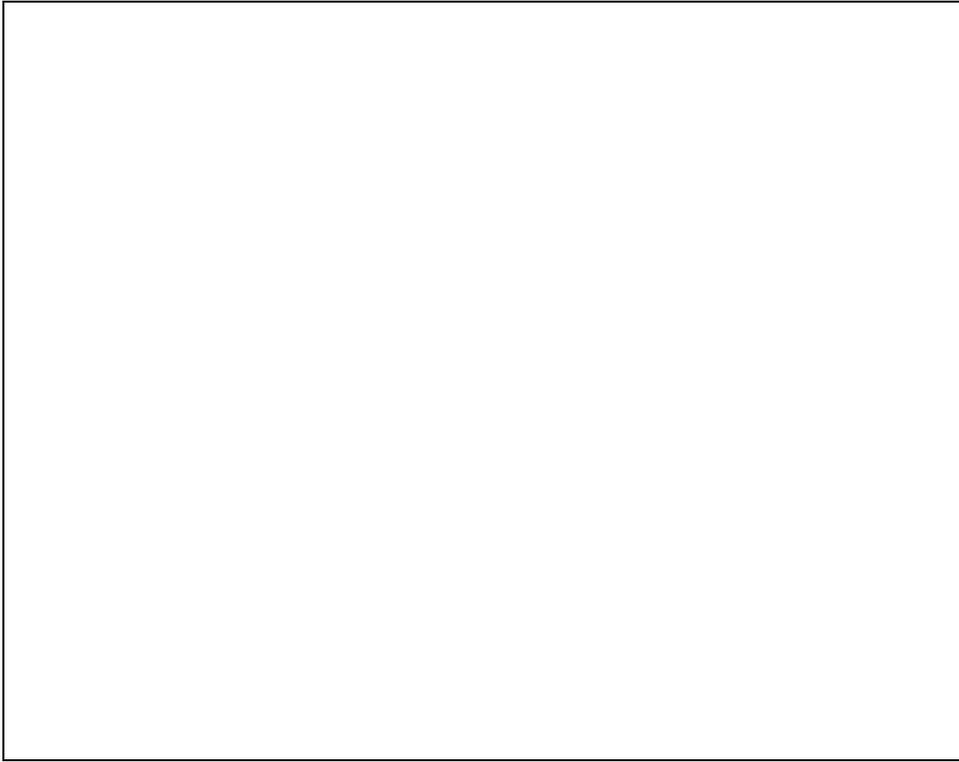
d ~~FSA~~ firm reference number of person (if applicable)

e Does this person hold the necessary Part ~~IV~~ 4A permission to market units?

Yes  No

f The proposed start date of the marketing in the UK

g How will units be sold in the UK?





# Payment and additional information

You may need to use this extra space to tell us about payment details and answer the questions

**2.1 You must give details of the payment method used, when the payment was made, who made the payment and any reference number**

**2.2 Additional information**

# Declaration

This declaration must be signed for and on behalf of the Operator

The notifier should tell us of any other information that is material to their notification and also tell us immediately of any material changes in the information provided, which occur before receiving our decision on the notification.

Under section 398 of FSMA, a person who knowingly or recklessly gives us information which is false or misleading in a material particular is guilty of an offence. A person guilty of such an offence is liable:

- (a) on conviction on indictment, to a fine; or
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

I DECLARE that the information supplied in Sections 1 and 2 is complete and correct to the best of my knowledge at the time of notification and that the documents included with this notification are true copies of the original.

**Signature**

**Name of person signing for and on behalf of the Operator**

**Position**

**Date**

**Name of person in company dealing with this notification**

**Position**

<b>Business Address</b>	
<b>Country/Territory</b>	

**Telephone number**

**Email address**

## Form 272

### Application for an order declaring an overseas collective investment scheme to be recognised in the UK

#### Name of Scheme

#### Important information you should read before completing this form

We need the information in this form to recognise a collective investment scheme in the UK under section 272 of FSMA.

You must keep a copy of your completed form and the supporting documents that you send us for future reference.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, it may take us longer to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**COLLG**' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~ Handbook

'**EEA**' refers to the European Economic Area

'~~FSA FCA~~', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'**FSA Handbook**' refers to the ~~FSA~~ Handbook of rules which you can accessed at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook)  
[website address tbc]

'**FSMA**' or '**the Act**' refers to the Financial Services and Markets Act 2000

'**Marketing**' for a definition see the ~~FSA FCA~~ Glossary to the ~~FSA~~ Handbook

'**OEIC Regulations**' refers to the Open-Ended Investment Companies Regulations 2001

'**Operator**' refers to the collective investment scheme itself if an open-ended investment company (see section 237(2) of FSMA). For any other collective investment scheme, it is any person who, under the constitution or founding arrangements of the scheme, is responsible for managing the property held for or within the scheme (see the ~~FSA~~ Handbook Glossary)

'**UK**' refers to the United Kingdom

'**You**' refers to the person signing the form on behalf of the Operator

#### Purpose of this form

Under section 272 of FSMA, we may, on application from the Operator of a collective investment scheme, make an order that the scheme is a recognised scheme if:

(i) the scheme is managed outside of the UK, does not satisfy the requirements of section 264 (schemes constituted in other EEA States) of FSMA or come within section 270 (schemes authorised in designated countries or territories) of FSMA; and

(ii) it appears to the ~~FSA~~ FCA to satisfy the requirements of section 272 (individually recognised overseas schemes), which include that adequate protection must be afforded to the participants.

The information requested in this form is intended to allow the ~~FSA~~ FCA to satisfy itself that the requirements set out in section 272 FSMA will be met.

## **Filling in the form**

- 1** If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form and sign the declaration.
- 2** If you are filling in the form by hand:
  - use black ink;
  - write clearly in BLOCK LETTERS; and
  - sign the declaration.
- 3** If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we may have to treat the application as incomplete. This may increase the time it takes us to deal with your application.
- 4** We have left space in Section 7.2 for additional information. If there is not enough space on the form, you must continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5** The Operator is advised to get a copy of FSMA, COLL and COLLG before completing this form. Although FSA FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations; only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to the recognition of the scheme.
- 6** Your application should include:
  - this Form 272;
  - a copy of the scheme rules or instruments constituting the scheme;
  - a copy of the full prospectus or any similar document giving detail of the scheme;
  - a copy of the latest annual report and any subsequent half-yearly report;
  - a copy of any other document affecting the rights of participants in the scheme;
  - a legal comparison of the scheme against the nearest comparable scheme that is authorised in the UK;
  - in the case of an open-ended investment company, details of the relationship between the company and the person(s) responsible for the management of its property (including a copy of the management agreement);
  - details of any arrangements which might compromise the independence of the Operator and the scheme and any depositary, trustee or custodian and registrar;
  - explanation of why the scheme is thought of provide adequate protection to participants;
  - if the scheme or company has been in existence for less than three years, a business plan for the scheme covering three years or a longer period which, in the opinion of the Operator, will be necessary to enable the scheme to become of a viable size. In particular the following details should be given:
    1. the scheme's (proposed) launch date
    2. the initial price of the units and the current price (if different)
    3. minimum transaction size, both initially and subsequently if different
    4. details of the Operator's estimated income from the scheme and the Operator's estimated expenditure for the scheme for each year covered by the business plan (estimates should be on a basis which the Operator considers reasonable and that basis should be stated);
  - if the scheme has already been in existence for three years or more, you must provide the information below:
    1. method of sale of units and to whom
    2. the countries in which the units are marketed
    3. any minimum transaction size, both initially and subsequently if different

4. details of the Operator's income from the scheme for each of the preceding three years and the Operator's expenditure for the scheme for each of the preceding three years.

- details of marketing arrangements, including details of:
  1. date of commencement of marketing;
  2. the company or companies which will be responsible for the marketing
  3. whether the operator intends to market the scheme in the UK in a manner which will involve carrying on a regulated activity in the UK;
  4. whether the units will be sold through any employed sales force, authorised person, or unsolicited calls.
  
- the application fee, as set out in our Fees Manual. Details of payment methods can be found on the ~~FSA~~ FCA website at:  
<http://www.fsa.gov.uk/pages/Doing/Regulated/Fees/Periodic/Societies/Payments/index.shtml>  
[website address tbc].  
Details of payment method used should be included in Section 7.1.

Send your application to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

Any document you send us which is not in English must be accompanied by an English translation.

# 1

## Details of the scheme

We need this information to determine whether the purposes of the scheme are reasonably capable of being successfully achieved. We also need these details for our CIS Register, which is our public record of regulated collective investment schemes in the UK. You can access our CIS Register at [www.fsa.gov.uk/Pages/register](http://www.fsa.gov.uk/Pages/register) [website address tbc]

### Information about the scheme

**1.1 You must explain the reason for name chosen, if not obvious**

**1.2 Legal form of the scheme**

**1.3 You must give a description of the purposes of the scheme, including investment objectives (ie capital growth or income)**

**1.4 You must outline how the purposes are to be achieved. Include investment policy and an indication of any techniques and instruments of borrowing power that may be used**

**1.5**

**a State the base currency of the scheme**

**b If the base currency is not sterling, are the units redeemable in sterling?**

**1.6 Duration of the scheme, if it is limited**

**1.7 Present (or proposed) level of the charges in respect of the scheme**

**a Preliminary charges**

**b Periodic charges**

**c All other charges**

1.8 You must give details of any features of the scheme which, in the view of the Operator, would be considered in the UK as unusual, or would not be permitted for a unit trust authorised under section 242 of FSMA or an investment with variable capital authorised under the OEIC Regulations

--

1.9 Does the scheme satisfy the requirements of section 264(1) of FSMA? (schemes constituted in other EEA States)?

Yes       No

1.10 Is the scheme of a class covered by a designated order made under section 270 of FSMA (schemes authorised in designated countries or territories)?

Yes       No

1.11 Is the scheme authorised by any government or regulatory body and/or governed by the legislation of any country outside the UK?

Yes       No- Go to 1.12

If yes, you must give full details

--

1.12 You must give full details of the arrangements for the sale and redemption of units

--

1.13 Name and address of the place in the UK for serving notices or other documents, and invoices for periodic fees

<b>Address</b>	
<b>Postcode</b>	

1.14 Name and address of the place in the UK where the scheme facilities will be maintained (if different from 1.13)

<b>Address</b>	
<b>Postcode</b>	

# 2

## Details of the Operator

See definition of Operator on Page 1 of this form

**2.1 Name of the Operator**

**2.2 Is the Operator an authorised person under FSMA?**

Yes       No

**2.3 If Yes, state the Operator's FSA firm reference number**

**2.4 If the Operator is authorised by or subject to any regulation from any other government or regulatory body, you must give details**

**2.5 Addresses of the Operator's registered office or principal place of business in the UK (if any)**

<b>Address</b>	
<b>Postcode</b>	

**2.6**

**a Country where the Operator is incorporated**

**b Date of incorporation**

**2.7 Addresses of the Operator**

<b>Address</b>	
<b>Country</b>	

**2.8 Directors of the Operator**

**a Name of the Chairman**

**b Name of the Chief Executive or Managing Director**

**c Names of all other directors, including non-executive directors. Identify non-executive directors with the letters NE next to their name**


**2.8 Management agreement: You must give details of the main functions to be carried out**

**2.9**

**a Current fees payable to the Operator**

**b How the fee can be varied?**

**2.10 If the Operator is a subsidiary, you must give the following details of its holding company**

**a Name**

**b**

<b>Address</b>	
<b>Country</b>	

**c Country of incorporation**

**d Date of incorporation**

**e Principal activities**

**2.11 Names of any other collective investment schemes managed by the Operator**

--

**2.12 You must details of any fact, arrangement, relationship or circumstance which, in the view of the Operator, compromises or which at any stage might compromise, the independence of the Operator from any depository, trustee or custodian**

--

**2.13 If the Operator is NOT an authorised person, you must give the following details of the authorised person in the UK who is the representative, with power to act generally for the Operator, and to accept service of notices and other documents on his behalf**

**a Name**

--

**b**

<b>Address</b>	
<b>Postcode</b>	

**c FSA firm reference number**

--

**2.14 You must give details of any authorisation currently held to carry on any investment business activity**

--

**2.15 You must give details of the powers of the representative named in 2.13 to act on behalf of the Operator**

--

# 3

## Details of the depositary, trustee or custodian

**3.1 Name**

**3.2 Legal form**

**3.3 Is the depositary, trustee or custodian an authorised person under FSMA?**

Yes       No-Go to 3.5

**3.4 If Yes, state the firm's FSA firm reference number**

**3.5 If the depositary, trustee or custodian is authorised by, or subject to, any regulation from any other government or regulatory body, give details**

**3.6 Addresses of depositary's, trustee's or custodian's registered office or principal place of business (if any) in the UK**

Address	
Postcode	

**3.7**

**a Country of incorporation of depositary, trustee or custodian**

**b Date of incorporation**

**3.8 Directors of depositary, trustee or custodian**

**a Name of the Chairman**

**b Name of the Chief Executive or Managing Director**

c Names of all other directors, including non-executive directors. Identify non-executive directors with the letters NE next to their name


3.9

a Current fees payable to the depository, trustee or custodian

--

b How the fee can be varied?

--

3.10 If the depository, trustee or custodian is a subsidiary, give the following details of its holding company

a Name

--

b

Address	
Country	

c Country of incorporation

--

d Date of incorporation

--

e Principal activities

--

3.11 You must give details of any authorisation or license held to carry on any investment business activity

--

# 4

## Details of investment adviser(s)

Complete this section if the Operator has appointed or proposes to appoint any person(s) (other than any employee) as an investment adviser under a commercial arrangement. *This section should be photocopied and completed for each investment adviser*

**4.1 Total number of investment advisers**

**4.2 Name of investment adviser**

**4.3 Legal form of investment adviser**

**4.4**

**a Is the investment adviser an authorised person under FSMA?**

Yes       No-Go to 4.5

**b If Yes, state the investment adviser's FSA firm reference number**

**4.5 If the investment adviser is authorised by, or subject to, any regulation from any other government or regulatory body, you just give details**

**4.6 Addresses of investment adviser's registered office or principal place of business in the UK (if any)**

Address	
Postcode	

**4.7 Directors of investment adviser**

If the legal form of the investment adviser is not a body corporate, give the equivalent information to that in (a) to (c).

**a Name of Chairman**

**b Name of Chief Executive or Managing Director**

--

**c Names of all other directors, including non-executive directors. Identify non-executive directors with the letters NE next to their name**


**4.8 If the investment adviser is a subsidiary, you must give the following details of its holding company**

**a Name**

--

**b**

<b>Address</b>	
<b>Postcode</b>	

**c Country of incorporation**

--

**d Date of incorporation**

--

**e Principal activities**

--

**4.9**

**a You must give details of the agreement or arrangement between the Operator and/or the scheme and the investment adviser**

--

**b Does the investment adviser have the authority of the Operator to make decisions on behalf of the Operator and/or the scheme?**

Yes       No-Go to 4.10

**c If Yes, give a description of the matters on which the investment adviser has that authority**

--

**4.10 Details of any authorisation or license held to carry on any investment business activity**

--

# 5

## Details of the registrar and auditor of the scheme

See definition of the registrar in the FSA Handbook Glossary

5.1 Total number of registrars. *This page should be photocopied and completed for each registrar.*

5.2 Name of registrar

5.3 Legal form of registrar(s)

5.4 Addresses of registrar's registered office or principal place of business in the UK (if any)

Address	
Postcode	

5.5 You must give details of the agreement or arrangement between the Operator or depositary, trustee or custodian and/or the scheme and the registrar

5.6 Name of the auditor

5.7 Addresses of auditor's registered office or principal place of business in the UK (if any)

Address	
Postcode	

# 6

## Details of non-authorized persons

We may ask for information additional to that requested in the application form. Please note that we may make any further enquiries if we consider it necessary and may take into account other information on applicants.

- 1 Complete this section only if one or more of the following are NOT authorized persons under FSMA:
  - (i) the Operator;
  - (ii) the depositary, trustee or custodian; or
  - (iii) the investment adviser.
- 2 In this section, the word 'applicant' refers to those persons listed above who are not authorized.
- 3 Answer YES, NO or N/A

	Operator	depositary, trustee or custodian	investment adviser
6.1			
a Has a petition for the bankruptcy or compulsory winding-up of the applicant, or for the sequestration of the applicant's estate, been presented at any time in the previous ten years?			
b Is the applicant aware that any such petition is pending?			
c Has any subsidiary or company controlled by the applicant been compulsorily wound up at any time in the previous ten years?			

*Note: 'bankruptcy', 'winding-up', and sequestration of estate' include any similar proceedings under the law of another country.*

6.2			
Has the applicant at any time in the last ten years had a receiver or administrator appointed, failed to satisfy a debt adjudged due or a debt in respect of which a decree has passed against it, or come to a compromise or similar arrangement with its creditor?			

*Note: 'administrator' and 'receiver' include any similar appointment under the law of another country. 'Compromise or similar arrangement with creditors' includes any similar arrangements under the law of another country.*

6.3			
Has the applicant at any time in the last ten years been refused or had withdrawn any license, recognition, authorisation or membership granted by any government, institutional or regulatory body controlling or regulating any aspect of investment business?			

Depository,  
Trustee or  
Custodian      Investment  
Adviser

Operator

**6.4**  
Has the applicant at any time in the last ten years withdrawn an application for a license, recognition, authorisation or membership granted by any government institution or regulatory body controlling or relating any aspect of investment business before the application was decided?

--	--	--

**6.5**  
Have the applicant's affairs in the last ten years been investigated by any body of which it is, or was at the time, a member or licensee in relation to its investment business activities (this does not include those conducted in the course of normal monitoring and surveillance procedures with no adverse findings)?

--	--	--

**6.6**  
**a** Has the applicant ever been charged or convicted of any offence involving fraud or other dishonesty relating to any investment business activity?

--	--	--

**b** Has the applicant ever been involved in any civil litigation relating to any investment business activity?

--	--	--

**6.7**  
If the answer to any of the above questions was YES, you must give full details of the circumstances. If there is not enough space, you must continue in Section 8 or on a separate sheet of paper which you should attach to the form.

# 7

## Payment and additional information

You may need to use this extra space to tell us about payment details and answer the questions

**7.1 You must give details of the payment method used, when the payment was made, who made the payment and any reference number**

**7.2 Additional information**

# 8

## Declaration

This declaration must be signed for and on behalf of the Operator

The applicant must tell us of any other information which is material to their application and also tell us immediately of any material changes in the information provided, which occur before receiving our decision on the application.

Under section 398 of FSMA, a person who knowingly or recklessly gives us information which is false or misleading in a material particular is guilty of an offence. A person guilty of such an offence is liable:

- (a) on conviction on indictment, to a fine; or
- (b) on summary conviction, to a fine not exceeding the statutory maximum.

I DECLARE that the information given in connection with this application is, to the best of my knowledge, complete and correct, at the time of the application, and that the contents of the proposed instrument of incorporation do not conflict with the OEIC Regulations and/or the COLL sourcebook.

**Signature**

**Name of person signing for and on behalf of the Operator**

**Position**

**Date**

**Name of person dealing with this application**

**Position**

**Business Address**

--	--

**Country**

--	--

**Telephone number**

**Email**

## Form 9

### Notification of a proposal for cross-border or domestic UCITS merger under regulation 9 of The Undertakings for Collective Investment in Transferable Securities Regulations 2011

#### Name of Scheme

#### Important information you should read before completing this form

We need the information in this form to approve a proposal to merge the scheme(s) with another UK UCITS scheme or an EEA or UK UCITS as part of a cross-border or domestic UCITS merger as defined below.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one scheme you do not need to fill in a separate form for each scheme, a list of schemes can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'**ACD**' refers to the Authorised Corporate Director

'**AFM**' refers to the Authorised Fund Manager

'**AUT**' refers to authorised unit trust

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**Cross-Border UCITS Merger**' for a definition see the Glossary to the ~~FSA~~ Handbook

'**Domestic UCITS Merger**' for a definition see the Glossary to the ~~FSA~~ Handbook

'**EEA UCITS**' refers to a UCITS which is established and authorised in a Member State other than the UK

'**FSA FCA**', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'**FSA Handbook**' refers to the ~~FSA~~ Handbook of Rules which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'**ICVC**' refers to Investment Company with Variable Capital authorised under OEIC Regulation 14

'**Member State**' refers to a member state of the EEA

'**UCITS**' refers to a scheme which complies with the European Parliament and Council Directive 2009/65/EC of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities, as amended

'**UCITS Regulations**' refers to The Undertakings for Collective Investment in Transferable Securities Regulations 2011

'**UK**' refers to the United Kingdom

'**UK UCITS**' refers to a UCITS which is established and authorised in the UK as an authorised unit trust or an investment company with variable capital

'**You**' refers to the person completing the form

**Purpose of this form**

We may, after considering the information in this form and the supporting documents, determine any proposal for domestic or a cross-border merger under regulation 9 of the UCITS Regulations 2011.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move from to the next question and press SHIFT TAB to move to the previous question;
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we will treat the notification as incomplete. This may increase the time it takes us to deal with your notification, as per
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of the FSMA, the UCITS Regulations, the OEIC Regulations, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to these proposals to make a change to an ICVC.
- 6 Your notification should include:
  - this Form 9;
  - the documents referred to in question 1.6 – 1.6 (i) to (iv)

Note that where the proposed merger is a cross-border merger, the information referred to above must be supplied to the ~~FSA~~ FCA both in English and in the official language or one of the official languages of the EEA State in which the receiving EEA UCITS is established, or in a language approved by the competent authorities of that Member State.

Send your notification to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

## **Explanatory Notes**

- 1.1 You must state whether the merging scheme is an AUT or ICVC.
- 1.2 We have up to 20 working days to authorise a cross-border or domestic UCITS merger after receiving a complete application, as defined in regulation 9 of the UCITS Regulations 2011.
- 1.3 Please provide sufficient detail for the rationale behind the proposed merger.
- 1.4 You must explain the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications).
- 1.6 An application will be treated as being incomplete, in accordance with regulation 9 of the UCITS Regulations, if any of these documents are not submitted with the application
- 1.7 Please provide details of all Member States into which the UK UCITS has/have been notified for marketing in accordance with article 93.
- 1.9 Space is provided to give notice to us of: i) (where the ACD/AFM is authorised by the ~~FSA~~ FCA) any application made in relation to the ACD/AFM's Part ~~IV~~ 4A permission to carry on a regulated activity in the United Kingdom. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for; ii) (where the ACD/AFM is an EEA UCITS management company) any relevant notifications/applications that have been made in relation to these proposed changes. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

Further information of the ~~FSA's~~ FCA's variation of permission procedures is provided on the ~~FSA~~ FCA website at <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml> [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under UCITS Regulations 2011 have come into effect.**

# 1

## Notification of a proposal for a cross-border or domestic UCITS merger of a UK UCITS

We need this information about the merger so we can process your notification as efficiently as possible

**1.1 Legal structure of the merging UCITS scheme [see Explanatory Notes]**

For FSA FCA  
use

**1.2 Is the proposed merger(s) cross-border or domestic. If cross-border, please indicate the states into which the UCITS has been notified for marketing in accordance with article 93 [see Explanatory Notes]**

Issue  
Associate  
 Sol. Cert.  
 Ack.  
 PIV

**1.3 Reason for merger(s)**

**1.4 How will the change be treated for the purposes of COLL 4.3? [see Explanatory Notes]**

**1.5 Date of proposed merger(s)**



# 2

## Additional information

You may need the additional space to answer the questions or provide us with any additional information you think we may require to reach a decision

### 2.1 Additional information [see Explanatory Notes]



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 21

### Notification of certain changes for an ICVC under regulation 21 of the Open-Ended Investment Companies Regulations 2001

#### Name of ICVC(s)

#### Important information you should read before completing this form

We need the information in this form to approve any proposal to make certain changes to an ICVC falling under OEIC regulation 21.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one ICVC you do not need to fill in a separate form for each ICVC, a list of ICVCs can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'ACD' refers to the Authorised Corporate Director

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~ Handbook

'~~FSA~~ **FCA**', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA~~ **Handbook**' refers to the ~~FSA~~ Handbook of Rules which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'**ICVC**' refers to Investment Company with Variable Capital authorised under OEIC Regulation 14(1)

'**OEIC Regulations**' refers to The Open-Ended Investment Companies Regulations 2001

'**UK**' refers to the United Kingdom

'**You**' refers to the person completing the form

#### Purpose of this form

We may, after considering information in this form and the supporting documents, approve proposed alterations to an ICVC falling under OEIC regulation 21.

### **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move from to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form.
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we may have to treat the notification as incomplete. This may increase the time it takes us to deal with your notification.
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of the OEIC Regulations, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to proposals to make a change to an ICVC.
- 6 Your notification should include:
  - this Form 21;
  - a solicitor's certificate, if there is an alteration to the instrument of incorporation;
  - a copy of any revised instrument of incorporation, highlighted to show the alterations from the latest version;
  - a copy of any revised prospectus, highlighted to show the alterations from the latest version;
  - where applicable, a copy of the revised key investor information document, highlighted to show the alterations from the latest version;
  - any other relevant documentation to support the notification e.g. circular or letter to unitholders.

Send your notification to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

## **Explanatory Notes**

- 1.1 You must state the scheme type, as specified in COLL1.2.1R (Types of authorised fund), to which the ICVC belongs.
- 1.2 We have up to one month in which to approve any proposal; beginning with the date on which valid notice is given. If we propose to refuse approval of any proposal, we will send a warning notice to explain why; we will also set a period for representations to us. Subsequently, if we decide to refuse approval, we will send a decision notice. There is further information on our procedures in the Decision Procedure and Penalties Manual (DEPP).

Any notice given by an ICVC under OEIC Regulation 21(1)(a) (proposed alteration to the company's instrument of incorporation) must be accompanied by a solicitor's certificate. That certificate must confirm that the change will not affect compliance of the instrument with Schedule 2 of the OEIC Regulations and with any requirements of COLL that relate to the contents of that instrument.

If further changes to the ICVC or modifications to existing proposals are suggested during the course of assessing a proposal, this will require separate notification, unless we agree otherwise. In any event, subsequent modification (other than a simple grammatical or typographical error) to the instrument of incorporation relating to an existing proposal should be accompanied either by a new solicitor's certificate or written confirmation by the solicitor that the original certificate continues to apply.

- 1.4 For UCITS and non-UCITS retail schemes you must explain whether a proposed change is to be treated as fundamental, significant or notifiable, and the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications). Alternatively, if the ACD does not intend to make unitholders aware of the change, you must make it clear that it is considered insignificant. For qualified investor schemes you must explain whether the changes are being treated as fundamental, significant or insignificant and the procedural steps that will be taken in compliance with COLL 8.3.6R (Alterations to the scheme and notices to unitholders).
- 1.7 Space is provided to give notice to us of: i) (where the ACD is authorised by the ~~FSA~~ FCA) any application made in relation to the ACD's Part IV ~~4A~~ 4A permission to carry on a regulated activity in the United Kingdom. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for; ii) (where the ACD is an EEA UCITS management company) any relevant notifications/applications that have been made in relation to these proposed changes. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

Further information on the ~~FSA's~~ FCA's variation of permission procedures is provided on the ~~FSA~~ FCA website at ~~<http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml>~~ [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under OEIC regulation 21 have subsequently been carried into effect.**

# 1

## Notification of certain changes to an ICVC

We need this information about the notification so we can process your notification as efficiently as possible

### 1.1 Scheme type [see Explanatory Notes]

For FSA-FCA  
use

### 1.2 Details of proposed changes [see Explanatory Notes]

Issue

Associate

Sol. Cert.

Ack.

PIV

Reserve  
Name

### 1.3 Reason for change(s)

**1.4 How will the change(s) proposed be treated for the purposes of COLL 4.3/COLL 8.3.6R? [see Explanatory Notes]**

**1.5 Date of proposed change(s)**

**1.6 If any proposed change is linked to a waiver of an FSA FCA rule, please provide the waiver application number**

**1.7 In respect of the proposed change(s) please confirm whether the ACD's Part IV 4A permission requires variation. If so, please provide details of the variation of permission application and the date it was made. Alternatively for an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in relation to these proposed change(s) [see Explanatory Notes]**

**1.8 Documents enclosed**

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 22A

### Notification of certain changes for an ICVC under regulation 22A of The Open-Ended Investment Companies Regulations 2001

#### Name of ICVC(s)

#### Important information

To assist us in approving any proposal to make certain changes to an ICVC falling under OEIC regulation 22A, we request that you complete this form and provide the information set out below.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one ICVC you do not need to fill in a separate form for each ICVC, a list of ICVCs can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'ACD' refers to the Authorised Corporate Director

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the FSA Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the FSA Handbook

'~~FSA~~ ~~FCA~~', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA Handbook~~' refers to the ~~FSA Handbook of Rules~~ which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'ICVC' refers to Investment Company with Variable Capital authorised under OEIC regulation 14

'OEIC Regulations' refers to The Open-Ended Investment Companies Regulations 2001

'UK' refers to the United Kingdom

'You' refers to the person completing the form

#### Purpose of this form

We may, after considering the supplied information and the supporting documents, approve proposed alterations to an ICVC falling under OEIC regulation 22A to allow a UCITS scheme which is a feeder UCITS to cease operating as a feeder UCITS.

### **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we may have to treat the notification as incomplete. This may increase the time it takes us to deal with your notification
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of the OEIC Regulations, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice
- 6 Your application should include:
  - this Form 22A;
  - the solicitor's certificate, in accordance with regulation 22A(2)(a) of the OEIC Regulations;
  - a copy of the revised instrument of incorporation, highlighted to show the alterations from the latest version;
  - a copy of the revised prospectus, highlighted to show the alterations from the latest version;
  - where applicable, a copy of the revised key investor information document, highlighted to show the alterations from the latest version;
  - any other relevant documentation to support the notification e.g. circular or letter to unitholders.

Send your application to us at:

~~CIS Authorisations Team~~ Investment Funds Team  
~~The Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## **Explanatory Notes**

- 1.1** We have up to 15 working days in which to approve any proposal; beginning with the date on which valid notice is given. If we propose to refuse approval of any proposal, we will send a warning notice to explain why; we will also set a period for representations to us. Subsequently, if we decide to refuse approval, we will send a decision notice. There is further information on our procedures in the Decision Procedure and Penalties manual (DEPP).

Any notice given by an ICVC under OEIC regulation 22A must be accompanied by a solicitor's certificate. That certificate must confirm that the change will not affect compliance of the instrument with Schedule 2 of the OEIC Regulations and with any requirements of COLL that relate to the contents of that instrument.

If further changes to the ICVC or modifications to existing proposals are suggested during the course of assessing a proposal, this will require separate notification, unless we agree otherwise. In any event, subsequent modification (other than a simple grammatical or typographical error) to the instrument of incorporation relating to an existing proposal should be accompanied either by a new solicitor's certificate or written confirmation by the solicitor that the original certificate continues to apply.

- 1.3** You must explain the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications).
- 1.6** Space is provided to give notice to us of: i) (where the ACD is authorised by the ~~FSA~~ FCA) any application made in relation to the ACD's Part ~~4A~~ 4A permission to carry on a regulated activity in the United Kingdom. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for; ii) (where the ACD is an EEA UCITS management company) any relevant notifications/applications that have been made in relation to these proposed changes. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

Further information of the ~~FSA's~~ FCA's variation of permission procedures is provided on the ~~FSA~~ FCA website at <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml> [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under OEIC regulation 22A have subsequently been carried into effect.**

# 1

## Notification of certain changes to an ICVC

We need this information about the notification so we can process your notification as efficiently as possible

### 1.1 Details of proposed changes [see Explanatory Notes]

For FSA FCA  
use

Issue

Associate

Sol. Cert.

Ack.

PIV

### 1.2 Reason for change(s)

### 1.3 How will the change(s) proposed be treated for the purposes of COLL 4.3 [see Explanatory Notes]

**1.4 Date of proposed change(s)**

**1.5 If any proposed change is linked to a waiver of an FSA FCA rule, please provide the waiver application number**

**1.6 In respect of the proposed change(s) please confirm whether the ACD's Part IV 4A permission requires variation. If so, please provide details of the variation of permission application and the date it was made. Alternatively for an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in relation to these proposed change(s) [see Explanatory Notes]**

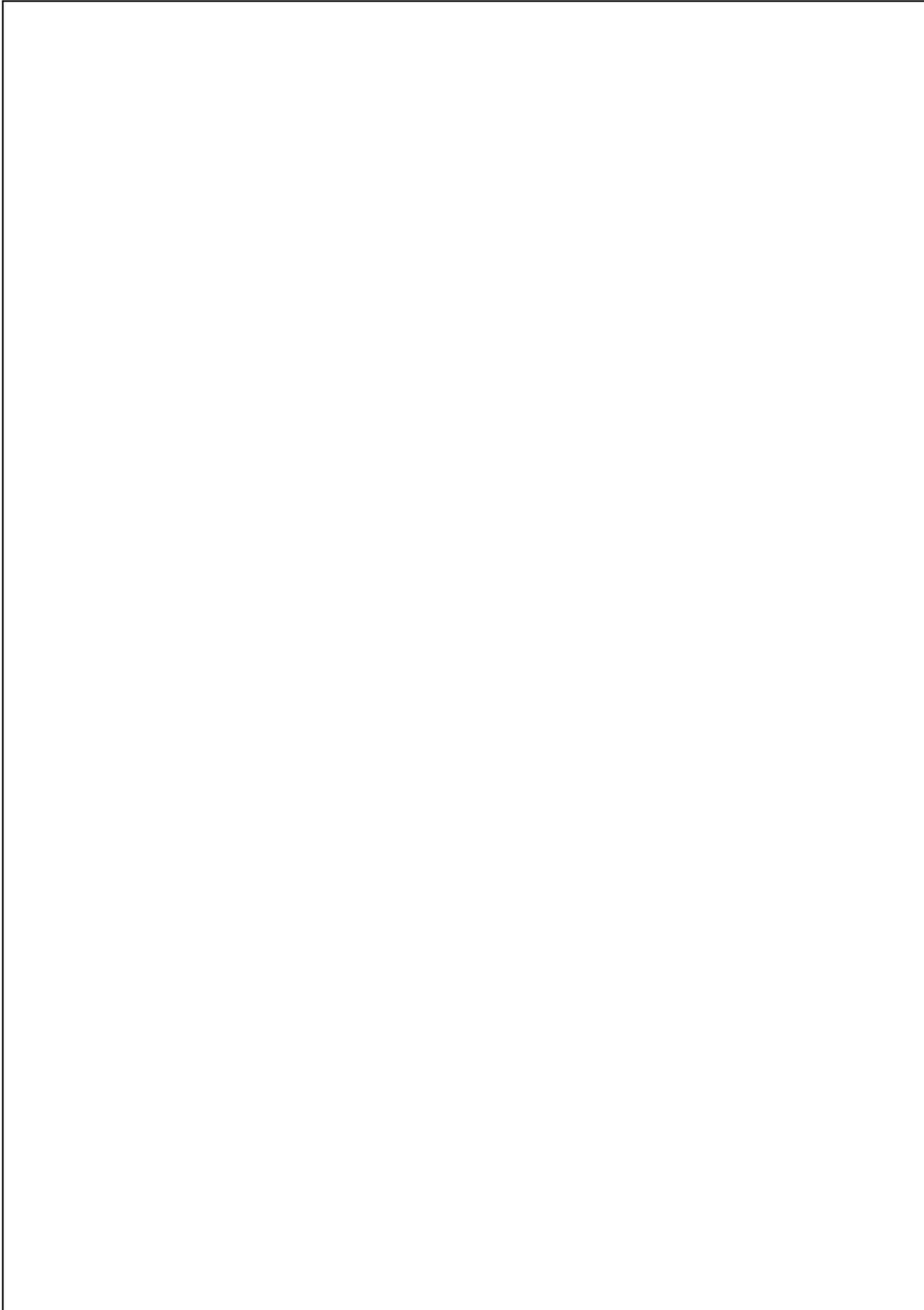
**1.7 Documents enclosed**

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 251

### Notification of certain changes for an Authorised Unit Trust under section 251 of the Financial Services and Markets Act 2000

#### Name of AUT(s)

#### Important information you should read before completing this form

We need the information in this form to approve proposed alterations to an AUT or to replace its trustee or manager under section 251 of FSMA.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one AUT you do not need to fill in a separate form for each AUT, a list of AUTs can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'AUT' refers to authorised unit trust under section 243 of the FSMA

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the FSA Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the FSA Handbook

'~~FSA~~ ~~FCA~~', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA Handbook~~' refers to the ~~FSA Handbook of Rules~~ which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'FSMA' or 'the Act' refers to the Financial Services and Markets Act 2000

'UK' refers to the United Kingdom

'You' refers to the person completing the form

## **Purpose of this form**

We may, after considering the information in this form and supporting documents, approve proposed alterations to an AUT or proposals to replace its trustee or manager under section 251 of FSMA.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we may have to treat the notification as incomplete. This may increase the time it takes us to deal with your notification
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of FSMA, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to alterations to an AUT or to replace its trustee or manager.
- 6 Your application should include:
  - this Form 251;
  - the solicitor's certificate, if the proposal to alter the AUT involved change to the trust deed;
  - a copy of any supplemental trust deed;
  - a copy of any revised prospectus, highlighted to show the alterations from the latest version;
  - where applicable, a copy of the revised key investor information document, highlighted to show the alterations from the latest version;
  - any other relevant documentation to support the notification e.g. circular or letter to unitholders.

Send your application to us at:

~~CIS Authorisations Team~~ Investment Funds Team  
The ~~Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## **Explanatory Notes**

- 1.1 You must state the scheme type, as specified in COLL 1.2.1R (Types of authorised fund), to which the AUT belongs.
- 1.2 We have up to one month in which to approve any proposal; beginning with the date on which valid notice is given. If we propose to refuse approval of any proposal, we will send a warning notice to explain why; we will also set a specified period to make representations to us. Subsequently, if we decide to refuse approval we will send a decision notice. There is further information on our procedures in the Decision Procedure and Penalties Manual (DEPP).

Any notice given in respect of a proposal to alter the AUT involving a change in the trust deed must be accompanied by a certificate signed by a solicitor. This must confirm that the change will not affect the compliance of the deed with the trust scheme rules.

If further changes to the AUT or modifications to existing proposals are suggested in the course of assessing a proposal, this will require separate notification, unless we agree otherwise. In any event, subsequent modification (other than a simple grammatical or typographical error) to the trust deed relating to an existing proposal should be accompanied either by a new solicitor's certificate or written confirmation by the solicitor that the original certificate continues to apply.

- 1.4 For UCITS and non-UCITS retail schemes you must explain whether a proposed change is to be treated as fundamental, significant or notifiable, and the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications). Alternatively, if the manager does not intend to make unitholders aware of the change, you must make it clear that it is considered insignificant. For qualified investor schemes you must explain whether the changes are being treated as fundamental, significant or insignificant and the procedural steps that will be taken in compliance with COLL 8.3.6R (Alterations to the scheme and notices to unitholders).
- 1.7 Space is provided to give notice to us of: i) (where the manager is authorised by the ~~FSA~~ FCA), any application made in relation to the manager's Part ~~IV~~ 4A permission to carry on a regulated activity in the United Kingdom. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for; ii) (where the manager is an EEA UCITS management company), any relevant notifications/applications that have been made in relation to these proposed changes. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

Further information on the ~~FSA's~~ FCA's variation of permission procedures can be found on the ~~FSA~~ FCA website at <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml> [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under section 251 of FSMA have subsequently been carried into effect.**



# 1

## Notification of certain changes to an AUT

We need this information about the notification so we can process your notification as efficiently as possible

### 1.1 Scheme type [see Explanatory Notes]

For **FSA**  
**FCA** use

### 1.2 Details of proposed changes [see Explanatory Notes]

Issue

Associate

Sol. Cert.

Ack.

PIV

### 1.3 Reason for change(s)

**1.4 How will the change(s) proposed be treated for the purposes of COLL 4.3/COLL 8.3.6R? [see Explanatory Notes]**

**1.5 Date of proposed change(s)**

**1.6 If any proposed change is linked to a waiver of an FSA FCA rule, you must provide the waiver application number**

**1.7 In respect of the proposed change(s) you must confirm whether the manager's Part IV 4A permission requires variation. If so, you must provide details of the variation of permission application and the date it was made. Alternatively for an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in relation to these proposed change(s) [see Explanatory Notes]**

**1.8 Documents enclosed**

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 252a

### Notification of proposed changes for an Authorised Unit Trust under section 252A of the Financial Services and Markets Act 2000

#### Name of AUT(s)

#### Important information you should read before completing this form

We need the information in this form to approve proposed alterations to an AUT under section 252A of FSMA.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one AUT you do not need to fill in a separate form for each AUT, a list of AUTs can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'AUT' refers to an authorised unit trust under section 243 of the FSMA

'COLL' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'COLLG' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~-Handbook

'~~FSA-FCA~~', 'we', 'us' and 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA Handbook~~' refers to the ~~FSA Handbook of Rules~~ which you can access at ~~www.fsa.gov.uk/Pages/handbook~~ www.fca.gov.uk/handbook [website address tbc]

'FSMA' or 'the Act' refers to the Financial Services and Markets Act 2000

'UK' refers to the United Kingdom

'You' refers to the person completing the form

#### Purpose of this form

We may, after considering the information in this form and supporting documents, approve proposed alterations to an AUT under section 252A of FSMA to allow a UCITS scheme which is a feeder UCITS to cease operating as a feeder UCITS.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we may have to treat the notification as incomplete. This may increase the time it takes us to deal with your notification
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of FSMA, COLL and COLLG before completing this form. Although ~~FSA~~ FCA staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to alterations to an AUT or to replace its trustee or manager.
- 6 Your application should include:
  - this Form 252A;
  - the solicitor's certificate, in accordance with section 252A(3)(a) of FSMA;
  - a copy of any supplemental trust deed;
  - a copy of any revised prospectus, highlighted to show the alterations from the latest version;
  - where applicable, a copy of the revised key investor information document, highlighted to show the alterations from the latest version;
  - any other relevant documentation to support the notification e.g. circular or letter to unitholders.

Send your application to us at:

~~CIS Authorisations Team~~ **Investment Funds Team**  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## **Explanatory Notes**

- 1.1** We have up to 15 working days in which to approve any proposal; beginning with the date on which valid notice is given. If we propose to refuse approval of any proposal, we will send a warning notice to explain why; we will also set a specified period to make representations to us. Subsequently, if we decide to refuse approval we will send a decision notice. There is further information on our procedures in the Decision Procedure and Penalties manual (DEPP).

Any notice given in respect of a proposal to alter the AUT under section 252A must be accompanied by a certificate signed by a solicitor. This must confirm that the change will not affect the compliance of the deed with the trust scheme rules.

If further changes to the AUT or modifications to existing proposals are suggested in the course of assessing a proposal, this will require separate notification, unless we agree otherwise. In any event, subsequent modification (other than a simple grammatical or typographical error) to the trust deed relating to an existing proposal should be accompanied either by a new solicitor's certificate or written confirmation by the solicitor that the original certificate continues to apply.

- 1.3** You must explain the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications).
- 1.6** Space is provided to give notice to us of any application made in relation to the manager's Part IV ~~4A~~ 4A permission to carry on a regulated activity in the UK. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for.

Further information on the ~~FSA's~~ FCA's variation of permission procedures can be found on the ~~FSA~~ FCA website at <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml> [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under section 252A of FSMA have subsequently been carried into effect.**

# 1

## Notification of certain changes to an AUT

We need this information about the notification so we can process your notification as efficiently as possible

### 1.1 Details of proposed changes [see Explanatory Notes]

For **FSA** FCA  
use

Issue

Associate

Sol. Cert.

Ack.

PIV

### 1.2 Reason for change(s)

**1.3 How will the change(s) proposed be treated for the purposes of COLL 4.3 [see Explanatory Notes]**

**1.4 Date of proposed change(s)**

**1.5 If any proposed change is linked to a waiver of an FSA FCA rule, you must provide the waiver application number**

**1.6 In respect of the proposed change(s) please confirm whether the ACD's Part IV 4A permission requires variation. If so, please provide details of the variation of permission application and the date it was made. Alternatively for an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in relation to these proposed change(s) [see Explanatory Notes]**

**1.7 Documents enclosed**

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 264CH

### Notification of certain changes to UCITS recognised under section 264 of the Financial Services and Markets Act 2000

#### Name of UCITS

#### Important information you should read before completing this form

We require all Operators of EEA UCITS recognised under section 264 of FSMA to notify us of certain changes to the UCITS.

You must keep a copy of the form you complete and the supporting documents that you send us for your future reference.

**It is important that you provide accurate and complete information and disclose all relevant information.**

#### Terms in this pack

In this form we use the following terms:

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**COLLG**' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~ Handbook

'**EEA**' refers to the European Economic Area

'~~FSA FCA~~', '**us**', '**we**' or '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'~~FSA Handbook~~' refers to the ~~FSA~~ Handbook of rules which can be accessed at ~~www.fsa.gov.uk/Pages/handbook~~  
[website address tbc]

'**FSMA**' or '**the Act**' refers to the Financial Services and Markets Act 2000

'**Marketing**' for a definition see the Glossary to the ~~FSA~~ Handbook

'**Operator**' refers to the UCITS itself for an open-ended investment company (see section 237(2) of the Act). For any other UCITS it is the person who under the constitution or founding arrangements of the scheme is responsible for managing the property held by the UCITS (see ~~FSA-Handbook~~ Glossary)

'**Sub-fund(s)**' means investment compartment(s) in accordance with the UCITS Directive

'**UCITS**' refers to a scheme which complies with the UCITS Directive

'**UCITS Directive**' refers to the European Parliament and Council Directive 2009/65/EC of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities, as amended

'**UK**' refers to the United Kingdom

'**You**' refers to the person completing the form on behalf of the Operator (UCITS)

**Purpose of this form**

You should complete this form when notifying us of changes to the information previously supplied to us in accordance with Article 93(7) and (8). We also need certain details for the ~~FSA~~ FCA CIS Register, which is our record of regulated collective investment schemes in the UK. The ~~FSA~~ FCA CIS Register can be accessed at ~~www.fsa.gov.uk/Pages/register~~ [website address tbc].

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the from question to question and press SHIFT TAB to move back to the previous question; and
  - print out all the completed parts of the form
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly.
- 3 If there is not enough space on the form, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 4 You are advised to obtain a copy of COLL and COLLG before completing this form.
- 5 Your notification should consist of this Form 264CH:
  - (i) Which you may use to describe the update(s) or the amendment(s) that has/have been made and indicate where the document(s) can be obtained electronically; or
  - (ii) To which you may provide a new version of the document(s) as an attachment.

Send your notification to us at ~~recognisedcis@fca.gov.uk~~ **recognisedcis@fca.org.uk**

Please note we do not need the originals of translated documents.

# Notification of certain changes to a UCITS

As part of the on-going recognition of UCITS you must keep documents that have been filed with us up to date and notify us of any changes

## Changes to information about UCITS

1. 1 You must provide details of changes to any of the following information

	Details of change
Name of the UCITS	
Legal form, e.g. common form/unit trust/investment company	
Name and/or address of Operator	
Address of the place in the UK for the service on the Operator of notices or other documents	
Name and/or address of the supervisory authorities to which the Operator is subject in the EEA State in which it is established	

**1.2 You must provide details of changes to any of the following information (continued):**

	Details of change
Whether the Operator intends to market the UCITS in the UK in a manner which involves it carrying on a regulated activity in the UK	
Name and/or address of the depositary/trustee/custodian	
Address in the UK where facilities are maintained	
Details of the arrangements for marketing the UCITS in the UK	
Other changes (not covered above)	

**Changes to documentation supplied to the FSA FCA**

**1.3 Where a new document is provided, please provide details of the document(s) amended**

**1.4 Date of amendment**

**1.5 Where documentation is not supplied, please indicate where copies may be obtained electronically**

## Details of umbrella UCITS

It is important that we have this information to ensure that the FSA FCA CIS Register is kept up to date

**If you are the Operator of an umbrella UCITS, you must provide us with details of changes to the sub-funds marketed in the United Kingdom**

**2.1 Sub-fund(s) for which marketing in the UK is to be terminated**

--

**2.2 Change of name of sub-fund(s)**

--

**2.3 List of sub-fund(s) currently marketed in the UK**

--

# Contact details for this notification

We need this information in case we need to contact you about your notification

## Contact for this notification

### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form 283A

### Application for approval of certain changes for a UCITS scheme under section 283A of the Financial Services and Markets Act 2000

#### Name of Scheme

#### Important information you should read before completing this form

To assist us in approving any proposal to make certain changes to an ICVC authorised under OEIC Regulation 14 or an AUT authorised under section 243 of FSMA, we request that you complete this form and provide the information set out below.

You must keep a copy of the form that you complete and the supporting documents that you include with this application for your future reference.

If a notification relates to more than one scheme you do not need to fill in a separate form for each scheme, a list of schemes can be included in Section 2.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may increase the time taken to deal with your application.**

#### Terms in this pack

In this form we use the following terms:

'**AFM**' refers to the Authorised Fund Manager

'**AUT**' refers to authorised unit trust under section 243 of FSMA

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**COLLG**' refers to the Collective Investment Schemes Information Guide which is part of the ~~FSA~~ Handbook

'**Feeder UCITS**' for a definition see the Glossary to the ~~FSA~~ Handbook

'~~FSA~~ **FCA**', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'**FSA Handbook**' refers to the ~~FSA~~ Handbook of Rules which you can access at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) [website address tbc]

'**FSMA**' or '**the Act**' refers to the Financial Services and Markets Act 2000

'**ICVC**' refers to Investment Company with Variable Capital authorised under OEIC Regulation 14

**'Master UCITS'** for a definition see the Glossary to the FSA Handbook

**'OEIC Regulations'** refers to The Open-Ended Investment Companies Regulations 2001

**'UCITS'** refers to a scheme which complies with the UCITS Directive

**'UCITS Directive'** refers to the European Parliament and Council Directive 2009/65/EEC of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities, as amended

**'UK'** refers to the United Kingdom

**'You'** refers to the person completing the form

**Purpose of this form**

We may, after considering information in this form and the supporting documents, approve any proposal to make changes to an ICVC authorised under OEIC Regulation 14 or an AUT authorised under section 243 of FSMA, to enable the scheme to operate as a feeder UCITS, including where the scheme is applying to invest in the units of a different master UCITS.

## **Filling in the form**

- 1 If you are completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all the completed parts of the form
- 2 If you are filling in the form by hand:
  - use black ink; and
  - write clearly in BLOCK LETTERS.
- 3 If you leave a question blank or do not attach the required supporting information without telling us why, we may have to treat the notification as incomplete. This may increase the time it takes us to deal with your notification
- 4 We have left space in Section 2.1 for additional information. If there is not enough space on the form, please continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 5 You are advised to get a copy of FSMA, the OEIC Regulations, COLL and COLLG before completing this form. Although ~~FSA-FCA~~ staff may offer some help to applicants, they are not able to give any definitive ruling on the interpretation of legislation or regulations - only the UK Courts have this power. So we suggest you seek your own legal advice on all matters relating to proposals to make the change(s).
- 6 **Where the notification is in respect of changes to an authorised UCITS, your notification should include:**
  - (i) this Form 283A;
  - (ii) a solicitor's certificate, if there is an alteration to the constituting documents of the scheme;
  - (iii) a copy of any revised instrument of incorporation/trust deed, highlighted to show the alterations from the latest version;
  - (iv) a copy of any revised prospectus, highlighted to show the alterations from the latest version;
  - (v) a copy of any revised key investor information document, highlighted to show alterations from the latest version (where applicable);
  - (vi) the information required by questions 1.6(i) to 1.6(viii), provided in English
- 7 **Where this notification forms part of an application for authorisation of a new scheme, you will also be required to submit a completed Form 12/242 in respect of the new scheme, along with the information required in 6(i) and 6(vi) above.**

Send your application to us at:

~~CIS Authorisations Team~~ Investment Funds Team  
~~The Financial Services Authority~~ **Financial Conduct Authority**  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## **Explanatory Notes**

- 1.1 You must state whether the scheme is an AUT or ICVC.
- 1.2 We have up to one 15 working days in which to approve a proposal; following the submission of a complete application. If we propose to refuse approval of a proposal, we will send a warning notice to explain why; we will also set a period for representations to us. Subsequently, if we decide to refuse approval, we will send a decision notice. There is further information on our procedures in the Decision Procedure and Penalties manual (DEPP).

Where applicable, any notice given by a UCITS scheme under section 283A of FSMA must be accompanied by a solicitor's certificate. That certificate must confirm that the change will not affect compliance of the instrument with Schedule 2 of the OEIC Regulations or the trust deed with the trust scheme rules and with any requirements of COLL that relate to the contents of that document.

If further changes or modifications to existing proposals are suggested during the course of assessing a proposal, this will require separate notification, unless we agree otherwise. In any event, subsequent modification (other than a simple grammatical or typographical error) to the instrument of incorporation or trust deed relating to an existing proposal should be accompanied either by a new solicitor's certificate or written confirmation by the solicitor that the original certificate continues to apply.

- 1.4 You must explain whether a proposed change is to be treated as fundamental, significant or notifiable, and the procedural steps that will be taken in compliance with COLL 4.3 (Approvals and notifications).
- 1.8 Space is provided to give notice to us of: i) (where the ACD is authorised by the ~~FSA~~ FCA) any application made in relation to the ACD's Part ~~IV~~ 4A permission to carry on a regulated activity in the United Kingdom. If an application has been submitted to vary any of the activities that the firm may carry on, including the removal of any limitation (relating to an individual activity), you must provide details of when the application was made and what it was for; ii) (where the ACD is an EEA UCITS management company) any relevant notifications/applications that have been made in relation to these proposed changes. If applicable, you must provide details of when and to whom the notification/application was made and what it was for.

Further information on the ~~FSA's~~ FCA's variation of permission procedures can be found on the ~~FSA~~ FCA website at <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml> [website address tbc]

**Please note, you should use Form FN to notify us that changes approved under section 283A of FSMA have subsequently been carried into effect.**



# 1

## Application for approval of certain changes to a UCITS scheme

We need this information about the notification so we can process your notification as efficiently as possible

### 1.1 Legal structure of the scheme [see Explanatory Notes]

For **FSA**  
**FCA** use

### 1.2 Details of proposed changes [see Explanatory Notes]

Issue

Associate

Sol. Cert.

Ack.

PIV

### 1.3 Reason for change(s)

**1.4 How will the change(s) proposed be treated for the purposes of COLL 4.3? [see Explanatory Notes]**

**1.5 Date of proposed change(s)**

**1.6 Documents enclosed**

<p><b>(i) The instrument constituting the scheme of the feeder UCITS and of the master UCITS</b></p>	<input type="checkbox"/>
<p><b>(ii) The prospectus and the key investor information of the feeder UCITS and of the master UCITS;</b></p>	<input type="checkbox"/>
<p><b>(iii) The master-feeder agreement or the internal conduct of business rules;</b></p>	<input type="checkbox"/>
<p><b>(iv) where applicable, the information to be provided to unitholders;</b></p>	<input type="checkbox"/>
<p><b>(v) If the master UCITS and the feeder UCITS have different depositaries, the information sharing agreement between them;</b></p>	<input type="checkbox"/>
<p><b>(vi) If the master UCITS and the feeder UCITS have different auditors, the information sharing agreement between them; and</b></p>	<input type="checkbox"/>
<p><b>(vii) Where the master UCITS is an EEA UCITS scheme, an attestation by the master UCITS's Home State regulator, that the master UCITS:</b></p>	
<p><b>(a) is an EEA UCITS scheme , or a sub-fund of it; and</b></p>	<input type="checkbox"/>
<p><b>(b) fulfils the conditions set out in article 58(3)(b) and (c) of the UCITS Directive.</b></p>	<input type="checkbox"/>
<p>In respect of the above, please provide a checklist indicating where the information required by COLL 11.3.2R, COLL 11 Annex 1R/2R, COLL 11.4.2R and COLL 11.5.2R is located</p>	

**1.7 If any proposed change is linked to a waiver of an ~~FSA~~ FCA rule, please provide the waiver application number**

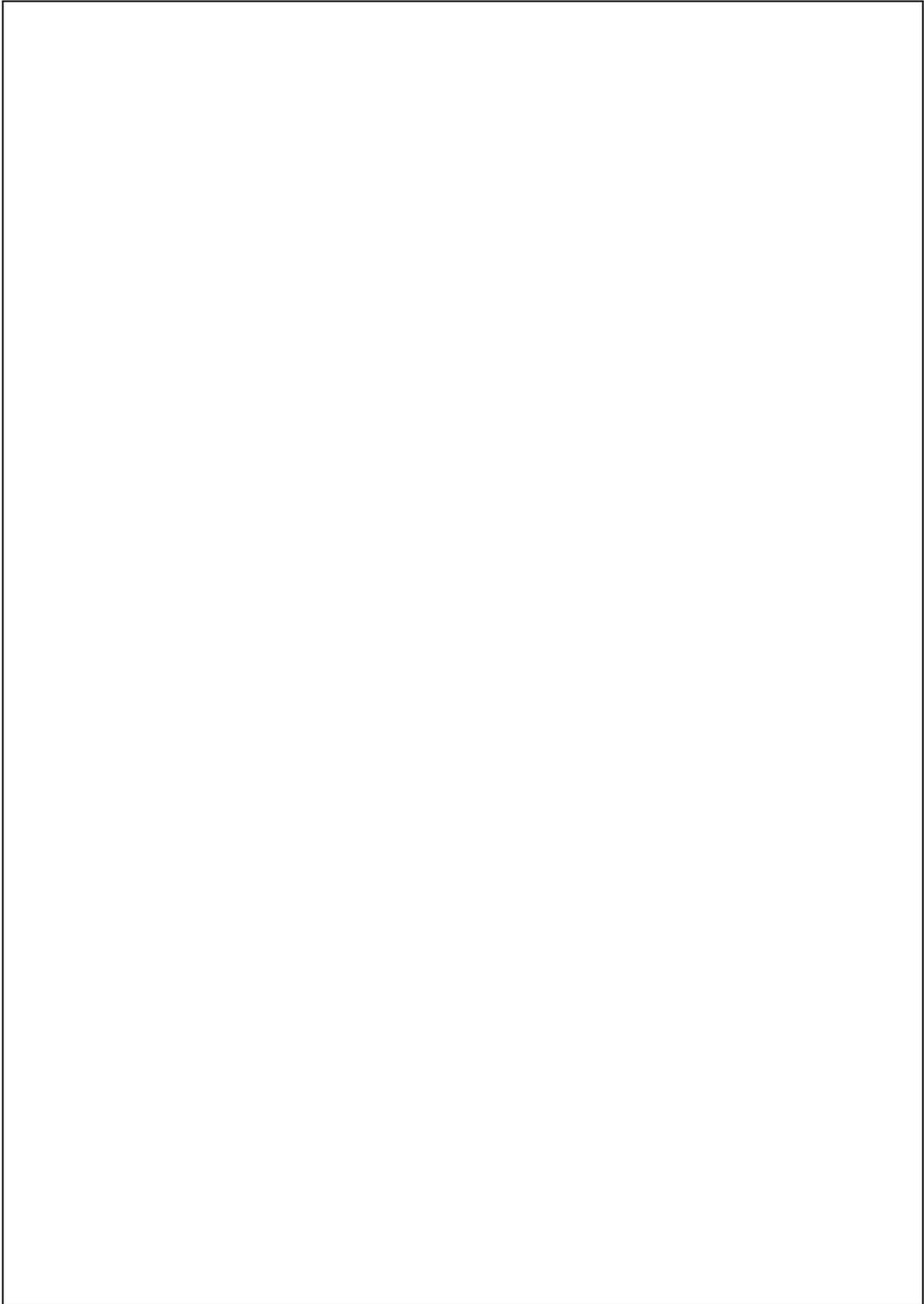
**1.8 In respect of the proposed change(s) please confirm whether the ACD's Part IV 4A permission requires variation. If so, please provide details of the variation of permission application and the date it was made. Alternatively for an EEA UCITS management company, please provide details of any relevant notifications/applications that have been made in relation to these proposed change(s) [see Explanatory Notes]**

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## Form FN

### Notification of changes to an ICVC or an Authorised Unit Trust, following prior approval of the ~~FSA~~ FCA

#### Name of Scheme(s)

#### Important information you should read before completing this form

This form applies to schemes authorised under either OEIC regulation 14 or section 243 of FSMA. These are ICVCs or AUTs.

We need the information in this form to notify us that changes previously approved by the ~~FSA~~ FCA have now been carried into effect (this includes the addition of a new sub-fund and completion of termination of a sub-fund). If the change is one of those listed in COLL 6.9.11R we must be notified not later than 14 days after the occurrence.

If you are the AFM of the receiving UCITS as a result of a domestic or cross-border UCITS merger you must notify us immediately when that merger has been effected.

If a notification relates to more than one scheme you do not need to fill in a separate form for each scheme, a list of schemes can be included in Section 2.

#### Terms in this pack

In this form we use the following terms:

'**AFM**' refers to the Authorised Fund Manager

'**AUT**' refers to authorised unit trust

'**COLL**' refers to the Collective Investment Schemes sourcebook which is part of the ~~FSA~~ Handbook

'**Cross-Border UCITS Merger**' for a definition see the Glossary to the ~~FSA~~ Handbook

'**Domestic UCITS Merger**' for a definition see the Glossary to the ~~FSA~~ Handbook

'**~~FSA~~ FCA**', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority

'**FSMA**' or '**the Act**' refers to the Financial Services and Markets Act 2000

'**ICVC**' refers to Investment Company with Variable Capital

'**OEIC Regulations**' refers to The Open-Ended Investment Companies Regulations 2001

'**You**' refers to the person signing the form on behalf of the AFM or depositary

### **Filling in the form**

- 1 When completing the form electronically:
  - use the TAB key to move to the next question and press SHIFT TAB to move to the previous question; and
  - print out all of the completed parts of the form.
  
- 2 We have left space in Section 2.1 for additional information. If there is not enough space on the form, you must continue on separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
  
- 3 Your notification should include this Form FN along with the following documents if relevant:
  - a copy of any revised instrument of incorporation;
  - a copy of any executed supplemental trust deed;
  - a copy of any revised prospectus;
  - if a resolution has been passed by the director(s) of an ICVC to change the name of the company or any sub-fund, it would also be helpful for us to receive a copy.

**Send your notification to us at: [ukcis@fsa.gov.uk](mailto:ukcis@fsa.gov.uk) [ukcis@fca.org.uk](mailto:ukcis@fca.org.uk)**

# 1

## Details of changes made to an authorised scheme

We need the information in this form to notify us that changes previously approved by us have now been carried into effect. We also need these details for our CIS Register, which is our public record of regulated collective investment schemes in the UK. You can access our CIS Register at [www.fsa.gov.uk/Pages/register](http://www.fsa.gov.uk/Pages/register) [website address tbc]

### 1.1 Scheme type

For FSA  
FCA use

### 1.2 Details of changes(s) made

Tardis updated

Tracker closed

### 1.3 FSA FCA approval reference (found on the top right of the approval letter)

### 1.4 Effective date of change(s)

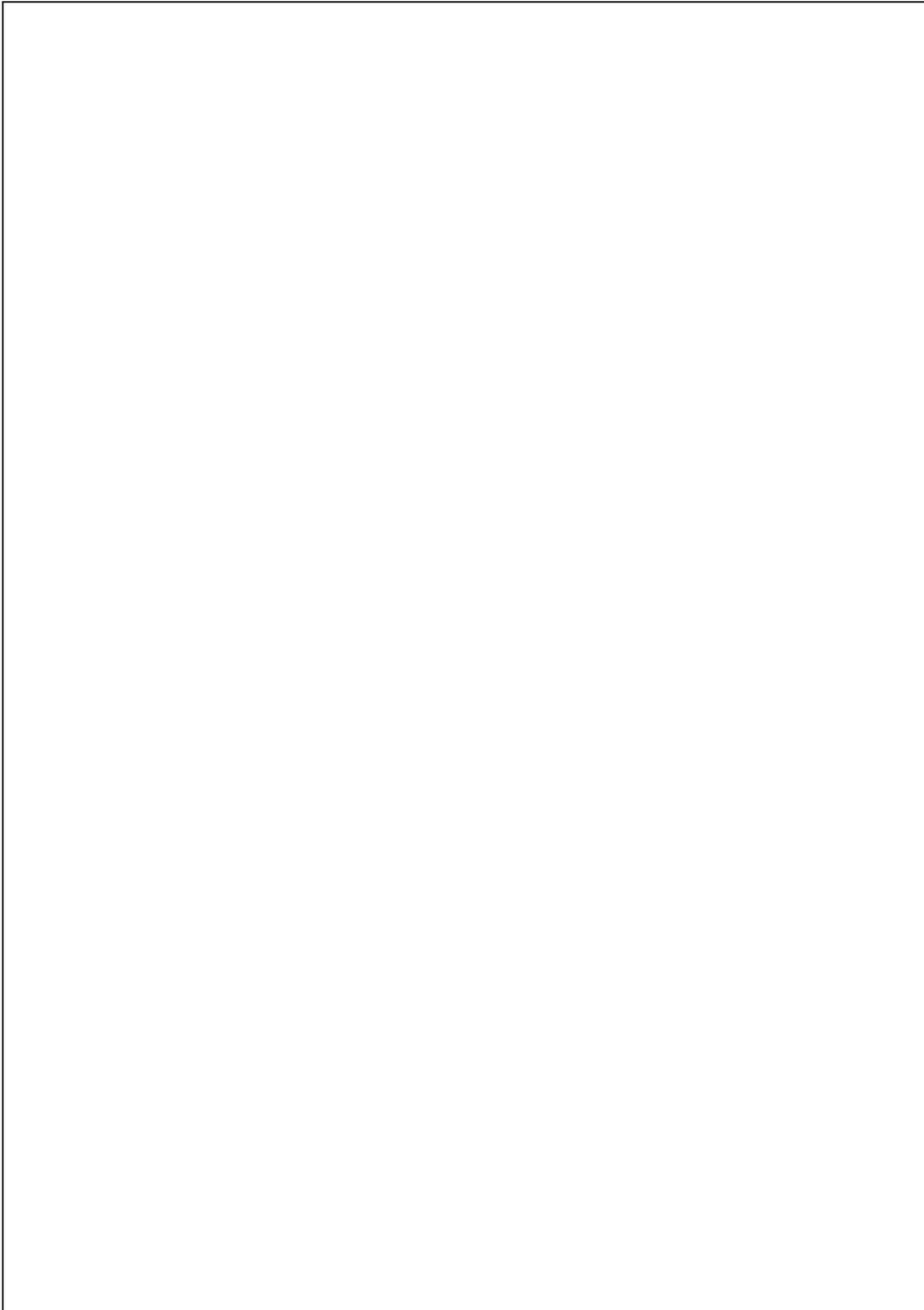
### 1.5 Documents enclosed

# 2

## Additional information

You may need the additional space to answer the questions

### 2.1 Additional information



# 3

## Contact details for this notification

We need this information in case we need to contact you about your notification

### Contact for this notification

#### 3.1 Contact details for questions about this notification

Title	
First name	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

## NOTIFICATION LETTER

(Article 1 of Commission Regulation (EU) No 584/2010 of 1 July 2010 implementing Directive 2009/65/EC of the European Parliament and of the Council as regards the form and content of the standard notification letter and UCITS attestation, the use of electronic communication between competent authorities for the purpose of notification, and procedures for on-the-spot verifications and investigations and the exchange of information between competent authorities (OJ L 176, 10.7.2010, p. 16)

### NOTIFICATION OF INTENTION TO MARKET UNITS OF UCITS

IN \_\_\_\_\_  
(the host Member State)

### PART A

Name of the UCITS: \_\_\_\_\_

UCITS home Member State:  
\_\_\_\_\_

Legal form of the UCITS (please tick appropriate one box):

- common fund  
 unit trust  
 investment company

Does the UCITS have compartments? Yes/No

Name of the UCITS and/or compartment(s) to be marketed in the host Member State	Name of share class(es) to be marketed in the host Member State (1)	Duration (2)	Code numbers (3)

(1) If the UCITS intends to market only certain share classes, it should list only those classes

(2) If applicable

(3) If applicable (e.g. ISIN)

Name of the management company/self-managed investment company:  
\_\_\_\_\_

Management company's home Member State: \_\_\_\_\_

Address and registered office/domicile if different from address

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Details of management company's website: \_\_\_\_\_

Details of contact person at the management company

Name/Position: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Duration of the company, if applicable: \_\_\_\_\_

Scope of activities of the management company in the UCITS host Member State:

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Additional information about the UCITS (if necessary):

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Attachments:

(1) The latest version of the fund rules or instruments of incorporation, translated if necessary in accordance with Article 94(1)(c) of Directive 2009/65/EC.

\_\_\_\_\_  
(Title of document or name of electronic file attachment)

(2) The latest version of the prospectus, translated if necessary in accordance with Article 94(1)(c) of Directive 2009/65/EC.

\_\_\_\_\_  
(Title of document or name of electronic file attachment)

(3) The latest version of the key investor information, translated if necessary in accordance with Article 94(1)(b) of Directive 2009/65/EC.

\_\_\_\_\_  
(Title of document or name of electronic file attachment)

(4) The latest published annual report and any subsequent half-yearly report, translated if necessary in accordance with Article 94(1)(c) of Directive 2009/65/EC.

\_\_\_\_\_  
(Title of document or name of electronic file attachment)

Note:

The latest versions of the required documents listed above must be attached to this letter for onward transmission by the competent authorities of the UCITS home Member State, even if copies have previously been provided to that authority. If any of the documents have previously been sent to the competent authorities of the UCITS host Member State and remain valid, the notification letter may refer to that fact.

Indicate where the latest electronic copies of the attachments can be obtained in future:

---

## PART B

The following information is provided in conformity with the national laws and regulations of the UCITS host Member State in relation to the marketing of units of UCITS in that Member State.

UCITS shall refer to the website of the competent authorities of each Member State for details of which items of information shall be provided in this section. A list of relevant website addresses is available at [www.cesr.eu](http://www.cesr.eu) [www.esma.europa.eu](http://www.esma.europa.eu)

### 1. Arrangements made for marketing of units of UCITS

Units of the UCITS/UCITS compartments will be marketed by:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | the management company that manages the UCITS                      |
| <input type="checkbox"/> | any other management company authorised under Directive 2009/65/EC |
| <input type="checkbox"/> | credit institutions  |
| <input type="checkbox"/> | authorised investment firms or advisers                            |
| <input type="checkbox"/> | other bodies   |

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

### 2. Arrangements for the provision of facilities to unit-holders in accordance with Article 92 of Directive 2009/65/EC:

Details of paying agent (if applicable):

Name: \_\_\_\_\_

Legal form: \_\_\_\_\_

Registered office: \_\_\_\_\_

Address for correspondence (if different): \_\_\_\_\_

Details of any other person from whom investors may obtain information and documents:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Manner in which the issue, sale, repurchase or redemption price of units of UCITS will be made public:

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3. Other information required by the competent authorities of the host Member State in accordance with Article 91(3) of Directive 2009/65/EC

Include (if required by the UCITS host Member State):

- details of any additional information to be disclosed to unit-holders or their agents;
- in case a UCITS makes use of any exemptions from rules or requirements applicable in the UCITS host Member State in relation to marketing arrangements for the UCITS, a specific share class or any category of investors, details of the use made of such exemptions;

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If required by the UCITS host Member State, evidence of payment due to the competent authorities of the host Member State:

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## PART C

Confirmation by the UCITS

We hereby confirm that the documents attached to this notification letter contain all relevant information as provided for in the Directive 2009/65/EC. The text of each document is the same as that previously submitted to the competent authorities of the home Member State, or is a translation that faithfully reflects that text.

(The notification letter shall be signed by an authorised signatory of the UCITS or a third person empowered by a written mandate to act on behalf of the notifying UCITS, in a manner which the competent authorities of the UCITS home Member State accept for certification of documents. The signatory shall state his/her full name and capacity, and shall ensure the confirmation is dated.)

**Annex 27**

**Amendments to the Credit Unions New sourcebook (CREDS)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority / FSA</i>	<i>appropriate regulator</i>	CREDS 2.1.4G(1), 2.2.4R, 2.2.6R, 2.2.26G(4), 2.2.33G, 2.2.37G, ;  CREDS 7.2.10G;  CREDS 8.3.2G, 8.3.7G;  CREDS Sch 3.2G;  CREDS Sch 6.1
<i>FSA</i>	<i>FCA</i>	CREDS 9.2.1R, 9.2.7R(2), 9.2.10R, 9.2.12R;  CREDS Sch 5.1G
<i>FSA</i>	<i>PRA</i>	CREDS 2.2.52G, 2.2.60G;  CREDS 3.3.10R;  CREDS 5.1.5G, 5.1.6G, 5.2.3G;  CREDS 6.2.5R, 6.2.6G;  CREDS 7.1.2G, 7.2.2R, 7.3.7G, 7.4.3R, 7.5.5G;  CREDS 8.2.6R, 8.2.7R;  CREDS Appendix 1.1 row 'total non-deferred shares';  CREDS TP 1 row 12
<i>Part IV</i>	<i>Part 4A</i>	CREDS 1.1.2G(1), 1.1.2G(3), 1.1.4G;  CREDS 3.2.1R(1), 5.2.1R(5)

		CREDS 10.1.2G
Section 148	Sections 138A and 138B	CREDS Sch 6.1G
Section 150	Section 138D	CREDS Schs 5.1G, 5.2G
Section 150(2)	Section 138D(3)	CREDS Sch 5.1G

Amend the following provisions as follows.

2.2.36 G ...

**Information for the FSA\_PRA**

...

9.2.10 R A report under this section must be given or addressed, and delivered, in the way set out in *SUP* 16.3.6 R to *SUP* 16.3.16 G (General provisions on reporting), except that, instead of the *credit union's* usual supervisory contact, the report must be given to or addressed for the attention of the ~~Data Monitoring team of the FSA~~ Central Reporting team at the FCA.

9 Annex 1R Credit union complaints return

(for FSA FCA use only)

--

# Credit union complaints return

FCA Handbook Reference: CREDS 9 Annex 1R  
This is the report referred to in CREDS 9.2.1R

Please read the notes on completion before completing this return

<b>Firm details and reporting period</b>	<b>Section 1</b>
--	------------------

1.01	Firm reference number																		
1.02	Name of credit union																		
1.03	Reporting period	From	mm	yyyy	To	mm	yyyy												

<b>Nil return declaration</b>	<b>Section 2</b>
-------------------------------	------------------

SECTIONS 1 AND 6 MUST STILL BE COMPLETED.

2.01	We wish to declare a Nil Return (Tick the box if applicable)	Nil return	<input type="checkbox"/>
------	---	------------	--------------------------

<b>Complaints outstanding</b>	<b>Section 3</b>
-------------------------------	------------------

3.01	Number of complaints outstanding as at reporting period start date	
------	--	--

**Complaints opened during reporting period** **Section 4**

Product/service grouping	Product/service	Advising, selling and arranging	Terms and disputed sums/charges	General admin/customer service	Arrears related	Other
Banking	Current accounts					
	Credit cards					
	Unregulated loans					
	Savings (inc. Cash ISA) and other banking					
Home finance	Equity release products					
	Impaired credit mortgages					
	Other regulated home finance products					
	Other unregulated home finance products					
General insurance and pure protection	Payment protection insurance					
	Other general insurance					
	Critical illness					
	Income protection					
	Other pure protection					
Decumulation, life and pensions	Personal pensions and FSAVCs					
	Investment linked annuities					
	Income drawdown products					
	Endowments					
	Other decumulation, life and pensions					
Investments	Investment bonds					
	PEPs/ISAs (exc. cash ISAs)					
	Unit trusts/OEICs					
	Investment trusts					
	Structured products					
	Other investment products/funds					
	Investment management/services (inc. platforms)					

**Complaints closed during reporting period** **Section 5**

Product/service grouping	Number of complaints closed within 8 weeks	Number of complaints closed after more than 8 weeks	Number of complaints upheld by the credit union in the period	Total amount of redress paid to consumers in the period
Banking				
Home finance				
General insurance and pure protection				
Decumulation, life and pensions				
Investments				

**Declaration and signature** **Section 6**

Knowingly or recklessly giving the ~~FSA~~ FCA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000) and a breach of regulatory requirements.

In signing this form, the credit union acknowledges that the data supplied may be used by the ~~FSA~~ FCA in a variety of different ways (including making it publicly available) in support of its principal functions and statutory objectives as provided for under the Financial Services and Markets Act 2000.

I confirm that I have read the notes and that the information given in this return about complaints received by the credit union named at Section 1.02 is accurate and complete to the best of my knowledge and belief.

6.01	Name of person completing on behalf of the credit union	
6.02	Job title	
6.03	Signature	
6.04	Date	

**Notes on completion of this return**

Completing this return

The return must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

All dates must be provided in numeric form (for example: 29/02/2006 for 29 February 2006).

The credit union is responsible for the accuracy of the data and completion of the return.

#### Section 2 – Nil Returns

If no complaints have been received during the reporting period, and no complaints were outstanding at the beginning of the period, the credit union may submit a NIL RETURN by ticking the relevant box on the front of the form.

Sections 1 and 6 must still be completed.

#### Section 4 – Complaints opened during reporting period

Enter the number of complaints for each product according to the category of complaint. Leave blanks where no complaints have been received.

All credit unions provide the products “Savings (inc Cash ISA) and other banking” (members’ shares) and “Unregulated loans” (members’ loans not secured on land), and may receive complaints for those products. The corresponding rows in the form have been left shaded to help credit unions with completion; all other rows are clear. Some categories of complaint (shown in the column headings) may not apply to those products.

Some credit unions may also provide other products (for which they may require further permission). If so they should enter the number of complaints received for these products in the relevant boxes, even though they are clear.

#### Section 5 – Complaints closed during reporting period

Credit unions will usually receive complaints relating to the 'Banking' product/service grouping only and this row is shaded to help with completion. As above – some credit unions may also provide other products; if so they should also fill in the appropriate row even though it is not shaded.

#### Section 6 – Declaration & signature

The declaration must be signed by an appropriate individual for the credit union submitting this return.

If you have any questions or need help with this return, please approach your usual supervisory contact at the FSA.

REPORTS SENT BY POST MUST BE ADDRESSED TO:

THE FINANCIAL ~~AUTHORITY~~ CONDUCT

AUTHORITY  
P O BOX 35747  
LONDON E14 5WP  
UNITED KINGDOM

Hand delivered returns should be marked for the attention of Central ~~Analysis and~~ Reporting Department and be delivered to 25 The North Colonnade, Canary Wharf, London E14 5HS.

Annex 28

**Amendments to the Professional Firms sourcebook (PROF)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>PROF 1.1.4G(3) and (4), 1.1.4G(6), 1.1.5G;</p> <p>PROF 2.1.3G, 2.1.4G, 2.1.5G, 2.1.11G, 2.1.12G, 2.1.14G, 2.1.15G;</p> <p>PROF 3.1.1G, 3.1.2G, 3.1.2G(6), 3.1.3G, 3.2.1G, 3.2.2G, 3.2.4G, 3.2.5G(1) and (2), 3.2.5G(2)(d), 3.2.5G(3), 3.2.6G(1) to (3), 3.2.7G;</p> <p>PROF 4.1.1G, 4.1.2R(1), 4.1.4G(1) to (3);</p> <p>PROF 5.1.3G(1), 5.3.2G(2)(b), 5.3.9G, 5.3.10G(1)(d), 5.4.1R(2)(a);</p> <p>PROF 7.1.2G, 7.1.3G(1) to (2), 7.1.4G, 7.1.5G(1) and (2), 7.1.6G, 7.1.8G, 7.2.1G, 7.2.3G, 7.2.4G;</p> <p>PROF TP 1 row 1.1 1G;</p> <p>PROF Sch 5.2G</p>
<i>FSA Register</i>	<i>Financial Services Register</i>	<p>PROF 3.2.5G(3);</p> <p>PROF 7.1.6G, 7.1.8G;</p>
Section 150	Section 138D	PROF Schs 5.1G, 5.2G, 5.4G
Section 150(2)	Section 138D(3)	PROF Sch 5.2G

Amend the following provisions as outlined.

2.1.9 G Section 327(6) of the *Act* gives the Treasury power to make an order specifying activities, or activities relating to specified *investments*, that a person cannot carry on as an *exempt professional firm*. The relevant ~~order is~~ orders are listed in PROF 2 Annex 2G.

...

### 3.2 The ~~FSA's~~ FCA's power to make a direction

...

4.1.3 R ...

(2) An *exempt professional firm*, must, before it provides a service which includes the carrying on of an *insurance mediation activity* with or for a client, make the following statement in writing to the *client* in a way that is clear, fair and not misleading and no less prominent than any other information provided to the *client* at the same time:

[This firm is]/[We are] not authorised by the ~~Financial Services Authority~~ Financial Conduct Authority. However, we are included on the register maintained by the ~~Financial Services Authority~~ Financial Conduct Authority so that we can carry on insurance mediation activity, which is broadly the advising on, selling and administration of insurance contracts. This part of our of business, including arrangements for complaints or redress if something goes wrong, is regulated by [DPB]. The register can be accessed via the ~~Financial Services Authority~~ Financial Conduct Authority website at <http://www.fca.gov.uk/register/epfSearchForm.do>  
[www.fsa.gov.uk/register/home.do](http://www.fsa.gov.uk/register/home.do)

...

7.1.1 G  
The ~~FSA's~~ FCA's obligation to maintain a record

...

7.1.3 G  
Provision of information to the ~~FSA~~ FCA

...

7.1.5 G

**FSA Financial Services Register**

...

**FSA FCA Website**

7.1.8 G The ~~FSA Register~~ *Financial Services Register* can be accessed through the ~~FSA FCA~~ website under the link ~~www.fsa.gov.uk/register/~~  
www.fsa.gov.uk/register/home.do.

Annex 29

**Amendments to the Regulated Covered Bonds sourcebook (RCB)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	RCB 1.1.2G;  RCB 2.1.2G, 2.2.2G, 2.2.3D, 2.2.4G, 2.2.5G, 2.2.6D, 2.2.7G, 2.2.8D, 2.3.1G, 2.3.2G, 2.3.3G, 2.3.6G, 2.3.7G, 2.3.8G(2), 2.3.8G(3), 2.3.9G to 2.3.15G, 2.3.17G to 2.3.20G;  RCB 3.2.1D, 3.2.3G, 3.2.4G, 3.2.4AG, 3.2.4BD, 3.2.6D, 3.2.9D, 3.2.9AG, 3.2.10D, 3.2.11D, 3.2.13G, 3.2.14G, 3.2.15G, 3.3.1D, 3.3.2D, 3.3.2AD, 3.3.3D, 3.3.4G, 3.3.5D, 3.4.1D, 3.4.2D, 3.5.2D, 3.5.4D, 3.5.5G, 3.5.6D, 3.5.7D, 3.5.9D, 3.5.10D, 3.5.11D, 3.6.1R, 3.6.2G, 3.6.3G, 3.6.5D;  RCB 4.1.2G, 4.2.1G to 4.2.5G;  RCB 6.1.2G, 6.2.1G, 6.2.2G, 6.2.3G

Amend the following text as outlined.

2.3.18 G ...

**Providing advice and reports to the ~~FSA~~ FCA**

...

3.5.5 G ...

**Notifications to the ~~FSA~~ FCA if asset pool is not capable or not likely to be**

capable of covering claims and of other matters

...

**Method of sending forms and information to ~~FSA~~ FCA**

- 3.6.5 D Unless otherwise stated, the *issuer* or the *owner*, as the case may be, must send the relevant forms and information to the *FSA*'s address marked for the attention of the "Covered Bonds Team, Capital Markets Sector" by any of the following methods:

...

- (3) e-mail to ~~reb@fsa.gov.uk~~ rcb@fca.org.uk.

...

- 6.2.2 G ...

**~~FSA~~ FCA decision maker**

...

## RCB 2 Annex 1D

### Application for admission to the register of issuers and register of regulated covered bonds

To be submitted by prospective issuers as part of their application for admittance to the Regulated Covered Bond Register.

#### Terms in this form

In this form we use the following terms:

**'Connected person'** has the meaning given by RCB Regulation 5.

**'Covered bond'** means a bond in relation to which the claims attaching to that bond are guaranteed to be paid by an owner from an asset pool it owns.

**'Credit rating'** in relation to a particular entity means the rating of that entity's senior, unsecured, unguaranteed, unsubordinated debt.

**'FSA FCA', 'we', 'us' and 'our'** refers to the ~~Financial Services Authority~~ Financial Conduct Authority.

**'Issuer'** means a person which issues a covered bond.

**'Owner'** means a person which owns an asset pool and issues a guarantee to pay from that asset pool claims attaching to a regulated covered bond in the event of a failure of the issuer of that bond.

**'RCB sourcebook'** is the Regulated Covered Bonds sourcebook which is part of the ~~FSA~~ Handbook and can be accessed at ~~www.fsa.gov.uk/Pages/handbook~~ [website address tbc]. References to specific provisions in this sourcebook are prefaced by 'RCB'.

**'RCB Regulations'** refers to 'The Regulated Covered Bonds Regulations 2008' as amended from time to time and can be accessed at [http://www.opsi.gov.uk/si/si2008/uksi\\_20080346\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080346_en_1) <http://www.legislation.gov.uk/all?title=REGULATED%20COVERED%20BONDS>

**'Transaction documents'** should include documents listed in RCB sourcebook 3.5.15G.

#### Purpose of this form

To demonstrate the ability of the issuer and the covered bond or programme to comply with the RCB Regulations and RCB sourcebook.

We may, after considering the information in this form and supporting documentary evidence, decide to grant an application for an issuer or a covered bond or a programme to be added to the register of issuers or register of regulated covered bonds. The registration is made under the RCB Regulations.

#### Warning

Knowingly or recklessly giving us false or misleading information may be a criminal offence (regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

#### Filling in the form

- 1 The ~~FSA~~ FCA will not normally consider applications for issuer registration in isolation from the application for registration of a covered bond or programme.
- 2 The ~~FSA~~ FCA will not treat the application as having been received until it receives the registration fee (see RCB 5.2.5R) and all relevant documentation requested by the ~~FSA~~ FCA before its on-site review of the application (see RCB 2.2.5G).
- 3 You are advised to read the RCB Regulations and the RCB sourcebook before completing this form.
- 4 If you leave a question blank, do not sign the declaration or do not attach the required documentary evidence without telling us why, we may have to treat the application as incomplete. This will increase the time it takes us to deal with your application.
- 5 Your application should include in electronic format:
  - this form RCB 2 Annex 1D;
  - where applicable, the Asset Pool Notification form RCB 3 Annex 2D;
  - where applicable, the Asset & Liability Profile RCB 3 Annex 3D;
  - where applicable, the New Issuance Indicative Terms form RCB 3 Annex 4D;
  - where applicable, Loan-level Data RCB 3 Annex 7AD;
  - programme transaction documents, legal opinions and offering circular of the covered bond programme for which you are seeking registration;
  - a copy of the accountant's report on the cover pool assets;
  - any internal reports regarding the covered bond programme (the two most recent reports);
  - the most recent Internal Audit and Compliance reports covering any aspects of the covered bond programme, details on the frequency of such reviews and the date of the next scheduled reviews;
  - the results of any stress testing and scenario analysis undertaken on the asset pool;
  - the board sign-off authorising the covered bond programme and related papers;
  - incorporation documents for all internal committees where the covered bond programme is managed including a structural chart detailing where each forum fits within the issuer's governance structure, and the three most recent committee submissions, management information and minutes from each forum;
  - an organisational chart including the individuals that are involved in the management of the programme and a description of their role and responsibilities;
  - a copy of the issuer's lending policies, underwriting procedures and most recent periodical retail mortgage credit review; and
  - where applicable, all credit rating agency publications in relation to the covered bond programme for which you are seeking registration.

### **Sending the form**

Send your application form to us by email to ~~reb@fsa.gov.uk~~ rcb@fca.org.uk. It is our preference for all correspondence to be submitted electronically. If this is not possible your application form may also be submitted by post or by hand to the address below:

Regulated Covered Bonds Team

~~Capital Markets~~ Markets Division

The ~~Financial Services Authority~~ Financial Conduct Authority

25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

## **Fees**

We will not treat the application as having been received until we receive the registration fee.  
Details on the Fees are available in Chapter 5 of the RCB sourcebook.  
The payment methods available are credit transfer, banker's draft and cheque.

Credit transfer (BACS,  
CHAPS)

The ~~FSA~~ FCA bank details are:

Account Name : ~~FSA~~ FCA Collection account  
Bank Name : Lloyds Bank  
Account number : 00828179  
Sort code : 30-00-02

Please reference your payment with your firm reference number (FRN) and fee description (covered bond registration)

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Cheque or bankers draft

Please make the cheque or banker's draft payable to The ~~Financial Services Authority~~ Financial Conduct Authority

Please send the cheque or banker's draft with your firm reference number (FRN) and fee description (covered bond registration) to:

Regulated Covered Bonds Team  
~~Capital Markets Sector~~ Markets Division  
The ~~Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

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## Application Form

<b>Questions</b>	<b>Responses</b>
Issuer: name, address, contact name, e-mail and telephone number	
FSA FCA reference number of the issuer	
Owner: name, address, contact name, e-mail and telephone number	
Credit rating(s) of issuer and name of the relevant credit rating agency	
Accountant: name, address, contact name, e-mail and telephone number	
Legal counsel: name, address, contact name, e-mail and telephone number	
Bondholder representative: name, address, contact name, e-mail and telephone number	
Credit ratings of derivative providers (indicating nature of derivative, e.g. currency swap, interest rate swap) and name(s) of the relevant credit rating agency	
Cash manager (if different from issuer): name, address, contact name, e-mail and telephone number	
Credit rating(s) of cash manager (if different from issuer) and name of relevant credit rating agency	
Account bank (if different from issuer): name, address, contact name, e-mail and telephone number	
Credit ratings of account bank (if different from issuer) and name of relevant credit rating agency	
Role, name, address, contact name, e-mail and telephone number of any other relevant third parties	
Does the issuer hold permission under Part 4A of the Financial Services and Markets Act 2000 to carry on the regulated activity of 'accepting deposits' and have its registered office (or, if the issuer is a building society, its principal office) in the UK?	Yes/No
Does the owner have its registered office in the UK and its centre of main interest in the UK?	Yes/No
Does the owner comply with the requirements set out in RCB regulation 4?	Yes/No
If the covered bond or programme has arrangements in place that include the use of a 'connected person', provide details of who the person is and their relationship with the issuer.	

<p>If the covered bond or programme has arrangements in place that includes the use of a 'connected person', does the connected person comply with the requirements set out in RCB regulation 5?</p>	<p>Yes/No/NA</p>
<p>Name of covered bond programme</p>	
<p>Please indicate whether you wish to apply for a single asset or mixed asset designation, as set out in RCB regulation 2 and the type or variety of eligible assets as defined under regulation 2 in the cover pool.</p>	
<p>Asset percentage:</p> <ol style="list-style-type: none"> <li>1. specified in the programme documentation of the covered bond programme;</li> <li>2. specified by rating agencies;</li> <li>3. the asset percentage which the issuer proposes to run the programme with</li> </ol>	
<p>Provide an outline of the structure of the covered bond programme (including, if appropriate, a structural diagram).</p>	
<p>Provide an outline of the contractual obligations of the issuer, owner, hedging counterparties and other third parties, e.g. servicers, cash managers and paying agents, to the covered bond arrangements.</p>	
<p>Provide details of the circumstances that would require the replacement of hedging counterparties and third parties, e.g. servicers, cash managers or paying agents, and outline the contractual provisions that provide for the appointment of replacement parties. Please include details of the effect on the covered bonds or programme if no replacement party is found. Indicate the relevant sign-off and committee structure and timeframe needed to implement these processes, and any preparation that has been done to test these arrangements. Please make particular reference to swaps and servicing arrangements.</p>	
<p>Provide an outline of the contractual arrangements of the owner, hedging counterparties and other third parties, e.g. servicers, cash managers and paying agents, if the issuer defaults. Please indicate how the cash flows will operate immediately following the default of an issuer.</p>	
<p>Please outline why you are applying for RCB status, and indicate how RCB issuance fits in the</p>	

context of your overall funding strategy.	
Please provide six scenarios for proposed issuance: size, currency, tenor, fixed/floating-rate, price (if floating include the reference index), whether the bonds would be pass-through, soft- or hard-bullet maturity, FX swap rate, covered bond swap margin, covered bond swap payment frequency, interest rate swap payment frequency (payer and receiver leg), interest rate swap margin, interest rate receiver index.	
Do the assets in the pool comply with RCB regulations 2 and 3?	Yes/No
Reference the section in the offering circular that describes the eligibility criteria and representation and warranties (if there is no offering circular for the programme, provide a description of the eligibility criteria and representation and warranties in this section).	
Set out in plain English which criteria you are currently using and are intending to use going forward for including loans in the asset pool. This is likely to reflect the arrangements you have in place with the credit rating agencies. For example, with respect to residential mortgages, this should include but not be restricted to: the type of property, location of property, valuation type, seasoning, maximum loan size, loan term, income verification, owner occupancy, loan to value, level of arrears.	
For covered bonds collateralised by real estate, provide information on how you have had regard to the requirements of BIPRU 3.4.64R (legal certainty), BIPRU 3.4.66R (monitoring of property values) and BIPRU 3.4.77R to BIPRU 3.4.80R (valuation).	
Provide evidence that there is appropriate governance and oversight of the Programme. This should include information on senior management oversight including Board involvement and escalation procedures. Please detail the role of ALCO/key strategic and working-level covered bond oversight committee. Please provide their terms of reference, membership lists, along with MI packs and minutes from the most recent two meetings on date of application. In addition, please provide the two most recent copies of any internal reports regarding the covered bond programme or supporting systems.	
How do you monitor performance of the asset pool (e.g. arrears, indexed LTVs)? Please provide examples of this MI, and indicate how it is	

validated and where it is considered.	
What is the decision making process with regard to transferring assets into/from the asset pool? Please indicate triggers (e.g. arrears level), committees where these are considered and associated management actions. Your response should also include the frequency and volume with which you anticipate transferring assets in and out of the asset pool.	
What is the operational process for transferring assets in and out of the asset pool?	
How are your records updated to reflect changes to composition of the asset pool and who is informed of these changes?	
<p>Explain the internal arrangements in place to ensure the points below. Your response should indicate how this information is validated, where it is reviewed and sign-off/controls.</p> <ul style="list-style-type: none"> <li>• Accurate record of the assets is kept on your information systems</li> <li>• Attributes of the loans correspond to the supporting documentation</li> <li>• Accuracy of data being provided to the <u>FSA FCA</u> in RCB 3 Annex 2D</li> </ul>	
What role does your compliance function (or equivalent) have over the programme?	
Explain how you ensure that the assets in the asset pool are of high quality. This could include a summary of your lending and underwriting criteria.	
<p>Under the RCB Regulations, the issuer is obliged to ensure there are arrangements in place to ensure that the assets are capable of covering all claims attached to the covered bonds during the whole life of the bond. Capability includes paying the amounts due under the bonds and sums required for the maintenance, administration and winding up of the cover pool.</p> <p>Demonstrate how you determine that the cash flows generated by the assets are sufficient to meet the payments due in a timely manner under conditions of economic stress in the event of the failure of the issuer.</p> <p>You should consider at a minimum the guidance set out in RCB 2.3.6G to 2.3.12G when designing your stress testing.</p> <p>In addition we would like an indication on:</p> <ul style="list-style-type: none"> <li>• why the stresses being applied are appropriate;</li> </ul>	

<ul style="list-style-type: none"> <li>• who reviews this information; and</li> <li>• how the results are being used to determine compliance with the capability requirement.</li> </ul> <p>In particular specify whether, based on the results of the stress testing, you determine a level of overcollateralisation that you consider adequate to meet the capability requirement.</p>	
<p>Describe the tests (e.g. Asset Coverage Test, Interest Rate Shortfall Test), if any, that are performed on the asset pool under the covered bond programme documentation. In addition, explain:</p> <ul style="list-style-type: none"> <li>• who performs these tests;</li> <li>• who reviews the results;</li> <li>• how is this information used;</li> <li>• how would a breach of any of these tests be escalated;</li> <li>• what are the contractual implications of a breach of any of these tests; and</li> <li>• what are the contractual implications of a breach not being addressed in a timely manner.</li> </ul>	
<p>Describe the tests that would be performed on the asset pool under the covered bonds programme documentation in the event of issuer default (e.g. Amortisation Test, Yield Shortfall Test).</p>	
<p>Provide a summary of the ratings trigger events and their effect under the programme and outline your contingency plan for dealing with each of these events.</p>	
<p>Indicate the value of assets (in GBP) available for transfer into the cover pool at the time of completing this form, under the eligibility criteria and representations and warranties set out above.</p>	
<p>With reference to your business plan, describe how you will ensure there will be sufficient assets available on the balance sheet for maintaining the cover pool going forward.</p>	
<p>Set out the events that will result in an issuer event of default. Please include definitions of all references.</p>	
<p>In the event of issuer default, what are the arrangements for the security trustee to maintain and administer the asset pool and to give the <u>FSA FCA</u> information on the composition of the</p>	

<p>asset pool and any other notifications and confirmation required under the RCB Regulations and Chapter 3 of the RCB sourcebook. Please indicate the relevant sign-off and committee structure and timeframe needed to implement these processes and any preparation that has been done to test these arrangements.</p>	
<p>Explain what arrangements are in place as to priority of payment on the winding-up of the owner (see RCB regulation 27). Please indicate the relevant sign-off and committee structure and timeframe needed to implement these processes and any preparation that has been done to test these arrangements.</p>	
<p>Confirm that in accordance with RCB 2.3.16D you have obtained written legal advice and accountancy reports on compliance with the RCB Regulations and RCB sourcebook. We expect this to adequately deal with at least the issues set out in RCB 2.3.17G and RCB 2.3.18G.</p>	Yes/No
<p>If an asset pool is in place, confirm that you have submitted the asset pool notification form RCB 3 Annex 2D with this application.</p>	Yes/No
<p>If you have already issued covered bonds under the programme for which you are seeking registration, confirm that you have submitted the relevant series issuance notification forms RCB 3 Annex 3D to give us information about the covered bonds with this application.</p>	Yes/No
<p>Confirm that you have submitted with this application:</p> <ul style="list-style-type: none"> <li>• RCB 3 Annex 2D, if applicable;</li> <li>• RCB 3 Annex 3D; if applicable;</li> <li>• RCB 3 Annex 7AD;</li> <li>• accountants' reports;</li> <li>• all programme documentation, including the offering circular, legal opinions and bond documentation of all bonds in issue;</li> <li>• board papers authorising the establishment of a covered bond programme, including details of authority delegated to management;</li> <li>• the two most recent compliance and internal audit reports covering any aspects of the covered bond programme and details on the frequency of such reviews and the date of the next scheduled review;</li> <li>• an organisational chart indicating key</li> </ul>	

<p>committees up to Board level for the covered bond programme, flow of MI, delegated authority and controls;</p> <ul style="list-style-type: none"> <li>• an organisational chart indicating the individuals that are involved in the management of the programme and a description of their role and responsibilities;</li> <li>• the two most recent retail mortgage credit performance MI;</li> <li>• the stress testing undertaken to demonstrate that cash flows generated by the assets are sufficient to meet the payments due in a timely manner under conditions of economic stress in the event of the failure of the issuer;</li> <li>• the most recent investor report;</li> <li>• any relevant credit rating reports in relation to the covered bond programme;</li> </ul>	
<p>Give details of the payment method used for the application fee (cheque, banker's draft or credit transfer) and the date the payment was made.</p>	
<p>Provide any additional information that is relevant to your application.</p>	
<p>Provide the date selected for the first confirmation of compliance with RCB regulation 16 and 17 if you want this to be earlier than 12 months following the date of the decision to admit the covered bond or programme to the register (see RCB 3.2.5D).</p>	

## Senior Management Confirmation

I confirm that the information supplied in this form is complete and correct to the best of my knowledge at the time of application.

I undertake to tell the ~~FSA~~ FCA immediately of any material changes to the information provided before receiving the ~~FSA's~~ FCA's decision on the application.

I confirm I am satisfied that the arrangements relating to the covered bond programme will comply with the requirements of the RCB Regulations and the RCB sourcebook.

I confirm that in accordance with the RCB 2.3.16D the issuer has obtained written advice and reports regarding the compliance of the issuer and the relevant covered bond programme with the RCB Regulations and the RCB sourcebook from suitable independent third-party advisers.

I consent to this confirmation (section 11.2) being published on the Regulated Covered Bonds Register on the ~~FSA's~~ FCA's public website.

Issuer name

Name of covered bond programme

Signature (if the form is electronically submitted, the signature must be scanned)

Name of signatory

Title of signatory (signatory must be a director or senior manager)

Date

## RCB 3 Annex 1D

### Annual confirmation of compliance with the RCB Regulations and the RCB Sourcebook

#### Terms in this form

In this form we use the following terms:

'**Covered Bond**' means a bond in relation to which the claims attaching to that bond are guaranteed to be paid by an owner from an asset pool it owns.

'**FSA FCA**', '**we**', '**us**' and '**our**' refers to the ~~Financial Services Authority~~ Financial Conduct Authority.

'**RCB sourcebook**' is the Regulated Covered Bonds Sourcebook which is part of the ~~FSA Handbook~~ and can be accessed at [www.fsa.gov.uk/Pages/handbook](http://www.fsa.gov.uk/Pages/handbook) References to specific provisions in this sourcebook are prefaced by 'RCB'.

'**RCB Regulations**' refers to 'The Regulated Covered Bonds Regulations 2008' as amended from time to time and can be accessed at [http://www.opsi.gov.uk/si/si2008/uksi\\_20080346\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20080346_en_1)

<http://www.legislation.gov.uk/all?title=REGULATED%20COVERED%20BONDS>

#### Purpose of this form

To send us written annual confirmation of compliance with RCB Regulation 16 (Sums derived from the issue of regulated covered bonds) and RCB Regulation 17 (General requirements on the issuer in relation to the asset pool).

#### Warning

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

#### Sending the form

Send your annual confirmation to us by email to [rcb@fsa.gov.uk](mailto:rcb@fsa.gov.uk) [rcb@fca.org.uk](mailto:rcb@fca.org.uk) It is our preference for all correspondence to be submitted electronically. If this is not possible your annual confirmation may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team

~~Capital Markets Sector~~ Markets Division

~~The Financial Services Authority~~ Financial Conduct Authority

25 The North Colonnade

Canary Wharf

LONDON  
E14 5HS

# 1

## Confirmation of Compliance

### 1.1 Confirmation

I confirm that I am satisfied that the arrangements relating to the regulated covered bonds comply with the requirements of the RCB Regulations and the RCB sourcebook.

I confirm that in accordance with RCB 3.2.2D the issuer (or if applicable owner) has obtained written advice or reports from suitable independent third party advisers on compliance with the RCB Regulations and RCB sourcebook.

I consent to this confirmation being published on the regulated covered bonds register on the FSA's FCA'S public website.

Issuer name

Period covered by compliance

Name of regulated covered bond

Signature (if the form is electronically submitted, the signature must be scanned)

Name of signatory

Title of signatory (signatory must be a Board Member)

Date



**Accounts, Ledgers**

	Value as of End Date of reporting period	Value as of Start Date of reporting period	Targeted Value
Revenue receipts (please disclose all parts of waterfall)			
Principal receipts (please disclose all parts of waterfall)			
Reserve ledger			
Revenue ledger			
Principal ledger			
Pre-maturity liquidity ledger			

**Asset Coverage Test**

	Value	Description (please edit if different)
A		Adjusted current balance
B		Principal collections not yet applied
C		Qualifying additional collateral
D		Substitute assets
E		Proceeds of sold mortgage loans
V		Set-off offset loans
W		Personal secured loans
X		Flexible draw capacity
Y		Set-off
Z		Negative carry
Total	£ -	
Method used for calculating component 'A'		
Asset percentage (%)		
Maximum asset percentage from Fitch (%)		
Maximum asset percentage from Moody's (%)		
Maximum asset percentage from S&P (%)		
Maximum asset percentage from DBRS (%)		
Credit support as derived from ACT (GBP)		
Credit support as derived from ACT (%)		

**Programme-Level Characteristics**

Programme currency	
Programme size	
Covered bonds principal amount outstanding (GBP, non-GBP series converted at swap FX rate)	
Covered bonds principal amount outstanding (GBP, non-GBP series converted at current spot rate)	
Cover pool balance (GBP)	
GIC account balance (GBP)	
Any additional collateral (please specify)	
Any additional collateral (GBP)	
Aggregate balance of off-set mortgages (GBP)	
Aggregate deposits attaching to the cover pool (GBP)	
Aggregate deposits attaching specifically to the off-set mortgages (GBP)	
Nominal level of overcollateralisation (GBP)	
Nominal level of overcollateralisation (%)	
Number of loans in cover pool	
Average loan balance (GBP)	
Weighted average non-indexed LTV (%)	
Weighted average indexed LTV (%)	
Weighted average seasoning (months)	
Weighted average remaining term (months)	
Weighted average interest rate (%)	
Standard Variable Rate(s) (%)	

Constant Pre-Payment Rate (% , current month)	
Constant Pre-Payment Rate (% , quarterly average)	
Principal Payment Rate (% , current month)	
Principal Payment Rate (% , quarterly average)	
Constant Default Rate (% , current month)	
Constant Default Rate (% , quarterly average)	
Fitch Discontinuity Factor (%)	
Moody's Timely Payment Indicator	
Moody's Collateral Score (%)	

**Mortgage collections**

Mortgage collections (scheduled - interest)	
Mortgage collections (scheduled - principal)	
Mortgage collections (unscheduled - interest)	
Mortgage collections (unscheduled - principal)	

**Loan Redemptions & Replenishments Since Previous Reporting Date**

	Number	% of total number	Amount (GBP)	% of total amount
Loan redemptions since previous reporting date				
Loans bought back by seller(s)				
of which are non-performing loans				
of which have breached R&Ws				
Loans sold into the cover pool				

**Product Rate Type and Reversionary Profiles**

	Number	% of total number	Amount (GBP)	% of total amount	Weighted average				
					Current rate	Remaining teaser period (months)	Current margin	Reversionary margin	Initial rate
Fixed at origination, reverting to SVR									
Fixed at origination, reverting to Libor									
Fixed at origination, reverting to tracker									
Fixed for life									
Tracker at origination, reverting to SVR									
Tracker at origination, reverting to Libor									
Tracker for life									
SVR, including discount to SVR									
Libor									
Total	0		£ -		0.00%		0		0.00%

**Stratifications**

Arrears breakdown	Number	% of total number	Amount (GBP)	% of total amount
Current				
0-1 month in arrears				
1-2 months in arrears				
2-3 months in arrears				
3-6 months in arrears				
6-12 months in arrears				
12+ months in arrears				
Total	0		£ -	

Current non-indexed LTV	Number	% of total number	Amount (GBP)	% of total amount
0-50%				
50-55%				
55-60%				
60-65%				
65-70%				
70-75%				
75-80%				
80-85%				
85-90%				
90-95%				
95-100%				

100-105%				
105-110%				
110-125%				
125%+				
Total	0		£	-

Current indexed LTV	Number	% of total number	Amount (GBP)	% of total amount
0-50%				
50-55%				
55-60%				
60-65%				
65-70%				
70-75%				
75-80%				
80-85%				
85-90%				
90-95%				
95-100%				
100-105%				
105-110%				
110-125%				
125%+				
Total	0		£	-

Current outstanding balance of loan	Number	% of total number	Amount (GBP)	% of total amount
0-5,000				
5,000-10,000				
10,000-25,000				
25,000-50,000				
50,000-75,000				
75,000-100,000				
100,000-150,000				
150,000-200,000				
200,000-250,000				
250,000-300,000				
300,000-350,000				
350,000-400,000				
400,000-450,000				
450,000-500,000				
500,000-600,000				
600,000-700,000				
700,000-800,000				
800,000-900,000				
900,000-1,000,000				
1,000,000 +				
Total	0		£	-

Regional distribution	Number	% of total number	Amount (GBP)	% of total amount
East Anglia				
East Midlands				
London				
North				
North West				
Northern Ireland				
Outer Metro				
South East				
South West				
Scotland				
Wales				
West Midlands				
Yorkshire				

Other				
Total	0		£ -	

Repayment type	Number	% of total number	Amount (GBP)	% of total amount
Capital repayment				
Part-and-part				
Interest-only				
Offset				
Total	0		£ -	

Seasoning	Number	% of total number	Amount (GBP)	% of total amount
0-12 months				
12-24 months				
24-36 months				
36-48 months				
48-60 months				
60-72 months				
72-84 months				
84-96 months				
96-108 months				
108-120 months				
120-150 months				
150-180 months				
180+ months				
Total	0		£ -	

Interest payment type	Number	% of total number	Amount (GBP)	% of total amount
Fixed				
SVR				
Tracker				
Other (please specify)				
Total	0		£ -	

Loan purpose type	Number	% of total number	Amount (GBP)	% of total amount
Owner-occupied				
Buy-to-let				
Second home				
Total	0		£ -	

Income verification type	Number	% of total number	Amount (GBP)	% of total amount
Fully verified				
Fast-track				
Self-certified				
Total	0		£ -	

Remaining term of loan	Number	% of total number	Amount (GBP)	% of total amount
0-30 months				
30-60 months				
60-120 months				
120-180 months				
180-240 months				
240-300 months				
300-360 months				
360+ months				
Total	0		£ -	

Employment status	Number	% of total number	Amount (GBP)	% of total amount
Employed				
Self-employed				
Unemployed				
Retired				
Guarantor				



## RCB 3 Annex 3D: Asset & Liability Profile

### **Completing the form**

Please complete all fields in [blue](#).

Please calculate figures with no prepayments and stable Libor SVR and BoE base rate as of reporting date.

This Asset & Liability Profile Form **must be submitted each quarter and on the date of any new issuance or cancellation (in full or part) of regulated covered bonds.**

### **Warning**

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

### **Sending the form**

Send this form to us by email to ~~reb@fca.gov.uk~~ [rbc@fca.org.uk](mailto:rbc@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital~~ Markets Division  
The Financial ~~Services~~ Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

...

# RCB 3 Annex 4D: New Issuance Indicative Terms Form

## **Completing the form**

Please complete all fields in **blue** as much as possible. Incomplete fields may be queried by the RCB team where necessary.

This New Issuance Indicative Terms Form **must be submitted at least three business days before the date of any issuance of regulated covered bonds.**

## **Warning**

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

## **Sending the form**

Send this form to us by email to [reb@fsa.gov.uk](mailto:reb@fsa.gov.uk) [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be

Regulated Covered Bonds Team

Capital-Markets Division

The Financial Services Authority Financial Conduct Authority

25 The North Colonnade

Canary Wharf

London

E14 5HS

## Bond Details

Issuer			
Programme Name			
Series Number			
Currency			
Bond Amount			
ISIN Number			
Issuance Date			
Scheduled Maturity Date			
Final Maturity Date			
Coupon			
Listing Authority			
Rating (Fitch)			
Rating (Moody's)			
Rating (S&P)			
Rate Type			
Fixed Rate (%)			
Floating Margin (%)			
Reference Index			
Coupon Frequency (Months)			
Extendible Maturity Period (Months)			

## Covered Bond Swap Details

Covered Bond Swap in Place? (Yes/No)			
Notional (GBP)			
Currency Swap Rate (FX:GBP1)			
LLP Payer Leg Interest Rate (% Margin over GBP Libor)			
LLP Payer Leg Reference Index			
LLP Payer Leg Payment Frequency (Months)			
LLP Receiver Leg Interest Rate (%)			
LLP Receiver Leg Reference Index			
LLP Receiver Leg Payment Frequency (Months)			

Interest Rate Swap Details

Changes to Interest Rate Swap? (Yes/No)			
---	--	--	--

Cover Pool Details

Aggregate Mortgages Balance at Issuance (GBP)			
GIC Account Balance at Issuance (GBP)			

# RCB 3 Annex 5D: New Issuance Form

## **Completing the form**

Please complete all fields in [blue](#).

This New Issuance Form **must be submitted on the date of any issuance of regulated covered bonds alongside the final terms of the covered bonds being issued and signed copies of swap documents.**

## **Warning**

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

## **Sending the form**

Send this form to us by email to ~~reb@fsa.gov.uk~~ [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
Capital Markets Division  
The Financial Services Authority Financial Conduct Authority  
 25 The North Colonnade  
 Canary Wharf  
 London  
 E14 5HS

## Bond Details

Issuer			
Programme Name			
Series Number			
Currency			
Bond Amount			
ISIN Number			
Issuance Date			
Scheduled Maturity Date			
Final Maturity Date			
Coupon			
Listing Authority			
Rating (Fitch)			
Rating (Moody's)			
Rating (S&P)			
Rate Type			
Fixed Rate (%)			
Floating Margin (%)			
Reference Index			
Coupon Frequency (Months)			
Extendible Maturity Period (Months)			

## Covered Bond Swap Details

Covered Bond Swap in Place? (Yes/No)			
Notional (GBP)			
Currency Swap Rate (FX:GBP1)			
LLP Payer Leg Interest Rate (% Margin over GBP Libor)			
LLP Payer Leg Reference Index			
LLP Payer Leg Payment Frequency (Months)			
LLP Receiver Leg Interest Rate (%)			
LLP Receiver Leg Reference Index			
LLP Receiver Leg Payment Frequency (Months)			

Interest Rate Swap Details

Changes to Interest Rate Swap? (Yes/No)	
---	--

Cover Pool Details

Aggregate Mortgages Balance at Issuance (GBP)			
GIC Account Balance at Issuance (GBP)			

# RCB 3 Annex 6D: Bond Cancellation Form

## **Completing the form**

Please complete all fields in [blue](#).

This Bond Cancellation Form **must be submitted on the date of any cancellation (in full or in part) of regulated covered bonds**.

## **Warning**

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

## **Sending the form**

Send this form to us by email to ~~reb@fsa.gov.uk~~ [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
 Capital Markets Division  
 The ~~Financial Services Authority~~ Financial Conduct Authority  
 25 The North Colonnade  
 Canary Wharf  
 London  
 E14 5HS

## Bond Details

Issuer			
Programme Name			
Series Number			
Currency			
Bond Amount Pre-Cancellation			
Bond Amount Post-Cancellation			
ISIN Number			
Issuance Date			
Scheduled Maturity Date			
Final Maturity Date			
Coupon			
Listing Authority			
Rating (Fitch)			
Rating (Moody's)			
Rating (S&P)			
Rate Type			
Fixed Rate (%)			
Floating Margin (%)			
Reference Index			
Coupon Frequency (Months)			
Extendible Maturity Period (Months)			

## Covered Bond Swap Details

Covered Bond Swap in Place? (Yes/No)			
Notional Pre-Cancellation (GBP)			
Notional Post-Cancellation (GBP)			
Currency Swap Rate (FX:GBP1)			
LLP Payer Leg Interest Rate (% Margin over GBP Libor)			
LLP Payer Leg Reference Index			
LLP Payer Leg Payment Frequency (Months)			
LLP Receiver Leg Interest Rate (%)			

LLP Receiver Leg Reference Index			
LLP Receiver Leg Payment Frequency (Months)			

Interest Rate Swap Details

Changes to Interest Rate Swap? (Yes/No)			
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Cover Pool Details

Aggregate Mortgages Balance at Issuance (GBP)			
GIC Account Balance at Issuance (GBP)			

## **RCB 3 Annex 7AD: Loan-level Data Form**

### **Completing the form**

Please complete all fields in blue on a 'comply or explain basis' with details of all underlying mortgages assigned to the transaction.

Where fields are not completed, issuers must publish an explanation in the supplementary notes.

Issuers should adhere with the guidance provided in RCB 3 Annex 7DG in completing this form.

Where fields are tagged as 'dynamic', related data should be as of the most recent pool cut-off date.

Where fields are tagged as 'static', related data is expected to be recorded as at origination. If updated information is available on the static fields, these fields should be updated.

Data on redeemed and repurchased mortgages should be included for one reporting period following redemption.

Data for fields AR217-AR234 should be provided within 3 months of the loan origination date.

Data should be presented on an aggregated basis.

This Loan-Level Data Form **must be submitted each quarter and published by the issuer on a secure, password-protected website.**

### **Warning**

Knowingly or recklessly giving us false or misleading information may be a criminal offence (Regulation 38 of the RCB Regulations and section 398 of the Financial Services and Markets Act 2000).

### **Sending the form**

Send this form to us by email to [rcb@fca.gov.uk](mailto:rcb@fca.gov.uk) or [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
Capital-Markets Division  
~~The Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

...

Annex 30

Amendments to the Listing Rules sourcebook (LR)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority</i>	<i>Financial Conduct Authority</i>	LR 1.2.6G
FSA	FCA	<p>LR 1.2.1R(1), 1.2.1R(3) to (4), 1.2.2R(1), 1.2.2R(2)(c), 1.2.4G, 1.2.5G, 1.2.5G(2), 1.2.6G and note, 1.3.1R, 1.3.1R(1) to (3), 1.3.2R(1) to (2), 1.3.3R, 1.4.1R(1), 1.4.3R, 1.4.6R, 1.6.2R;</p> <p>LR 2.1.2G, 2.1.3G, 2.1.4R(1) to (2), 2.1.5G, 2.2.5G, 2.2.6G, 2.2.8G, 2.2.10R(2)(a) to (b), 2.2.11R(2), 2.2.13G;</p> <p>LR 3.2.1G, 3.2.2R, 3.2.2R(2) to (3), 3.2.3G, 3.2.4R, 3.2.5G, 3.2.6G, 3.2.6G(2), 3.2.6G(4) to (5), 3.2.7G, 3.2.7G(2), 3.3.2R, 3.3.2R(2)(a), 3.3.2R[note], 3.3.3R, 3.3.3R[note], 3.3.4R, 3.3.4AR, 3.3.5R, 3.3.7R, 3.4.4R, 3.4.4R(2)(a), 3.4.4R[note], 3.4.5R, 3.4.6R, 3.4.7R(2), 3.4.8R(1), 3.4.9R, 3.4.9R[note], 3.4.11R, 3.5.4R, 3.5.4R[note], 3.5.5R(2), 3.5.6R[note];</p> <p>LR 4.1.3R, 4.2.1G, 4.2.5G, 4.2.9G, 4.2.10R, 4.3.2R, 4.3.3G, 4.3.4R, 4.3.5R, 4.4.1G, 4.4.1G(1)(c), 4.4.2R, 4.4.3R(1);</p> <p>LR 5.1.1R(1), 5.1.1R(3), 5.1.2G, 5.1.3G, 5.1.4G, 5.2.1R, 5.2.2G, 5.2.2G(2), 5.2.3G, 5.2.4R, 5.2.5R, 5.2.5R(1)(b), 5.2.8R, 5.2.13G,</p>

		<p>5.3.1R(9), 5.3.4G, 5.3.6G, 5.3.7G(1) to (2), 5.4.2R, 5.4.3G(1), 5.4.3G(3) to (4), 5.4.3G(6), 5.4.4R, 5.4.5G(1) to (2), 5.4.6G(2)(a) to (b), 5.4A.3R(1), 5.4A.6R(2), 5.4A.8R, 5.4A.9G(4) to (5), 5.4A.10R, 5.4A.10R(7), 5.4A.12R, 5.4A.13G, 5.4A.14R(1) to (2), 5.4A.16G, 5.5.1G, 5.5.2R, 5.5.3G(1) to (5); 5.6.5G, 5.6.6R, 5.6.7G, 5.6.8G, 5.6.9G, 5.6.12G, 5.6.15G, 5.6.17R, 5.6.18R, 5.6.19G, 5.6.20G, 5.6.23G, 5.6.25R, 5.6.27G, 5.6.29G; LR6.1.3AG, 6.1.3CG(1) and (2), 6.1.3E, 6.1.13G, 6.1.14G, 6.1.15G, 6.1.16R, 6.1.17G, 6.1.18G, 6.1.18G(2), 6.1.20G, 6.1.21R, 6.1.24AG, 6.1.26R, 6.1.27G;</p> <p>LR 7.2.1R(6), 7.2.2G;</p> <p>LR 8.2.1R(1) to (8), (10), (12) and (13), 8.3.1R(1), 8.3.1R(1A), 8.3.1AR(1) and (2), 8.3.1BG, 8.3.2G, 8.3.2AG, 8.3.5R(1) to (2), 8.3.5AR, 8.3.8G(2), 8.3.12G, 8.4.2R, 8.4.3R(1) to (4) and note, 8.4.4G, 8.4.8R, 8.4.9R(1) to (3) and note, 8.4.10G, 8.4.12R, 8.4.13R(1) to (3) and note, 8.4.14R(1) to (3) and note, 8.4.15R, 8.4.17R(1) to (3) and note, 8.5.1R, 8.5.2R(1), 8.5.3R(1) to (2), 8.6.1G, 8.6.2R and note, 8.6.3R(1) to (2), 8.6.4G, 8.6.4G(2)[note], 8.6.5R, 8.6.9AG, 8.6.9BG, 8.6.16AR(2), 8.6.16CG, 8.6.19R(1), 8.6.19R(2)(a) to (b), 8.7.1G, 8.7.1AR(1) to (3), 8.7.2G, 8.7.3G, 8.7.4G, 8.7.5G, 8.7.7R, 8.7.7AR and note, 8.7.8R, 8.7.8R(4)(a)(c), 8.7.8AR, 8.7.10G, 8.7.18R, 8.7.19R, 8.7.20G, 8.7.21G, 8.7.21AG(1), 8.7.22R(4) to (5);</p> <p>LR9.2.2R, 9.2.11R, 9.2.16R, 9.5.2G, 9.5.3G, 9.5.10AG, 9.6.1R, 9.6.2R, 9.6.3R(1), 9.6.19R(2) to (3), 9.7A.3G;</p> <p>LR 9 Annex 1(11);</p> <p>LR10.1.5G; 10.2.5G, 10.2.6G, 10.2.11G, 10.5.3G, 10.5.4R(1)(a), 10.7.6G, 10.7.8G, 10.8.1G(2)(3), 10.8.2G, 10.8.3G, 10.8.4G(5),</p>
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		<p>10.8.6G(1) to (2);</p> <p>LR 10 Annex 1.1G rows 3G, 6G, 9G, 10G and 11G;</p> <p>LR 11.1.5AG, 11.1.7BG, 11.1.10R(2)(a) to (c), 11 Annex 1.1R(8)(1)(a) to (b);</p> <p>LR 12.4.10G;</p> <p>LR 13.1.3R(2), 13.1.7G, 13.1.8R, 13.2.1R, 13.2.2AG, 13.2.3R(1), 13.2.4R, 13.2.4R(4), 13.2.7R, 13.2.8G, 13.2.9G and note, 13.4.7G, 13.5.3DG, 13.5.17B, 13.5.27AG, 13.5.27BR, 13.5.27CR, 13.5.30DG, 13.5.33BG, 13.7.1AG, 13.8.8R(2), 13.8.10R(2)(a), 13.8.11R(5)(a),</p> <p>LR 14.2.3G, 14.2.4R, 14.3.2R(2), 14.3.6R, 14.3.7R(1), 14.3.8R;</p> <p>LR 15.2.1AR;</p> <p>LR 16.1.1R(1), 16.3.2G, 16.3.6R;</p> <p>LR 17.3.1R(1) to (2), 17.3.2R(2), 17.3.5G(2), 17.3.10R(2)(a), 17.4.7R, 17.4.8R;</p> <p>LR 18.2.6G, 18.2.7G, 18.2.9G, 18.2.13R, 18.3.1AR, 18.4.4R;</p> <p>LR 19.1.1R(3), 19.1.2R, 19.1.3R, 19.2.2R(2)(a), 19.2.4R, 19.4.3R(2), 19.4.7R, 19.4.11BR, 19.5.1R, 19.5.10R;</p> <p>LR 20.4.3R(2), 20.5.1R, 20.5.4R;</p> <p>LR App 1.1.1 rows: <i>competent authority, document viewing facility, guidance, FSA, handbook, list of sponsors, listed, official list, regulatory information service, sponsor, trading day, Rule,</i></p> <p>LR TP 3(3)R, LR TP 3[note], TP10(1) and (3);</p> <p>LR Sch 6.2G</p>
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Part IV	Part 4A	LR App 1.1.1 rows: <i>authorised person; bank; competent authority.</i>
www.fsa.gov.uk	www.fca.org.uk	App 1.1 row: <i>trading day</i>

Amend the following provision as follows.

1.1.1 R *LR* applies as follows:

...

~~FSA performing functions as competent authority~~

~~**Note:** In relation to the *listing rules*, the *FSA* is performing functions as the competent authority under Part VI of the *Act* (see section 72(1) of the *Act*).~~

~~**Note:** when exercising its functions as the competent authority under Part VI of the *Act*, the ~~*FSA*~~ *FCA* may use the name: the UK Listing Authority.~~

Other relevant parts of Handbook

**Note:** Other parts of the *Handbook* that may also be relevant to *issuers* or *sponsors* include *DTR* (the Disclosure Rules and Transparency Rules sourcebook), *PR* (the Prospectus Rules sourcebook), *COBS* (the Conduct of Business sourcebook), *DEPP* (Decision Procedure and Penalties Manual), Chapter 9 of *SUP* (the Supervision manual) and *GEN* (General Provisions).

...

...

## 1.2 Modifying rules and consulting the ~~FSA~~ FCA

...

1.2.4 G

Early consultation with ~~FSA~~ FCA

...

1.2.6 G Where a *listing rule* refers to consultation with the *FSA*, submissions should be made in writing other than in circumstances of exceptional urgency or in the case of a submission from a *sponsor* in relation to the provision of a *sponsor service*.

Address for correspondence

**Note:** The ~~FSA's~~ FCA's address for correspondence is:

The <del>Financial Services Authority</del> <u>Financial Conduct Authority</u>
25 The North Colonnade
Canary Wharf
London, E14 5HS
Tel: 020 7066 8333
<a href="http://www.fsa.gov.uk/Pages/Doing/UKLA/index.shtml">http://www.fsa.gov.uk/Pages/Doing/UKLA/index.shtml</a>
[web address tbc]

...

### 1.3.1 G

FSA FCA may require issuer to publish information

...

## 5.1 **Suspended listing**

FSA FCA may suspend listing

...

Examples of when FSA FCA may suspend

...

## 5.2 **Cancelling listing**

FSA FCA may cancel listing

...

**Initial notification to the ~~FSA~~ FCA**

...

6.1.12 R ...

Other cases where the ~~FSA~~ FCA may modify accounts and track record requirements

...

**8.5 Responsibilities of listed companies**

Notifications to ~~FSA~~ FCA

...

Annex 31

Amendments to the Prospectus Rules sourcebook (PR)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>FCA</i>	<p>PR 1.1.1R(2), 1.1.8G, 1.2.1UK, 1.2.2R(2) to (3), PR 1.2.3R(3) to (4);</p> <p>PR 2.1.6R, 2.2.4R, 2.2.9R(1), 2.2.10EU 25.1, row 4, 2.2.10EU26.1 row 3, 2.3.1EU Article 23(1), 2.3.1EU Article 23(3), 2.3.2R(2), 2.5.2UK, 2.5.2UK(1), 2.5.3R;</p> <p>PR 3.1.1R, 3.1.1R(6), 3.1.1R(9)(a), 3.1.1R(10), 3.1.2G, 3.1.3R(1), 3.1.3R(3), 3.1.4R, 3.1.5R, 3.1.5R(1) to (2), 3.1.6G, 3.1.7UK, 3.1.7UK(1), 3.1.8G, 3.1.9R, 3.1.10R, 3.1.12R(1), 3.1.13G, 3.1.13G(2), 3.1.14R, 3.1.14R(3)(a), 3.1.14R(4), 3.2.1R, 3.2.5R, 3.2.7G, 3.2.9EU Article 30(2) 3.3.6EU, 3.4.1UK(1) to (3), 3.4.3R;</p> <p>PR 4.1.3R(2), 4.1.5G, 4.1.5AG, PR 4.2.1R;</p> <p>PR 5.3.1UK 87H(1)(c), 5.3.1UK 87I(1), 5.3.1UK 87I(1)(b), 5.3.1UK 87I(3)(b), 5.3.1UK 87I(4) to (5), 5.3.2R(1), 5.3.3G, 5.3.4G, 5.5.3BG, 5.6.3G, 5.6.5G, 5.6.6G;</p> <p>PR App 1.1.1 rows: <i>executive procedures, FSA, rule, statutory notice decision, statutory notice associated decision</i></p> <p>PR Sch 6.2G</p>
<i>FSA handbook</i>	<i>FCA handbook</i>	PR 3.3.6EU;

Amend the following provisions as follows.

~~FSA exercising function as competent authority~~

- 1.1.2 G ~~In relation to the prospectus rules, the FSA is exercising functions as the competent authority under Part 6 of the Act (see section 72(1) of the Act).~~

[**Note:** When exercising its functions as ~~the competent authority~~ under Part 6 of the *Act*, the ~~FSA~~ FCA may use the name the UK Listing Authority.]

...

- 5.3.1 UK ...

**Requests to ~~FSA~~ FCA to supply certificate of approval**

...

Annex 32

**Amendments to the Disclosure Rules and Transparency Rules sourcebook (DTR)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>Financial Services Authority</i>	<i>Financial Conduct Authority</i>	DTR 1.2.5G, 1A.2.5G
<i>FSA</i>	<i>FCA</i>	<p>DTR 1.1.3G [note], 1.2.1R(1), 1.2.1R(3)-(4), 1.2.2R(1), 1.2.2R(2)(c), 1.2.4G, 1.2.4G(2), 1.2.5G, 1.3.1R, 1.3.1R(1) to (2), 1.3.2G, 1.3.3(1) to (2), 1.4.1R, 1.4.3R, 1.4.4G, 1.4.4G(1), 1.4.5G, 1.5.1G, 1.5.3G(1) to (2);</p> <p>DTR 1A.1.4G [note], 1A.2.1R(1), 1A.2.1R(3) to (4), 1A.2.2R(1), 1A.2.2R(2)(c), 1A.2.4G, 1A.2.4G(2), 1A.2.5G, 1A.3.1R(1) to (2), 1A.4.1R;</p> <p>DTR 1B.1.5AG;</p> <p>DTR 2.2.9G(4), 2.2.10G, 2.5.5G, 2.7.3G, 2.8.2R;</p> <p>DTR 4.2.6R(2), 4.4.8R, 4.4.9G, 4.4.9G(1);</p> <p>DTR 5.1.5R(1)(d), 5.1.5R(2)(e); 5.2.2G, 5.2.3G, 5.3.1R(3)(d)(i) to (ii), 5.3.1R(3)(iii)(b), 5.3.1R(4)(a) to (b), 5.3.3G(2), 5.4.4R, 5.4.5R, 5.4.6R, 5.4.11R(2), 5.6.1BG, 5.8.9G, 5.8.10G, 5.9.1R(1) to (2), 5.10.1R, 5.11.4R, 5.11.5G, 5.11.5G(1);</p> <p>DTR 6.1.2R(1), 6.1.16R, 6.1.17G, 6.1.17G(1), 6.2.2R, 6.2.9G, 6.3.8R;</p> <p>DTR 7.1.7G, 7.2.8G;</p>

<i>Part IV</i>	<i>Part 4A</i>	DTR 5.1.5R(2)(a) and (d)
www.fsa.gov.uk www.fsa.gov.uk	[web address tbc]	DTR 5.8.9G, 5.8.10R
www.fsa.gov.uk/register/exchanges.do	[web address tbc]	DTR 1.1.3G (Note); DTR 1A.1.4G(Note)

Amend the following provisions as follows.

~~FSA~~ FCA performing functions as competent authority

- 1.1.3 G ~~In relation to the *disclosure rules*, the *FSA* is exercising its functions as the competent authority under Part VI of the *Act* (see section 72(1) of the *Act*).~~

**Other relevant parts of Handbook**

**Note:** Other parts of the *Handbook* that may also be relevant to *persons* to whom the *disclosure rules* apply include *DEPP* (Decision Procedure and Penalties Manual) and Chapter 9 of *SUP* (the Supervision manual).

The following Regulatory Guides are also relevant:

1. The Enforcement Guide (*EG*)
2. [intentionally blank]

**Note:** A list of *regulated markets* can be found on the ~~FSA~~ FCA website at the following address: [www.fsa.gov.uk/register/exchanges.do](http://www.fsa.gov.uk/register/exchanges.do) [web address tbc]

...

**1.2 Modifying rules and consulting the ~~FSA~~ FCA**

...

Early consultation with ~~FSA~~ FCA

- 1.2.4 G ...

- 1.2.5 G Where a *disclosure rule* refers to consultation with the ~~FSA~~ FCA, submissions should be made in writing other than in circumstances of exceptional urgency.

**Address for correspondence**

**Note:** The ~~FSA's~~ FCA's address for correspondence in relation to the *disclosure rules* is:

<del>Company Monitoring Team</del> <u>Primary Market Monitoring</u>
---

Markets Division
The <del>Financial Services Authority</del> <u>Financial Conduct Authority</u>
25 The North Colonnade
Canary Wharf
London E14 5HS
<del>Fax: 020 7066 8368</del>

### 1.3 Information gathering and publication

...

#### 1.3.2 G ...

#### ~~FSA~~ FCA may require the publication of information

...

~~FSA~~ FCA performing functions as competent authority

#### 1A.1.4 G ~~In relation to the *transparency rules*, the *FSA* is exercising its functions as the competent authority under Part VI of the *Act* (see section 72(1) of the *Act*).~~

##### **Other relevant parts of Handbook**

**Note:** Other parts of the *Handbook* that may also be relevant to persons to whom the *transparency rules* apply include *DEPP* (Decision Procedure and Penalties Manual) and Chapter 9 of *SUP* (the Supervision manual).

The following Regulatory Guides are also relevant:

1. The Enforcement Guide (*EG*):
2. [intentionally blank]

**Note:** A list of *regulated markets* can be found on the ~~*FSA*~~ *FCA* website at the following address: ~~[www.fsa.gov.uk/register/exchanges.do](http://www.fsa.gov.uk/register/exchanges.do)~~ [web address tbc]

...

#### 1A.2 Modifying rules and consulting the ~~FSA~~ FCA

...

Early consultation with ~~FSA~~ FCA

#### 1A.2.4 G ...

- 1A.2.5 G Where a *transparency rule* refers to consultation with the ~~FSA~~ FCA, submissions should be made in writing other than in circumstances of exceptional urgency.

**Address for correspondence**

**Note:** The ~~FSA's~~ FCA's address for correspondence in relation to the *disclosure rules* is:

<del>Company Monitoring Team</del> <u>Primary Market Monitoring</u>
Markets Division
<del>The Financial Services Authority</del> <u>Financial Conduct Authority</u>
25 The North Colonnade
Canary Wharf
London E14 5HS
Fax: 020 7066 8368

1A.3 **~~FSA~~ FCA may require the publication of information**

...

1B.2 **Modifying rules and consulting the ~~FSA~~ FCA**

...

- 2.1.1 G An *issuer* should be aware that matters fall within the scope of this chapter may also fall within the scope of:

...

- (2) ~~section 397 of the Act relating to misleading statements and practices;~~  
Part 7 (Offences relating to Financial Services) of the Financial Services Act 2012 relating to misleading statements and practices;

...

- 2.8.1 R ...

**Providing insider lists to the ~~FSA~~ FCA on request**

...

5.1.5 R ...

(2) For the purposes of *DTR 5.1.5R(1)(a)*, a *person* ("A") may lawfully manage *investments* belonging to another if:

(a) A can manage those *investments* in accordance with a *Part IV 4A permission*;

...

(d) A can lawfully manage those *investments* in another *EEA State* and would, if he were to manage those *investments* in the *UK*, require a *Part IV 4A permission*;

...

6.2.1 R ...

**Filing of information with ~~FSA~~ FCA**

...

**Annex 33**

**Amendments to the Energy Market Participants sourcebook (EMPS)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	EMPS 1.1.2G; 1.2.3G

Amend the following provisions as follows.

**1.2.3 G Applicability of parts of Handbook to energy market participants**

This table belongs to *EMPS* 1.2.1G

	<b>Part of Handbook</b>	<b>Applicability to energy market participants</b>
...	...	...
<b>Business standards</b>	...	...
	Market Conduct sourcebook ( <i>MAR</i> )	This applies; however <i>MAR</i> 2 (Price stabilising rules) is likely to be of only marginal relevance to the business of an <i>energy market participant</i> <i>MAR</i> 5 ( <del>Alternative Trading Systems</del> ) ( <u>Multilateral Trading Facilities</u> ) applies to an <i>energy market participant</i> that operates an <i>ATS</i> .

### Annex 34

#### Amendments to the Oil Market Participants sourcebook (OMPS)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>FCA</i>	OMPS 1.2.2G

Amend the following provision as follows.

#### 1.2.2 G Parts of the Handbook applicable to oil market participants

... This table belongs to *OMPS 1.2.1G*

	Part of Handbook	Applicability to oil market participants
...	...	...
<b>Business standards</b>	..	...
	Market Conduct sourcebook ( <i>MAR</i> )	This applies; however <i>MAR 2</i> (Price stabilising rules) is likely to be of only marginal relevance to the business of an <i>oil market participant</i> . <i>MAR 5</i> ( <del>Alternative Trading Systems</del> ) ( <u>Multilateral Trading Facilities</u> ) applies to an <i>oil market participant</i> that operates an <i>ATS</i> .

**Annex 35**

**Amendments to the Service Companies Guide (SERV)**

In this Annex, in the table below, the wording in Column A is changed to the new wording in Column B in the provision of the FCA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provision to be amended)</b>
<i>FSA</i>	<i>FCA</i>	SERV 1.2.2

**Annex 36**

**Amendments to the Building Societies Regulatory Guide sourcebook (BSOG)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
Financial Services Authority	Financial Conduct Authority	BSOG 1A.4.2G
Financial Services Authority	Prudential Regulation Authority	BSOG 3.4.15G(17)
Part IV	Part 4A	BSOG 2.7.3G BSOG 3.6.4G(3)(a) BSOG 3 Annex 4 4.2.2G (3) (i)
Registration Team	FCA	BSOG 2.7.1G; BSOG 3.8.1G
the Authority	the Prudential Regulator	BSOG 1.1.3G definition of “the Three Criteria” and “the Confirmation Criteria” BSOG 1.2.2G, 1.2.4G, 1.2.5G; BSOG 2.1.2G, 2.1.4G, 2.1.9G (9), 2.1.14G; BSOG 2.2.3G, 2.2.9G, 2.2.11G, 2.2.12G, 2.2.15G, 2.2.16G, 2.2.17G, 2.2.18G, 2.2.19G, 2.2.22G; BSOG 2.3.3G, 2.3.7G, 2.3.19G, 2.3.27G, BSOG 2.4.1G, 2.4.29G, 2.4.30G, 2.4.31G, 2.4.32G, 2.4.38G, 2.4.41G, 2.4.42G; BSOG 2.5.1G, 2.5.5G, 2.5.8G, 2.5.9G, 2.5.10G, 2.5.11G, 2.5.12G, 2.5.13G, 2.5.14G, 2.5.15G, 2.5.16G, 2.5.17G, 2.5.18G, 2.5.19G, 2.5.20G, 2.5.21G, 2.5.22G, 2.5.23G, 2.5.25G, 2.5.26G,

	<p>2.5.27G, 2.5.28G, 2.5.29G, 2.5.30G, 2.5.31G;</p> <p>BSOG 2.6.1G;</p> <p>BSOG 2.7.1G;</p> <p>BSOG 2.8.1G;</p> <p>BSOG 2 Annex 3G</p> <p>BSOG 2 Annex 4, paragraphs 4.1.1G, , 4.2.1G, 4.2.2G, 4.2.3G, 4.2.4G, 4.3, 4.3.1G, 4.3.2G, 4.3.3G, 4.3.4G, , 4.3.6G, 4.5.1G, 4.7.1G,4.7.2G, 4.7.2G(2), 4.7.2G(4), 4.7.3G, 4.8, 4.8.1G;</p> <p>BSOG 3.1.4G (3), 3.1.4G(5), 3.1.4G(6), 3.1.9G, 3.1.11G;</p> <p>BSOG 3.2.2G, 3.2.7G, 3.2.8G, 3.2.9G, 3.2.10G, 3.2.11G, 3.2.12G, 3.2.13G, 3.2.14G, 3.2.15G, 3.2.16G;</p> <p>BSOG 3.3.2G, 3.3.3G, 3.3.7G, 3.3.11G, 3.3.16G, 3.3.18G, 3.3.19G, 3.3.22G, 3.3.23G, 3.3.24G, 3.3.25G, 3.3.26G, 3.3.27G;</p> <p>BSOG 3.4.1G, 3.4.2G, 3.4.2G(8), 3.4.4G, 3.4.5G, 3.4.7G, 3.4.8G, 3.4.9G, 3.4.11G, 3.4.12G, 3.4.12G (3)(4) 3.4.13G, 3.4.14G, 3.4.15G, 3.4.15G(15), 3.4.16G, 3.4.17G, 3.4.19G;</p> <p>BSOG 3.5.15G, 3.5.28G, 3.5.29G, 3.5.30G, 3.5.31G, 3.5.32G, 3.5.37G, 3.5.39G;</p> <p>BSOG 3.6.1G, 3.6.4G, 3.6.5G, 3.6.6G, 3.6.8G(3), 3.6.9G, 3.6.10G, 3.6.11G, 3.6.12G, 3.6.12G(3), 3.6.13G, 3.6.14G, 3.6.15G, 3.6.16G, 3.6.16G(2), 3.6.18G, 3.6.19G, 3.6.20G, 3.6.21G, 3.6.22G, 3.6.23G, 3.6.24G, 3.6.25G, 3.6.27G, 3.6.28G, 3.6.29G, 3.6.30G, 3.6.31G, 3.6.31G (2)(4)3.6.32G;</p> <p>BSOG 3.7.2G(1), 3.7.2G(2), 3.7.2G(6) 3.7.3G, 3.7.5G, 3.7.6G, 3.7.7G;</p> <p>BSOG 3.8.1G;</p>
--	--

		<p>BSOG 3 Annex 3;</p> <p>BSOG 3 Annex 4, paragraphs 4.1.1G, 4.1.2G, 4.2, 4.2.1G, 4.2.2G, 4.2.2G(3)(ii), 4.2.3G, 4.2.4G, 4.4.2G, 4.4.3G, 4.4.6G, 4.5.1G, 4.6.1G, 4.7.2G, 4.7.2G(4), 4.7.1G, 4.7.3G, 4.8.1G</p>
the Authority	the FCA	<p>BSOG 1.1.3G (definition of “official list”);</p> <p>BSOG 1A.1.1G, 1A.2.5G, 1A.3.1G, 1A.3.2G, 1A.3.4G, 1A.3.5G, 1A.3.7G, 1A.3.8G, 1A.3.9G, 1A.3.11G, 1A.3.12G;</p> <p>BSOG 1A.4.1G, 1A.4.4G, 1A.4.5G, 1A.4.6G(1);</p> <p>BSOG 1A.5.1G, 1A.5.2G, 1A.5.3G, 1A.5.4G, 1A.5.5G, 1A.5.6G, 1A.5.7G, 1A.5.7G(2), 1A.5.7G(3), 1A.5.8G, 1A.5.9G, 1A.5.10G, 1A.5.11G, 1A.5.12G, 1A.5.13G, 1A.5.14G, 1A.5.15G, 1A.5.16G, 1A.5.17G, 1A.5.18G, 1A.5.19G, 1A.5.20G, 1A.5.20G(1), 1A.5.20G(3);</p> <p>BSOG 1A.6.1G, 1A.6.2G, 1A.6.3G, 1A.6.5G;</p> <p>BSOG 1A.7.1G, 1A.7.2G, 1A.7.3G;</p> <p>BSOG 2.2.13G;</p> <p>BSOG 3.2.5G</p>

Amend the following provisions as follows.

1.1.3 G The following terms are used in this Guide and have the meaning described here:

...	
“the Banking Regulator”	<p>the <del>Authority</del> <u>Prudential Regulator</u> or other competent authority in another EEA state, as the case may be [<del>Note: the functions of the Bank of England under the Banking Act 1987, which was repealed by the Act, were transferred to the Authority by the Bank of England Act 1998. Similarly, the functions of the Commission, and of the Central Office of</del></p>

	<del>the Registry of Friendly Societies were transferred to the Authority by and under the Act.]</del>
...	
“official list”	(a) the list maintained by the <del>Authority</del> <u>FCA</u> in accordance with section 74(1) of the Financial Services and Markets Act 2000 (The official list) for the purposes of Part <del>V</del> <u>VI</u> of the Act (Official Listing); (b) any corresponding list maintained by a competent authority for listing in another EEA State
...	
<del>“the registration team”</del>	<del>the team at the Authority which carries out the registration functions under the 1986 Act.</del>

- 1.2.7 G Section 9A of the 1986 Act prohibits a society or its subsidiary undertakings (subject to certain defined exemptions) from:
- ...
- 1.2.8 G Section 9A of the 1986 Act contains definitions of the above terms, and societies are directed particularly to section 9A(9) for the purposes of compliance monitoring.
- 1.2.9 G Section 9A of the 1986 Act also includes a "purpose" test for entering into derivatives contracts and a "safe harbour" clause for society counterparties stating that any transaction in contravention of the section 9A of the 1986 Act prohibitions is not, however, thereby invalid and may be enforced against the society.
- 1.2.10 G The exemptions in section 9A of the 1986 Act fall into two broad categories:
- ...
- 1.2.11 G The Treasury may, by negative resolution order, amend the £100,000 transaction limit and may add factors to, or remove factors from, the list in BSOG 1.2.10G (2). The factor relating to credit worthiness was added to the original list in section 9A(4)(b) by the Building Societies (Restricted Transactions) Order 2001 (SI 2001/1826). The Treasury may, by affirmative resolution order, make more significant amendments to section 9A(4)(b) of the 1986 Act.
- 1.2.12 G Boards should have procedures and controls to ensure that use of section 9A

of the 1986 Act exemptions by their society (and subsidiary undertakings, if any) is within the law. The exemptions permitting transactions of up to 100,000 (as market-maker in currency or securities transactions, or trading currencies) may not be abused by artificially breaking up larger transactions into a number of smaller amounts falling within the 100,000 ceiling (section 9A(8) of the 1986 Act is the relevant anti-avoidance provision). Compliance with the 1986 Act may be assisted by specifying the purposes and circumstances in which hedging transactions may be undertaken, or derivatives used, both in the financial risk management policy documents and in the internal arrangements for delegation, identifying the specific authority in section 9A of the 1986 Act. Whatever the hedging policies adopted, and however the control and authorisation arrangements are organised, it is important that they should be accurately and fully documented.

...

- 1.3.4 G A person elected as an executive or non-executive director of a building society must not exercise a controlled function unless the ~~Authority~~ the appropriate regulator gives its approval (sections 59 and 60 of the Act). The ~~Authority~~ appropriate regulator will not approve a director unless it is satisfied that he meets, and will continue to meet, the Fit and Proper Test for Approved Persons (see the Fit and Proper Test for Approved Persons sourcebook in the ~~Authority's~~ Handbook (*FIT*)). An approved person must also comply with the requirements of the Statement of Principle and Code of Practice for Approved Persons sourcebook in the ~~Authority's~~ Handbook (*APER*).

...

- 1.5.2 G The Electronic Communications Order does not amend the 1986 Act requirement to submit certain returns to be placed on its public file. Nor does it affect the supervisory financial returns required to be submitted by the rules in the ~~Authority's~~ Supervision manual.

...

- 1A.5.18 G  
Such limitations or conditions as the ~~Authority~~ FCA may think fit

...

1A Annex 1 Extract from the 1986 Act

Schedule 2 paragraph 15

G	"Right of members to obtain particulars from the register
	15. (1) At any time when a building society -
(a)	has had its permission under <del>Part IV</del> <u>Part 4A</u> of the Financial Services and Markets Act 2000 to accept deposits cancelled;
	...
	(2) If, at any time not falling within sub-paragraph (1) above, a member of a building society who is qualified under the rules of the society to join in a members' requisition for a special meeting, or to join in nominating a person for election as a director, makes a written application to the <del>Authority</del> <u>FCA</u> for the right to obtain names and addresses from the register, the <del>Authority</del> <u>FCA</u> -
	...
	(2A) The <del>Authority</del> <u>FCA</u> may charge a reasonable fee for considering an application under sub-paragraph (2) above.
	(3) Any direction under sub-paragraph (2) above may be given subject to such limitations or conditions as the <del>Authority</del> <u>FCA</u> may think fit.
	<u>(3A) The FCA must consult the PRA before giving a direction under sub-paragraph (2)</u>
	(4) Before giving a direction under sub-paragraph (2) above, the <del>Authority</del> <u>FCA</u> shall give particulars of the application to the building society and shall afford the society an opportunity of making representations with respect to the application; and the <del>Authority</del> <u>FCA</u> shall, if the applicant or the society so requests, afford to the applicant and to the society an opportunity of being heard by it.

...

2.3.27 G ...

Application and the ~~Authority's~~ Prudential Regulator's Approval

...

2.4.40 G ...

The ~~Authority's~~ Prudential Regulator's Discretion

...

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	Schedule 16 statement	...
	Registration by the <del>registration team</del> <u>FCA</u>	...
...		
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...		

2 Annex 4 Merger Confirmation Procedures

...		
4.3.2	G	Written representations, or notice of a person's intention to make oral

	<p>representations, or both, must be in writing. They must reach the <u>Prudential Regulator Authority</u> at <del>25 The North Colonnade, Canary Wharf, London E14 5HS</del> <u>20 Moorgate, London, EC2R 6DA</u> by the date quoted in the merger documentation issued to members and published in the official Gazettes and (usually) some newspapers. Persons who make written representations, but subsequently decide also to make oral representations must, nevertheless, give notice of that intention, in writing, to the <u>Prudential Regulator Authority</u> by the same date (paragraphs 8 and 9 of Schedule 16 to the 1986 Act). The <u>Prudential Regulator Authority</u> will in general be prepared to use electronic rather than paper-based communication for notices and written representations if requested by the society or a prospective representer. A specific electronic address will be provided for that purpose, and some of the relevant procedures may have to be adapted accordingly</p>
...	

...

3.4.10 G ...

Application and ~~Authority~~ Prudential Regulator Approval

...

3.6.5 G ...

Scope of the ~~Authority's~~ Prudential Regulator's Powers

...

3.6.22G The procedure to be followed in confirmation proceedings is prescribed by Part II of Schedule 17 to the 1986 Act. Any interested party has the right to make written and/or oral representations to the ~~Authority~~ Prudential Regulator with respect to a society's application for confirmation. Written representations are to be copied to the society, which is to be afforded the opportunity to comment on them orally at the hearing of its application or in writing. (The ~~FSA~~ Prudential Regulator will in general be prepared to use electronic rather than paper-based communication if requested by the society or a prospective representer and some of the following procedures may have to be adapted accordingly.)

...

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...		
4.4.2	G	Written representations, or written notice of a person's intention to make oral representations, or both, must be addressed to the <del>Financial Services Authority</del> <u>Prudential Regulation Authority</u> and must reach the <del>Authority</del> <u>Prudential Regulator</u> at <del>25 The North Colonnade, Canary Wharf, London E14 5HS</del> <u>20 Moorgate, London, EC2R 6DA</u> by the date quoted in the transfer documentation ...
...		
4.8	The <del>Authority's</del> <u>Prudential Regulator's</u> decision	
...		

**1A Annex 2**

**APPLICATION FOR THE RIGHT TO OBTAIN ACCESS  
TO THE REGISTER OF MEMBERS OF A BUILDING SOCIETY**

---

*This form is to be completed by a member of a building society who wishes to be given access to the register of members of the building society of which he or she is a member in accordance with paragraph 15 of Schedule 2 to the Building Societies Act 1986 (as amended by and under the Financial Services and Markets Act 2000) and who is qualified under that paragraph to make such an application. Before completing this form you are advised to read the guidance published by the ~~Financial Services Authority~~ Financial Conduct Authority. Copies of this form may be downloaded from the FSA's Handbook webpage on Regulatory Guides <http://fsahandbook.info/FSA/html/handbook/D44> ( t b c ).*

*On completion this form should be sent to the ~~Financial Services Authority~~ Financial Conduct Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS.*

---

**1. Name of the society of which you are a qualified member to whose register of members you wish to be given access:**

**2. Name and address of**

**applicant: Name**

**Address**

**Telephone**

**3. Share account details**

**Account name (s)**

**Account number (s)**

**4. Mortgage account details**

**Account name (s)**

**Account number (s)**

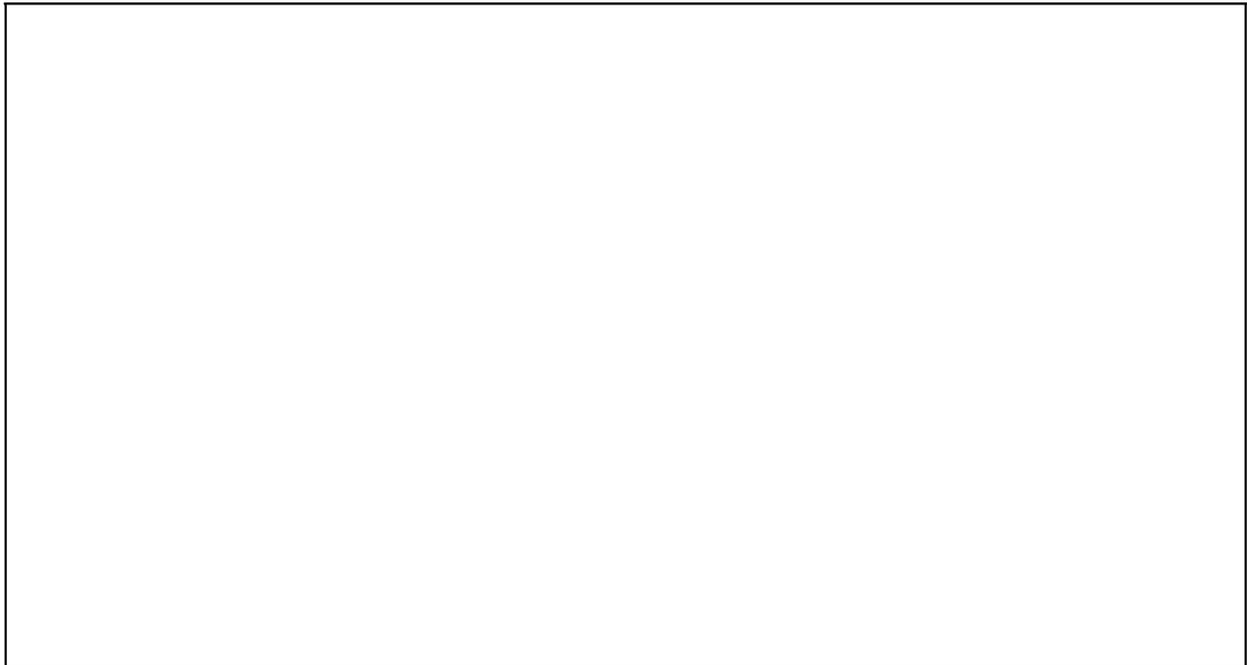
**NOTE**

If the name and/or the address in which you hold either or both of the above accounts are different from the name and address given for the purposes of this application, please specify that in which it/they are held.

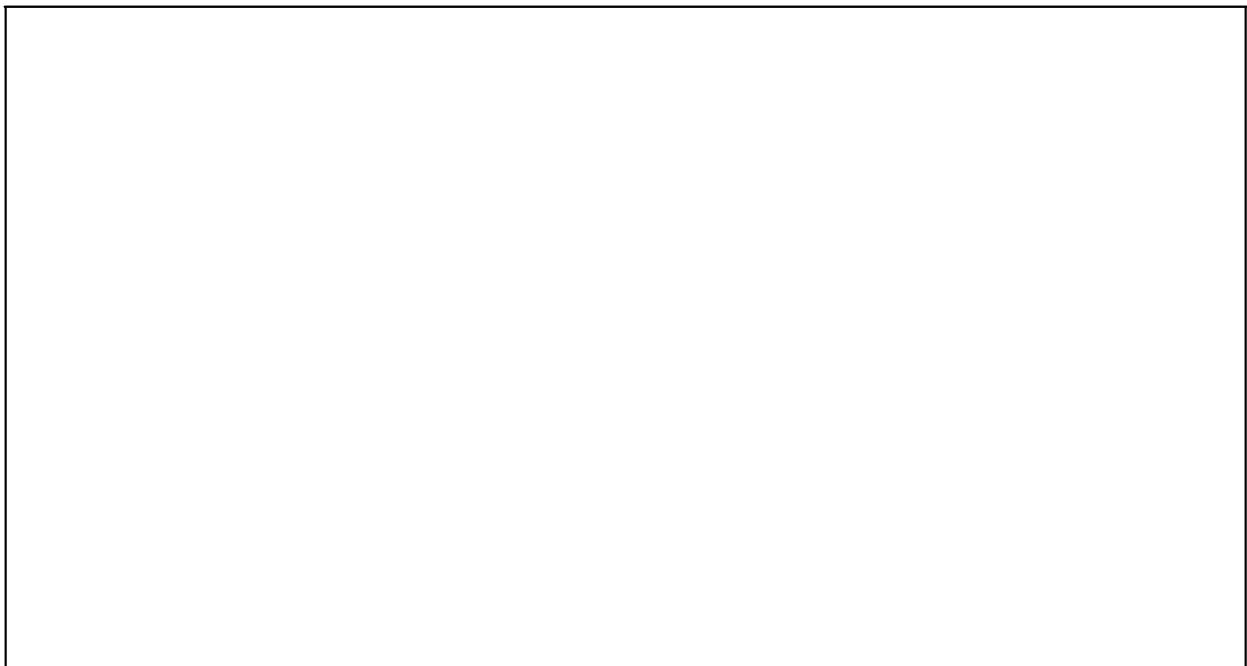
**Name**

**Address**

5. Please specify the subject on which you wish to communicate with other members of the society and the points you would wish to make in your communication. Please also enclose a draft of your proposed communication.



6. If there is any other information or documents, in addition to your draft communication, you would wish to form part of your application, please specify.



**DECLARATION**

7. I declare that I am qualified under the rules of the society named above to make this application.

8. I understand that this application form, and any information or documents enclosed with it, may be sent to the society, which may make representations about it to the ~~FSA~~ FCA.

9. I have read and understand the statutory restrictions which will restrict me from disclosing any information I take from the register if I am given access to it.

10. I enclose payment of £25 in respect of this application. I understand that this fee is not refundable.

**Signed** .....

**Date** .....

**2 Annex 1**

## PRO FORMA MERGER DOCUMENT

### 1. Title Page

Including suggestion to consult professional advisers and reference to meeting notice and voting procedures.

### 2. Directors' Responsibility Statement

See paragraph 2.3.26.

### 3. Board Rationale

Including statutory merger statement, if required (see paragraphs 2.3.23 and 2.3.24).

### 4. The Merger Process

Description and explanation of:

- (a) the general meeting and Merger Resolutions;
- (b) the confirmation process, including the right of interested parties to make representations to the ~~Authority~~ Prudential Regulation Authority, the dates provisionally set for receipt of written representations and notice of intention to make oral representations, and for the confirmation hearing, and the confirmation criteria specified in Section 95 of the 1986 Act;
- (c) the planned effective date of the merger.

### 5. The Instrument of Transfer of Engagements or Amalgamation Agreement

The address of the principal office of the society where the Instrument of Transfer or amalgamation agreement will be available for inspection, and whether copies of the Instrument or agreement will also be available at branch offices, with a cross-reference to Section B of the Schedule 16 Statement.

### 6. The Schedule 16 Statement

*Statement Required by Schedule 16 to the*

*Building Societies Act 1986*

**Proposed Transfer of Engagements of [ABC] Building Society to [DEF] Building Society**

or

**Proposed Amalgamation of [ABC] Building Society and [DEF] Building Society to form [GHI] Building Society**

*Section A: Financial Position of Each Society*

1. *Balance Sheets*

Summarised balance sheets derived from the audited [unaudited] [consolidated] accounts of [ABC] [society] [Group] for the financial year ended (date) [as at (date)] and from the audited [unaudited] [consolidated] accounts of [DEF] [society][Group] for the financial year ended (date) [as at (date)] are set out below:

	Notes	ABC [Group] £m	DEF [Group] £m
<b>Assets</b>			
Liquid assets	4(b)	•	•
Mortgages	4(e)	•	•
Other loans	4(e)	•	•
Fixed and other assets	4(c),(d)	•	•
		<hr/>	<hr/>
		•	•
<b>Liabilities</b>			
Shares		•	•
Borrowings		•	•
Other liabilities		•	•
Subordinated liabilities		•	•
Subscribed capital		•	•
Reserves		•	•
Other capital		•	•
- revaluation reserve		•	•
[ - other]		•	•
		<hr/>	<hr/>
		•	•

2. *Results*

Particulars derived from the audited [unaudited] [consolidated] accounts of [ABC] [Group] for the period ended (date) and from the audited [unaudited] [consolidated] accounts of [DEF] [Group] for the period ended (date):

ABC                      DEF

	[Group] £m	[Group] £m
Net interest receivable	•	•
Other income and charges	•	•
Administrative expenses	•	•
Provisions	•	•
	<hr/>	<hr/>
Profit/loss for the period before taxation	•	•
Taxation	•	•
Minority interests	•	•
	<hr/>	<hr/>
Profit/loss for the period	•	•

3. *Key Financial Ratios*

	ABC [Group] %	DEF [Group] %
As a percentage of shares and borrowings:		
Gross capital	•	•
Liquid assets	•	•
As a percentage of mean total assets:		
Profit after taxation for the period	•	•
Management expenses for the period	•	•

The above percentages have been calculated from the balance sheets summarised above.

Gross capital comprises reserves and other capital, plus subscribed capital and subordinated liabilities, and amounts to £..... million for [ABC] and £..... million for [DEF].

Shares and borrowings, adjusted to exclude interest accrued but not yet credited to accounts, amount to £..... million for [ABC] and £.... million for [DEF].

Average total assets is calculated as the mean of the total assets at the beginning and end of the period and amounts to £..... million for [ABC] and £..... million for [DEF].

The estimated gross and net costs of the bonus to be paid to members are £....

The ratio of gross capital to shares and borrowing of the combined society, after allowing for the net cost of the bonus to be paid to members, is estimated to be .....%. On the same basis of calculation, but not accounting for the bonus payment, this ratio is estimated to be .....%.

4. *Notes to the Financial Position*

(a) Accounting policies

[Identify any significant differences between the accounting policies adopted by the two societies, and quantify the impact of a change in policy to achieve consistency. If there are no such differences then this should be stated].

(b) Liquid assets include listed securities as follows:

	ABC [Group] £m	DEF [Group] £m
Amount included in the balance sheet	• _____	• _____
Market value	• _____	• _____

(c) Fixed and other assets

	ABC [Group] £m	DEF [Group] £m
Tangible fixed assets	•	•
[Intangible fixed assets]	•	•
Other assets	• _____	• _____
	• _____	• _____

[Describe the nature of any intangible fixed assets and the method of amortisation thereof, if any]

(d) Tangible fixed assets

	ABC [Group] £m	DEF [Group] £m
Net book amount of land and buildings		
Freehold	•	•
Long leasehold	•	•
Short leasehold	•	•
	<hr/>	<hr/>
	•	•
Other tangible fixed assets	•	•
	<hr/>	<hr/>
	•	•
	<hr/>	<hr/>

[For each society's land and buildings give the difference between the net book amount and estimated current market value, or a director's opinion that there is no material difference between the two. Indicate the basis on which current market value has been determined, the effective date of the valuation and the name(s) of the valuer(s)]

[Identify significant differences in depreciation policy or estimated asset lives, quantifying the impact of any change to a common basis]

(e) Provisions for losses on mortgages and other loans

	ABC [Group] £m	DEF [Group] £m
Specific provisions	•	•
General provisions	•	•
	<hr/>	<hr/>
Total amount offset against mortgages and other loans	•	•
	<hr/>	<hr/>

(f) Pensions

[Describe the pension schemes of each society and the extent to which funded schemes are, on the basis of the latest actuarial valuations, in surplus or deficit. Give date of most recent actuarial valuation.]

- (g) Summary information on the businesses of [connected undertakings]

The financial information given above includes the assets and liabilities and results of the Society and the following subsidiary undertakings and associated undertakings.

ABC [Group]

Subsidiary undertakings [names]	Principal activity
Other associated undertakings [names]	

DEF [Group]

Subsidiary undertakings [names]
Other associated undertakings [names]

- (h) Post balance sheet events  
[see paragraph 3.8]

5. *Costs and benefits of the merger*

[Give a factual assessment of the quantifiable and unquantifiable actual and expected costs and benefits, including integration, rationalisation and future business plans]

***Section B: Instrument of Transfer of Engagements or Amalgamation Agreement***

*The paragraphs below prefaced by “Note” do not appear in [nor are they a paraphrase of the text in] the Instrument of Transfer or amalgamation agreement and are intended for the additional information of members.*

The Instrument of Transfer or amalgamation agreement provides, inter alia, for the following matters.

1. *Name of Society*

The name of the combined society will be ..... Building Society.

2. *Transfer of Assets and Liabilities*

On the Effective Date (see item 10) the property, rights and liabilities of [ABC] Building Society will be transferred to and vest in [DEF] Building Society (the combined society). [In an amalgamation, the assets and liabilities of both societies are vested in the new successor society.]

3. *Membership Rights*

[Give the provisions of the Instrument of Transfer or amalgamation agreement concerning deemed membership. See paragraph 2.3.16]

4. *Share Accounts and Deposit Accounts*

On the Effective Date, share and deposit account balances of [ABC] Building Society will become share and deposit account balances with [DEF] Building Society on the following terms:

[Give the provisions of the Instrument of Transfer or amalgamation agreement and refer to the Investment Schedules in Section C]

Note: interest rates which are variable are subject to change either before or after the Effective Date of the merger.

[Provisions concerning PIBS]

5. *Mortgage Accounts*

On the Effective Date, the indebtedness of any person to [ABC] Building Society for a loan made by it [fully] secured on residential property will become indebtedness to [DEF] Building Society to the same extent and such indebtedness will be subject to the same terms and conditions as presently apply except that the Rules of [DEF] Building Society rather than the Rules of [ABC] Building Society shall apply.

[Alternatively, give the provisions of the Instrument of Transfer or amalgamation agreement concerning any change in terms and conditions]

Note: [give any further explanation necessary to a clear statement of any changes, including those effected by the transferee society's Rules]

6. *Bonus to Members*

[Give the provisions of the Instrument of Transfer or amalgamation agreement and the estimated net cost of the bonus. See paragraphs 2.3.13 and 2.3.14]

7. *Directors and Other Officers*

[Give the provisions of the Instrument of Transfer or amalgamation agreement]

Note: [Describe any changes in fees and contracts of employment or bonus schemes, or whether there will be no change]

Note: [Describe any compensation to be authorised by separate special resolution, or state that no such compensation is to be paid. State whether any person is not to take up employment with the combined society and that any payments to be made under their contracts of employment do not fall to be approved by special resolution. See paragraphs 2.3.11 and 2.3.12]

8. *Employees*

[Give the provisions of the Instrument of Transfer or amalgamation agreement]

Note: [State, unless the Instrument or agreement so provides, whether there are to be any changes to terms and conditions of employment, and what they are, and explain how any staff reductions are to be achieved and the planned timescale.]

9. *Pension Arrangements*

[Give the provisions of the Instrument of Transfer or amalgamation agreement]

10. *Conditions and Termination Provisions*

[Give details of the provisions of the Instrument of Transfer or amalgamation agreement which (a) impose conditions on the completion of the transfer of engagements, such as approval by the members and confirmation by the Authority, and (b) provide for the termination of the agreement if one or more of the conditions is not met or in any other circumstances.]

11. *Rules and Memorandum*

[Explain any proposed Rule changes and, in the case of an amalgamation, any differences in the proposed Rules and Memorandum compared with the existing societies.]

***Section C: The Investment Schedules***

[These are the schedules referred to in Section B.4 and in paragraph 2.3.17]

***Section D: Information for Holders of PIBS***

[If either society has issued Permanent Interest Bearing Shares]

***Section E: Other Matters***

1. Save for [the following and] the matters referred to in Section B.7 no director or other officer of [ABC] Building Society or [DEF] Building Society will receive any benefits in connection with the merger or will have any material interest in the merger.

[Describe any other interests of directors or other officers and persons (including companies) connected with them by way of, for example, fees for professional services, or supply of goods and services]

2. The directors of [ABC] Building Society and the directors of [DEF] Building Society confirm that the transfer of engagements [amalgamation] will not conflict with any contractual commitments of their Society or its connected undertakings.
3. The directors of [ABC] Building Society and the directors of [DEF] Building Society confirm that there has been no material change in the financial

position of their Society or its connected undertakings since [date], the date to which the information in Section A relates [other than the post balance sheet event(s) described in Section A 4(h)].

[Name]

Secretary

[ABC] Building Society

[date]

[Name]

Secretary

[DEF] Building Society

[date]

## **7. Notice of Special General Meeting**

## **8. Guidance on Voting**

[Explanatory notes on:

The time, date and place of the meeting

Eligibility to vote:

- generally
- joint members
- minors

The Poll

Merger Resolutions:

- shareholding members
- borrowing members
- members who are shareholding and borrowing members

[Affected Members Resolution]

[Directors Compensation Resolution]

[Distribution to Members Resolution]

Voting in person

Voting by proxy

Making enquiries, Helpline]

## 2 Annex 2

## **PRO FORMA NOTICE OF, AND APPLICATIONS FOR, CONFIRMATION**

- A. Notice of Application**
- B. Application - amalgamation**
- C. Application – transferor society**
- D. Application – transferee society**

Annex 2A

*Publication of Notice of application to the ~~Authority~~ Prudential Regulation Authority for confirmation of an amalgamation or transfer of engagements in the London, Edinburgh, or Belfast Gazettes and in any newspapers as may be directed by the ~~Authority~~ Prudential Regulation Authority.*

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**BUILDING SOCIETIES ACT 1986**

**Notice under paragraph 8 of Schedule 16 to the said Act.**

Notice is hereby given that ..... Building Society, Register No.....B, whose principal office is at ....., desires to amalgamate with\*/transfer its engagements to\*/accept a transfer of the engagements of\* ..... Building Society, Register No.....B, and that both societies have jointly\*/each society has\* applied to the ~~Financial Services Authority~~ Prudential Regulation Authority to confirm the amalgamation\*/transfer\*.

Any interested party may make written representations to the ~~Authority~~ Prudential Regulation Authority and/or give notice of intention to make oral representations to the Prudential Regulation Authority ~~Authority~~ with respect to the application. Written representations and notices of intention to make oral representations should be received by the ~~Authority~~ Prudential Regulation Authority at 20 Moorgate, London, EC2R 6DA by ..... 20 .... If notice is given of oral representations these will be heard by the ~~Authority~~ Prudential Regulation Authority on .....20 ....., at a time and place to be determined by the ~~Authority~~ Prudential Regulation Authority.

Under section 95 of the 1986 Act, confirmation is given by the “appropriate authority”. In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

**\*delete as applicable**

**Annex 2B**

***Form of application to the Prudential Regulation Authority ~~Authority~~ for confirmation of an amalgamation***

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To the ~~Financial Services~~ Prudential Regulation Authority

**BUILDING SOCIETIES ACT 1986**

**APPLICATION UNDER SECTION 93(2)(d) OF THE ACT FOR CONFIRMATION OF AN AMALGAMATION**

..... **BUILDING SOCIETY, REGISTER NO.....B, AND**

.....**BUILDING SOCIETY, REGISTER NO.....B**

The above-named societies desire to amalgamate on .....[insert effective date] and apply to the Prudential Regulation Authority ~~Authority~~ to confirm the amalgamation.

In making this application the societies declare that:

1. At a meeting of..... Building Society held on ..... 20..., and at a meeting of ..... Building Society held on .....20..., the following resolutions were passed:

A shareholding members' resolution, as required by section 93(2)(c)(i) of the Act, that the societies do amalgamate in accordance with the terms of an amalgamation agreement, two copies of which, signed by the Secretary of each society for identification, are enclosed with this application.

A borrowing members' resolution, as required by section 93(2)(c)(ii) of the Act, that the societies do amalgamate in accordance with the terms of the above-mentioned agreement.

2. A statement, in accordance with Schedule 16 to the Act, approved by the Prudential Regulation Authority ~~Authority~~, so far as it concerned matters specified in that Schedule, was sent to each member of ..... Building Society and of ..... Building Society who was entitled to receive it.
3. Three copies of the Memorandum and Rules of the successor society have been sent to the registration team.

(Seals of the societies making the application)

Date:.....

Under section 95 of the 1986 Act, confirmation is given by the "appropriate authority". In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

Annex 2C

*Form of application to the Prudential Regulation Authority ~~Authority~~ for confirmation of transfer of engagements (transferor society)*

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To the Prudential Regulation Authority ~~Financial Services Authority~~

**BUILDING SOCIETIES ACT  
1986**

**APPLICATION UNDER SECTION 95(3) OF THE ACT FOR CONFIRMATION  
OF A TRANSFER OF ENGAGEMENTS**

..... **BUILDING SOCIETY, REGISTER NO.....B**

The above-named society desires to transfer its engagements to ..... Building Society on .....20... [insert effective date] and applies to the Prudential Regulation Authority ~~Authority~~ to confirm the transfer.

In making this application the society declares that:

1. At a meeting of ..... Building Society held on .....20.. the following resolutions were passed:

A shareholding members’ resolution, as required by section 94(2) of the Act, that ..... Building Society do transfer its engagements to ..... Building Society in accordance with the terms of an instrument of transfer, two copies of which, signed by the Secretary of each society for identification, are enclosed with this application.

A borrowing members' resolution, as required by section 94(2) of the Act that ..... Building Society do transfer its engagements to ..... Building Society in accordance with the terms of the above-named instrument.

2. A statement, in accordance with Schedule 16 to the Act, approved by the Authority, so far as it concerned matters specified in that Schedule, was sent to each member of ..... Building Society who was entitled to receive it.

(Seal of the Society making the application)

Date.....

Under section 95 of the 1986 Act, confirmation is given by the “appropriate authority”. In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

Annex 2D

*Form of application to the Prudential Regulation Authority ~~Authority~~ for confirmation of a transfer of engagements (transferee society)*

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To the ~~Financial Services Authority~~ Prudential Regulation Authority

**BUILDING SOCIETIES ACT 1986**

**APPLICATION UNDER SECTION 95(3) OF THE ACT FOR CONFIRMATION OF A TRANSFER OF ENGAGEMENTS**

..... **BUILDING SOCIETY, REGISTER NO.....B**

The above-named society desires to accept a transfer of engagements of ..... Building Society on .....20.. [insert effective date] and applies to the ~~Authority~~ to Prudential Regulation Authority confirm the transfer.

In making this application the society declares that:

- \*1. At a meeting of ..... Building Society held on ..... 20.., the following resolutions were passed:

A shareholding members' resolution, as required by section 94(5)(a) of the Act, that ..... Building Society shall undertake to fulfil the engagements of ..... Building Society in accordance with the terms of an instrument of transfer, two copies of which, signed by the Secretary of each society for identification, are enclosed with this application.

A borrowing members' resolution, as required by section 94(5)(a) of the Act, that ..... Building Society shall undertake to fulfil the engagements of ..... Building Society in accordance with the terms of the above-mentioned instrument.

- \*2. The ..... Building Society, pursuant to the consent of the Authority in accordance with section 94(5)(b) of the Act, has undertaken by a resolution of its Board of Directors to fulfil the engagements of ..... Building Society in accordance with the terms of an instrument of transfer two copies of which, signed by the Secretary of each society for identification, are enclosed with this application.

- \*3 A statement in accordance with Schedule 16 to the Building Societies Act 1986, approved by the Authority, so far as it concerned matters specified in that Schedule, was sent to each member of ..... Building Society who was entitled to receive it.

(Seal of the Society making this application)

Date.....

**\*delete as applicable (either paragraph 2, or both paragraphs 1 and 3)**

Under section 95 of the 1986 Act, confirmation is given by the “appropriate authority”. In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

### **3 Annex 1**

**Annex 1**  
*Illustrative structure for a*  
**TRANSFER DOCUMENT**  
**containing a Transfer**  
**Statement**

Title page:

Should include a recommendation on the following lines:

“When considering what action you should take, you are recommended to obtain advice from your solicitor, accountant, or other professional financial adviser.”

and the directors’ responsibility statement (short form with cross reference to item B9)

**PART A**

**1. Summary of the Transfer procedure and Special General Meeting**

The Transfer procedure  
Notice of the SGM  
Directions to the SGM venue  
Guidance on entitlement to vote

**2. Background to, and rationale for, the proposals**

Merits of the proposed transfer  
Conclusions and Recommendations

**PART B: THE STATUTORY TRANSFER STATEMENT**

*Issued in accordance with Section 98 of and Schedule 17 to the Building Societies Act 1986*

**(Note:** If a Transfer Summary is issued it must include a statement that this Transfer Statement will be handed or sent to members forthwith free of charge and on request, and where and how it can be obtained.)

**3. Review of Options and Value of Consideration**

Introduction - to explain that under the proposed terms of the transfer the business of the society will be transferred to an authorised bank and that approval of the terms of the transfer will include, if such is the case, the distribution of part of the consideration for the transfer to non-members. Should also explain that the transfer is subject to approval by the members, authorisation by the Banking Regulator and confirmation by the Authority, and include a brief explanation of the termination provisions of the Transfer Agreement  
Factual statement of strategic options considered Disclosure  
of any non-confidential proposals received Reasons for  
choice and recommendation of proposed transfer

Reasons for choice and recommendation of terms of the proposed distribution scheme  
Valuation of the business and methodology (takeover only)  
Estimated value of shares in successor  
Analysis of distribution of shares and/or cash as between members, Trustee Account Holders and non-members respectively  
Statement that approval of the Transfer Resolution includes approval of distributions to non-members

**4. Consequences for shareholders, borrowers and employees**

The distribution of shares and/or cash in the successor company  
The amount of the society's reserves and Statutory Cash Bonus  
Any changes in the terms and conditions of share and deposit accounts, mortgages and loans  
Changes in the factors relevant to determining retail interest rates (product pricing)  
Comparative average interest rates on retail deposits and loans of the society and the successor company over the previous 3 financial years (takeover only)  
Loss of membership rights in the society  
The statutory deposit protection scheme (summary of any differences)  
Arrangements for settlement of disputes  
Consequences for staff, including changes in terms of employment

**5. Interests of directors and other officers of the society and successor company**

Directors and other officers of the society  
Directors and other officers of the company  
Interests of directors, officers and employees in the share and/or cash distribution and the Statutory Cash Bonus  
Any compensation or increased emoluments under Sections 99 and 99A of the 1986 Act

**6. The management, activities and operations of the successor company following the transfer**

Management  
Activities and operations, including a comparison of their range and relative importance with those of the society and any intended change, together with, in the case of a takeover, comparative business indicators of the society and the successor company for each of the previous 3 financial years  
Structure and activities of any group to which the company belongs  
Ownership of the society's subsidiaries and interests in other associated bodies  
Particulars of any person having an interest in 3% or more of the successor company's equity share capital.  
Name, head office and principal objects of the company  
The protective provisions in the articles of association in accordance with Section 101 of the 1986 Act (conversion only)  
The auditors of the society and of the company

**7. Financial information**

The consolidated financial position of the society and its subsidiaries at the most recent practicable date, and the Society's reserves at that date and the main features of the published annual group accounts for the last 3 years

In the case of a takeover, the consolidated financial position of the successor company/group at the most recent practicable date and the main features of the published annual group accounts for the last 3 years

The share capital of the successor company

Future financial prospects of the successor company

**8. General information**

Summary of the terms of the Transfer Agreement concerning conditions precedent and termination

Summary of principal rights which will attach to the ordinary shares in the successor company

Costs and expenses of the transfer (including the fee arrangements for merchant bankers)

Whether the transfer will conflict with any contractual arrangements

**9. Opinions, reports and consent letters of auditors and other experts**

Auditors' opinions

Other experts' opinions

Consent letters

Director's Responsibility Statement

**10. Banking Regulator authorisation**

**11. Statement of statutory approval by the ~~Financial Services Authority~~ Prudential Regulation Authority**

**STATEMENT OF STATUTORY APPROVAL BY THE FINANCIAL SERVICES AUTHORITY PRUDENTIAL REGULATION AUTHORITY**

**Building Societies Act 1986**

(c.53)

*Approval by the ~~Financial Services Authority~~ Prudential Regulation Authority of the Transfer Statement of [ ] Building Society.*

The ~~Financial Services Authority~~ Prudential Regulation Authority (“the ~~Authority~~ PRA”) in exercise of the power conferred on the ~~Authority~~ PRA by paragraph 4(3) of Schedule 17 to the Building Societies Act 1986 (“the 1986 Act”) and considering that the Transfer Statement of [ ] Building Society (“the Society”) is in conformity with the applicable provisions of the 1986 Act and the Building Societies (Transfer of Business) Regulations 1998 (SI 1998 No. 212) and appears to be factually consistent with the information provided to the ~~Authority~~ PRA by the Society in connection with the Transfer Statement, which information includes the declarations of responsibility by the directors of the Society and of [ ] -

HEREBY APPROVES the above Transfer Statement so far as its contents concern the matters required to be approved by the said Schedule.

In this approval expressions used in the 1986 Act have the meanings which they bear in the 1986 Act and “the Transfer Statement” means the statement by the Society a draft of which is initialled for the purpose of identification “[ ]”.

[date ]

[Name ]

*For and on behalf of the ~~Authority~~ PRA*

Notes:

This approval does not extend to any matters not forming part of the Transfer Statement as required by the 1986 Act and the Regulations, whether or not such matters are the subject of cross-reference in the statement as so required.

The giving of this approval is without prejudice to any issues which the ~~Authority~~ PRA may have to consider on an application by the Society for confirmation of the transfer pursuant to Section 98 of the 1986 Act.

Under paragraph 4(3) of Schedule 17 to the 1986 Act, approval is given by the “appropriate authority”. In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

## **PART C: ADDITIONAL INFORMATION**

- 12. Definitions**
- 13. List of share accounts of the society**
- 14. Documents available for inspection**
- 15. Accountants' report on the successor company**
- 16. Statutory statement for the last financial year**
- 17. Other**

### **3 Annex 2**

**Annex 2**  
**PRO FORMA:**

**A. Notice of Application**

**B. Application to the ~~Authority~~ Prudential Regulation Authority for confirmation**

## Annex 2A

Publication of Notice of application to the Prudential Regulation Authority ~~Authority~~ for confirmation of a transfer in the London, Edinburgh, or Belfast Gazettes and in any newspapers as directed by the Authority.

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### BUILDING SOCIETIES ACT 1986

Notice under paragraph 7 of Schedule 17 to the 1986 Act

Notice is hereby given that ..... Building Society, Register No.....B, whose principal office is at ....., desires to transfer its business to ....., and that the society has applied to the ~~Financial Services Authority~~ Prudential Regulation Authority to confirm the transfer.

Any interested party may make written representations to the Prudential Regulation Authority ~~Authority~~ and/or give notice of intention to make oral representations to the Prudential Regulation Authority ~~Authority~~ with respect to the application. Written representations and notices of intention to make oral representations should be received by the Prudential Regulation Authority ~~Authority~~ at 20 Moorgate, London, EC2R 6DA by.....  
20....Oral representations will be heard by the Prudential Regulation Authority ~~Authority~~ on .....20.. at a time and place to be determined by the Prudential Regulation Authority ~~Authority~~.

Under section 98 of the 1986 Act, confirmation is given by the “appropriate authority”. In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

**Annex 2B**

***Form of application to the Prudential Regulation Authority ~~Authority~~ for confirmation of transfer of business to a company***

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To the Prudential Regulation Authority ~~Financial Services Authority~~

**BUILDING SOCIETIES ACT 1986**

**APPLICATION UNDER SECTIONS 97(4) AND 98(2) OF, AND PART II OF SCHEDULE 17 TO, THE 1986 ACT FOR CONFIRMATION OF A TRANSFER OF BUSINESS TO A COMPANY**

..... **BUILDING SOCIETY, REGISTER NO.....B**

The above-named society desires to transfer its business to ..... on .....20... [insert vesting date] and applies to the Prudential Regulation Authority ~~Authority~~ to confirm the transfer.

In making this application the society declares that:

1. At a meeting of ..... Building Society held on .....20.. the following resolutions were passed:

A shareholding members' resolution, as required by paragraph 30 of Schedule 2 to the 1986 Act, passed in accordance with paragraph [30(2) or 30(3) as the case may be], that ..... Building Society do transfer its business to ..... in accordance with the terms of the transfer agreement, two copies of which, authenticated by the Secretary of the society, are enclosed with this application.

A borrowing members' resolution, as required by paragraph 30 of Schedule 2 to the 1986 Act that ..... Building Society do transfer its business to ..... in accordance with the terms of the above-mentioned transfer agreement.

2. A transfer statement, in accordance with Schedule 17 to the 1986 Act, approved by the ~~Authority~~ Prudential Regulation Authority, so far as it concerned matters required by that Schedule to be so approved, was [sent] [made available] to each member of ..... Building Society who was entitled to receive it [, and a transfer summary was sent to those members] in accordance with Schedule 17 to the 1986 Act.

(Seal of the Society making the application)

Under section 98 of the 1986 Act, confirmation is given by the "appropriate authority". In practice all such approvals are given by the Prudential Regulation Authority, as reflected in the wording of this section.

Annex 37

**Amendments to the Collective Investment Scheme Information Guide sourcebook  
(COLLG)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	COLLG 1A.1.2G(1), 1A.1.2G(3), 1A.1.2G(4), 1A.1.3G(1), 1A.1.3G(1)(b), 1A.1.4G, 1A.1.5G(1), 1A.1.6G(1), 1A.1.6G(3);  COLLG 2A.1.3G(1);  COLLG, 3A.1.1G, 3A.1.2G(1), 3A.1.3G(1), 3A.1.3G(6), 3A.1.4G(1), , 3A.1.4G(2), 3A.1.5G(1), 3A.1.5G(1)(b), 3A.1.5G(2), 3A.1.5G(3), 3A.1.6G(1), 3A.1.6G(3), 3A.1.6G(4), 3A.1.7G, 3A.1.8G, 3A.1.9G, 3A.1.10G(1), 3A.1.10G(2), 3A.1.11G(1)(b), 3A.1.11G(1)(c), 3A.1.11G(2), 3A.1.12G(1), 3A.1.12G(2), 3A.1.13G(1), 3A.1.14G, 3A.1.15G(1), 3A.1.15G(2), 3A.1.15G(3), 3A.1.16;  COLLG 4A.1.2G(1), 4A.1.2G(7),), 4A.1.3G(1), 4A.1.3G(3), 4A.1.4G, 4A.1.5G, 4A.1.7G;  COLLG 5A.1.3G(2), 5A.1.3G(8), 5A.1.4G(4)
<i>FSA Handbook</i>	<i>Handbook</i>	COLLG 5A.1.4G(1)
<i>Handbook</i>	<i>FCA Handbook</i>	COLLG 1A.1.1G(5);  COLLG 1A.1.2G(4);  COLLG 2A.1.6G(3)

<i>Part IV</i>	<i>Part 4A</i>	COLLG 1A.1.6G(1); COLLG 3A.1.3G(1)(a); COLLG 4A.1.2G(1)(a)
----------------	----------------	--

Amend the following provisions as follows.

1A.1.1 G ...

- (4) The material in this guide is intended only as a summary of a number of significant legal provisions affecting *regulated collective investment schemes*. It does not constitute *guidance* under sections ~~457~~ 139A and ~~458~~ 139B of the Act and does not have the status of the guidance in the *Handbook*. This also means that GEN 2.2 (Interpreting the *FCA Handbook*) does not apply. If you have any doubt about any legal provision you should seek appropriate legal advice.

...

...

1A.1.6 G (1)

No *person* may carry on a *regulated activity* by way of business in the *United Kingdom*, or purport to do so, unless he is an *authorised person* (or an *exempt person*). This prohibition is referred to in the Act as the *general prohibition*. *Guidance* for persons considering carrying on *regulated activities* in the *United Kingdom* can be found in *PERG*. The FSA website page "How do I get authorised?" (<http://www.fsa.gov.uk/doing/how>) ([web address tbc]) gives *guidance* on how to apply to the ~~FSA~~ FCA for a ~~Part IV~~ Part 4A *permission*. This *authorisation* is different to the authorisation of an *AUT* or an *ICVC*, as referred to in *COLLG 1A.1.4G* and *COLLG 1A.1.5G* respectively.

...

- (3) The ~~FSA~~ FCA maintains a public register of *persons* who have a *permission* to carry on a *regulated activity*. The register also contains details of all *regulated collective investment schemes* and it can be consulted on the ~~FSA's~~ FCA's website at [www.fsa.gov.uk/fsaregister](http://www.fsa.gov.uk/fsaregister) [web address tbc].

...

### 3A The ~~FSA's~~ FCA's responsibilities under the Act

3A.1.1 G Part ~~XVII~~ 17 of the *Act* deals specifically with *collective investment schemes*. The main features and practical effects of Part ~~XVII~~17, and how the *FSA* FCA exercises its responsibilities, are described below. References to sections are to the numbered sections of Part ~~XVII~~ 17.

...

3A.1.3 G (1) The *FSA* requires an application for authorisation of a *unit trust scheme* to be made jointly by the *manager* and *trustee*, both of which must be:

(a) *authorised persons* under the *Act* with the appropriate ~~Part IV~~ Part 4A *permissions*; and

...

(3) Application forms are available free of charge from the forms page at [http://fsahandbook.info/FSA/form\\_links.jsp](http://fsahandbook.info/FSA/form_links.jsp) [web address tbc].

...

#### 4A The *FSA*'s FCA's responsibilities under the OEIC Regulations

...

4A.1.2 G (1) The *FSA* requires an application for authorisation of an *ICVC* to be made jointly by the *ACD* and *depository*, both of which must be:

(a) *authorised persons* under the *Act* with the appropriate ~~Part IV~~ Part 4A *permissions*; and

...

(3) Application forms are available free of charge from the forms page at [http://fsahandbook.info/FSA/form\\_links.jsp](http://fsahandbook.info/FSA/form_links.jsp) [web address tbc].

...

#### The *FSA*'s FCA's registration function

...

5A.1.1 G (1) *COLL* is a specialist sourcebook that sits in Block 6 (Specialist Sourcebooks) of the *FSA Handbook* FCA Handbook. It provides the detailed framework within which *authorised funds* operate and includes

requirements relating to *recognised schemes*.

- (2) The material in *COLL* (excluding chapter 9) forms a major part of the product regulation regime for *ICVCs* and *AUTs*, supplementing the material in the *OEIC Regulations* (for *ICVCs*) and chapter III of ~~Part XVII~~ Part 17 of the *Act* (for *AUTs*) and giving effect to the relevant parts of the *UCITS Directive*. This is shown in the diagram at *COLLG* 5A.1.5 G.

...

...

5A.1.3 G ...

- (4) ...

However, an *authorised fund manager* of such a *scheme* can choose to produce an equivalent document to the *key investor information document*, which is referred to as a NURS-KII document, by applying for a modification by consent (see ~~[www.fsa.gov.uk/pages/doing/regulated/notify/waiver/consent/cobs\\_coll.html](http://www.fsa.gov.uk/pages/doing/regulated/notify/waiver/consent/cobs_coll.html)~~ [web address tbc]) ...

...

- (9) *COLL* 9 (Recognised Schemes) applies to *collective investment schemes* established outside the *United Kingdom*. It brings together the material relating to the admission to *marketing* of such *schemes* in the *United Kingdom*, supplementing material in chapter V of ~~Part XVII~~ Part 17 of the *Act* (Recognised overseas schemes).

...

**Annex 38**

**Amendments to Financial Crime: a guide for firms (FC)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	FC Part 1G, 'About the Guide' Box;  FC Part 1, Paragraph 1.4G, 1.8G, 1.9G, 1.10G;  FC Part 1, Box 3.12G (footnote), Box 3.14G;  FC Part 1, Paragraph 4.4G, 4.5G;  FC Part 1, Paragraph 6.2G;  FC Part 1, Ch 7G ('Who should read' box);  FC Part 1, Box 7.4G;  FC Part 1, Annex 1G (financial institution);  FC Part 1, Annex 1G (e-money institutions);  FC Part 1, Annex 1G (Information From Lenders (IFL));  FC Part 1, Annex 1G (safe deposit boxes);  FC Part 2, Box 12.2G  FC Part 2, Box 14.8G
<i>FSA Handbook</i>	<i>Handbook</i>	FC Part 1, Paragraph 1.13G;  FC Part 1, Box 7.4G (footnote);  FC Part 1, Annex 1: introductory paragraph, 'EEA firms', 'mortgage brokers', 'general insurers and general insurance

		intermediaries’, ‘recognised investment exchanges and recognised clearing houses’, ‘SYSC’
<i>FSA Register</i>	<i>Financial Services Register</i>	FC Part 1, Annex 1: ‘recognised investment exchanges and recognised clearing houses’;  FC Part 2, Box 11.4G

Amend the following provisions as follows.

Part 1, Paragraph 1.1 G This Guide provides practical assistance and information for firms of all sizes and across all ~~FSA-supervised~~ FCA-supervised sectors on actions they can take to counter the risk that they might be used to further financial crime. Its contents are drawn primarily from FSA thematic reviews, with some additional material included to reflect other aspects of ~~our~~ its financial crime remit. The Guide does not cover market misconduct, detailed rules and guidance on which are contained in the Market Conduct (*MAR*) sourcebook.

Part 1, Box 1.1 G ...

Examples of good practice	Examples of poor practice
<ul style="list-style-type: none"> <li>• This box provides <b>illustrative</b> examples of <b>good practices</b>.</li> <li>• Good practice examples are drawn from <b>conduct we have seen</b> in firms during thematic work in relation to financial crime.</li> <li>• We would draw comfort from seeing <b>evidence</b> that these practices take place.</li> <li>• Note that <b>if these practices are lacking</b> it may not be a problem. The <del>FSA</del> <u>FCA</u> would consider whether a firm has taken other measures to meet its obligations.</li> </ul>	<ul style="list-style-type: none"> <li>• This box provides <b>illustrative</b> examples of <b>poor practices</b>.</li> <li>• Poor practice examples are also drawn from <b>conduct we have seen</b> during thematic work.</li> <li>• Some show a lack of commitment, others fall short of our expectations; some, as indicated in the text, may breach regulatory requirements or be <b>criminal offences</b>.</li> <li>• These <b>do not identify all cases</b> where conduct may give rise to regulatory breaches or criminal offences.</li> </ul>

Part 1, Box 1.1 G

Box 1.2: Case studies and other information

1.2

Most sections contain case studies outlining occasions when a person's conduct fell short of the ~~FSA's expectations~~ regulatory expectations, and enforcement action followed; or information on topics relevant to the section.

...

Part 1,  
Paragraph  
2.2

G 2.2 Part 2 of the Guide contains the following additional guidance on governance:

- Box 6.1 (Governance), from ~~our thematic review~~ the FSA's thematic review *Data security in Financial Services*
- Box 8.1 (Senior management responsibility) from ~~our thematic review~~ the FSA's thematic review *Financial services firms' approach to UK financial sanctions*
- Box 9.1 (Governance and management information) from ~~our thematic review~~ the FSA's thematic review *Anti-bribery and corruption in commercial insurance broking*
- Box 11.1 (Governance, culture and information sharing) from the FSA's thematic review *Mortgage fraud against lenders*

Part 1,  
Paragraph  
2.3

G Part 2 contains the following additional guidance on risk assessment:

- Box 8.2 (Risk assessment) from ~~our thematic review~~ the FSA's thematic review *Financial services firms' approach to UK financial sanctions*
- Box 9.2 (Risk assessment and responses to significant bribery and corruption events) from ~~our thematic review~~ the FSA's thematic review *Anti-bribery and corruption in commercial insurance broking*
- Box 10.7 (Responsibilities and risk assessments) from ~~our thematic review~~ the FSA's thematic review *The Small Firms Financial Crime Review*
- Box 12.2 (High risk customers and PEPs – Risk assessment) and Box 12.5 (Correspondent banking – Risk assessment of respondent banks) from ~~our thematic review~~ the FSA's thematic review *Banks' management of high money laundering risk situations*

Part 1,  
Paragraph  
2.4

G Part 2 contains the following additional guidance on policies and procedures:

- Box 8.3 (Policies and procedures) from ~~our thematic review~~ the FSA's thematic review *Financial services firms' approach to UK financial sanctions*

- Box 10.1 (Regulatory/Legal obligations) from ~~our thematic review~~ the FSA's thematic review *The Small Firms Financial Crime Review*

- Box 12.1 (High risk customers and PEPs – AML policies and procedures) from ~~our thematic review~~ the FSA's thematic review *Banks' management of high money-laundering risk situations*

Part 1,  
Paragraph  
2.5

G Part 2 contains the following additional guidance on staff recruitment, vetting, training and awareness:

- Box 6.2 (Training and awareness) and Box 6.3 (Staff recruitment and vetting) from ~~our thematic review~~ the FSA's thematic review *Data security in Financial Services*

- Box 8.4 (Staff training and awareness) from ~~our thematic review~~ the FSA's thematic review *Financial services firms' approach to UK financial sanctions*

- Box 9.5 (Staff recruitment and vetting) and Box 9.6 (Training and awareness) from ~~our thematic review~~ the FSA's thematic review *Anti-bribery and corruption in commercial insurance broking*

- Box 10.6 (Training) from ~~our thematic review~~ the FSA's thematic review *The Small Firms Financial Crime Review*

- Box 11.6 (Staff recruitment and vetting) and Box 11.8 from ~~our thematic review~~ the FSA's thematic review *Mortgage fraud against lenders*

Part 1,  
Paragraph  
2.6

G Part 2 contains the following additional guidance on quality of oversight:

- Box 6.15 (Internal audit and compliance monitoring) from ~~our thematic review~~ the FSA's thematic review *Data security in Financial Services*

- Box 9.9 (The role of compliance and internal audit) from ~~our thematic review~~ the FSA's thematic review *Anti-bribery and corruption in commercial insurance broking*

- Box 11.5 (Compliance and internal audit) from ~~our thematic review~~ the FSA's thematic review *Mortgage fraud against lenders*

...

Part 1, Box  
3.12

G

<p>Examples of good practice</p> <ul style="list-style-type: none"> <li>• Although <b>not required by EU Regulation 1781/2006 on information on the payer accompanying transfers of funds (the Wire Transfer Regulation)</b>, we <del>have seen</del> the following are examples of good practices:</li> </ul> <p>...</p>
---

Part 1, Box  
3.13

G

<p>Box 3.12: Customer payments</p> <p>We <del>The FSA</del> fined Alpari (UK) Ltd, an online provider of foreign</p>
--

exchange services, £140,000 in May 2010 for poor anti-money laundering controls.

...

- The firm failed to ensure that resources in its compliance and anti-money laundering areas kept pace with the firm's significant growth. Alpari's former money laundering reporting officer was also fined £14,000 for failing to fulfil his duties. See ~~our press release~~ the FSA's press release for more information:

[www.fsa.gov.uk/pages/Library/Communication/PR/2010/077.shtml](http://www.fsa.gov.uk/pages/Library/Communication/PR/2010/077.shtml)

...

Part 1, Box 3.15 G

**Box 3.15: Case Study – poor AML controls: PEPs and high risk customers**

~~We~~ The FSA fined Coutts & Company £8.75 million in March 2012 for poor AML systems and controls. Coutts failed to take reasonable care to establish and maintain effective anti-money laundering systems and controls in relation to their high risk customers, including in relation to customers who are Politically Exposed Persons.

....

See ~~our~~ the FSA's press release for more information:

[www.fsa.gov.uk/library/communication/pr/2012/032.shtml](http://www.fsa.gov.uk/library/communication/pr/2012/032.shtml) [web address tbc]

Part 1, Box 3.16 G

**Box 3.16: Poor AML controls: risk assessment**

~~We~~ The FSA fined Habib Bank £525,000, and its MLRO £17,500, in May 2012 for poor AML systems and controls.

Habib failed adequately to assess the level of money laundering risk associated with its business relationships. For example, the firm excluded higher risk jurisdictions from its list of high risk jurisdictions on the basis that it had group offices in them.

...

See ~~our~~ the FSA's press release for more information:

[www.fsa.gov.uk/library/communication/pr/2012/055.shtml](http://www.fsa.gov.uk/library/communication/pr/2012/055.shtml) [web address tbc]

...

Part 1, G Part 2 of the Guide contains the following additional AML guidance:

Paragraph  
3.4

- Chapter 4 summarises the findings of, and consolidates good and poor practice from, ~~our thematic review~~ the FSA's thematic review of Automated Anti-Money Laundering Transaction Monitoring Systems
- Chapter 5 summarises the findings of, and consolidates good and poor practice from, ~~our~~ the FSA's Review of firms' implementation of a risk-based approach to anti-money laundering (AML)
- Chapter 10 summarises the findings of the *Small Firms Financial Crime Review*. It contains guidance directed at small firms on:
  - o Regulatory/Legal obligations (Box 10.1)
  - o Account opening procedures (Box 10.2)
  - o Monitoring activity (Box 10.3)
  - o Suspicious activity reporting (Box 10.4)
  - o Records (Box 10.5)
  - o Responsibilities and risk assessments (Box 10.7)
- Chapter 12 summarises the findings of ~~our~~ the FSA's thematic review of Banks' management of high money laundering risk situations. It includes guidance on:
  - o High risk customers and PEPs – AML policies and procedures (Box 12.1)
  - o High risk customers and PEPs – Risk assessment (Box 12.2)
  - o High risk customers and PEPs – Customer take-on (Box 12.3)
  - o High risk customers and PEPs – Enhanced monitoring of high risk relationships (Box 12.4)
  - o Correspondent banking – Risk assessment of respondent banks (Box 12.5)
  - o Correspondent banking – Customer take-on (Box 12.6)
  - o Correspondent banking – Ongoing monitoring of respondent accounts (Box 12.7)
  - o Wire transfers – Paying banks (Box 12.8)
  - o Wire transfers – Intermediary banks (Box 12.9)
  - o Wire transfers – Beneficiary banks (Box 12.10)
  - o Wire transfers – Implementation of SWIFT MT202COV (Box 12.11)
- Part 2 also summarises the findings of the following thematic reviews:
  - o Chapter 3: *Review of private banks' anti-money laundering systems and controls*
  - o Chapter 7: *Review of financial crime controls in offshore centres*

Part 1,  
Paragraph  
3.5

To find out more on anti money laundering, see:

- The Money Laundering Regulations 2007:  
[www.legislation.gov.uk/ukxi/2007/2157/contents/made](http://www.legislation.gov.uk/ukxi/2007/2157/contents/made)
- SOCA's website, which contains information on how to report suspicions of money laundering:

www.soca.gov.uk

- The JMLSG's guidance on measures firms can take to meet their anti-money laundering obligations,

which is available from its website:

www.jmlsg.org.uk

- Our AML self-assessment fact sheet for financial advisers:

~~www.fsa.gov.uk/smallfirms/resources/factsheets/pdfs/aml\_tool.pdf~~ [web address tbc]

- ~~Our~~ The *FCA's* one-minute guide on AML for smaller firms:

~~www.fsa.gov.uk/smallfirms/resources/one\_minute\_guides/info\_gathering/anti\_money.shtml~~ [web address tbc]

Part 1,  
Paragraph  
4.2

- G The contents of the Guide's fraud chapter reflect ~~our~~ the FSA's previous thematic work in this area. This means it does not specifically address such topics as plastic card, cheque or insurance fraud. This is not because the ~~FSA~~ *FCA* regards fraud prevention as unimportant. Rather it reflects our view that our limited resources are better directed elsewhere, given the strong incentive firms should have to protect themselves from fraud; and the number of other bodies active in fraud prevention. Links to some of these other bodies are provided in paragraph 4.5.

Part 1, Box  
4.2:  
Mortgage  
fraud –  
lenders

Box 4.2: Mortgage fraud – lenders

This section applies to *mortgage lenders* within ~~our~~ the supervisory scope of the appropriate regulator. Self-assessment questions:

...

Examples of poor practice

- A *lender* fails to report relevant information to the ~~FSA's~~ *FCA's* Information from Lenders (IFL) scheme as per ~~FSA~~ *FCA's* guidance on IFL referrals.
- A lender lacks a clear definition of mortgage fraud, undermining data collection and trend analysis.
- A *lender's* panels of conveyancers, brokers and valuers are too large to be manageable.
- The *lender* does no work to identify dormant parties.
- A *lender* relies solely on the ~~FSA Register~~ *FCA Register* when vetting brokers.
- Underwriters' demanding work targets undermine efforts to contain mortgage fraud.

Part 1, Box  
4.3

Box 4.3: Mortgage fraud – intermediaries
This section applies to mortgage intermediaries.  ... Examples of good practice <ul style="list-style-type: none"><li>• Asking to see original documentation whether or not this is required by lenders.</li><li>• Using the <del>FSA's</del> <u>FCA's</u> Information from Brokers scheme to report intermediaries it suspects of involvement in mortgage fraud.</li></ul> Examples of poor practice <ul style="list-style-type: none"><li>• Failing to undertake due diligence on introducers.</li><li>• Accepting all applicant information at face value.</li><li>• Treating due diligence</li></ul>

Part 1, Box  
4.4

Box 4.4: Enforcement action against mortgage brokers
Since <del>we</del> <u>the FSA</u> began regulating mortgage brokers in October 2004, <del>we</del> <u>the FSA</u> have banned over 100 mortgage brokers. Breaches have included: <ul style="list-style-type: none"><li>• deliberately submitting to lenders applications containing false or misleading information; and</li><li>• failing to have adequate systems and controls in place to deal with the risk of mortgage fraud.</li></ul> <del>We</del> <u>The FSA</u> have referred numerous cases to law enforcement, a number of which have resulted in criminal convictions.

Part 1,  
Paragraph  
4.3

G	Part 2 of the Guide contains the following additional material on fraud:  ... • Chapter 11 summarises the findings of <del>our thematic review</del> <u>the FSA's thematic review</u> <i>Mortgage fraud against lenders</i> . It contains guidance on:  ... Chapter 14 summarises the findings of <del>our</del> <u>the FSA's</u> thematic review Banks' defences against investment fraud. It contains guidance directed at deposit-takers with retail customers on:  ...  Part 2, Chapter 2 summarises <del>our thematic review</del> <u>the FSA's thematic review</u> <i>Firms' high-level management of fraud risk</i> .
---	--

Part 1,

To find out more about what ~~FSA~~ FCA is doing about fraud, see:

- Paragraph 4.4
- Details of the FSA's FCA's Information from Lenders scheme:  
[www.fsa.gov.uk/pages/doing/regulated/supervise/mortgage\\_fraud.shtml](http://www.fsa.gov.uk/pages/doing/regulated/supervise/mortgage_fraud.shtml)  
[web address tbc]
  - Details of the FSA's FCA's Information from Brokers scheme:  
[www.fsa.gov.uk/smallfirms/your\\_firm\\_type/mortgage/fraud/report.shtml](http://www.fsa.gov.uk/smallfirms/your_firm_type/mortgage/fraud/report.shtml)  
[web address tbc]
  - Our fact sheet for mortgage brokers on mortgage fraud:  
[www.fsa.gov.uk/smallfirms/resources/factsheets/pdfs/mortgage\\_fraud.pdf](http://www.fsa.gov.uk/smallfirms/resources/factsheets/pdfs/mortgage_fraud.pdf)  
[web address tbc]

...

<p>Part 1, Box 5.4</p>	<p>G</p>	<p>Box 5.4: Case study – protecting customers' accounts from criminals</p> <p>In December 2007, <del>we</del> <u>the FSA</u> fined Norwich Union Life £1.26m for failings in its anti-fraud systems and controls.</p> <p>...</p> <p>For more, see <del>our</del> <u>the FSA's</u> press release: <a href="http://www.fsa.gov.uk/pages/Library/Communication/PR/2007/130.shtml">www.fsa.gov.uk/pages/Library/Communication/PR/2007/130.shtml</a> [web address tbc]</p>
<p>Part 1, Box 5.5</p>	<p>G</p>	<p>Box 5.5: Case study – data security failings</p> <p>In August 2010, <del>we</del> <u>the FSA</u> fined Zurich Insurance plc, UK branch £2,275,000 following the loss of 46,000 policyholders' personal details.</p> <p>...</p> <p><del>Our</del> <u>The FSA's</u> press release has more details: <a href="http://www.fsa.gov.uk/pages/Library/Communication/PR/2010/134.shtml">www.fsa.gov.uk/pages/Library/Communication/PR/2010/134.shtml</a> [web address tbc]</p>

...

<p>Part 1, Paragraph 5.2</p>	<p>G</p>	<p>Part 2 of the Guide contains the following additional material on data security:</p> <ul style="list-style-type: none"> <li>• Chapter 6 summarises the findings of <del>our thematic review</del> <u>the FSA's thematic review</u> of <i>Data security in Financial Services</i> and includes guidance on:</li> </ul> <p>...</p>
<p>Part 1, Paragraph</p>	<p>G</p>	<p>To find out more, see:</p> <ul style="list-style-type: none"> <li>• The website of the Information Commissioner's Office:</li> </ul>

5.3		<p>www.ico.gov.uk</p> <ul style="list-style-type: none"> <li>• A one-minute guide for small firms on data security: <del>www.fsa.gov.uk/smallfirms/resources/one_minute_guides/info_gathering/data_security.shtml</del> [web address tbc]</li> </ul>
-----	--	--

Part 1, Box 6.5

G

Box 6.5: Case study – corruption risk

...

See ~~our~~ the FSA's press release:

~~www.fsa.gov.uk/pages/Library/Communication/PR/2009/004.shtml~~ [web address tbc]

Part 1, Box 6.6

G

Box 6.6: Case study – inadequate anti-bribery and corruption systems and controls

In July 2011, ~~we~~ the FSA fined Willis Limited, an insurance intermediary, £6.9m for failing to take appropriate steps to ensure that payments made to overseas third parties were not used for corrupt purposes. Between January 2005 and December 2009, Willis Limited made payments totalling £27m to overseas third parties who helped win and retain business from overseas clients, particularly in high risk jurisdictions.

...

This fine was the largest yet levied by the FSA for failures related to financial crime. See ~~our~~ the FSA's press release:

~~www.fsa.gov.uk/pages/Library/Communication/PR/2011/066.shtml~~ [web address tbc].

...

Part 1, Paragraph 6.4

Part 2 of the Guide contains the following additional material on bribery and corruption:

- Chapter 9 summarises the findings of ~~our thematic review~~ the FSA's thematic review *Anti-bribery and corruption in commercial insurance broking* and includes guidance on:

...

- Chapter 13 summarises the findings of ~~our~~ the FSA's thematic review on Anti-bribery and corruption systems and controls in investment banks and includes guidance on: [...]

Part 1, Box  
7.6

Box 7.6: Case study – deficient sanctions systems and controls

In August 2010, ~~we~~ the FSA fined Royal Bank of Scotland (RBS) £5.6m for deficiencies in its systems and controls to prevent breaches of UK financial sanctions.

...

For more information see ~~our~~ the FSA's press release:

~~www.fsa.gov.uk/pages/Library/Communication/PR/2010/130.shtml~~ [web address tbc]

...

Part 1,  
Paragraph  
7.4

- G Part 2 of the Guide contains the following additional material on sanctions and assets freezes:
- Chapter 8 summarises the findings of ~~our thematic review~~ the FSA's thematic review *Financial services firms' approach to UK financial sanctions* and includes guidance on:

...

Part 1,  
Annex 1

- G Annex 1:  
Common term [...]

Term	Meaning
...	...
Annex 1 financial institution	<p>The Money Laundering Regulations 2007 give the <del>FSA</del> <u>FCA</u> responsibility for supervising the anti-money laundering controls of 'Annex I financial institutions' (a reference to Annex I to the Banking Consolidation Directive, where they are listed). In practice, this includes businesses that offer finance leases, commercial lenders and providers of safe deposit boxes.</p> <p><del>Where a firm we authorise</del> <u>Where an authorised firm</u> offers such services, we are responsible for overseeing whether these activities are performed in a manner that complies with the requirements of the Money Laundering Regulations 2007. Authorised firms are not formally required to inform us that they perform these activities, although some may choose to do so for the sake of transparency.</p> <p>Where these businesses are not authorised, we are responsible for supervising their activities. For more information on this, see <del>our</del> <u>the FSA's</u> website:</p> <p><del>www.fsa.gov.uk/pages/About/What/financial_crime/</del></p>

	<p><a href="http://money_laundering/3mld/registered/index.shtml">money_laundering/3mld/registered/index.shtml</a></p> <p>[web address tbc]</p>
...	...
e-money institutions (EMIs)	<p>E-money institutions are a specific category of financial institutions authorised or registered to issue e-money under the Electronic Money Regulations 2011, rather than FSMA. The <del>FSA's</del> FCA's financial crime Handbook provisions do not apply to e-money institutions, but the <del>FSA</del> FCA supervises e-money institutions for compliance with their obligations under the Money Laundering Regulations 2007.</p> <p>...</p> <p>For more information, see our e-money approach document:  <a href="http://www.fsa.gov.uk/pubs/international/approach_emoney.pdf">www.fsa.gov.uk/pubs/international/approach_emoney.pdf</a> [web address tbc]</p>
...	...
export controls	<p>UK exporters must obtain a licence from the government before exporting certain types of goods, primarily those with military applications. Exporting these goods without a licence is prohibited by the Export Control Order 2008 [SI 2008/3231].</p> <p>If <del>a financial firm authorised by us</del> <u>an authorised financial firm</u> were to finance or insure these illegal exports, it would arguably have been used to further financial crime.</p>
...	...
Financial Services and Markets Act 2000 (FSMA)	<p>The Financial Services and Markets Act 2000 sets out the objectives, duties and powers of <del>Financial Services Authority</del> <u>the Financial Conduct Authority</u> and the <i>Prudential Regulation Authority</i>.</p>
<u>Financial Conduct Authority (FCA)</u>	<p><u>The Financial Conduct Authority has statutory objectives under FSMA that include protecting and enhancing the integrity of the UK financial system. The integrity of the UK financial system includes its not being used for a purpose connected with financial crime. We have supervisory responsibilities under the Money Laundering Regulations 2007 for authorised firms and businesses such as leasing companies and providers of safe deposit boxes. We also have functions under other legislation such as</u></p>

	<p><u>the Transfer of Funds (Information on the Payer) Regulations 2007, in relation to the EU Wire Transfer Regulation, and schedule 7 to the Counter-Terrorism Act 2008.</u></p>
Financial Services Authority (FSA)	<p><u>The Financial Services Authority was the previous financial services regulator. The Financial Services Authority has</u> It had statutory objectives under FSMA that <del>include</del> <u>included</u> the reduction of financial crime. <del>We have</del> <u>It had</u> supervisory responsibilities under the Money Laundering Regulations 2007 for authorised firms and businesses such as leasing companies and providers of safe deposit boxes. <del>We</del> <u>It also have had</u> functions under other legislation such as the Transfer of Funds (Information on the Payer) Regulations 2007, in relation to the EU Wire Transfer regulation, and schedule 7 to the Counter-Terrorism Act 2008.</p>
...	...
Information from Lenders (IFL)	<p>...</p> <p>Details are here:</p> <p><a href="http://www.fsa.gov.uk/pages/doing/regulated/supervise/mortgage_fraud.shtml">www.fsa.gov.uk/pages/doing/regulated/supervise/mortgage_fraud.shtml</a> [web address tbc]</p>
investment fraud	<p>...</p> <p>See:</p> <p><a href="http://www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams">www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams</a> [web address tbc]</p>
...	...
land banking scams	<p>...</p> <p>See:</p> <p><a href="http://www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams/land_banking">www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams/land_banking</a> [web address tbc]</p>
...	...
Money Laundering Reporting Officer (MLRO)	<p>The MLRO is responsible for ensuring that measures to combat money laundering within the firm are effective. The MLRO is also usually the ‘nominated officer’ under the Proceeds of Crime Act (POCA).</p> <p>The MLRO is a ‘controlled function’ under <del>the</del> <u>FSA’s</u> <u>the</u> Approved Persons Regime.</p>

...	...
money service business (MSB)	<p>An undertaking that by way of business operates a currency exchange office, transmits money (or any representations of monetary value) by any means or which cashes cheques which are made payable to customers. (See Regulation 2(1) of the Money Laundering Regulations 2007.)</p> <p>Firms that are <del>authorised by the FSA</del> <u>authorised under FSMA</u> must inform us if they provide MSB services.</p> <p>For more information about this, see:  <a href="http://www.fsa.gov.uk/pages/About/What/financial_crime/money_laundering/3mld/authorised/index.shtml">www.fsa.gov.uk/pages/About/What/financial_crime/money_laundering/3mld/authorised/index.shtml</a>  [web address tbc]</p> <p>HM Revenue and Customs supervises the AML controls of money service businesses that are not authorised under FSMA. More information about registration with HMRC can be found on its website: <a href="http://www.hmrc.gov.uk/mlr">www.hmrc.gov.uk/mlr</a></p>
...	...
payment institutions	<p>A ‘payment institution’ is a UK firm which is required under the Payment Services Regulations 2009 [SI 2009/209] to be authorised or registered in order to provide payment services in the UK. This term is not used to describe payment service providers that are already authorised by <del>us</del> <u>the FSA</u> because they carry out regulated activities (such as banks and e-money institutions) or that are exempt under the Payment Services Regulations (such as credit unions). For more information, see <del>our</del> <u>the FSA</u> publication <i>The FSA’s role under the Payment Services Regulations</i>.</p>
...	...
recognised investment exchanges, and recognised clearing houses	<p>To be recognised <del>by the FSA</del> <u>under FSMA</u>, exchanges and clearing houses must, among other things, adopt appropriate measures to:</p> <p>...</p>
...	

share sale fraud	... See: <a href="http://www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams/boiler_room">www.fsa.gov.uk/consumerinformation/scamsandswindles/investment_scams/boiler_room</a> [web address tbc]
...	
trust or company service provision	... see: <a href="http://www.fsa.gov.uk/pages/About/What/financial_crime/money_laundering/3mld/authorised/index.shtml">www.fsa.gov.uk/pages/About/What/financial_crime/money_laundering/3mld/authorised/index.shtml</a> [web address tbc]

...

Part 2,  
Paragraph  
1.1

G Part 2 of *Financial crime: a guide for firms* contains summaries of, and links to, FSA-thematic reviews of various financial crime risks.

...

...

Part 2,  
Paragraph  
1.4

G Not all thematic reviews contain consolidated examples of good and poor practice. All reports do, however, discuss what ~~we~~ the FSA found about the practices in place at the firms ~~we~~ it visited. This information is not guidance, but firms interested in comparing themselves against their peers' systems and controls and policies and procedures in the areas covered by the reviews can find more information on this in the original reports.

Part 2,  
Paragraph  
2.1

G In February 2006 ~~we~~ the FSA reviewed a sample of 16 firms (predominantly larger financial services groups) to assess how firms' senior management were managing fraud risk.

...

Part 2,  
Paragraph  
2.5

G ~~Our~~ **The FSA's findings**

You can read the findings of the *FSA's* thematic review here:

[http://www.fsa.gov.uk/pubs/other/fraud\\_risk.pdf](http://www.fsa.gov.uk/pubs/other/fraud_risk.pdf) [web address tbc]

Part 2,  
Paragraph  
3.1

G In July 2007 ~~we~~ the FSA undertook a review of the anti-money laundering (AML) systems and controls at several ~~FSA~~ regulated private banks. The review was conducted in response to a report by ~~our~~ the FSA's Intelligence team, which had highlighted the high risk of money laundering within private banking.

...

Part 2,

G Overall ~~we~~ the FSA found that the private banks covered by ~~our~~ its review

Paragraph 3.4 acknowledged the relatively high risk of money laundering within their business activities and recognised the need to develop and implement strong AML systems and controls. The report also emphasised that private banks should obtain and keep up-to-date information on clients.

...

Part 2,  
Paragraph 3.6

G ~~Our findings~~ The FSA's Findings

You can read the findings of the FSA's thematic review here:

[http://www.fsa.gov.uk/pubs/other/money\\_laundering/systems.pdf](http://www.fsa.gov.uk/pubs/other/money_laundering/systems.pdf) [web address tbc]

...

Part 2,  
Paragraph 4.1

G ~~We~~ The FSA wrote a short report on automated Anti-Money Laundering Transaction Monitoring Systems in July 2007. This was in anticipation of the fact that transaction monitoring would become compulsory following the implementation of the Money Laundering Regulations 2007.

Part 2,  
Paragraph 4.2

G The report explains that ~~we~~ the FSA did not anticipate that there would be major changes in firms' practice, as the new framework expressed in law what firms were already doing. Instead, it is to be read as feedback on good practice to assist firms in complying with the Money Laundering Regulations 2007.

...

Part 2,  
Paragraph 4.5

G ~~Our findings~~ The FSA's Findings

You can read the findings of the FSA's thematic review here:

[http://www.fsa.gov.uk/pubs/other/money\\_laundering/systems.pdf](http://www.fsa.gov.uk/pubs/other/money_laundering/systems.pdf) [web address tbc]

...

Part 2,  
Paragraph 5.1

G In March 2008 ~~we~~ the FSA conducted a review of firms' implementation of a risk-based approach to anti-money laundering. This followed the move to a more principles-based regulatory strategy from August 2006, when we replaced the detailed rules contained in the Money Laundering sourcebook with high-level rules in the Senior Management Arrangements, Systems and Controls sourcebook (SYSC) of ~~our~~ the FSA Handbook.

Part 2,  
Paragraph 5.2

G ~~We~~ The FSA visited 43 firms in total and gathered additional information from approximately 90 small firms with a survey. The report explored in depth a number of key areas that required improvement, including a review of staff training and the need to ensure staff are aware that it is a constant requirement to ensure AML policies and procedures are up to date and effective.

Part 2,  
Paragraph  
5.3

G Due to the wide range of firms ~~we~~ the FSA visited, there were a number of different findings. There were many examples of good practice, particularly in the way the larger firms had fully embraced the risk-based approach to AML and senior management’s accountability for effective AML. ~~We~~ The FSA also recognised that smaller firms, which generally represent lower risk, had fewer resources to devote to money laundering risk assessment and mitigation.

...

Part 2,  
Paragraph  
5.5

G ~~Our findings~~ The FSA’s findings  
You can read the findings of the FSA’s thematic review here:  
[http://www.fsa.gov.uk/pubs/other/jmlsg\\_guidance.pdf](http://www.fsa.gov.uk/pubs/other/jmlsg_guidance.pdf) [web address tbc]

...

Part 2, Box  
5.1

G

<b>Box 5.1: Firms’ implementation of a risk-based approach to AML</b>	
<p>Examples of good practice:</p> <p>...</p> <ul style="list-style-type: none"> <li>• One large bank judged that staff AML training and awareness were suitable for the development of a risk-based approach. It saw a need to differentiate between AML requirements in various business units, so that training could be adapted to the needs of the job. So in Retail, training had been re-designed to produce a more balanced package. Accordingly, staff were required to undertake one training module per quarter, with the emphasis on a different area in each module and a test taken every quarter. The aim was to see what impact this constant ‘drip feed’ of training had on suspicious activity reporting. At the time of <del>our</del> the FSA’s visit, this bank was</li> </ul> <p>also in the throes of merging its anti-fraud and AML training. The overall objective was to make it more difficult for criminals to do</p>	<p>Examples of bad practice:</p> <p>...</p> <ul style="list-style-type: none"> <li>• <del>We</del> <u>The FSA’s</u> found some cases of medium-sized and smaller firms documenting their client take-on procedures but not regularly updating those procedures and not always following them. For example, one firm told us that CDD information on clients was refreshed every time clients applied for a new product or service. However, a file review showed no evidence that this had been done.</li> </ul> <p>...</p>

business with the bank undetected.	
...	

...

Part 2,  
Paragraph  
6.1

G In April 2008 ~~we~~ the FSA published the findings of ~~our~~ its thematic review on how financial services firms in the UK were addressing the risk that customer data may be lost or stolen and used to commit fraud or other financial crime. ~~We~~ The FSA visited 39 firms, including retail and wholesale banks, investment firms, insurance companies, financial advisers and credit unions. ~~We~~ The FSA also took into account ~~our~~ their experience of data loss incidents dealt with by our Financial Crime Operations Team: during 2007, the team dealt with 56 cases of lost or stolen data from financial services firms.

Part 2,  
Paragraph  
6.2

G ~~We~~ The FSA found a wide variation between good practices demonstrated by firms that were committed to ensuring data security and weakness in firms that were not taking adequate steps. Overall, ~~we~~ the FSA found that data security in financial services firms needed to be improved significantly.

Part 2,  
Paragraph  
6.3

G The report concluded that poor data security was a serious, widespread and high-impact risk, and that firms were often failing to consider the wider risks of identity fraud which could occur from cases of significant data loss and the impact of this on consumers. ~~We~~ The FSA found that firms lacked a clear understanding of these risks and were therefore failing properly to inform customers, resulting in a lack of transparency.

...

~~Our findings~~ ~ The FSA's findings

Part 2,  
Paragraph  
6.5

G 6.5 You can read the findings of the FSA's thematic review here: [http://www.fsa.gov.uk/pubs/other/data\\_security.pdf](http://www.fsa.gov.uk/pubs/other/data_security.pdf) [web address tbc]

...

Part 2, Box  
6.10

Box 6.10: Controls – laptop	
<p>Examples of good practice:</p> <ul style="list-style-type: none"> <li>• The encryption of laptops and other portable devices containing customer data.</li> <li>• Controls that mitigate the risk of</li> </ul>	<p>Examples of poor practice:</p> <ul style="list-style-type: none"> <li>• Unencrypted customer data on laptops.</li> <li>• A poor understanding of which employees have been issued or are</li> </ul>

<p>employees failing to follow policies and procedures. <del>We have</del> <u>The FSA</u> has dealt with several cases of lost or stolen laptops that arose from firms' staff not doing what they should.</p> <ul style="list-style-type: none"> <li>• Maintaining an accurate register of laptops issued to staff.</li> <li>• Regular audits of the contents of laptops to ensure that only staff who are authorised to hold customer data on their laptops are doing so and that this is for genuine business reasons.</li> <li>• The wiping of shared laptops' hard drives between uses.</li> </ul>	<p>using laptops to hold customer data.</p> <ul style="list-style-type: none"> <li>• Shared laptops used by staff without being signed out or wiped between uses.</li> </ul>
--	--

...

Part 2,  
Paragraph  
7.1

G In the second half of 2008 ~~we~~ the FSA reviewed how financial services firms in the UK were addressing financial crime risks in functions they had moved to offshore centres. The review followed on from ~~our~~ the FSA's report into data security in financial services (April 2008 – [http://www.fsa.gov.uk/pubs/other/data\\_security.pdf](http://www.fsa.gov.uk/pubs/other/data_security.pdf) (TBC)).

Part 2,  
Paragraph  
7.2

G The main financial crime risks ~~we~~ the FSA reviewed were: customer data being lost or stolen and used to facilitate fraud; money laundering; and fraud. The review found that, while there were good data security controls in place across the industry, continued effort was required to ensure controls did not break down and that they remained 'valid and risk-based'.

...

~~Our findings~~ The FSA's findings

Part 2,  
Paragraph  
7.5

G 7.5 You can read the findings of the FSA's thematic review here: [http://www.fsa.gov.uk/pages/About/What/financial\\_crime/library/reports/rview\\_offshore.shtml](http://www.fsa.gov.uk/pages/About/What/financial_crime/library/reports/rview_offshore.shtml) [web address tbc]

...

Part 2,  
Paragraph  
8.1

G In April 2009 ~~we~~ the FSA published the findings of ~~our~~ its thematic review of firms' approach to UK financial sanctions. ~~We~~ The FSA received 228 responses to an initial survey from a broad range of firms across the financial services industry, ranging from small firms to major financial groups, both retail and wholesale. Tailored surveys were sent to different types of firms to ensure that the questions were relevant to the nature and

scale of the business of each firm. ~~We~~ The FSA then selected a sub-sample of 25 firms to visit to substantiate the findings from the surveys.

Part 2,  
Paragraph  
8.2

G The review highlighted areas where there was significant scope across the industry for improvement in firms' systems and controls to comply with the UK financial sanctions regime. ~~We~~ The FSA found that, while some firms had robust systems in place that were appropriate to their business need, others, including some major firms, lacked integral infrastructure and struggled with inappropriate systems for their business. In small firms in particular, ~~we~~ the FSA found a widespread lack of awareness of the UK financial sanctions regime.

Part 2,  
Paragraph  
8.3

G The report examined a number of key areas of concern which included an in-depth look at whether senior management were aware of their responsibilities and, if so, were responding in an appropriate manner. ~~We~~ The FSA also identified issues over the implementation of policies and procedures, particularly those put in place to ensure that staff were adequately trained, were kept aware of changes in this area, and knew how to respond when sanctions were imposed. ~~We~~ The FSA also had concerns about firms' screening of clients, both initially and as an ongoing process.

...

~~Our findings~~ The FSA's findings

Part 2,  
Paragraph  
8.5

G 8.5 You can read the findings of the FSA's thematic review here: [http://www.fsa.gov.uk/pubs/other/Sanctions\\_final\\_report.pdf](http://www.fsa.gov.uk/pubs/other/Sanctions_final_report.pdf) [web address tbc]

Part 2, Box  
8.5

G Examples of poor practice:

...

- Relying on other ~~FSA~~ authorised firms and compliance consultants to screen clients against the Consolidated List without taking reasonable steps to ensure that they are doing so effectively.

...

Part 2,  
Paragraph  
9.1

G In May 2010 ~~we~~ the FSA published the findings of ~~our~~ its review into the way commercial insurance broker firms in the UK addressed the risks of becoming involved in corrupt practices such as bribery. ~~We~~ The FSA visited 17 broker firms. Although this report focused on commercial insurance brokers, the findings are relevant in other sectors.

...

Part 2,  
Paragraph  
9.4

G The report identified a number of common concerns including weak governance and a poor understanding of bribery and corruption risks among senior managers as well as very little or no specific training and weak vetting of staff. ~~We~~ The FSA found that there was a general failure to implement a risk-based approach to anti-bribery and corruption and very weak due diligence and monitoring of third-party relationships and payments.

...

~~Our findings~~ The FSA's findings

Part 2,  
Paragraph  
9.6

G 9.6 You can read the findings of the FSA's thematic review here: [http://www.fsa.gov.uk/pubs/anti\\_bribery.pdf](http://www.fsa.gov.uk/pubs/anti_bribery.pdf) [web address tbc]

...

Part 2,  
Paragraph  
10.1

G In May 2010 ~~we~~ the FSA published the findings of ~~our~~ its thematic review into the extent to which small firms across the financial services industry addressed financial crime risks in their business. The review conducted visits to 159 small retail and wholesale firms in a variety of financial sectors. It was the first systematic review of financial crime systems and controls in small firms conducted by the FSA.

...

Part 2,  
Paragraph  
10.3

G ~~We~~ The FSA found that firms generally demonstrated a reasonable awareness of their obligations, particularly regarding AML systems and controls. But ~~we~~ it found weaknesses across the sector regarding the implementation of systems and controls put in place to reduce firms' broader financial crime risk.

...

Part 2,  
Paragraph  
10.5

G ~~We~~ The FSA concluded that, despite an increased awareness of the risks posed by financial crime and information supplied by the FSA, small firms were generally weak in their assessment and mitigation of financial crime risks.

...

~~Our findings~~ The FSA's findings

Part 2,  
Paragraph  
10.7

G 10.7 You can read the findings of the FSA's thematic review here: [http://www.fsa.gov.uk/smallfirms/pdf/financial\\_crime\\_report.pdf](http://www.fsa.gov.uk/smallfirms/pdf/financial_crime_report.pdf) [web address tbc]

...

Part 2,  
Paragraph  
10.8

G In June 2011 ~~we~~ the FSA published the findings of ~~our~~ its thematic review into the extent to which small firms across the financial services industry addressed financial crime risks in their business. The review conducted visits to 159 small retail and wholesale firms in a variety of financial sectors. It was the first systematic review of financial crime systems and controls in small firms conducted by the FSA.

Paragraph 11.1 into how mortgage lenders in the UK were managing the risks mortgage fraud posed to their businesses. ~~Our~~ The FSA's project population of 20 banks and building societies was selected to be a representative sample of the mortgage lending market. The firms ~~we~~ the FSA visited accounted for 56% of the mortgage market in 2010.

Part 2, Paragraph 11.2 G ~~Our~~ The FSA's review found the industry had made progress coming to terms with the problem of containing mortgage fraud over recent years. Defences were stronger, and the value of cross-industry cooperation was better recognised. However, ~~we~~ the FSA found that many in the industry could do better; ~~we~~ the FSA were disappointed, for example, that more firms were not actively participating in ~~our~~ the FSA's Information From Lenders scheme and other industry-wide initiatives to tackle mortgage fraud. Other areas of concern ~~we~~ the FSA identified were to do with the adequacy of firms' resources for dealing with mortgage fraud, both in terms of the number and experience of staff; and ~~we~~ the FSA identified scope for significant improvement in the way lenders dealt with third parties such as brokers, valuers and conveyancers.

...

~~Our findings~~ The FSA's findings

Part 2, Paragraph 11.4 G 11.4 You can read the findings of the FSA's thematic review here:  
[http://www.fsa.gov.uk/pubs/other/mortgage\\_fraud.pdf](http://www.fsa.gov.uk/pubs/other/mortgage_fraud.pdf) [web address tbc]

Part 2, Box 11.1 G Examples of poor practice:  
A firm fails to engage with report relevant information to the ~~FSA's~~ Information From Lenders project scheme as per the ~~FSA's~~ guidance on IFL referrals.

...

...

Part 2, Paragraph 11.1 G In June 2011 ~~we~~ the FSA published the findings of ~~our~~ its thematic review of how banks operating in the UK were managing money-laundering risk in higher-risk situations. ~~We~~ The FSA focused in particular on correspondent banking relationships, wire transfer payments and high-risk customers including politically exposed persons (PEPs). ~~We~~ The FSA conducted 35 visits to 27 banking groups in the UK that had significant international activity exposing them to the AML risks on which ~~we~~ the FSA were focusing.

Part 2, Paragraph 12.2 G ~~Our~~ The FSA's review found no major weaknesses in banks' compliance with the legislation relating to wire transfers. On correspondent banking, there was a wide variance in standards with some banks carrying out good

quality AML work, while others, particularly among the smaller banks in ~~our~~ the *FSA's* sample, carried out either inadequate due diligence or none at all.

Part 2,  
Paragraph  
12.3

G However, ~~our~~ the *FSA's* main conclusion was that around three-quarters of banks in ~~our~~ its sample, including the majority of major banks, were not always managing high-risk customers and PEP relationships effectively and had to do more to ensure they were not used for money laundering purposes. ~~We~~ The *FSA* identified serious weaknesses in banks' systems and controls, as well as indications that some banks were willing to enter into very high-risk business relationships without adequate controls when there were potentially large profits to be made. This meant that ~~we~~ the *FSA* found it likely that some banks were handling the proceeds of corruption or other financial crime.

...

~~Our findings~~ The *FSA's* findings

Part 2,  
Paragraph  
12.5

G You can read the findings of the *FSA's* thematic review here:  
[http://www.fsa.gov.uk/pubs/other/aml\\_final\\_report.pdf](http://www.fsa.gov.uk/pubs/other/aml_final_report.pdf) [web address tbc]

Part 2,  
Paragraph  
12.6

G In addition to the examples of good and poor practice below, Section 6 of the report also included case studies illustrating relationships into which banks had entered which caused ~~us~~ the *FSA* particular concern. The case studies can be accessed via the link in the paragraph above.

Part 2,  
Paragraph  
13.1

G In March 2012, ~~we~~ the *FSA* published the findings of ~~our~~ its review of investment banks' anti-bribery and corruption systems and controls. ~~We~~ The *FSA* visited 15 investment banks and firms carrying on investment banking or similar activities in the UK to assess how they were managing bribery and corruption risk. Although this report focused on investment banking, its findings are relevant to other sectors.

Part 2,  
Paragraph  
13.2

G ~~We~~ The *FSA* found that although some investment banks had completed a great deal of work to implement effective anti-bribery and corruption controls in the months preceding ~~our~~ its visit, the majority of them had more work to do and some firms' systems and controls fell short of ~~our~~ its regulatory requirements. Weaknesses related in particular to: many firms' limited understanding of the applicable legal and regulatory regimes, incomplete or inadequate bribery and corruption risk assessments; lack of senior management oversight; and failure to monitor the effective implementation of, and compliance with, anti-bribery and corruption policies and procedures.

Part 2,  
Paragraph  
14.1

G ~~Our~~ The FSA's thematic review, Bank's defences against investment fraud, published in June 2012, set out the findings of ~~our~~ its visits to seven retail banks and one building society to assess the systems and controls in place to contain the risks posed by investment fraudsters.

...

~~Our~~ **The FSA's findings**

Part 2,  
Paragraph  
14.4

G ....

**Annex 39**

**Amendments to the Perimeter Guidance manual (PERG)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

<b>Column A (current wording)</b>	<b>Column B (new wording)</b>	<b>Column C (Handbook provisions to be amended)</b>
<i>FSA</i>	<i>FCA</i>	<p>PERG 1.2.4G, 1.3.1G, 1.4.2G (3<sup>rd</sup>, 4<sup>th</sup> 5<sup>th</sup>, 6<sup>th</sup> row), 1.5.1G, 1.5.1G(1), 1.5.2G, 1.5.3G, 1.5.4G;</p> <p>PERG 2.2.3G(1), 2.2.5G, 2.6.11BG, 2.7.6BG(1), (2) and (3), 2.7.6DG, 2.7.7BBG, 2.7.7BCG, 2.7.7BDG(1) and (2), 2.7.7BFG, 2.10.5G, 2.10.13G(1), 2.10.16G, 2.11.1G;</p> <p>PERG 3A.2 Q3, Q5 ((iv)5<sup>th</sup> bullet point), 3A.3 Q16, 3A.4 Q17 (5<sup>th</sup> bullet point), Q22, Q23;</p> <p>PERG 4.1.1G, 4.1.3G, 4.1.4G, 4.2.3G, 4.3.3G, 4.4.1G, 4.4.1AG(2), 4.4.7G, 4.5.2G(4), 4.5.4G, 4.5.6G, 4.5.7G, 4.5.8G, 4.5.11G(1) and (2), 4.5.13G, 4.5.15G to 4.5.17G, 4.6.2G, 4.6.9G, 4.6.13G, 4.6.16G, 4.6.22G, 4.6.23G, 4.6.25G, 4.6.25G(6), 4.8.6G, 4.8.6G(2) to (4), 4.8.7G, 4.9.1G, 4.10.3G, 4.10.4G, 4.11.1G, 4.11.6G, 4.11.8G, 4.11.13G, 4.11.14G, 4.11.15G, 4.11.17G, 4.11.19G, 4.11.20G, 4.11.22G, 4.14.2G, 4.14.2G(3), 4.15.2G to 4.15.4G, 4.17.2G, 4.17.3G;</p> <p>PERG 5.1.1G, 5.1.7G, 5.1.8G, 5.2.3G, 5.3.4G, 5.3.6G, 5.3.7G, 5.4.3G, 5.4.4G, 5.4.7G, 5.6.2G, 5.6.4G, 5.6.7G, 5.6.8G, 5.6.11G, 5.6.16G, 5.6.18G, 5.6.19G, 5.7.2G, 5.7.3G, 5.7.4G, 5.7.6G, 5.8.8G, 5.8.11G, 5.8.11G(2), 5.8.17G, 5.8.19G, 5.8.25G, 5.9.1G, 5.11.6G(3), 5.11.6G(4), 5.11.9G, 5.11.11G, 5.11.13G, 5.11.14G, 5.11.15G, 5.12.13G, 5.14.1G,</p>

		<p>5.15.4G (Assisting policyholder with making a claim);</p> <p>PERG 6.2.1G, 6.3.2G, 6.4.1G, 6.4.3G, 6.5.2G, 6.5.3G, 6.5.4G, 6.5.4G(2), 6.6.2G(3), 6.6.3G, 6.6.7G, 6.6.7G(1) and (3), 6.7.2G, 6.7.4G, 6.7.5G, 6.7.6G, 6.7.6G(3) and (4), 6.7.8G, 6.7.9G, 6.7.11G, 6.7.12G, 6.7.13G, 6.7.14G, 6.7.15G, 6.7.16G, 6.7.17G, 6.7.19G, 6.7.21G;</p> <p>PERG 7.1.2G(3) and (5), 7.1.3G, 7.2.2G, 7.3.4G, 7.3.5G, 7.3.6G, 7.3.9G, 7.4.3G(3), 7.4.4G, 7.4.9G, 7.4.11G, 7.5.3G, 7.5.4G, 7.6.1G, 7.6.2G(1), 7.6.3G, 7.6.4G, 7.6.6G, 7.6.7G, 7.6.8G, 7.6.9G, 7.6.11G, 7.6.12G, 7.7.1G, 7.7.3G, 7.7.4G, 7.7.5G;</p> <p>PERG 8.1.4G, 8.3.4G, 8.4.1G, 8.4.3G, 8.4.4G, 8.4.6G, 8.4.7G, 8.4.8G, 8.4.15G, 8.5.2G, 8.5.3G, 8.6.1G, 8.6.2G, 8.6.3G, 8.6.4G, 8.6.7G, 8.6.8G, 8.6.10G, 8.7.5G, 8.8.3G, 8.9.1G, 8.10.3G, 8.10.4G, 8.10.5G, 8.10.5G(2), 8.10.7G, 8.10.11G, 8.10.12G, 8.10.14G, 8.11.4G, 8.11.5G, 8.11.6G, 8.11.6G(1), 8.12.6G, 8.12.8G, 8.12.11G, 8.12.19G, 8.12.20G, 8.12.22G, 8.12.25G, 8.12.26G, 8.12.29G, 8.12.30G, 8.12.31, 8.12.34G, 8.12.36G, 8.14.4G, 8.14.4G(3), 8.14.5G, 8.14.6G, 8.14.7G, 8.14.9G, 8.14.10G, 8.14.12G, 8.14.13G, 8.14.16G, 8.14.18G, 8.14.20G, 8.14.26G, 8.14.27G, 8.14.28G, 8.14.37G, 8.14.40G, 8.14.41G, 8.14.42G, 8.15.3G, 8.15.7G, 8.15.7G(3), 8.17.5G, 8.17.13G, 8.17.14G, 8.17.15G, 8.17.16G, 8.20.2G(2), 8.20.4G, 8.21.1G, 8.21.3G, 8.21.11G, 8.21.14G, 8.21.15G, 8.21.19G, 8.21.21G, 8.22.2G, 8.26.3G, 8.28.1G, 8.28.4G, 8.32.2G, 8.32.4G, 8.32.5G, 8.32.6G, 8.32.9G, 8.33.5G, 8.34.2G;</p> <p>PERG 9.1.3G, 9.1.4G, 9.3.2G, 9.3.4G, 9.3.5G, 9.3.6G, 9.4.3G, 9.4.4G, 9.4.6G, 9.5.5G, 9.6.2G, 9.6.3G, 9.6.4G, 9.6.6G, 9.6.7G, 9.7.2G, 9.7.3G, 9.7.5G, 9.7.6G, 9.8.1G, 9.8.2G, 9.8.3G, 9.8.4G, 9.8.5G, 9.8.5G(2) and (3), 9.8.7G, 9.8.9G, 9.9.2G, 9.9.3G, 9.9.4G, 9.9.5G, 9.9.6G, 9.10.4G(1), 9.10.6G, 9.11.1G (answer);</p>
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		<p>PERG 10.2 Q3;</p> <p>PERG 11.2 Q3, Q4, Q10, Q16, Q17, Q18, Q19;</p> <p>PERG 12.2 Q2, 12.3 Q 23;</p> <p>PERG 13.2 Q1, Q3, Q4, 13.3 Q12,13.3 Q12A, Q16, 13.5 Q39, 13.5 Q49, 13.5 Q50, 13.5A Q53A, Q53B, Q53D, 13.6 Q54;</p> <p>PERG 14.2 Q2;</p> <p>PERG 15.1 (Scope), 15.1 (Exemptions and exclusions), 15.2 Q3, Q4, 15.4 Q28</p> <p>PERG 15.4 Q 29, Q30</p>
<i>FSA</i>	<i>PRA</i>	PERG 2.10.11G
<i>FSA Handbook</i>	<i>Handbook</i>	PERG 13.2 Q6, 13.5 Q53
<i>FSA Register</i>	<i>Financial Services Register</i>	<p>PERG 3A.4 Q21, Q23;</p> <p>PERG 5.13.5G, 5.13.6G(2)(c), 5.14.1G;</p> <p>PERG 12.3 Q23;</p> <p>PERG 13.2 Q11;</p> <p>PERG 15.1 (Scope); 15.4G Q28</p>
<a href="http://www.fsa.gov.uk/Pages/Doing/how/index.shtml">http://www.fsa.gov.uk/Pages/Doing/how/index.shtml</a>	[web address tbc]	<p>PERG 2.2.5G, 2.11.1G;</p> <p>PERG 4.2.3G;</p> <p>PERG 5.2.3G</p>
<a href="http://www.fsa.gov.uk/register/">http://www.fsa.gov.uk/register/</a>	[web address tbc]	<p>PERG 4.5.11G(2);</p> <p>PERG 8.17.13G</p>
<i>Part IV</i>	<i>Part 4A</i>	<p>PERG 1.1.1G, 1.4.2G (1<sup>st</sup> row);</p> <p>PERG 2.2.3G(9), 2.2.5G, 2.11.1G, 2.11.2G, 2 Annex 1G;</p> <p>PERG 3A.1 Q1 (3<sup>rd</sup> bullet point), 3A.2 Q5 (3<sup>rd</sup> bullet point), 3A.4 Q24;</p>

		<p>PERG 4.1.2G, 4.18.1;</p> <p>PERG 5.11.4G(3), 5.12.4G, 5.12.11G, 5.12.12G(3), 5.12.14G, 5.15.8G;</p> <p>PERG 13 Annex 2, 13 Annex 3 (flow chart 2);</p> <p>PERG 14.3 Q11, 14.4 Q30, 14.4A Q37F;</p> <p>PERG 15.2 Q1, 15.2 Q7, 15.4 Q24, Q29</p>
Perimeter Enquiries Team	[tbc]	<p>PERG 1.5.3G;</p> <p>PERG 7.6.1G; 7.7.5G</p>
Section 150	Section 138D	<p>PERG 1.3.1G;</p> <p>PERG 4.1.3G; 4.1.4G;</p> <p>PERG 7.1.3G;</p> <p>PERG 8.1.4G;</p> <p>PERG 9.1.3G</p>
Section 157	Section 139A	<p>PERG 1.3.1G;</p> <p>PERG 4.1.3G;</p> <p>PERG 5.1.7G;</p> <p>PERG 7.1.3G;</p> <p>PERG 8.1.4G;</p> <p>PERG 9.1.3G</p>

Amend the following provisions as follows.

1.1.1 G ...

- (2) a *person* who seeks to become an *authorised person* under the *Act* and who is, or is considering, applying ~~to the FSA~~ for *Part IV permission* to carry on *regulated activities* in the *United Kingdom*;

...

- 1.2.1 G (1) The Financial Services and Markets Act 2000 (the *Act*) is the *UK* legislation under which *bodies corporate, partnerships*, individuals and unincorporated associations are permitted by the *FSA FCA* or *PRA* to carry on various financial activities which are subject to regulation (referred to as *regulated activities*).

...

...

- 1.2.3 G *PERG* uses words and phrases that have specific meanings in the *Handbook* or in legislation; these may be different from, or more precise than, their usual dictionary meanings. Defined terms used in the text of the *Handbook* are shown in italics (see Chapter 7 of the Reader's Guide to the *Handbook* at <http://fsahandbook.info/FSA/pdf/rguide.pdf> [web address tbc]

...

## 1.5 What other guidance about the perimeter is available from the **FSA FCA**?

- 1.5.1 G General *guidance* on the perimeter is also contained in various *FSA* documents (mainly fact sheets and frequently asked questions) that are available on the *FSA* website at [www.fsa.gov.uk](http://www.fsa.gov.uk) [web address tbc]. These documents, and the URL on which they may be accessed, include:

- (1) *FSA FCA* Guidance Note GN9 (2010) on financial regulation for social housing providers which is available at <http://www.fsa.gov.uk/pubs/guidance/guidance9.pdf>; [web address tbc]
- ...
- (7) *guidance* about the position under the *Insurance Mediation Directive* and the *Regulated Activities Order* of the company appointed to manage a PPP or similar construction and operation project - [www.fsa.gov.uk/pubs/other/letter\\_pppforum.pdf](http://www.fsa.gov.uk/pubs/other/letter_pppforum.pdf) [web address tbc]
- (8) *guidance* about the position under the *Insurance Mediation Directive* and the *Regulated Activities Order* of property managing agents - [www.fsa.gov.uk/smallfirms/your\\_firm\\_type/gi/library/imd.shtml](http://www.fsa.gov.uk/smallfirms/your_firm_type/gi/library/imd.shtml) [web address tbc]; and
- (9) *guidance* for employers about how to provide advice and information to their employees on pension matters without contravening the *Act* - [www.fsa.gov.uk/pubs/other/guide4employers.pdf](http://www.fsa.gov.uk/pubs/other/guide4employers.pdf) [web address tbc].

...

- 1.5.3 G In addition, the ~~FSA~~ FCA has established a team to provide general assistance and guidance to persons generally about the scope of the *Act*. Enquiries of this kind may be made:
- (1) by authorised firms, to either the Firm Contact Centre (email ~~fee@fsa.gov.uk~~, fcc@fca.org.uk Tel 0845 606 9966) or their normal supervisory contact; or
  - (2) by individuals or non-authorised firms, to the Consumer Contact Centre (email ~~eee@fsa.gov.uk~~ ccc@fca.org.uk, Tel ~~0845 606 1234~~ 0800 111 6768 or the ~~Perimeter Enquiries Team~~ [tbc] (email ~~authorisationenquiries@fsa.gov.uk~~ authorisationenquiries@fca.org.uk, Tel ~~020 7066 0082~~).
- ...
- 2.2.3 G ...
- (10) If not, what is the scope of the ~~Part IV~~ Part 4A permission that I need to seek ~~from the FSA~~ (see *PERG 2 Annex 2G*)?
- ...
- 2.10.10 G But under section 316 of the *Act* (Direction by ~~the FSA~~ a regulator) the *general prohibition* does not apply to a *person* who is a member of the *Society of Lloyd's* unless the ~~FSA~~ FCA or PRA has made a direction that it should apply. The *general prohibition* is disapplied in relation to any *regulated activity* carried on by a member relating to *contracts of insurance* written at Lloyd's. Directions can be made by the ~~FSA~~ FCA or PRA in relation to individual *members* or the *members* of the *Society of Lloyd's* taken together. Alternatively, instead of being required to obtain *authorisation*, a member of the *Society of Lloyd's* may, as a result of a direction under section 316 of the *Act*, become subject to specific provisions of the *Act* even though he is not an *authorised person*.
- ...
- 2.11.1 G ~~Any person who concludes or is advised that he will need to make an application for Part IV permission should look at PERG 2 Annex 2G to determine the categories of specified investment and regulated activities that are relevant to the next step and should then refer to the FSA website "How do I get authorised":~~  
~~<http://www.fsa.gov.uk/Pages/Doing/how/index.shtml> for details of the application process [deleted]~~

...

2 G **Authorisation and regulated activities**

Annex  
1

Do you need authorisation?

....

Contact the *Home State regulator*, and the *FSA appropriate UK regulator*, to obtain *authorisation* under Schedule 3, 4, or 5 of the *Act* (see *PERG 5*).

Apply for *Part IV permission* ~~from the FSA~~ under *Part IV* of the *Act*.

3A.3

... ..

**Q16 What sort of factors will the ~~FSA~~ FCA take into account in deciding whether a particular scheme might be electronic money?**

...

...

4.11.6 G

...  
if of the borrower (and each of them, if more than one) is an individual and is normally resident overseas. In the case of arranging a variation of, or administration of, an existing *regulated mortgage contract*, each borrower must be an individual who was normally resident overseas when he entered into the contract. In the ~~FSA's~~ FCA's view, normal residence for the purposes of this exclusion envisages physical presence with a degree of continuity, making allowance for occasional temporary absences (e.g. holiday) ...

...

4.16.2 G The government's intention behind the regulatory regime for mortgages was "to ensure that, at any one time, it would be possible for each mortgage to be linked to one and only one ~~FSA~~ ... authorised firm (with

mortgage permission) to have the ongoing regulatory responsibility towards consumers" (HM Treasury, Regulating Mortgages, February 2002, paragraph 47). In other words, it should be possible to arrange a *securitisation* transaction so that the SPV and other third parties do not carry on *regulated activities*, so long as an *authorised person* (with appropriate *permission*) is involved.

...

#### 4.18.1 Regulated activities related to mortgages: flowchart

##### Do you need authorisation ?

...

Contact the *Home State regulator* and the ~~FSA~~ appropriate UK regulator to obtain *authorisation* under schedule 3 of the *Act* (see *PERG 5*).

Apply for *Part IV permission* ~~from the FSA~~ under Part IV of the *Act*.

...

- 5.1.6 G The purpose of this *guidance* is to help *persons* consider whether they need *authorisation* or a variation of their ~~Part IV~~ Part 4A *permission*. Businesses new to regulation who act only as introducers of *insurance business* are directed in particular to *PERG 5.6.2G* (article 25(1): arranging (bringing about) deals in investments) to *PERG 5.6.9G* (Exclusion: Article 72C (Provision of information on an incidental basis)) and *PERG 5.15.6G* (Flow chart: Introducers) to help consider whether they require *authorisation*. This *guidance* also explains the availability to *persons* carrying on insurance mediation activities of certain exemptions from ~~FSA~~ regulation, including the possibility of becoming an *appointed representative* (see *PERG 5.13.1G* to *PERG 5.13.6G* (Appointed representatives)).

...

- 5.15.2 G Flow chart: regulated activities related to insurance mediation activities - do you need authorisation?

...

Contact the *Home State regulator* who will then contact the ~~FSA~~ appropriate UK regulator, with a view to your *authorisation* under Schedule 3 of the *Act*.  
(see *PERG 5*).

Apply for ~~Part IV~~ Part 4A permission ~~from the FSA~~ under Part ~~IV~~ 4A of the *Act*.

...

5.15.8 G Flow chart: am I carrying on regulated activities in the United Kingdom?

.....

~~FSA~~  
*Authorisation*  
not required

.....

~~FSA~~ *Authorisation* required

6.3.1 G The business of *effecting* or *carrying out contracts of insurance* is subject to prior *authorisation* and regulation by the ~~FSA~~ FCA and PRA. (There are some limited exceptions to this requirement, for example, for breakdown insurance.)

...

7.6.1 G A *person* considering applying for a certificate should, before sending in any application, contact the Perimeter Enquiries Team of the ~~FSA~~ FCA (email: [authorisationenquiries@fca.org.uk](mailto:authorisationenquiries@fca.org.uk), ~~authorisationenquiries@fca.org.uk~~, Tel ~~020 7066 0082~~ [tbc]) to discuss whether a certificate may be appropriate.

...

...

7.7.5 G For further information contact the Perimeter Enquiries Team of the *FSA* (email: [authorisationenquiries@fca.gov.uk](mailto:authorisationenquiries@fca.gov.uk), [authorisationenquiries@fca.org.uk](mailto:authorisationenquiries@fca.org.uk) Tel 020 7066 0082 [tbc]).

...

10.2 Q2. I propose to provide services to a pension scheme - in what circumstances will I need to be authorised ~~by the FSA~~ under the Act or be an exempt person?

...

...

11.2

Q3. Does the ~~FSA~~ FCA regulate property investment clubs?

...

Q16. Does the ~~FSA~~ FCA regulate the mortgages that are used to finance property investment clubs?

Q17. What are the consequences of a property investment club being regulated by the ~~FSA~~ FCA?

...

Q19 Does the ~~FSA~~ FCA or Treasury intend to regulate all property investment clubs?

12.3

...

Q23. I am an exempt professional firm. Will I be able to advise on, and arrange deals in, rights under personal pension schemes without needing ~~FSA~~ FCA authorisation?

...

13.1 The purpose of this chapter is to help UK firms consider:

...

- if so, which category of investment firm they are for the purposes of the ~~FSA~~ transposition of the recast CAD.

...

14.2 ...

**Q3. I propose to carry on activities in relation to home finance arrangements of the kind mentioned in Q2. In what circumstances will I need to be ~~authorised by the FSA~~ authorised under FSMA or be an exempt person?**

...

14.4A ...

**Q 37U I am a receiver appointed under the Law of Property Act 1925. Will my activities need to be regulated by the ~~FSA~~ FCA?**

...

14.7 ...

**Q42. I am an exempt professional firm. Will I be able to carry on any of the regulated activities relating to home reversion plans, home purchase plans and regulated sale and rent back agreements without needing ~~FSA~~ FCA authorisation?**

This depends on the activity in question. Subject to your being able to satisfy the general requirements of Part XX of the Financial Services and Markets Act 2000 you will be able:

...

15.4 ...

**Q28 We only wish to be an agent of a payment institution. Do we need to apply to the ~~FSA~~ FCA and/or PRA for registration?**

...

**Q29 We are an agent of a credit institution for the purpose of providing payment services. Do we need to apply to the ~~FSA~~ FCA and/or PRA for registration?**

...

**Q30 We are an agent of an electronic money institution for the purpose of providing payment services. Do we need to apply to the ~~FSA~~ FCA for**

**registration under the PSD regulations?**

...

## Annex 40

### Amendments to the Responsibilities of Providers and Distributors for the Fair Treatment of Customers sourcebook (RPPD)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
FSA Handbook	FCA Handbook	RPPD 1.4, 1.11

Amend the following provisions as follows.

- 1.3 This Guide is guidance issued under section ~~157~~ 139A of the Financial Services and Markets Act 2000 ("the Act"). As such, it is not binding on those to whom the Act and rules apply and need not be followed in order to achieve compliance with rules or other requirements. There is no presumption that departing from this Guide indicates a breach of a rule. However, the Guide may be relevant in an enforcement context, for example to explain the regulatory context. If a person acts in accordance with the Guide in the circumstances contemplated by the Guide, then the ~~FSA~~ FCA will not take action against that person in relation to the aspects of the rules to which the Guide relates. The Guide will also be a useful tool for supervisors, particularly when they deal with TCF issues at firms. Supervisors may use the Guide in their discussions with firms. The issues it covers will continue to be dealt with in our supervision work as they are now, for example in the risk assessment framework we use for supervising firms (ARROW) or in pieces of focused thematic work

...

- 1.25 **In the area of post-sale responsibility, Principles 3 and 6 are particularly relevant.** In particular, a firm:

...

#### Notes :

(1) The Guide represents our view based on the law, regulation and other circumstances that exist as at the publication date, but also takes into account changes to the Handbook including those to implement the Markets in

Financial Instruments Directive (MiFID) ~~that have already been made or consulted on and are due to come into force on 1 November 2007.~~ (*Paragraph 1.1*)

...

(13) See, for example, SYSC 3.2.11 -12. See also TCF cluster report on TCF considerations for Management Information:

[http://www.fsa.gov.uk/pages/Doing/Regulated/tcf/pdf/management\\_info.pdf](http://www.fsa.gov.uk/pages/Doing/Regulated/tcf/pdf/management_info.pdf)  
[web address tbc] (*Paragraph 1.20(2)*)

## Annex 41

### Amendments to the Unfair Contract Terms Regulatory Guide (UNFCOG)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

In the table below, the wording in Column A is changed to the new wording in Column B in the provisions of the FCA and/or PRA Handbook as specified in Column C.

Column A (current wording)	Column B (new wording)	Column C (Handbook provisions to be amended)
<i>FSA</i>	<i>FCA</i>	UNFCOG 1.1.1G, 1.1.2G, 1.2.1G, 1.2.3G, 1.2.4G, 1.3.4G, 1.3.5G, 1.4.1G, 1.4.2G, 1.4.5G, 1.5.1G, 1.6.1G  UNFCOG 2 (Heading)
<i>regulatory objectives</i>	<i>statutory objectives</i>	UNFCOG 1.2.3G

Amend the following provisions as follows.

#### 1.4 The Unfair Terms Regulations: the ~~FSA's~~ FCA's role and policy

...

##### 1.4.4 G ...

Interaction with the ~~FSA's~~ FCA's powers under the Act

...

- 2.1.1 G In the Unfair Contract Terms Library (<http://www.fsa.gov.uk/Pages/Doing/Regulated/uct/library/index.shtml>) [web address tbc] you will find Notices of Undertakings, Statements, Speeches and other publications where we have set our views on the likely application of the Regulations in relation to certain types of clause in standard form *consumer* contracts ...

**FINANCIAL CONDUCT AUTHORITY AND PRUDENTIAL REGULATION  
AUTHORITY HANDBOOK DESIGNATION (PARTICULAR  
MODIFICATIONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of modifying a Relevant Instrument.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) “Designation Order” means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) “the Authority” means the Financial Services Authority;
- (3) “the 2000 Act” means the Financial Services and Markets Act 2000;
- (4) “the 2012 Act” means the Financial Services Act 2012;
- (5) “the Authority” means the Financial Services Authority;
- (6) “Financial Conduct Authority” means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) “Prudential Regulation Authority” means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) “Handbook” means the Authority’s Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority’s Handbook website at 11h59 on 27 February 2013;
- (9) “Designation Instrument” means The FCA and PRA Handbook Designation Instrument 2013, made by order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body (FCA 2013/8) and by the Board of the Prudential Regulation Authority (PRA 2013/3);
- (10) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under the Designation Instrument;
- (12) “PRA Relevant Instrument” means a Relevant Instrument specified by the Prudential Regulation Authority under the Designation Instrument;

- (13) “Commencement date” means 1 April 2013, provided that Her Majesty’s Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

### **Modifications of rules etc by the Financial Conduct Authority**

- 2 The Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in each Annex<sup>1</sup> to this Instrument. For the avoidance of doubt, this paragraph does not give effect to any modification shown in an Annex to this Instrument as relating to or affecting an instrument not designated by the Financial Conduct Authority.
- 3 The modification of an FCA Relevant Instrument under paragraph 2 takes effect:
  - (1) on the Commencement Date; or
  - (2) if later, on the date on which the Designation Instrument comes into effect in relation to that FCA Relevant Instrument.

### **Modifications of rules etc by the Prudential Regulation Authority**

- 4 The Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in each Annex to this Instrument. For the avoidance of doubt, this paragraph does not give effect to any modification shown in an Annex to this Instrument as relating to or affecting an instrument not designated by the Prudential Regulation Authority.
- 5 The modification of a PRA Relevant Instrument under paragraph 4 takes effect:
  - (1) on the Commencement Date; or
  - (2) if later, on the date on which the Designation Instrument comes into effect in relation to that PRA Relevant Instrument.

### **Citation**

- 6 This instrument may be cited as the FCA and PRA Handbook Designation (Particular Modifications) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

28 February 2013

**By order of the Board of the Prudential Regulation Authority**

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<sup>1</sup> For convenience (and without operative effect) Schedule A lists the Annexes to this Instrument by the Module of the Handbook to which each Annex relates.

7 March 2013

## SCHEDULE A

For convenience (and without operative effect) this Schedule lists the Annexes referred to in paragraph 2 and paragraph 4 of this Instrument by the Module of the Handbook to which each Annex relates.

Handbook Module	Annex
Principles for Businesses (PRIN)	Annex 1
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex 2
The Fit and Proper test for Approved Persons (FIT)	Annex 3
Financial Stability and Market Confidence sourcebook (FINMAR)	Annex 4
Training and Competence sourcebook (TC)	Annex 5
Fees manual (FEES)	Annex 6
General Prudential sourcebook (GENPRU)	Annex 7
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex 8
Prudential sourcebook for Insurers (INSPRU)	Annex 9
Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)	Annex 10
Prudential sourcebook for UCITS Firms (UPRU)	Annex 11
Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex 12
Interim Prudential sourcebook for Insurers (IPRU(INS))	Annex 13
Interim Prudential sourcebook for Investment Businesses (IPRU(INV))	Annex 14
Conduct of Business sourcebook (COBS)	Annex 15
Insurance: Conduct of Business sourcebook (ICOBS)	Annex 16
Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)	Annex 17
Banking: Conduct of Business sourcebook (BCOBS)	Annex 18
Client Assets sourcebook (CASS)	Annex 19
Market Conduct sourcebook (MAR)	Annex 20

Supervision manual (SUP)	Annex 21
Dispute Resolution: Complaints sourcebook (DISP)	Annex 22
Consumer Redress Schemes sourcebook (CONRED)	Annex 23
Compensation sourcebook (COMP)	Annex 24
Building Societies sourcebook (BSOCS)	Annex 25
Collective Investment Schemes sourcebook (COLL)	Annex 26
Credit Unions New sourcebook (CREDS)	Annex 27
Professional Firms sourcebook (PROF)	Annex 28
Regulated Covered Bonds sourcebook (RCB)	Annex 29
Listing Rules sourcebook (LR)	Annex 30
Prospectus Rules sourcebook (PR)	Annex 31
Disclosure Rules and Transparency Rules sourcebook (DTR)	Annex 32
Energy Market Participants Guide (EMPS)	Annex 33
Oil Market Participants Guide (OMPS)	Annex 34
Service Companies Guide (SERV)	Annex 35
The Building Societies Regulatory Guide (BSOG)	Annex 36
The Collective Investment Scheme Information Guide (COLLG)	Annex 37
Financial Crime: a guide for firms (FC)	Annex 38
The Perimeter Guidance Manual (PERG)	Annex 39
The Responsibilities of Providers and Distributors for the Fair Treatment of Customers Guide (RPPD)	Annex 40
The Unfair Contract Terms Regulatory Guide (UNFCOG)	Annex 41

## Annex 1

### Amendments to the Principles for Businesses sourcebook (PRIN)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

#### 1.1 Application and purpose

...

#### Consequences of breaching the Principles

...

1.1.8 G The *Principles* are also relevant to the ~~FSA's~~ FCA's powers of information-gathering, to vary a *firm's* ~~Part IV permission~~ Part 4A permission, and of investigation and intervention, and provide a basis on which the ~~FSA~~ FCA may apply to a court for an *injunction* or restitution order or require a *firm* to make restitution. However, the *Principles* do not give rise to actions for damages by a *private person* (see *PRIN* 3.4.4R).

1.1.8A G The *Principles* are also relevant to the PRA's powers of information-gathering, to vary a *firm's* Part 4A permission, and of investigation and intervention, and provide a basis on which the PRA may apply to a court for an *injunction* or restitution order or require a *firm* to make restitution.

...

#### Sch 6 Rules that can be waived

Sch 6.1 G ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. [deleted]~~

Sch 6.1A G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

Sch G As a result of section 138A of the Act (Modification or waiver of rules) the

6.1B

[PRA]

PRA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code). However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the PRA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 2

### Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 1.1A Application

...

1.1A.2 G The provisions in SYSC should be read in conjunction with GEN 2.2.23R to [FCA/ PRA] GEN 2.2.25G. In particular:

- (1) Provisions made by both the FCA and PRA may contain obligations for or references to FCA-*authorised persons*. GEN 2.2.23R limits the application of those provisions so that the PRA will only apply them in respect of PRA-*authorised persons* and not to such FCA-*authorised persons* as are included within the provision.
- (2) Provisions made by both the FCA and PRA may be applied by both regulators to PRA-*authorised persons*. Such provisions are applied by each regulator to the extent of its powers and regulatory responsibilities.

...

#### 3.2 Areas covered by systems and controls

...

3.2.11 G (1) ~~A firm's arrangements should be such as to furnish its governing body with the information it needs to play its part in identifying, measuring, managing and controlling risks of regulatory concern. Three factors will be the relevance, reliability and timeliness of that information. [deleted]~~

- (2) ~~Risks of regulatory concern are those risks which relate to the fair treatment of the firm's customers, to the protection of consumers, to confidence in the UK financial system, to the use of that system in connection with financial crime, and to financial stability. [deleted]~~

3.2.11A G (1) A firm's arrangements should be such as to furnish its governing body with the information it needs to play its part in identifying,

[FCA] measuring, managing and controlling risks of regulatory concern. Three factors will be the relevance, reliability and timeliness of that information.

- (2) Risks of regulatory concern are those risks which relate to the fair treatment of the *firm's customers*, to the protection of *consumers*, to effective competition and to the integrity of the *UK financial system*. Risks which are relevant to the integrity of the *UK financial system* include risks which relate to its soundness, stability and resilience and to the use of the system in connection with *financial crime*.

3.2.11B [PRA] G (1) A *firm's* arrangements should be such as to furnish its *governing body* with the information it needs to play its part in identifying, measuring, managing and controlling risks of regulatory concern. Three factors will be the relevance, reliability and timeliness of that information.

- (2) Risks of regulatory concern are those risks which relate to the safety and soundness of *PRA-authorised persons*.

...

## 10.1 Application

...

Types of conflicts

....

10.1.4A [FCA] G ...

10.1.4B [PRA] G Other firms should take account of the rule on the types of conflicts (see SYSC 10.1.4R) as if it were guidance (and as if "should" appeared in that rule instead of "must") as explained in SYSC 1 Annex 1.3.3G.

...

Record of conflicts

...

10.1.6A [FCA] G ...

10.1.6B [PRA] G Other firms should take account of the rule on records of conflicts (see SYSC 10.1.6R) as if it were guidance (and as if "should" appeared in that rule instead of "must", as explained in SYSC 1 Annex 1.3.3G).

...

Contents of policy

...

10.1.11A G  
[FCA] ...

10.1.11B G Other firms should take account of the rules relating to conflicts of interest policies (see SYSC 10.1.10R and SYSC 10.1.11R) as if they were guidance (and as if "should" appeared in those rules instead of "must", as explained in SYSC 1 Annex 1.3.3G).  
[PRA]

...

10.2.3 G SYSC 10.2.2R is made under section ~~147~~ 137P of the Act (Control of information rules). It has the following effect:

...

## 12.1 Application

...

12.1.2 R Except as set out in SYSC 12.1.4R, this section applies with respect to different types of *group* as follows:  
[FCA/  
PRA]

(1) SYSC 12.1.8R and SYSC 12.1.10R apply with respect to all *groups*, including ~~FSA-regulated EEA financial conglomerates~~, UK-regulated EEA financial conglomerates, other *financial conglomerates* and *groups* dealt with in SYSC 12.1.13R to SYSC 12.1.16R;

(2) the additional requirements set out in SYSC 12.1.11R and SYSC 12.1.12R only apply with respect to ~~FSA-regulated EEA financial conglomerates~~ UK-regulated EEA financial conglomerates; and

...

...

12.1.4 R ...

- (2) The *rules* referred to in (1):
- (a) only apply with respect to a *financial conglomerate* if it is ~~an FSA-regulated EEA financial conglomerate~~ a UK-regulated EEA financial conglomerate;

...

...

## 13 Operational risk: systems and controls for insurers

...

### 13.2 Purpose

...

13.2.4 G ~~Operational risk can affect, amongst other things, a firm's solvency, or lead to unfair treatment of consumers or lead to financial crime. A firm should consider all operational risk events that may affect these matters in establishing and maintaining its systems and controls. [deleted]~~

13.2.4A G Operational risk can, amongst other things, lead to unfair treatment of consumers or lead to financial crime. A firm should consider all operational risk events that may affect these matters in establishing and maintaining its systems and controls.  
[FCA]

13.2.4B G Operational risk can affect, amongst other things, a firm's solvency. A firm should consider all operational risk events that may affect these matters in establishing and maintaining its systems and controls.  
[PRA]

### 13.3 Other related Handbook sections

- 13.3.1 G ~~The following is a non-exhaustive list of rules and guidance in the Handbook that are relevant to a firm's management of operational risk:~~
- (1) ~~SYSC 14 and INSPRU 5.1 contain specific rules and guidance for the establishment and maintenance of operational risk systems and controls in a prudential context.~~
- (2) ~~COBS contains rules and guidance that can relate to the management of operational risk; for example, COBS 2 (Conduct of business obligations), COBS 4 (Communicating with clients, including financial promotions), COBS 6 (Information about the firm, its services and remuneration), COBS 7 (Insurance mediation), COBS 9 (Suitability (including basic advice)), COBS~~

~~11 (Dealing and managing), COBS 12 (Investment research),  
COBS 14 (Providing product information to clients) and COBS 19  
(Pensions: supplementary provisions). [deleted]~~

- 13.3.1A     G     The following is a non-exhaustive list of *rules* and *guidance* in the  
[FCA]           Handbook that are relevant to a *firm's* management of operational risk:
- (1)         COBS contains *rules* and *guidance* that can relate to the  
management of operational risk; for example, COBS 2 (Conduct of  
business obligations), COBS 4 (Communicating with clients,  
including financial promotions), COBS 6 (Information about the  
firm, its services and remuneration), COBS 7 (Insurance  
mediation), COBS 9 (Suitability (including basic advice)), COBS  
11 (Dealing and managing), COBS 12 (Investment research),  
COBS 14 (Providing product information to clients) and COBS 19  
(Pensions: supplementary provisions).

- 13.3.1B     G     The following is a non-exhaustive list of *rules* and *guidance* in the  
[PRA]           Handbook that are relevant to a *firm's* management of operational risk:
- (1)         SYSC 14 and INSPRU 5.1 contain specific *rules* and *guidance* for  
the establishment and maintenance of operational risk systems and  
controls.

...

...

## 14         ~~Prudential risk~~ **Risk** management and associated systems and controls for insurers

### 14.1       **Application**

...

#### Purpose

- 14.1.3     G     This section sets out some *rules* and *guidance* on the establishment and  
[PRA]           maintenance of systems and controls for the management of a *firm's*  
prudential risks. A *firm's* prudential risks are those that can reduce the  
adequacy of its financial resources, and as a result may adversely affect  
~~confidence in the financial system or prejudice consumers~~ its safety and  
soundness or prejudice policyholders. Some key prudential risks are credit,  
market, liquidity, operational, insurance and group risk.

- 14.1.4     G     The purpose of this section is to serve the ~~FSA's regulatory objectives of  
consumer protection, market confidence and financial stability~~ PRA's  
statutory objectives of promoting the safety and soundness of PRA-

authorised persons and contributing to the securing of an appropriate degree of protection for those who are, or may become, policyholders. In particular, this section aims to reduce the risk that a *firm* may pose a threat to these ~~regulatory objectives~~ statutory objectives, either because it is not prudently managed, or because it has inadequate systems to permit appropriate senior management oversight and control of its business.

...

#### How to interpret this section

- 14.1.6 [PRA] G This section is designed to amplify *Principle 3* (Management and control) which requires that a *firm* take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems. This section is also designed to be complementary to *SYSC 2*, *SYSC 3* and *SYSC 13* in that it contains some additional *rules* and *guidance* on senior management arrangements and associated systems and controls for *firms* that could have a significant impact on the ~~FSA's objectives in a prudential context~~ PRA's objectives.

...

#### The role of systems and controls ~~in a prudential context~~

- 14.1.10 [PRA] G ~~In a prudential context, a~~ A *firm's* systems and controls should provide its senior management with an adequate means of managing the *firm*. As such, they should be designed and maintained to ensure that senior management is able to make and implement integrated business planning and risk management decisions on the basis of accurate information about the risks that the *firm* faces and the financial resources that it has.

...

#### Business planning and risk management

- 14.1.17 [PRA] G Business planning and risk management are closely related activities. In particular, the forward-looking assessment of a *firm's* financial resources needs, and of how business plans may affect the risks that it faces, are important elements of prudential risk management. A *firm's* business planning should also involve the creation of specific risk policies which will normally outline a *firm's* strategy and objectives for, as appropriate, the management of its market, credit, liquidity, operational, insurance and group risks and the processes that it intends to adopt to achieve these objectives. *SYSC 14.1.18R* to *SYSC 14.1.25G* set out some *rules* and *guidance* relating to business planning and risk management ~~in a prudential context~~ (see also *SYSC 3.2.17G*, which states that a *firm* should plan its business appropriately).

...

Internal controls: introduction

14.1.26 G *Internal controls* should provide a *firm* with reasonable assurance that it  
[PRA] will not be hindered in achieving its objectives, or in the orderly and  
legitimate conduct of its business, by events that may reasonably be  
foreseen. More specifically ~~in a prudential context~~, *internal controls* should  
be concerned with ensuring that a *firm's* business plan and risk management  
systems are operating as expected and are being implemented as intended.  
The following *rule* (SYSC 14.1.27R) reflects the importance of *internal  
controls* ~~in a prudential context~~.

...

14.1.29 G ...  
[PRA]

14.1.29A G When determining the adequacy of its *internal controls*, a *firm* should  
[FCA] consider both the potential risks that might hinder the achievement of the  
objectives listed in SYSC 14.1.28G, and the extent to which it needs to  
control these risks. More specifically, this should normally include  
consideration of:

- (1) the appropriateness of its reporting and communication lines (see SYSC 3.2.2G);
- (2) how the delegation or contracting of functions or activities to *employees*, *appointed representatives* or, where applicable, its *tiered agents* or other third parties (for example *outsourcing*) is to be monitored and controlled (see SYSC 3.2.3G to SYSC 3.2.4G and the additional guidance on the management of *outsourcing* arrangements is also provided in SYSC 13.9);
- (3) the risk that a *firm's employees* or contractors might accidentally or deliberately breach a *firm's* policies and procedures (see SYSC 13.6.3G);
- (4) the need for adequate segregation of duties (see SYSC 3.2.5G);
- (5) the establishment and control of risk management committees;
- (6) the need for risk assessment and the establishment of a risk assessment function (see SYSC 3.2.10G);
- (7) the need for internal audit and the establishment of an internal audit function and audit committee (see SYSC 3.2.15G to SYSC 3.2.16G).

Internal controls: segregation of duties

14.1.30 G The effective segregation of duties is an important internal control ~~in the~~  
*prudential context*. In particular, it helps to ensure that no one individual is

[PRA] completely free to commit a *firm's* assets or incur liabilities on its behalf. Segregation can also help to ensure that a *firm's governing body* receives objective and accurate information on financial performance, the risks faced by the *firm* and the adequacy of its systems. In this regard, a *firm* should ensure that there is adequate segregation of duties between *employees* involved in:

...

...

#### Management information

14.1.46 [PRA] G Many individuals, at various levels of a *firm*, need management information relating to their activities. However, SYSC 14.1.47G to SYSC 14.1.50G concentrates on the management information that should be available to those at the highest level of a *firm*, that is, the *firm's governing body* and relevant *senior managers*. In so doing SYSC 14.1.47G to SYSC 14.1.50G amplify SYSC 3.2.11G and SYSC 3.2.12G (which outline the *FSA's PRA's* high level policy on senior management information) by providing some additional *guidance* on the management information that should be available ~~in a prudential context~~.

...

#### Record keeping

14.1.51 [PRA] G SYSC 3.2.20R requires a *firm* to take reasonable care to make and retain adequate records. The following policy on record keeping supplements SYSC 3.2.20R by providing some additional *rules* and *guidance* on record keeping ~~in a prudential context~~. The purpose of this policy is to:

...

- (2) help the *FSA PRA* to satisfy itself that a *firm* is operating in a prudent manner and is not prejudicing ~~the interests of its customers, market confidence or financial stability~~ its safety and soundness or the interests of policyholders .

...

## 15 Credit risk management systems and controls for insurers

### 15.1 Application

...

#### Purpose

...

- 15.1.5 G Credit risk concerns the ~~FSA in a prudential context~~ PRA because  
[PRA] inadequate systems and controls for credit risk management can create a threat to the ~~regulatory objectives of market confidence, consumer protection and financial stability~~ statutory objectives of promoting the safety and soundness of PRA-*authorised persons* and contributing to the securing of an appropriate degree of protection for those who are or may become policyholders by:

...

...

## 17 Insurance risk systems and controls

### 17.1 Application

...

#### Purpose

- 17.1.3 G This section provides *guidance* on how to interpret SYSC 14 (~~Prudential~~  
[PRA] ~~risk~~ Risk management and associated systems and controls) in so far as it relates to the management of insurance risk. Insurance risk refers to fluctuations in the timing, frequency and severity of insured events, relative to the expectations of the *firm* at the time of underwriting. Insurance risk can also refer to fluctuations in the timing and amount of *claim* settlements. For *general insurance business* some specific examples of insurance risk include variations in the amount or frequency of *claims* or the unexpected occurrence of multiple *claims* arising from a single cause. For *long-term insurance business* examples include variations in the mortality and persistency rates of *policyholders*, or the possibility that guarantees could acquire a value that adversely affects the finances of a *firm* and its ability to treat its *policyholders* fairly consistent with the *firm's* obligations under the FCA's Principle 6. More generally, insurance risk includes the potential for expense overruns relative to pricing or provisioning assumptions.

- 17.1.4 G Insurance risk concerns the ~~FSA in a prudential context~~ PRA because  
[PRA] inadequate systems and controls for its management can create a threat to the ~~regulatory objectives of market confidence, consumer protection and financial stability~~ statutory objectives of promoting the safety and soundness of PRA-*authorised persons* and contributing to the securing of an appropriate degree of protection for those who are or may become policyholders. Inadequately managed insurance risk may result in:

...

- (2) the inability of a *firm* to treat its *policyholders* fairly consistent with the *firm's* obligations under the *FCA's Principle 6* (for example, in relation to bonus payments).

...

17.1.12 G The identification of insurance risk should normally include:  
[PRA]

...

...

#### Record keeping

17.1.38 G The *FSA's PRA's* high level *rules* and *guidance* for record keeping are outlined in SYSC 3.2.20R (Records). Additional *rules* and *guidance* ~~in relation to the *prudential context*~~ are set out in SYSC 14.1.51G to SYSC 14.1.64G. In complying with these *rules* and *guidance*, a *firm* should retain an appropriate record of its insurance risk management activities. This may, for example, include records of:

...

...

## 19A Remuneration Code

### 19A.1 General application and purpose

#### Purpose

...

19A.1.6 G ...  
[FCA/  
PRA]

- (3) ~~The *Remuneration Code* also fulfils the *FSA's* duty under section 139A of the Act (General rules about remuneration) to have *rules* requiring certain *firms* to have and act in accordance with a *remuneration* policy which is consistent with the effective management of risks and with the *FSB Compensation Standards*.~~  
[deleted]

...

### 19A.3 Remuneration principles for banks, building societies and investment firms

...

Application: categories of staff and proportionality

19A.3.3 R ...

[FCA/  
PRA]

[Note: In addition, the PRA has set out information on the division of firms into categories for the purpose of providing a framework for the operation of the remuneration principles proportionality rule. It is available at [web address tbc].]

[Note: In addition to the guidance in this section which relates to the remuneration principles proportionality rule, the FSA ~~has given guidance~~ gave guidance on the division of firms into categories for the purpose of providing a framework for the operation of the remuneration principles proportionality rule. This was published as finalised guidance FG12/19 ‘General Guidance on Proportionality’ and is available at <http://www.fsa.gov.uk/static/pubs/guidance/fg12-19.pdf> guidance was published in Policy Statement 10/20 Revising the Remuneration Code and is available at [web address tbc] updated by [web address tbc]]

...

19A.3.6 G (1) In the *FSA's appropriate regulator's* view:

[FCA/  
PRA]

...

[Note: The FSA ~~has given guidance~~ gave guidance on the application of particular rules on remuneration structures in relation to individuals who are Remuneration Code staff for only part of a given performance year. This guidance was published in Policy Statement 10/20 Revising the Remuneration Code and is available at <http://www.fsa.gov.uk/Pages/Library/Policy/Policy/index.shtml> [web address tbc]]

...

...

Remuneration Principle 12: Remuneration structures - introduction

..

19A.3.34 G (1) Taking account of the *remuneration principles proportionality rule*, the ~~FSA~~ appropriate regulator does not generally consider it necessary for a *firm* to apply the *rules* referred to in (2) where, in relation to an individual ("X"), both the following conditions are satisfied:

[FCA/  
PRA]

...

[**Note:** The ~~FSA has also given guidance~~ FSA also gave guidance on the application of certain *rules* on *remuneration* structures in relation to individuals who are *Remuneration Code staff* for only part of a given performance year. This guidance was published in Policy Statement 10/20 Revising the Remuneration Code and is available at <http://www.fsa.gov.uk/Pages/Library/Policy/Policy/index.shtml>. [web address tbc]]

...

## 20 Reverse stress testing

### 20.1 Application and purpose

...

Purpose

...

20.1.4 G ...

[PRA]

20.1.4A G The reverse stress testing requirements are an integral component of a *firms* business planning and risk management under SYSC. For *BIPRU firms* as referred to in SYSC 20.1.1R(1)(a), this chapter amplifies SYSC 7.1.1G to SYSC 7.1.8G on risk control.

[FCA]

...

## Sch 6 Rules that can be waived

Sch 6.1 G ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. [deleted]~~



## Annex 3

### Amendments to the Fit and Proper test for Approved Persons sourcebook (FIT)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1 General

##### 1.1 Application and purpose

...

1.1.2 G The purpose of *FIT* is to set out and describe the criteria that the *FSA* appropriate regulator will consider when assessing the fitness and propriety of a *candidate* for a *controlled function* (see generally *SUP* 10 on *approved persons*). The criteria are also relevant in assessing the continuing fitness and propriety of *approved persons*. ~~The criteria that the *FSA* will consider in relation to an *authorised person* are described in *COND*.~~

##### 1.2 Introduction

...

1.2.2 G ~~The method of applying for *approved person* status is set out in *SUP* 40. [deleted]~~

...

1.2.3 G ~~Under section 63(1) of the *Act* (Withdrawal of approval), the *FSA* may withdraw its approval if it considers that the *person* in respect of whom the approval was given is not fit and proper to perform the *controlled function* to which the approval relates. [deleted]~~

1.2.3A G Under section 63(1) of the *Act* (Withdrawal of approval), the *FCA* may withdraw an approval under section 59 given by the *FCA* or the *PRA* in relation to the performance by a person of a function if it considers that the *person* is not a fit and proper *person* to perform the function.

1.2.3B G Under section 63(1A) of the *Act* (Withdrawal of approval), the *PRA* may withdraw an approval under section 59 in relation to the performance by a *person* (“A”) of a function if: (a) the *PRA* gave the approval, or the *FCA* gave the approval and the function is a *significant influence function* performed in relation to the carrying on by a *PRA-authorised person* of a regulated activity; and (b) the *PRA* considers that A is not a fit and proper person to perform the function.

...

## 2.2 Competence and capability

2.2.1 G In determining a *person's* competence and capability, the ~~FSA~~ FCA  
[FCA] will have regard to all relevant matters including but not limited to:

- (1) whether the *person* satisfies the relevant ~~FSA~~ FCA training and competence requirements in relation to the *controlled function* the *person* performs or is intended to perform;

...

2.2.1A G In determining a *person's* competence and capability, the PRA will  
[PRA] have regard to all relevant matters including but not limited to:

- (1) whether the *person* has demonstrated by experience and training that the *person* is suitable , or will be suitable if approved, to perform the *controlled function*;
- (2) whether the *person* has adequate time to perform the *controlled function* and meet the responsibilities associated with that function.

## Annex 4

### Amendments to the Financial Stability and Market Confidence sourcebook (FINMAR)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.2 Financial stability information powers

##### Introduction

- 1.2.1 G The ~~FSA~~ PRA has a ~~regulatory objective~~ statutory objective of ~~contributing to the protection and enhancement of UK financial stability~~ promoting the safety and soundness of PRA-*authorised persons*. That objective is to be advanced primarily by the PRA (1) seeking to ensure that the business of PRA-*authorised persons* is carried on in a way which avoids any adverse effect on the stability of the UK financial system, and (2) seeking to minimise the adverse effect that the failure of a PRA-*authorised person* could be expected to have on the stability of the UK financial system. Section 250 of the Banking Act 2009 imposes a duty on the ~~FSA~~ PRA to collect information that it thinks is, or may be, relevant to the stability of individual financial institutions or to one or more aspects of the *UK financial system*.

...

## Annex 5

### Amendments to the Training and Competence sourcebook (TC)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 6

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application and Purpose

...

- 1.1.3A G The rules in FEES should be read in conjunction with GEN 2.2.23R to GEN 2.2.25G. In relation to FEES, some rules are made by both the FCA and PRA. Those rules may contain obligations for or references to FCA-*authorised persons* (for example *payment service providers* and *electronic money issuers*) notwithstanding that they also are made by the PRA in order to apply them to PRA-*authorised persons*. GEN 2.2.23R limits the application of those rules so that the PRA will only apply them in respect of PRA-*authorised persons* and not to such FCA-*authorised persons* as are specifically included within the rule.
- [FCA/  
PRA]

...

#### 2. General Provisions

##### 2.1 Introduction

...

Purpose

...

- 2.1.5 G ~~Paragraph 17 of Schedule 1 to and section 99~~ Paragraph 23 of Schedule 1ZA of the Act, regulation 92 of the *Payment Services Regulations* and regulation 59 of the *Electronic Money Regulations* enable the ~~FSA~~ FCA to charge fees to cover its costs and expenses in carrying out its functions. The corresponding provisions for the *FSCS* levy, *FOS* levies and *CFEB* levies are set out in *FEES* 6.1, *FEES* 5.2 and *FEES* 7.1.4G respectively. Case fees payable to the *FOS Ltd* are set out in *FEES* 5.5A. *Fee-paying payment service providers* and *fee-paying electronic money issuers* are not required to pay the *FSCS* levy but are liable for *FOS* levies.
- [FCA]

- 2.1.5-A G Paragraph 31 of Schedule 1ZB of the Act enables the PRA to charge fees to cover its costs and expenses in carrying out its functions. The corresponding provisions for the *FSCS* levy are set out in *FEES* 6.1.
- [PRA]

- 2.1.5A G Regulation 92 of the *Payment Services Regulations* and regulation 59 of the *Electronic Money Regulations* each provide that the functions of the ~~FSA~~

[FCA] FCA under the respective regulations are treated for the purposes of ~~paragraph 17 of Schedule 1~~ paragraph 23 of Schedule 1ZA to the *Act* as functions conferred on the ~~FSA~~ FCA under the *Act*. ~~Paragraphs 17(2) and (3) Paragraphs 23(7) and 20(1)(b)~~ however, have not been included. These are, respectively, the ~~FSA's~~ FCA's obligation to ensure that the amount of penalties received or expected to be received are not to be taken into account in determining the amount of any fee payable and the provision that allows fees to be raised to repay borrowed monies in respect of expenses incurred, before or after the coming into force of the *Act* or the Bank of England Act 1998.

2.1.6 G The ~~FSA~~ appropriate regulator fees payable will vary from one ~~financial year~~ fee year to another, and will reflect the ~~FSA's~~ appropriate regulator's funding requirement for that period and the other key components, as described in *FEES* 2.1.7G. Periodic fees, which will normally be payable on an annual basis, will provide the majority of the funding required to enable the ~~FSA~~ appropriate regulator to undertake its statutory functions.

...

2.1.9A G PRA-authorised persons and persons seeking to become PRA-authorised persons should note that the *FCA* and the *PRA* have agreed for the *FCA* to act as the *PRA's* agent in relation to the collection of *PRA* fees. Where applicable, both PRA and FCA fees should be paid as a single payment to the FCA, which will receive the payment in its own capacity in respect of FCA fees and in its capacity as agent for the PRA in respect of the PRA fees. References to this arrangement will be referred to in FEES where applicable.

...

## 2.2 Late Payments and Recovery of Unpaid Fees

### Late Payments

...

2.2.2 G The ~~FSA~~ FCA, (for FCA and PRA periodic fees, *FOS* and *FSCS* levies and *CFEB* levies), expect to issue invoices at least 30 *days* before the date on which the relevant amounts fall due. Accordingly it will generally be the case that a *person* will have at least 30 *days* from the issue of the invoice before an administrative fee becomes payable.

...

## 3 Application, Notification and Vetting Fees

### 3.1 Introduction

...

Purpose

...

- 3.1.5 G (1) The rates set for authorisation fees represent an appropriate proportion of the costs of the *FSA appropriate regulator* in processing the application or exercise of *Treaty rights*.  
[FCA/  
PRA]
- (2) ~~The fees for *collective investment schemes* reflect the estimated costs to the *FSA* of assessing applications and notifications. The level of fees payable in respect of an application or a notification will vary depending upon the provision of the *Act* under which it is made. This fee is adjusted when the *scheme* concerned is an *umbrella*. [deleted]~~
- (3) ~~Application fees for *recognised bodies* are calculated from a tariff structure intended to reflect the estimated cost of processing an application of that type and complexity. [deleted]~~

3.1.5A G The fees for *collective investment schemes* reflect the estimated costs to the *FCA* of assessing applications and notifications. The level of fees payable in respect of an application or a notification will vary depending upon the provision of the *Act* under which it is made. This fee is adjusted when the *scheme* concerned is an *umbrella*.  
[FCA]

3.1.5B G Application fees for *recognised bodies* are calculated from a tariff structure intended to reflect the estimated cost of processing an application of that type and complexity.  
[FCA]

...

3.1.7 G A potential applicant for ~~*Part IV permission*~~ *Part 4A permission* (or *Treaty firm*) has the opportunity to discuss its proposed application (or exercise of *Treaty rights*) with the *FSA appropriate regulator* before submitting it formally. ~~(For more information, contact the Firm Contact Centre (020 7066 3954) or visit the *FSA* website How do I get authorised: <http://www.fsa.gov.uk/Pages/Doing/how/index.shtml>.)~~ If an applicant for ~~*Part IV permission*~~ *Part 4A permission* (or *Treaty firm*) does so, the *FSA appropriate regulator* will be able to use that dialogue to make an initial assessment of the fee categorisation and therefore indicate the authorisation fee that should be paid.

3.1.8 G See the *FSA* website How do I get authorised: <http://www.fsa.gov.uk/Pages/Doing/how/index.shtml> in relation to the procedures for making applications for ~~*Part IV permission*~~ and *SUP 13A* for procedures for the exercise of *Treaty rights* by *Treaty firms*. [deleted]

...

Table of application, notification and vetting fees

(1) Fee payer	(2) Fee payable	...
...		
<p>(s) In the case of an <i>insurance business transfer scheme</i>, a transferor.</p> <p>Note - for the purpose of this paragraph an <i>insurance business transfer scheme</i> consists of a single transferor and a single transferee. Where however such a scheme is part of a single larger scheme, that larger scheme is treated as a single <i>insurance business transfer scheme</i>. If an <i>insurance business transfer scheme</i> includes more than one transferor in accordance with this paragraph, the transferors are liable to pay the fee under column (2) jointly.</p>	<p>Either (1) or (2) as set out below:</p> <p>(1) In the case of an <i>insurance business transfer scheme</i> involving <i>long term insurance business</i>, <del>18,500</del> <u>9,250 to the PRA and 9,250 to the FCA</u>; or</p> <p>(2) in the case of an <i>insurance business transfer scheme</i> not involving <i>long term insurance business</i>, <del>10,000</del> <u>5,000 to the PRA and 5,000 to the FCA</u>.</p> <p><u>The amount payable to the PRA above is collected by the FCA as agent of the PRA.</u></p>	
...		

...

**3 Annex 1R Authorisation fees payable**

[FCA/PRA] Part 1 - Authorisation fees payable

For PRA-*authorised persons* and *persons* seeking to become PRA-*authorised persons*, the amount payable to the PRA is 50% of the amount payable under Part 1 and the amount payable to the FCA is 50% of the amount payable under Part 1. The amount payable to the PRA above is collected by the FCA as agent of the PRA.

For FCA-*authorised persons* and *persons* seeking to become FCA-*authorised persons*, the amount payable to the FCA is the amount payable under Part 1.

3 Annex 6R Fees payable for a permission or guidance on its availability in connection with the Basel Capital Accord

[FCA/  
PRA]

Table 2

Application group	Description of group		Application fee		
	Modified eligible liabilities (m)	Number of traders as at the 31 December prior to the <i>FSA appropriate regulator financial year fee year</i> in which the fee is payable	Advanced IRB ('000)	Foundation IRB ('000)	AMA ('000)
Group 2	>40,000	>200	232	198	146
Group 3	>5,000 - 40,000	26 - 200	94	72	51
Group 4	0 - 5,000	0 - 25	42	30	24

3 Annex 9 Special Project Fee for restructuring

[FCA/  
PRA]

(4) R		Where the transaction in (2) involves raising capital outside the <i>group</i> to which the <i>firm</i> belongs, any SPFR in relation to that transaction is only payable by the largest <i>firm</i> in that <i>group</i> . The largest <i>firm</i> is the one that pays the highest periodic fee in the <i>FSA appropriate regulator financial year fee year</i> ( <del>the 12 months ending 31 March</del> ) in which the bill is raised. For the purpose of the calculation in (9), all time spent and fees and disbursements incurred in relation to the group are added together.
	...	

#### 4 Periodic fees

...

4.1.5 G The *Society of Lloyd's*, which has ~~permission under section 315(2) of the Act~~  
[FCA/ (The Society: authorisation and permission), has its own fee block.  
PRA]

...

4.2.2 G (1) ...  
[FCA/  
PRA]

(2) ~~A recognised body may also have obligations to pay fees to the FSA under other rules arising from legislation other than the Act. For example a recognised body may have an obligation to pay a fee as an approved operator of a relevant system under the Uncertificated Securities Regulations 1995 (SI 1995/3272). [deleted]~~

4.2.2A G A recognised body may also have obligations to pay fees to the FCA under other rules arising from legislation other than the Act. For example a recognised body may have an obligation to pay a fee as an approved operator of a relevant system under the Uncertificated Securities Regulations 1995 (SI 1995/3272).  
[FCA]

4.2.3 G The ~~FSA~~ FCA will issue invoices in respect of the FCA and PRA to firms and other fee payers and expects to do so at least 30 days before the dates on which payments fall due under FEES 4.2.1R.  
[FCA/  
PRA]

##### Method of payment

4.2.4 R (1) ~~Unless (2) applies, a~~ A periodic fee must be paid using either direct debit, credit transfer (BACS/CHAPS), cheque, Maestro or by credit card (Visa/Mastercard only). Any payment by permitted credit card must include an additional 2% of the sum paid.  
[FCA/  
PRA]

(2) ~~The FSA does not specify a method of payment for a recognised body or a designated professional body. [deleted]~~

4.2.4A R The FCA does not specify a method of payment for a recognised body or a designated professional body.  
[FCA]

...

##### Modifications for persons becoming subject to periodic fees during the course of a financial fee year

4.2.6 R (1) Unless (2) applies, if the event, as described in column 4 of the table in

[FCA/  
PRA] *FEES* 4.2.11R, giving rise to, or giving rise to an increase in, the fee payable in *FEES* 4.2.1R, occurs on or after 1 July of the relevant ~~financial year~~ *fee year*, the periodic fee required under *FEES* 4.2.1R is modified for:

...

- (2) For *recognised bodies*, if the recognition order is made during the course of the relevant ~~financial year~~ *fee year*, the periodic fee required is set out in Column (4) of the table in *FEES* 4.2.11R.

...

4.2.7A G Projected valuations for a *firm's* first year will be collected for the 12 month period beginning with the date a *firm* becomes authorised or registered, or the date its *permission* and/or *payment service* activities are extended. That information will be used to calculate the periodic fee for the remainder of the ~~financial year~~ *fee year* in which the *firm* was authorised or registered or its *permission* and/or *payment service* activities were extended (adjusted in accordance with *FEES* 4.2.7R) and to calculate the periodic fee for the following ~~financial year~~ *fee year*. Projected valuations are not relevant for those fee payers that are only required to pay fixed fees.

...

#### Application of *FEES* 4.2.7BR

4.2.7C G The table below sets out the period within which a *firm's* tariff base is calculated (the data period) for second year fees calculated under *FEES* 4.2.7BR. The example is based on a *firm* that acquires *permission* on 1 November 2009 and has a financial year ending 31 March. Where valuation dates fall before the *firm* receives *permission* it should use projected valuations in calculating its fees.

[FCA/  
PRA]

References in this table to dates or months are references to the latest one occurring before the start of the *FSA's appropriate regulator's* ~~financial year~~ *fee year* unless otherwise stated.

...

...

4.2.10 R A *person* need not pay a periodic fee on the date on which it is due under the relevant provision in *FEES* 4.2.1R, if:

[FCA/  
PRA]

...

- (2) (2) unless *FEES* 4.3.6R(3), *FEES* 4.3.6R(4) or *FEES* 4.3.6R(4A) (Time and method for payment) applies, that date would otherwise fall on or before the 30th *day* after the date on which the *FSA FCA* (in its own capacity or in its capacity as agent for the *PRA*) has sent written notification to that *person* of the fee payable on that date, in which case

he must pay on or before the 30th *day* after the date on which the ~~FSA~~ FCA sends the notification.

4.2.11 R Table of periodic fees

[FCA/  
[PRA]

1 Fee payer	2 Fee payable	3 Due date	4 Events occurring during the period leading to modified periodic fee
Any <i>firm</i> (except an <i>ICVC</i> or a <i>UCITS</i> <i>qualifier</i> )	As specified in <i>FEES</i> 4.3.1R	(1) Unless (2) or (3) apply, on or before the relevant dates specified in <i>FEES</i> 4.3.6R. (2) Unless (3) applies, if an event specified in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 days after the occurrence of that event, or if later the dates specified in <i>FEES</i> 4.3.6R. (3) Where the <i>permission</i> is for <i>operating a multilateral trading facility</i> , the date specified in <i>FEES</i> 4 Annex 10 (Periodic fees for MTF operators).	<i>Firm</i> receives <i>permission</i> , or becomes authorised or registered under the <i>Payment Services Regulations</i> or the <i>Electronic Money Regulations</i> ; or <i>firm</i> extends <i>permission</i> or its <i>payment service</i> activities
<i>Persons</i> who hold a certificate issued by the <del>FSA</del> <u>FCA</u> under article 54 of the <i>Regulated Activities Order</i> (Advice given in newspapers etc.)	1,000	(1) Unless (2) applies, on or before 30 April (2) If an event in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 days	Certificate issued to <i>person</i> by <del>FSA</del> <u>FCA</u> under Article 54 RAO
Any <i>manager</i> of an <i>authorised</i> unit trust;	In relation to each unit trust the amount	after the occurrence of that event	<i>Authorisation order</i> is made in relation to the relevant

	specified in <i>FEES 4</i> Annex 4R		<i>scheme</i>
Any <i>ACD</i> of an <i>ICVC</i> ; and	In relation to each <i>ICVC</i> the amount specified in <i>FEES 4</i> Annex 4R		
<i>Persons</i> who, under the constitution or founding arrangements of a <i>recognised scheme</i> , is responsible for the management of the property held for or within the <i>scheme</i> ;	In relation to each <i>recognised</i> <i>scheme</i> the amount specified in <i>FEES 4</i> Annex 4R		The relevant <i>scheme</i> becomes a recognised collective investment scheme
...			
<i>UK recognised body</i>	<i>FEES 4</i> Annex 6R, part 1 for a <i>UK RIE</i> or <i>UK RCH</i> ; and <i>FEES 4</i> Annex 6R, part 1A for a <i>UK RIE</i> that is also an <i>RAP</i>	(1) Unless (2) applies, by the due dates set out in <i>FEES 4</i> Annex 6R, part 1 and (in the case of an <i>RAP</i> ) part 1A (2) If the event in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 days after the occurrence of that event	<i>Recognition order</i> is made. The modified periodic fee is specified in <i>FEES 4</i> Annex 6R, Part 1 and (in the case of an <i>RAP</i> ) Part 1A.
<i>Overseas recognised body</i>	<i>FEES 4</i> Annex 6R, part 2	(1), unless (2) applies, 1 July. (2) If the event in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 days after the occurrence of that event.	<i>Recognition order</i> is made. The modified periodic fee is specified in <i>FEES 4</i> Annex 6R, Part 2.

...			
All <i>firms</i> reporting transactions in <i>securities derivatives</i> to the <del>FSA</del> <i>FCA</i> in accordance with <i>SUP 17</i> , and <i>market operators</i> who provide facilities for trading in <i>securities derivatives</i> .	<i>FEES 4 Annex 9R</i>	Within 30 <i>days</i> of the date of the invoice	Not applicable
Any <i>issuer</i> of a <i>regulated covered bond</i> .	<i>FEES 4 Annex 11R</i>	(1) Unless (2) applies, on or before the relevant dates specified in <i>FEES 4.3.6R</i> (2) If an event specified in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 <i>days</i> after the occurrence of that event or, if later, the dates specified in <i>FEES 4.3.6R</i>	A <i>person</i> becomes registered as an <i>issuer</i> of a <i>regulated covered bond</i>

...

#### 4.3 Periodic fee payable by firms (other than ICVCs and UCITS qualifiers)

...

- 4.3.2 G (1) The amount payable by each *firm* will depend upon the category (or categories) of *regulated activities* or *payment services* it is engaged in (fee-blocks) and whether it is issuing *electronic money*, and on the amount of business it conducts in each category (tariff base). The fee-blocks and tariffs are identified in *FEES 4 Annex 1R* (and guidance on calculating certain of the tariffs is at *FEES 4 Annex 12G*), while *FEES 4 Annex 2R* sets out the tariff rates for the relevant ~~financial year~~ *fee year*. In the case of *firms* that provide *payment services* and/or issue *electronic money*, the relevant fee blocks, tariffs and rates are set out in *FEES 4 Annex 11R*.

...

Calculation of periodic fee (excluding fee-paying payment service providers and fee-paying electronic money issuers)

4.3.3 R The periodic fee referred to in *FEES* 4.3.1R is (except in relation to the *Society*,  
[FCA/  
[PRA] *fee-paying payment service providers* and *fee-paying electronic money issuers*)  
calculated as follows:

...

- (6) apply any applicable payment charge specified in *FEES* 4.2.4R, provided that:
- (a) for payment by direct debit, successful collection of the amount due is made at the first attempt by the *FSA FCA (in its own capacity and, if applicable, in its capacity as agent for the PRA)*; or
  - (b) for payment by credit transfer, the amount due is received by the *FSA FCA (in its own capacity and, if applicable, in its capacity as agent for the PRA)* on or before the due date.

...

Modification for firms with new or extended permissions

4.3.4 G (1) A *firm* which becomes authorised or registered during the course of a  
[FCA/  
[PRA] ~~financial year~~ *fee year* will be required to pay a proportion of the periodic fee which reflects the proportion of the year for which it will have a *permission* or the right to provide particular *payment services* or the right to issue *electronic money* - see *FEES* 4.2.5G and *FEES* 4.2.6R.

...

- (4) These provisions do not apply to a *firm's* periodic fees in relation to its *permission* for operating a *multilateral trading facility* obtained from the *FSA* during the course of a ~~financial year~~ *fee year*.

...

Time of payment

4.3.6 R ...

[FCA/  
[PRA]

- (2) If the *firm's* or *regulated covered bond issuer's* periodic fee for the previous ~~financial year~~ *fee year* was less than 50,000, it must pay the periodic fee due in full by 1 July in the ~~financial year~~ *fee year* to which that sum relates.
- (3) If a *firm* has applied to cancel its ~~Part IV permission~~ *Part 4A permission* in the way set out in *SUP* 6.4.5D (Cancellation of permission), or its

status as a *payment institution* under regulation 10 of the *Payment Services Regulations* (Cancellation of authorisation) or as regulation 10 is applied by regulation 14 of the *Payment Services Regulations* (Supplementary provisions), or its status as an *electronic money issuer* under regulation 10 of the *Electronic Money Regulations* (Cancellation of authorisation) or as regulation 10 is applied by regulation 15 of the *Electronic Money Regulations* (Supplementary provisions), then (1) and (2) do not apply but it must pay the total amount due when the application is made.

- (4) If the *FSA appropriate regulator* has exercised its *own-initiative powers* to cancel a *firm's Part IV permission in the way set out in EG 8* (~~Variation and cancellation of permission on the FSA's own initiative and intervention against incoming firms~~) *Part 4A permission*, then (1) and (2) do not apply but the *firm* must pay the total amount due immediately before the cancellation becomes effective.

...

#### Groups of firms

- 4.3.7 R A *firm* which is a member of a *group* may pay all of the amounts due from other *firms* in the same *group* under *FEES* 4.2.1R, if:  
[FCA/  
PRA]

- (1) it notifies the ~~FSA~~ *FCA (in its own capacity and, if applicable, in its capacity as agent for the PRA)* in writing of the name of each other *firm* within the *group* for which it will pay; and

...

...

- 4.3.9 G If the payment made does not satisfy in full the periodic fees payable by all of the members of the *group* notified to the ~~FSA~~ *FCA* under *FEES* 4.3.7R, the ~~FSA~~ *FCA (in its own capacity and, if applicable, in its capacity as agent for the PRA)* will apply the sum received among the *firms* which have been identified in the notification given under *FEES* 4.3.R(1) in proportion to the amounts due from them. Each *firm* will remain responsible for the payment of the outstanding balance attributable to it.  
[FCA/  
PRA]

- 4.3.10 G If a *firm* pays its fees through an agent outside the scope of *FEES* 4.3.7R the *firm* is responsible for ensuring that the ~~FSA~~ *FCA (in its own capacity and, if applicable, in its capacity as agent for the PRA)* is informed that the sum being paid is for that *firm's* periodic fees.  
[FCA/  
PRA]

...

#### 4.4 Information on which Fees are calculated

...

4.4.3 R To the extent that a *firm* has provided the information required by this section to the ~~FSA~~ appropriate regulator as part of its compliance with another provision of the *Handbook*, it is deemed to have complied with the provisions of this section.

[FCA/  
PRA]

4.4.4 G In most cases a *firm* will provide the information required by this section as part of its compliance with the provisions of *SUP*. To the extent that the ~~FSA~~ FCA (in its own capacity and, if applicable, in its capacity as collection agent for the *PRA*), does not obtain sufficient, or sufficiently detailed, information ~~it~~ the FCA or the PRA, as appropriate, may seek this by using ~~its~~ the general information gathering powers (see *SUP* 2 (Information gathering by the ~~FSA~~ appropriate regulator on its own initiative)).

[FCA/  
PRA]

...

## 6 Financial Services Compensation Scheme Funding

...

6.1.13 G ~~The FSA intends to consult in January each year on the amount which it will set as the~~ The limit on the management expenses attributable to the forthcoming financial year of the FSCS will be consulted on in January each year.

[FCA/  
PRA]

...

6.3.3 G ~~The FSCS has committed itself in the Memorandum of Understanding with each of the FSA FCA and the PRA (the text of which can be found on the FSA website www.fsa.gov.uk) to publish regularly an indicative timetable for its levy procedures and its policy in respect of levying.~~

[FCA/  
PRA]

6.3.4 G The discretion over levying in COMP FEES 6 also gives the *FSCS*, if it thinks this appropriate, the ability to use third parties as its agents in raising and collecting the levies.

[FCA/  
PRA]

...

6.4.10 G Since a *firm* that becomes a *participant firm* in the course of a financial year of the *compensation scheme* will already be obtaining a discount in relation to the *base costs levy* through the modified fee provisions of *FEES* 4.2.6 R, no *rule* is necessary in COMP FEES 6 for discounts on the *base costs levy*.

[FCA/  
PRA]

...

7 CFEB levies

...

7.1.3 G Section 6A(1) of the *Act* (Enhancing public understanding of financial matters etc) (as it had effect before the passing of the Financial Services Act 2012) ~~requires~~ required the *FSA* to establish the *CFEB* in order to enhance:

[FCA]

...

...

Appendix 1 Unauthorised Mutuals Registration Fees Rules

...

App 1 Further information on fees

Annex

2G

[FCA]

...	
2	<del>Paragraph 17 of Schedule 1</del> <u>Paragraph 23 of Schedule 1ZA</u> to the <i>Act</i> enables the <del>FSA</del> <u>FCA</u> to charge fees to cover its expenses in carrying out its functions.
...	
6	<del>Paragraph 17(4) of Schedule 1</del> <u>Paragraph 23(8) of Schedule 1ZA</u> to the <i>Act</i> permits the <del>FSA</del> <u>FCA</u> to recover fees as a debt owed to the <del>FSA</del> <u>FCA</u> and the <del>FSA</del> <u>FCA</u> will consider court action for recovery through the civil courts.

...

Transitional Provisions

...

TP 3 Transitional provisions relating to changes to the FSCS levy arrangements taking effect in 2010/11

...

3.2.3 R A *firm* is in run-off for these purposes if it has ceased to effect new *contracts of insurance*, its *permission for effecting contracts of insurance* has been cancelled, its exclusive remaining business is administering its remaining insurance liabilities and, if it is required to supply one, it has supplied a run-off plan to the ~~FSA~~ under SUP App 2.8.1R.

[PRA]

...

**Sch 6 Rules that can be waived**

Sch 6 G ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. [deleted]~~

6.1  
[FCA] G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its *rules*, other than *rules* made under section 137O (threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

6.2  
[PRA] G As a result of section 138A of the Act (Modification or waiver of rules) the PRA has power to waive all its *rules*, other than *rules* made under section 137O of the Act (threshold condition code). However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the PRA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

## Annex 7

### Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application

...

1.1.2A G A firm should refer to GEN 2.2.13AR (cross-references in the Handbook) and GEN 2.2.23R to GEN 2.2.25G (cutover: application of provisions made by both the FCA and the PRA) when applying the rules and guidance in GENPRU. In particular, many rules in GENPRU are made by both the PRA (in relation to PRA-*authorised persons*) and by the FCA (in relation to BIPRU investment firms that are FCA-*authorised persons*).

[PRA/  
FCA]

1.1.2B G As the FCA does not have the power to impose prudential rules and guidance on PRA-*authorised persons*, references to PRA-*authorised persons* or PRA rules that are included in FCA GENPRU provisions will not be relevant in the FCA's application of that provision, unless otherwise stated.

[FCA]

...

#### 1.2 Adequacy of financial resources

...

##### Capital planning

1.2.73A G ...

(9) ~~For an *insurer*:~~

- (a) ~~the treatment of new business when making capital projections is likely to be different from its ICA. In projecting its financial position, an *insurer* should take account of new business based on the *firm's* business plan, but flexed to take account of potential changes in trading conditions and strategy. When assessing its current capital adequacy under its ICA, an *insurer* should take account of the effects of closure to new business (see GENPRU 1.2.27 G, GENPRU 1.2.73AG (3) and (4) and INSPRU 7.1.16 G to INSPRU 7.1.19 G). Also, an *insurer* may use methods that are more approximate than used for its ICA (for example, in projecting the *with profits insurance capital component* for realistic basis life firms and the *capital resources* needed to meet the~~

*overall financial adequacy rule*); and

- (b) ~~where management discretion is exercised as a normal part of an *insurer's* business (for example, in changing bonus rates or *surrender values* in accordance with the *PPFM* for *with-profits business*), under (3)(c) the *insurer* does not need to estimate the effect of an adverse event on its financial position without adjusting for such changes. However, the effect on the financial position of varying such actions should be estimated and understood. [deleted]~~

1.2.73B G ...

1.2.73C G For an *insurer*:

[PRA/  
FCA] (1) the treatment of new business when making capital projections is likely to be different from its *ICA*. In projecting its financial position, an *insurer* should take account of new business based on the *firm's* business plan, but flexed to take account of potential changes in trading conditions and strategy. When assessing its current capital adequacy under its *ICA*, an *insurer* should take account of the effects of closure to new business (see *GENPRU* 1.2.27G, *GENPRU* 1.2.73AG (3) and (4) and *INSPRU* 7.1.16G to *INSPRU* 7.1.19G). Also, an *insurer* may use methods that are more approximate than used for its *ICA* (for example, in projecting the *with-profits insurance capital component* for *realistic basis life firms* and the *capital resources* needed to meet the *overall financial adequacy rule*); and

- (2) where management discretion is exercised as a normal part of an *insurer's* business (for example, in changing bonus rates or *surrender values* in accordance with the *PPFM* for *with-profits business*), under *GENPRU* 1.2.73AG (3)(c) the *insurer* does not need to estimate the effect of an adverse event on its financial position without adjusting for such changes. However, the effect on the financial position of varying such actions should be estimated and understood.

...

## 2.2 Capital resources

...

2.2.7 G Parts of this section are irrelevant to a *BIPRU firm* whose *capital resources* consist of straightforward *capital instruments*. Therefore the *FSA's Personal handbooks* facility available on its website allows a *BIPRU firm* to screen out those parts of this section that are not relevant to a *simple capital issuer*.

...

Other requirements: insurers carrying on with-profits business (Insurer only)

2.2.270 R *GENPRU 2.2.270R to GENPRU 2.2.275G only apply to an insurer.*

2.2.270A G *GENPRU 2.2.271R to GENPRU 2.2.272G and GENPRU 2.2.274G are made by both the PRA and FCA for the purpose of applying these provisions to insurers pursuant to the statutory objectives.*  
[PRA/  
FCA]

2.2.271 R *An insurer carrying on with-profits insurance business must, in addition to the other requirements in respect of capital resources elsewhere in GENPRU 2.2, meet the following conditions before a capital instrument can be included in that insurer's capital resources:*

...

(3) no amounts, whether interest, principal, or other amounts, must be payable by the *firm* under the *capital instrument* if the *firm's* assets would then be insufficient to enable it to declare and pay under a *with-profits insurance contract* discretionary benefits that are consistent with the *firm's* obligations under the FCA's Principle 6 (Customers' interests).

2.2.272 G The purpose of *GENPRU 2.2.271R* is to achieve practical subordination of *capital instruments* if they are to qualify as *capital resources* to the liabilities an *insurer* has to *with-profits policyholders*, including liabilities which arise from the regulatory duty (as regulated by the FCA) to treat *customers* fairly in setting discretionary benefits. (FCA's Principle 6 (Customers' interests) requires a *firm* to pay due regard to the interests of its customers and treat them fairly.) It is not sufficient for a *capital instrument* to be subordinated to such liabilities only on winding up of the *firm* because such liabilities to *policyholders* may have been reduced by the inappropriate use of management discretion to enable funds to be applied in repaying subordinated *capital instruments* before winding up proceedings commence.

...

## 2 Annex 8G Guidance on applications for waivers relating to implicit items

Implicit items under the Act	
...	
16	The <del>FSA</del> PRA recognises that the assessment of the insurance <i>technical provisions</i> reflects the contractual obligations of the <i>firm</i> . <i>Implicit items</i> are therefore margins over and above an economic assessment in these

	<p><i>technical provisions</i> only. Non-contractual "constructive" obligations arising from a <i>firm's</i> regulatory duty (<u>as regulated by the FCA</u>) to treat <i>customers</i> fairly e.g. regarding future terminal bonuses, are not fully captured by the <i>technical provisions</i>. A <i>firm</i> must instead be satisfied that it has sufficient <i>capital resources</i> at all times to meet its obligations under <u>the FCA's</u> Principle 6. The granting of a <i>waiver</i> for an <i>implicit item</i> does not in any way detract from this requirement and a <i>firm</i> will need to be satisfied that this condition is still met.</p>
...	

...

3.1.27 R ...

**Capital adequacy requirements: compulsory application of Method 4 3 from Annex I of the Financial Groups Directive**

3.1.28 R (1) The condition in this *rule* is satisfied for the purpose of *GENPRU* 3.1.27R(1) with respect to a *firm* and a *financial conglomerate* of which it is a member (with the result that *GENPRU* 3.1.26R automatically applies to that *firm*) if:

...

- (b) the *financial conglomerate* is not part of a wider ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate;
- (c) the *financial conglomerate* is not an ~~FSA regulated EEA financial conglomerate~~ a UK regulated EEA financial conglomerate under another *rule* or under paragraph (b) of the definition of ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate (application of supplementary supervision through a *firm's* ~~Part IV permission~~ Part 4A permission)

...

...

3.1.34 R *GENPRU* 3.1.35R applies to a *firm* with respect to a *financial conglomerate* of which it is a member if:

...

- (2) that *financial conglomerate* is an ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate.



## **Annex 8**

### **Amendments to the Prudential Sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

There are no amendments to this module in this Instrument.

## Annex 9

### Amendments to the Prudential sourcebook for Insurers (INSPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1 Capital resources requirements and technical provisions for insurance business

...

#### 1.2 Mathematical reserves

...

1.2.6 G A number of the *rules* in this section require a *firm* to take into account its regulatory duty to treat *customers* fairly. In this section, references to such a duty are to a ~~*firm's duty*~~ the duty of a *firm* regulated by the *FCA* to pay due regard to the interests of its *customers* and to treat them fairly (see the *FCA's Principle 6* in *PRIN*). This duty is owed to both *policyholders* and potential *policyholders*.

1.2.6A G A number of *rules* in this section are made by the *FCA* and the *PRA*. Some of the rules made by the *FCA* and *PRA* contain references to, or are reliant on, *rules* that are only made by the *PRA*. *Firms* should consider *GEN 2.2.13AR* (cross-references in the *Handbook*) and *GEN 2.2.23R* to *GEN 2.2.25G* (cutover: application of provisions made by both the *FCA* and the *PRA*) when applying these *rules*. In the context of mathematical reserves, the *FCA rules* ensure a *firm* takes into account its regulatory duty to treat *customers* fairly. Where an *FCA rule* refers to a *PRA rule*, *GEN 2.2.13AR* and *GEN 2.2.23R* will apply so that the *PRA rule* is also made by the *FCA* to the extent necessary to make the *FCA rule* function but only to the extent of the *FCA's* powers and regulatory responsibilities.

[PRA / FCA]

...

#### Methods and assumptions

1.2.10 R In the actuarial valuation under *INSPRU 1.2.7R*, a *firm* must use methods and prudent assumptions which:

...

(6) take into account its regulatory duty to treat its *customers* fairly (see *FCA's Principle 6*); and

...

### 1.3 With-profits insurance capital component

...

#### Definitions

...

1.3.14 G In this section, any reference to a *firm's* regulatory duty to treat its *customers* fairly is a reference to ~~the firm's duty~~ the duty of a firm regulated by the FCA under FCA's Principle 6 (Customers' interests). This states that a *firm* must pay due regard to the interests of its *customers* and treat them fairly.

1.3.15 G In this section, any reference to the *Principles and Practices of Financial Management (PPFM)* is a reference to the requirements in the FCA's rules at COBS 20.3 (Principles and Practices of Financial Management) for *firms* to establish, maintain and record the principles and practices of financial management according to which the business of its *with-profits funds* is conducted.

...

#### Credit risk scenario for reinsurance

1.3.94 R ...

(2) For the purposes of (1), no account is to be taken of *reinsurance* or analogous non-*reinsurance* financing arrangements between *undertakings* in the same *group* where:

(a) the ceding and accepting *undertakings* are regulated by the ~~FSA PRA, FCA~~ or a regulatory body in a *designated State or territory* for insurance (including *reinsurance*);

...

(c) for any subsequent cession or cessions of the ceded risk which are material (individually or in aggregate) each of the ceding and accepting *undertakings* (including subsequent accepting *undertakings*) is regulated by the ~~FSA PRA, FCA~~ or a regulatory body in a *designated State or territory* for insurance (including *reinsurance*).

...

...

### 1.5 Internal-contagion risk

Application

...

- 1.5.2 R *INSPRU* 1.5 does not apply, to the extent stated, to any *insurer* in (1) to  
[PRA] (4):
- (1) none of the provisions apply to *non-directive friendly societies*;
  - (2) none of the provisions, ~~apart from *INSPRU* 1.5.33R (payment of financial penalties)~~ apply to *firms* which qualify for authorisation under Schedule 3 or 4 of the *Act*;
  - (3) ~~*INSPRU* 1.5.33R (payment of financial penalties) does not apply to *mutuals*; [deleted]~~
  - (4) *INSPRU* 1.5.41R to *INSPRU* 1.5.57R (*UK branches* of certain *non-EEA insurers*) do not apply to:
    - (a) *UK insurers*; or
    - (b) *non-EEA insurers* whose *insurance business* in the *United Kingdom* is restricted to *reinsurance*; or
    - (c) *EEA-deposit insurers*; or
    - (d) *Swiss general insurers*.

- 1.5.2A R *INSPRU* 1.5 does not apply, to the extent stated, to any *insurer* in (1) to  
[FCA] (3):
- (1) none of the provisions apply to *non-directive friendly societies*;
  - (2) none of the provisions, apart from *INSPRU* 1.5.33R (payment of financial penalties), apply to *firms* which qualify for authorisation under Schedule 3 or 4 of the *Act*;
  - (3) *INSPRU* 1.5.33R (payment of financial penalties) does not apply to *mutuals*.

...

- 1.5.5 R In the application of this section to activities carried on by a *non-EEA*  
[PRA] *insurer*:
- (1) *INSPRU* 1.5.13R to *INSPRU* 1.5.15G and *INSPRU* 1.5.41R apply in relation to the whole of its business carried on world-wide;
  - (2) all other provisions of this section apply only in relation to:

- (a) in the case of any *UK-deposit insurer*, activities carried on from *branches* in any *EEA State*; and
- (b) in any other case, activities carried on from a *branch* in the *United Kingdom*.

1.5.5A R In the application of this section to activities carried on by a *non-EEA insurer*:  
[FCA]

(1) *INSPRU 1.5.13R to INSPRU 1.5.13BG* apply in relation to the whole of its business carried on world-wide;

(2) all other provisions of this section apply only in relation to:

- (a) in the case of any *UK-deposit insurer*, activities carried on from *branches* in any *EEA State*; and
- (b) in any other case, activities carried on from a *branch* in the *United Kingdom*.

...

Separately identify and maintain long term insurance assets

...

1.5.28 G As a result of *INSPRU 1.5.27R(2)*, an *actuarial investigation* undertaken to determine an *established surplus* remains in-date for three months from the date as at which the determination of the surplus was made. However, even where the investigation is still in-date, the *firm* should not make the transfer unless there is sufficient surplus at the time of the transfer to allow it to be made without breach of *INSPRU 1.1.20R* or *INSPRU 1.1.21R* of the *PRA Handbook*.

...

Payment of financial penalties

1.5.33 R If the ~~*FSA*~~ *FCA* or *PRA* imposes a financial penalty on a *long-term insurer*, the *firm* must not pay that financial penalty from a *long-term insurance fund*.

1.5.34 G ~~*INSPRU 1.5.2R*~~ *1.5.2AR* states that this provision applies to all *firms*, except *mutuals*, and includes *firms* qualifying for authorisation under Schedule 3 or 4 to the *Act*.

...

### 3.1 Market risk in insurance

...

Covering linked liabilities

...

- 3.1.61-A G Where liabilities are linked to orders made under section 148 of the Social Security Administration Act 1992, *firms* are required by *COBS* 21.3.5R to notify ~~their supervisors~~ the PRA before effecting any such business and to explain how the risks associated with this business will be safely managed. This requirement does not apply in respect of liabilities for which a limited revaluation premium has been paid to the Department for Work and Pensions so that the liability for revaluation, while still linked to section 148 orders, is limited to 5%. The risks may be mitigated by holding assets to cover an alternative index which is reasonably expected to at least cover the section 148 order (e.g. RPI plus a margin) over the duration of the link. The *firm's* exposure to an order under section 148 exceeding this index should be appropriately limited by putting a cap on the liabilities linked to the order so that risks are within acceptable limits.

...

### 3.2 Derivatives in insurance

Application

...

- 3.2.3A G References in this section to *GENPRU* are to *GENPRU* in the *PRA Handbook*.  
[PRA /  
FCA]

...

## 5 Operational Risk Management

### 5.1 Application

...

Purpose

- 5.1.3 G This section provides *guidance* on how to interpret *SYSC* 14.1.18R and *SYSC* 14.1.19R(2) (which relate to the design and documentation of risk management systems) ~~in so far as they relate to the management of~~

~~operational risk in a prudential context~~. Operational risk has been described by the Basel Committee on Banking Supervision as "the risk of loss, resulting from inadequate or failed internal processes, people and systems, or from external events". Thus this section covers management of risks concerning any of the *firm's* operations, whether caused by internal or external matters. However, it does not cover management of credit, market, liquidity and insurance risk. Examples of operational risk exposures that this section is meant to address include internal and external fraud; failure to comply with employment law or meet workplace safety standards; damage to physical assets; business disruptions and system failures; and transaction processing failures.

5.1.4 G Operational risk concerns the ~~FSA in a prudential context~~ PRA because inappropriate management of operational risk can adversely affect the solvency or business continuity of a *firm*, threatening the ~~regulatory objectives~~ statutory objectives of ~~market confidence, consumer protection and financial stability~~ promoting the firm's safety and soundness and contributing to the securing of an appropriate degree of protection for those who are or may become policyholders.

5.1.5 G This section contains *guidance* on how a *firm* should determine, ~~in a prudential context~~, its policy for operational risk management and its processes for the identification, assessment, monitoring and control of operational risk. In addition, *guidance* is provided on record keeping in relation to operational risk.

...

## 7 Individual Capital Assessment

### 7.1 Application

...

7.1.3A G A firm should refer to GEN 2.2.23R to GEN 2.2.25G (cutover: application of provisions made by both the FCA and the PRA) when applying the rules and guidance in INSPRU 7. In particular:  
[FCA/  
PRA]

(1) INSPRU 7.1.16G to 7.1.18G and INSPRU 7.1.20G are made by the FCA for the purpose of applying this guidance to insurers pursuant to the statutory objectives; and

(2) certain rules and guidance in INSPRU 7.1 are also made by the FCA for the purpose of their application to dormant account operators. These provisions are INSPRU 7.1.4G to 7.1.21G, INSPRU 7.1.25G to 7.1.27, INSPRU 7.1.29G to 7.1.73G and INSPRU 7.1.91G to 7.1.99G.

...

7.1.9A G This section sets out in greater detail the approach to be taken by a *firm* when carrying out the assessment of capital described in the preceding paragraph. This is the assessment referred to as an *individual capital assessment*. *GENPRU* 1.2.42 R is a general requirement for a *firm* to carry out stress tests and scenario analyses taking into account an appropriate range of adverse circumstances and events relevant to the *firm's* business and risk profile and to estimate the financial resources it would need to continue to meet the *overall financial adequacy rule* in the stress scenarios considered. As part of its obligations under *GENPRU* 1.2.42 R, the *firm* must carry out stress tests and scenario analyses to estimate the financial resources it would need to support its business plans and continue adequately to cover its *CRR* and meet the *overall financial adequacy rule* over a time horizon of 3 to 5 years. This is a separate requirement from that to carry out an *ICA*, and *guidance* on this requirement is provided in *GENPRU* 1.2.73A G. This is a separate requirement from that to carry out an *ICA*, and *guidance* on this requirement is provided in *GENPRU* 1.2.73A G and *GENPRU* 1.2.73CG. In particular, *firms* should note that there is no requirement that the level of capital required as identified by the *ICA* should be equal to, or exceed, the *CRR*.

...

7.1.26 G The *ICA* should assume that a *firm* will continue to manage its business having regard to the ~~*FSA's*~~ *PRA's* and *FCA's* Principles for Businesses. In particular, a *firm* should take into account how the ~~*FSA's*~~ Principles for Businesses may constrain its prospective management actions, for example, the *FCA's* Principle 6 (Treating Customers Fairly).

...

## Sch 5 Rights of action for damages

Sch 5.1 G The table below sets out the *rules* in *INSPRU* contravention of which by an *authorised person* may be actionable under section ~~150~~ 138D(2) of the *Act* (Actions for damages) by a *person* who suffers loss as a result of the contravention.

Sch 5.2 G If a "Yes" appears in the column headed "For *private person*", the *rule* may be actionable by a *private person* under section ~~150~~ 138D(2) (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A "Yes" in the column headed "Removed" indicates that the ~~*FSA*~~ *FCA* has removed the right of action under section ~~150(2)~~ 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.

Sch 5.3 G The column headed "For other *person*" indicates whether the *rule* may be actionable by a *person* other than a *private person* (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an

---

indication of the type of *person* by whom the *rule* may be actionable is given.

Chapter/Appendix	Section/Annex	Right of action under section 150 <u>138D(2)</u>		
		For <i>private person</i>	Removed	For other <i>person</i>
All <i>rules</i> in <i>INSPRU</i>		No	Yes ( <i>INSPRU</i> 9.1.1R)	No

## Annex 10

### Amendments to the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

2.3.2 G In determining a *person's* knowledge and ability, the *firm* should have regard  
[FCA] to matters including, but not limited to, whether the *person*:

...

- (2) satisfies the relevant requirements in the ~~FSA's~~ FCA's Training and Competence sourcebook and the Senior Management Arrangements, Systems and Controls sourcebook.

2.3.2A G In determining a *person's* knowledge and ability, the *firm* should have regard  
[PRA] to matters including, but not limited to, whether the *person*:

- (1) has demonstrated by experience and training that he is able or will be able to perform his duties related to the *firm's* insurance mediation activity; and

- (2) satisfies the relevant requirements in the Senior Management Arrangements, Systems and Controls sourcebook (SYSC).

...

3.1.3 G The purposes of this chapter are to:  
[FCA]

...

- (2) meet the ~~regulatory~~ statutory objectives of consumer protection and ~~maintaining market confidence~~ protecting and enhancing the integrity of the UK financial system by ensuring that *firms* have adequate resources to protect themselves, and their *customers*, against losses arising from breaches in its duties under the *regulatory system* or civil law.

3.1.3A G The purposes of this chapter are to:  
[PRA]

- (1) implement article 4.3 of the *Insurance Mediation Directive* in so far as it requires *insurance intermediaries* to hold professional indemnity insurance, or some other comparable guarantee, against any liability

that might arise from professional negligence; and

- (2) meet the *statutory objective* of promoting the safety and soundness of *PRA-authorised persons* by ensuring that *firms* have adequate resources to protect themselves against losses arising from breaches in its duties under the *regulatory system* or civil law.

...

3.1.5A G Under *Principles 3* and *4* a *firm* is required to take reasonable care to organise and control its affairs responsibly and effectively with adequate risk management systems and to maintain adequate financial resources.  
[PRA]

## Annex 11

### Amendments to the Prudential sourcebook for UCITS Firm (UPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.2 Purpose

- 1.2.1 G (1) The purpose of this sourcebook is to amplify *Principle 4* (Financial prudence) which requires a *firm* to maintain adequate financial resources to meet its *designated investment business* commitments and to withstand the risks to which its business is subject. This assists in the achievement of the ~~regulatory~~ statutory objectives of consumer protection, ~~market confidence and financial stability~~ and protecting and enhancing the integrity of the UK financial system.

...

...

#### 2.3 Application of certain rules in the interim prudential sourcebook for investment businesses

- 2.3.1 R (1) The following *rules* in the Interim Prudential sourcebook for investment businesses apply to a *firm* in respect of *qualifying subordinated loans, qualifying undertakings* and records:
- (a) *IPRU(INV)* 5.2.5(1), (2) and (4) to (7)R; and
  - (b) *IPRU(INV)* 5.2.6(3)R; ~~and~~
  - (c) ~~*IPRU(INV)* 5.3.1(1)R and *IPRU(INV)* 5.3.1(4) to 5.3.1(6)R.~~
- (2) References in those *rules* to:
- (a) *IPRU(INV)* Table 5.2.2(1)R are to be construed as references to *UPRU* Table 2.2.1R;
  - (b) *IPRU(INV)* 5.2.3(1)R are to be construed as references to *UPRU* 2.1.1R; and
  - (c) ~~*IPRU(INV)* 5.3.1(3)R are to be construed as references to *UPRU* 2.4.1R; and~~
  - (~~d~~) *IPRU(INV)* 5.2.1(2) are to be construed as references to *UPRU* 2.1.1R.

## Annex 12

### Amendments to the Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### **GUIDANCE: THE PURPOSE OF THE PRUDENTIAL RULES FOR FRIENDLY SOCIETIES AND AN OVERALL DESCRIPTION**

4. One of the features of a *contract of insurance* is the long period of risk the contract may cover. The prudential rules for *friendly societies* seek to protect the *policyholder* against the risk that a *friendly society* will fail to meet a valid claim as it falls due ~~or to fulfil the reasonable expectations of *policyholders*~~

...

11. As part of the continuing supervision of a *friendly society*, the rules in Chapter 5 require the *friendly society* to prepare certain accounts and statements in accordance with the rules and deposit them with the ~~FSA~~ PRA. ~~In addition, Chapter 6 requires a *friendly society* to make certain statistical returns.~~

...

#### **APPLICATION**

...

Actions for damages

- 1.2 Section ~~150(1)~~ 138D(2) of the *Act* does not apply.

...

#### **Annex 2**

...

*Duty of care*

...

5. Annex 3 also draws attention to the special duty of care that the *officers* of a *friendly society* have in respect of ~~safeguarding~~ protecting the interests of *policyholders*. This duty is recognised in the PRA and FCA's Principles for Business, including principle 6 of the FSA FCA's Principles for Businesses (paying due regard to policyholders interests and treating them fairly). In the ~~FSA's~~ PRA's view, because of the increasing risk of error and omission, and the possibility that any liabilities which may arise as a result could be substantially greater than an *officer's* or *officers'* financial resources to cover them, that duty of care places a responsibility on a *committee* to consider whether the *friendly*

*society* should obtain indemnity insurance cover for appropriate *officers* in the interests of members (see 6).

...

### **Annex 3**

#### Part I

...

#### **B. ACCOUNTING RECORDS AND SYSTEMS**

11. The principal reasons why a *friendly society* (including any *registered branch*) or a group is required by rule 3.1 to maintain adequate accounting and other records are:

(a) ...

(b) ...

(c) to safeguard the assets of the *friendly society* (or branch) and to protect the interests of *policyholders*;

...

## Annex 13

### Amendments to the Interim Prudential sourcebook for Insurers (IPRU(INS))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### INTRODUCTION

...

2 The provisions of the *Act* listed in Chapter 11 of this instrument are specified for the purpose of section 153(2). ~~[deleted]~~

...

#### Chapter 9

#### FINANCIAL REPORTING

...

9.6

...

(6) There must be deposited with every revenue ‘account’ and ‘balance sheet’ of an *insurer* any statement or report on the affairs of the *insurer* made or submitted:

(a) ...

(b) to the *insurer's with-profits policyholders* under ~~COBS 20.3.3G~~, COBS 20.4.7R or SUP 4.3.16AR(4) of the *FCA Handbook*,

in respect of the *financial year* to which the ‘account’ and ‘balance sheet’ relate.

...

9.42C The decision tree determining application of 9.42B

...

**Stage B:** Is that *financial conglomerate*:

- an *insurance conglomerate*; and
- a ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate?

**Stage C:** Is the *insurer* a member of more than one *financial conglomerate* that is:

- an *insurance conglomerate*; and
- a ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate?

Identify the ~~FSA regulated insurance conglomerate~~ PRA regulated insurance conglomerate that is not part of another ~~FSA regulated EEA financial conglomerate~~ UK regulated EEA financial conglomerate for the purpose of this rule.

...

#### Information in the capacity transfer market

- 9.62
- (1) The *Society* must give the ~~FSA~~ FCA a report as at the end of each calendar quarter in which any capacity is transferred.
  - (2) The report referred to in ~~INSPRU 8.4.3 R (1)~~ (1) must reach the ~~FSA~~ FCA within one month of the end of the relevant calendar quarter and must include information on:
    - (a) the total capacity in *syndicates* transferred during the quarter, analysed by *syndicate* and method of transfer;
    - (b) the number, and nature, of all investigations by the *Society* into conduct in the *capacity transfer market* undertaken or continued during the quarter; and
    - (c) the number, and nature, of all complaints received during the quarter about the operation of the *capacity transfer market*.

...

### Chapter 11

...

## PART 2

### GENERAL PROVISIONS

#### Powers under which the rules are made

- 11.3 ~~The rules and guidance in the IPRU (INS) are made under the following sections of the Act—~~
- ~~(a) section 138 (general rule making power);~~
  - ~~(b) section 141 (insurance business rules);~~
  - ~~(c) section 150(2) (actions for damages);~~
  - ~~(d) section 156 (general supplementary powers);~~
  - ~~(e) section 157 (guidance); and~~
  - ~~(f) section 340 (appointment of auditors and actuaries). [deleted]~~

...

**Appendix 9.6** (rules 9.34 and 9.35)

**Certificates by Directors and Report of the Auditor**

...

2

- ...
- (c) the *with-profits fund* has been managed in accordance with the *Principles and Practices of Financial Management*, as established, maintained and recorded under *COBS 20.3* of the *FCA Handbook*; and

...

3B

- ...
- (b) the *director* has, in preparing the *return*, taken and paid due regard to –
    - (i) ...
    - (ii) advice from every *actuary* appointed by the *insurer* to perform *with-profits actuary function* in accordance with *SUP 4.3.16AR* of the *FCA Handbook* and *SUP 4.3.16R* of the *PRA Handbook*.

...

## Annex 14

### Amendments to the Interim Prudential sourcebook for Investment Business (IPRU(INV))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 PURPOSE

...

- 1.1.2 The *rules and guidance* in this sourcebook will assist the ~~FSA~~ appropriate regulator to meet the statutory objectives ~~of protecting consumers and maintaining market confidence~~. This sourcebook does so by setting minimal capital and other risk management standards thereby mitigating the possibility that firms will be unable to meet their liabilities and commitments to *consumers* and counterparties.

...

#### Annex A LIMITED LIABILITY PARTNERSHIPS: ELIGIBLE MEMBERS' CAPITAL

...

##### Purpose

- 1.4 G The purpose of this annex is to amplify *Principle 8* (Financial resources) which requires *a firm* to maintain adequate financial resources to meet its investment business commitments and to withstand the risks to which its business is subject. This annex imposes various conditions that must be satisfied for members' capital to count as "Tier 1" or equivalent grade capital in meeting the *limited liability partnership's* financial resources requirement. These conditions are made up of conditions specific to *limited liability partnerships* and general conditions based for the most part on those set out in article 57 of *the Banking Consolidation Directive*. This assists in the achievement of the ~~regulatory objectives~~ statutory objective of consumer protection ~~and market confidence~~.

## Annex 15

### Amendments to the Conduct of Business sourcebook (COBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 9 Annex Basic advice initial disclosure information 1R

This Annex belongs to *COBS* 9.6.5R(1)

Information that comprises the following:	
...	
4.	a statement, <u>in accordance with <i>GEN 4</i></u> , that the <i>firm</i> is <del>authorised and</del> regulated by the <del><i>FSA FCA</i></del> (or if an <i>appointed representative</i> , a statement of whom it is an <i>appointed representative</i> and that that <i>firm</i> is <del>authorised and</del> regulated by the <del><i>FSA FCA</i></del> ) to give basic advice, together with the registration number of the firm and the fact that the <i>firm's</i> status can be checked with the <del><i>FSA FCA</i></del> on 0845 730 0104 or on the <del><i>FSA FCA</i></del> website at <del>www.fsa.gov.uk</del> [tbc];
...	

...

#### 20.1 Application

...

20.1.3 R For an *EEA insurer*:

[FCA]

- (1) the *rules and guidance* on treating with-profits policyholders fairly (*COBS* 20.2.1G to *COBS* 20.2.41G and *COBS* 20.2.53R to *COBS* 20.2.60G) apply only in so far as responsibility for the matter in question has not been reserved to the *firm's Home State regulator* by an *EU instrument*;
- (2) *COBS* 20.3 (Principles and Practices of Financial Management) does not apply;
- (3) the *rule* on providing information to *with-profits policyholders* who are *habitually resident* in the *United Kingdom* (*COBS* 20.4.4R) and the *rule* on production and provision of a *CFPPFM* (*COBS* 20.4.5R) apply, but the rest of *COBS* 20.4 (Communications with with-profits

policyholders) does not; and

- (4) the *rule* on production and provision of a *CFPPFM* (*COBS* 20.4.5R) applies as if a reference to a *firm* was a reference to an *EEA insurer* in relation to any of its *with-profits policyholders* who are *habitually resident* in the *United Kingdom*.

20.1.3A [PRA] R For an *EEA insurer* the *rules and guidance* on treating with-profits policyholders fairly (*COBS* 20.2.33G to *COBS* 20.2.35G and *COBS* 20.2.53R to *COBS* 20.2.54R) apply only in so far as responsibility for the matter in question has not been reserved to the *firm's Home State regulator* by an *EU instrument*.

...

## 20.2 Treating with-profits policyholders fairly

...

20.2.17 [FCA] R A *firm* must:

- (1) ~~not make a distribution from a *with-profits fund*, unless the whole of the cost of that distribution can be met without eliminating the *regulatory surplus* in that *with-profits fund*; and~~
- (2) ensure that the amount distributed to *policyholders* from a *with-profits fund*, taking into account any adjustments required by *COBS* 20.2.17AR, is not less than the *required percentage* of the total amount distributed.

...

20.2.17C [PRA/FCA] R A *firm* must not make a distribution from a *with-profits fund*, unless the whole of the cost of that distribution can be met without eliminating the *regulatory surplus* in that *with-profits fund*.

...

Other rules and guidance on the conduct of with-profits business

20.2.35 [FCA] G When a *firm* determines its investment strategy, and the acceptable level of risk within that strategy, it should take into account:

- (1) the extent of the guarantee in its *with-profits policies*;
- (2) any representation that it has made to its *with-profits policyholders*;
- (3) its established practice; and

- (4) the amount of capital support available.

20.2.35 G When a firm determines its investment strategy, and the acceptable level of risk within that strategy, it should take into account:

[PRA]

- (1) the extent of the guarantee in its *with-profits policies*; and  
(2) the amount of capital support available.

...

Process for reattribution of inherited estates: Policyholder advocate: appointment and role

20.2.42 R A *firm* that is seeking to make a *reattribution* of its *inherited estate* must:

[FCA]

- (1) first discuss with the ~~FSA~~ FCA (as part of its determination under *COBS 20.2.21R*):
- (a) its projections for capital required to support existing business, which must include an assessment of:
- (i) the *firm's* future risk appetite for the *with-profits fund* and other relevant business; and
- (ii) how much of the margin for prudence can be identified as excessive and removed from the projected capital requirements; and
- (b) its projections for capital required to support future new business, which must include an assessment of:
- (i) new business volumes;
- (ii) product terms; and
- (iii) pricing margins;
- (2) following the discussions referred to in (1), identify at the earliest appropriate point a *policyholder advocate*, who is free from any conflicts of interest that may be, or may appear to be, detrimental to the interests of *policyholders*, to negotiate with the *firm* on behalf of relevant *with-profits policyholders* and seek the approval of the ~~FSA~~ FCA for the appointment of the policyholder advocate as soon as he is identified, or appoint a policyholder advocate nominated by the ~~FSA~~ FCA if its approval is not granted; and
- (3) involve the policyholder advocate designate at the earliest possible opportunity to enable him to participate effectively in the

negotiations about the proposals for the *retribution*.

20.2.42 R A firm that is seeking to make a *retribution* of its *inherited estate* must  
A first discuss with the PRA:

[PRA]

- (1) its projections for capital required to support existing business, which must include an assessment of:
  - (a) the firm's future risk appetite for the *with-profits fund* and other relevant business; and
  - (b) how much of the margin for prudence can be identified as excessive and removed from the projected capital requirements; and
- (2) its projections for capital required to support future new business, which must include an assessment of:
  - (a) new business volumes;
  - (b) product terms; and
  - (c) pricing margins.

...

## Sch 6 Rules that can be waived

Sch 6.1G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 16

### Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its ~~rules~~, other than rules made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

...

## Annex 17

### Amendments to the Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 18

### Amendments to the Banking: Conduct of Business sourcebook (BCOBS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FS~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FS~~ FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

## Annex 19

### Amendments to the Client Assets sourcebook (CASS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

Sch 6.1G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules), the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 20

### Amendments to the Market Conduct sourcebook (MAR)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 21

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 2.1 Application and purpose

...

2.1.5 G Part XI of the *Act* (Information Gathering and Investigations) gives the ~~FSA~~  
[FCA] FCA statutory powers, including:

- (1) to require the provision of information (see sections 165, ~~165A~~, and EG 3 and ~~FINMAR1~~);

...

...

#### 2.2 Information gathering by the FCA appropriate regulator on its own initiative: background

...

2.2.3 G The ~~FSA~~ FCA would not normally seek to gather information using the  
[FCA] methods described in *SUP 2.3* or *SUP 2.4* in a situation where the ~~FSA~~ FCA  
could not have obtained it under the powers in Part XI of the *Act*  
(Information Gathering and Investigations). In particular, the limitations in  
the following sections of the *Act* are relevant to this chapter:

- (1) section 175(5) (Information and documents: supplementary powers) under which no *person* may be required under Part XI of the *Act* (Information Gathering and Investigations) to disclose information or produce a document subject to banking confidentiality (with exceptions); the ~~FSA~~ FCA would not normally seek such information using the methods described in *SUP 2.3* or *SUP 2.4*; and
- (2) section 413 (Protected items), under which no *person* may be required under the *Act* to produce, disclose or permit the inspection of *protected items*; a *firm* would not breach *Principle 11* or the *rules* in this chapter by not producing such items.

2.2.3A G The PRA would not normally seek to gather information using the methods  
[PRA] described in SUP 2.3 in a situation where the PRA could not have obtained  
it under the powers in Part XI of the Act (Information Gathering and  
Investigations). In particular, the limitations in the following sections of the

Act are relevant to this chapter:

- (1) section 175(5) (Information and documents: supplementary powers) under which no *person* may be required under Part XI of the *Act* (Information Gathering and Investigations) to disclose information or produce a document subject to banking confidentiality (with exceptions); the *PRA* would not normally seek such information using the methods described in *SUP 2.3*; and
- (2) section 413 (Protected items), under which no *person* may be required under the *Act* to produce, disclose or permit the inspection of *protected items*; a *firm* would not breach *Principle 11* or the *rules* in this chapter by not producing such items.

#### Confidentiality of information

2.2.4 G When the ~~FSA~~ FCA obtains confidential information using the methods of information gathering described in *SUP 2.3* or *SUP 2.4*, it is obliged under Part XXIII of the *Act* (Public Record, Disclosure of Information and Co-operation) to treat that information as confidential. The ~~FSA~~ FCA will not disclose confidential information without lawful authority, for example if an exception applies under the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 (SI 2001/2188) or with the consent of the *person* from whom that information was received and (if different) to whom the information relates.

[FCA]

2.2.4A G When the *PRA* obtains confidential information using the methods of information gathering described in *SUP 2.3*, it is obliged under Part XXIII of the *Act* (Public Record, Disclosure of Information and Co-operation) to treat that information as confidential. The *PRA* will not disclose confidential information without lawful authority, for example if an exception applies under the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 (SI 2001/2188) or with the consent of the *person* from whom that information was received and (if different) to whom the information relates.

[PRA]

#### Admissibility of information in proceedings

2.2.5 G Information obtained by the ~~FSA~~ FCA using the methods described in *SUP 2.3* and *SUP 2.4* is admissible in evidence in any proceedings, so long as it complies with any requirements governing the admissibility of evidence in the circumstances in question.

[FCA]

2.2.5A G Information obtained by the *PRA* using the methods described in *SUP 2.3* is admissible in evidence in any proceedings, so long as it complies with any requirements governing the admissibility of evidence in the circumstances in question.

[PRA]

### 2.3 Information gathering by the ~~FSA~~ appropriate regulator on its own

**initiative: cooperation by firms**

...

Suppliers under material outsourcing arrangements

...

2.3.9 G When a *firm* appoints or renews the appointment of a supplier under a  
[FCA/ *material outsourcing* arrangement, it should satisfy itself that the terms of  
PRA] its contract with the supplier require the supplier to give the *FSA*  
*appropriate regulator* access to its premises as described in *SUP* 2.3.5R(2),  
and to cooperate with the *FSA appropriate regulator* as described in *SUP*  
2.3.7R. The *FSA appropriate regulator* does not consider that the  
'reasonable steps' in *SUP* 2.3.7R would require a *firm* to seek to change a  
contract, already in place either when that *rule: (1)* was made by the *FSA* on  
21 June 2001; or (2) was designated by the *appropriate regulator*, until  
renewal of the contract.

...

2.3.12 G ~~In complying with *Principle 11*, the *FSA* considers that a *firm* should  
cooperate with it in providing information for other regulators. Sections 169  
(Investigations etc. in support of overseas regulator) and 169A (Support of  
overseas regulator with respect to financial stability) of the *Act* give the *FSA*  
certain statutory powers to obtain information and appoint investigators for  
overseas regulators if required (see *DEPP 7*, *EG 3* and *FINMAR 1*).~~  
[deleted]

2.3.12A G In complying with *Principle 11*, the *FCA* considers that a *firm* should  
[FCA] cooperate with it in providing information for other regulators. Sections 169  
(Investigations etc. in support of overseas regulator) of the *Act* gives the  
*FCA* certain statutory powers to obtain information and appoint  
investigators for *overseas regulators* if required (see *DEPP 7*; and *EG 3*).

2.3.12B G In complying with *Principle 11*, the *PRA* considers that a *firm* should  
[PRA] cooperate with it in providing information for other regulators. Sections 169  
(Investigations etc. in support of overseas regulator) and 169A (Support of  
overseas regulator with respect to financial stability) of the *Act* give the *PRA*  
certain statutory powers to obtain information and appoint investigators for  
*overseas regulators* if required (see *FINMAR 1*).

...

**3.1 Application**

3.1.2 R Applicable sections (see *SUP* 3.1.1R)  
[FCA/ This table and the provisions in *SUP* 3 should be read in conjunction with  
PRA] *GEN* 2.2.23R to *GEN* 2.2.25G. In particular, the *PRA* does not apply any of the  
provisions in *SUP* 3 in respect of *FCA-authorised persons*. *SUP* 3.10 and *SUP*  
3.11 are applied by the *FCA* only.

...

- 3.1.2A G If a *firm* falls within more than one row in column (1) of the table in *SUP*  
 [FCA/  
 PRA] 3.1.2R, *SUP* 3.1.1R requires the *firm* and its external auditor to comply with all the sections referred to in column (2) or (3). ~~For example, a bank which carries on designated investment business which is also a mortgage lender, falls in rows (4) and (9). Therefore, the bank must comply with *SUP* 3.1 to *SUP* 3.7, and its external auditor must comply with *SUP* 3.1, *SUP* 3.2, *SUP* 3.8 and *SUP* 3.10.~~

...

### 3.2 Purpose

...

- 3.2.6 G The rights and duties of auditors are set out in *SUP* 3.8 (Rights and duties of  
 [FCA] all auditors) and *SUP* 3.10 (Duties of auditors: notification and report on client assets). *SUP* 3.8.10G includes the auditor's statutory duty to report certain matters to the ~~FSA~~ *FCA* imposed by regulations made by the Treasury under sections 342(5) and 343(5) of the *Act* (information given by auditor or actuary to ~~the FSA~~ a regulator). An auditor should bear these rights and duties in mind when carrying out *client* asset report work, including whether anything should be notified to the ~~FSA~~ *FCA* immediately.

- 3.2.6A G The rights and duties of auditors are set out in *SUP* 3.8 (Rights and duties of  
 [PRA] all auditors). *SUP* 3.8.10G includes the auditor's statutory duty to report certain matters to the *PRA* imposed by regulations made by the Treasury under sections 342(5) and 343(5) of the *Act* (information given by auditor or actuary to a regulator).

### 3.3 Appointment of auditors

...

- 3.3.3 G (1) *SUP* 3.3.2R applies to every *firm* to which this section applies. That  
 [PRA] includes a *firm* which is under an obligation to appoint an auditor under an enactment other than the *Act*, such as the Companies Act 1985 or the Companies Act 2006, as appropriate. Such a *firm* is expected to wish to have a single auditor who is appointed to fulfil both obligations. *SUP* 3.3.2R is made under section ~~138~~ 137F of the *Act* (~~General rule-making power~~ The *PRA*'s general rules), in relation to such *firms*, and under section 340(1) (Appointment) in relation to other *firms*.
- (2) *Building societies* and *friendly societies* are reminded that they are subject to the provisions of Schedule 11 to the Building Societies Act 1986 and Schedule 14 to the Friendly Societies Act 1992 relating to

auditors, in addition to the provisions in this chapter. In relation to *SUP* 3.3.2R(2), such *firms* may give the *FSA PRA* a single notification of a vacancy in the office of auditor provided that the notification complies with the requirements of the relevant Act and *SUP* 3.3.2R(2).

- 3.3.3A [FCA] G *SUP* 3.3.2R applies to every *firm* to which this section applies. That includes a *firm* which is under an obligation to appoint an auditor under an enactment other than the *Act*, such as the Companies Act 1985 or the Companies Act 2006, as appropriate. Such a *firm* is expected to wish to have a single auditor who is appointed to fulfil both obligations. *SUP* 3.3.2R is made under section 137A of the *Act* (The *FCA*'s general rules), in relation to such *firms*, and under section 340(1) (Appointment) in relation to other *firms*.

...

### 3.4 Auditors' qualifications

...

#### Disqualified auditors

- 3.4.5 [FCA/PRA] R A *firm* must not appoint as auditor a *person* who is disqualified ~~by the *FSA* under section 345~~ Part XXII of the *Act* (Disqualification Auditors and Actuaries) from acting as an auditor either for that *firm* or for a relevant class of *firm*.

- 3.4.6 [FCA/PRA] G If it appears to the *FSA appropriate regulator* that an auditor of a *firm* has failed to comply with a duty imposed on him under the *Act*, it may have the power to and may disqualify him under sections 345 or 345A, respectively, of the *Act*. ~~For more detail about what happens when the disqualification of an auditor is being considered or put into effect, see EG 15.~~ A list of persons who are disqualified ~~by the *FSA* under section 345 of the *Act*~~ may be found on the *FSA FCA*'s website ([www.fsa.gov.uk](http://www.fsa.gov.uk)) [web address tbc]

...

## 4 Actuaries

...

### 4.2 Purpose

- 4.2.1 G Section 340 of the *Act* gives the *FSA PRA* power to make *rules* requiring an *authorised person*, or an *authorised person* falling into a specified class, to appoint an *actuary*. Section 340 further empowers the *FSA PRA* to make *rules* governing the manner, timing and notification ~~to the *FSA*~~ of such an appointment and, where an appointment is not made, for the *FSA PRA* to make

an appointment on the firm's behalf. The ~~FSA's~~ rule-making powers of the PRA and FCA under section 340 of the *Act* also extend to an *actuary's* duties ~~and to the cessation of an *actuary's* term of office.~~

...

### 4.3 Appointment of actuaries

...

4.3.2 G The provisions relating to the duties of an *actuary* appointed to perform these functions are set out in *SUP* 4.3.13R to *SUP* 4.3.18G. The functions performed by *actuaries* appointed by a *firm* under *SUP* 4.3.1R are specified as *controlled functions* (CF 12, the *actuarial function*, and CF 12A, the *with-profits actuary function*) in *SUP* 10B (PRA-Approved persons). As a result, an application must be made to the ~~FSA~~ PRA under section 60 of the *Act* (Applications for approval) for approval by the PRA with the consent of the FCA of the *person* proposing to take up such an appointment. Section 61(3) of the *Act* (Determination of applications) gives the ~~FSA~~ PRA three months to grant its approval or give a *warning notice* that it proposes to refuse the application. A *firm* should not appoint an *actuary* until the ~~FSA~~ PRA with the consent of the FCA has approved the *actuary*. In order to comply with *SUP* 4.3.1R, a *firm* should ensure it applies to the ~~FSA~~ PRA as soon as practicable before the date when it needs the *actuary* to take office. The ~~FSA~~ PRA will need time to consider the application before deciding whether to grant approval. See *SUP* 10B (PRA-Approved persons).

...

4.3.5 G The ~~FSA~~ PRA will not normally seek to appoint an *actuary* under *SUP* 4.3.3R if a notification under *SUP* 10B (PRA-Approved persons) has been received from the *firm* in relation to a proposed appointment of an *actuary* under *SUP* 4.3.1R, and that application is still being considered.

...

4.3.11 R A *firm* must not appoint under *SUP* 4.3.1R an *actuary* who is disqualified by the ~~FSA~~ FCA under section 345 of the *Act* (~~Disqualification~~ Disciplinary measures: FCA) or the PRA under section 345A of the *Act* (Disciplinary measures: PRA) from acting as an *actuary* either for that *firm* or for a relevant class of *firm*.

4.3.12 G If it appears to the ~~FSA~~ FCA or PRA that an *actuary* has failed to comply with a duty imposed on him under the *Act*, it may have the power to and may disqualify him under section 345 or 345A, respectively, of the *Act*. ~~For more detail about what happens when the disqualification of an actuary is being considered or put into effect, see EG 15 (Disqualification of auditors and actuaries).~~ A list of actuaries who are disqualified by the ~~FSA~~ FCA may be found on the ~~FSA~~ FCA website ([www.fsa.gov.uk](http://www.fsa.gov.uk)) [web address tbc].

... (needs the new FCA website address)

...

4.3.16 G ~~[deleted]~~ An actuary appointed to perform the *with-profits* actuary function  
[PRA] R must:

- (1) advise the *firm's* management, at the level of seniority that is reasonably appropriate, on key aspects of the discretion to be exercised affecting those classes of the *with-profits* business of the *firm* in respect of which he has been appointed;
- (2) where the *firm* is a *realistic basis life firm* advise the *firm's* governing body as to whether the assumptions used to calculate the with-profits insurance component under *INSPRU* 1.3 are consistent with the *firm's PPFM* in respect of those classes of the *firm's with-profits* business;
- (3) at least once a year, report to the *firm's* governing body on key aspects (including those aspects of the *firm's* application of its *Principles and Practices of Financial Management* on which the advice described in (1) has been given) of the discretion exercised in respect of the period covered by his report affecting those classes of *with-profits* business of the *firm*;
- (4) request from the *firm* such information and explanations as he reasonably considers necessary to enable him properly to perform the duties in (1) to (3);
- (5) advise the *firm* as to the data and systems that he reasonably considers necessary to be kept and maintained to provide the duties in (4); and
- (6) in the case of a *friendly society* to which this section applies, perform the function of appropriate actuary under section 12 (Reinsurance) of the *Friendly Societies Act 1992* or section 23A (Reinsurance) of the *Friendly Societies Act 1974* as applicable, in respect of those classes of its *with-profits* business covered by his appointment.

4.3.16 R An actuary appointed to perform the *with-profits* actuary function must:  
A  
[FCA]

- (1) advise the *firm's* management, at the level of seniority that is reasonably appropriate, on key aspects of the discretion to be exercised affecting those classes of the *with-profits* business of the *firm* in respect of which he has been appointed;
- (2) where the *firm* is a *realistic basis life firm* advise the *firm's* governing body as to whether the assumptions used to calculate the with-profits

insurance component under *INSPRU* 1.3 are consistent with the *firm's PPFM* in respect of those classes of the *firm's with-profits business*;

- (3) at least once a year, report to the *firm's governing body* on key aspects (including those aspects of the *firm's application of its Principles and Practices of Financial Management* on which the advice described in (1) has been given) of the discretion exercised in respect of the period covered by his report affecting those classes of *with-profits business* of the *firm*;
- (4) in respect of each financial year, make a written report addressed to the relevant classes of the *firm's with-profits policyholders*, to accompany the *firm's* annual report under  $\bar{COBS}$  20.4.7R as to whether, in his opinion and based on the information and explanations provided to him by the *firm*, and taking into account where relevant the *rules and guidance* in  $\bar{COBS}$  20, the annual report and the discretion exercised by the firm in respect of the period covered by the report may be regarded as taking, or having taken, the interests of the relevant classes of the *firm's with-profits policyholders* into account in a reasonable and proportionate manner;
- (5) request from the *firm* such information and explanations as he reasonably considers necessary to enable him properly to perform the duties in (1) to (4);
- (6) advise the *firm* as to the data and systems that he reasonably considers necessary to be kept and maintained to provide the duties in (5); and
- (7) in the case of a *friendly society* to which this section applies, perform the function of appropriate actuary under section 12 (Reinsurance) of the Friendly Societies Act 1992 or section 23A (Reinsurance) of the Friendly Societies Act 1974 as applicable, in respect of those classes of its *with-profits business* covered by his appointment.

...

#### 4.4 Appropriate actuaries

...

- 4.4.4 R A *firm* must not appoint as *appropriate actuary* an *actuary* who has been disqualified by the *FSA FCA* under section 345 of the *Act* (~~Disqualification~~ Disciplinary measures: FCA) or the *PRA* under section 345A of the *Act* (Disciplinary measures: PRA) from acting as an *actuary* either for that *firm* or for a relevant class of *firm*.
- 4.4.5 G If it appears to the *FSA FCA* or *PRA* that an *appropriate actuary* has failed to comply with a duty imposed on him under the *Act*, it may have the power to and may disqualify him under section 345 or 345A, respectively, of the *Act*. ~~For more detail about what happens when the disqualification of an actuary is~~

being considered or put into effect, see *EG 15 (Disqualification of auditors and actuaries)*. A list of *actuaries* who have been disqualified by the *FSA* may be found on the *FSA FCA* website [web address tbc].

...

## 4.5 Provisions applicable to all actuaries

...

4.5.7 G (1) *Actuaries* appointed under this chapter are subject to regulations made by the Treasury under sections 342(5) and 343(5) of the *Act* (Information given by auditor or actuary to the Authority a regulator). Section 343 and the regulations also apply to an actuary of an *authorised person* in his capacity as an actuary of a *person* with *close links* with the *authorised person*.

[FCA/  
PRA]

(2) These regulations oblige *actuaries* to report certain matters to the *FSA appropriate regulator*. Sections 342(3) and 343(3) of the *Act* provide that an *actuary* does not contravene any duty by giving information or expressing an opinion to the *FSA appropriate regulator*, if he is acting in good faith and he reasonably believes that the information or opinion is relevant to any functions of the *FSA appropriate regulator*. These provisions continue to have effect after the end of the actuary's term of appointment.

~~In relation to Lloyd's, an effect of the *insurance market direction* set out at *SUP 3.1.13D* is that sections 342(5) and 343(5) of the *Act* (Information given by auditor or actuary to the *FSA*) apply also to *actuaries* who are appointed to evaluate the *long-term insurance business* of a *syndicate*.~~

4.5.7A G In relation to Lloyd's, an effect of the *insurance market direction* set out at *SUP 3.1.13D* is that sections 342(5) and 343(5) of the *Act* (Information given by auditor or actuary to a regulator) apply also to *actuaries* who are appointed to evaluate the *long-term insurance business* of a *syndicate*.

[PRA]

...

4.5.11 G When an *actuary* appointed under *SUP 4.3.1R* ceases to hold office, he ceases to perform a *controlled function*. A *firm* is therefore required under *SUP 10.13.6R* to tell the *FSA PRA* within seven *business days* of its *actuary* ceasing to hold office and to complete a withdrawal form (Form C, *SUP 10 Annex 6R*). Note also the requirement of *SUP 10.13.7 R* in relation to qualified withdrawals.

[PRA]

...

## 4.6 Lloyd's

...

4.6.2 G The functions performed by the *actuary* appointed as the *Lloyd's actuary* under SUP 4.6.1R are specified as *controlled functions* in SUP 10B (~~Approved persons~~ PRA-Approved persons). As a result, an application must be made to the ~~FSA~~ PRA under section 60 of the *Act* (Applications for approval) for approval of the *person* proposing to take up such an appointment. Section 61(3) of the *Act* (Determination of applications) gives the ~~FSA~~ PRA three months to grant its approval or give a *warning notice* that it proposes to refuse the application. An *actuary* should not be appointed until the ~~FSA~~ PRA with the consent of the FCA has approved the *actuary*. In order to comply with SUP 4.6.1R, the *Society* should ensure it applies to the ~~FSA~~ PRA as soon as practicable before the date when it needs the *actuary* to take office. The ~~FSA~~ PRA will need time to consider the application before deciding whether to grant approval.

...

4.6.5 R The *Society* must not appoint under SUP 4.6.1R as *Lloyd's actuary* an *actuary* who is disqualified by the ~~FSA~~ FCA under section 345 of the *Act* (~~Disqualification~~ Disciplinary measures: FCA) or the *PRA* under section 345A of the *Act* (Disciplinary measures: PRA) from acting: ...

4.6.6 G If it appears to the ~~FSA~~ FCA or *PRA* that an *actuary* has failed to comply with a duty imposed on him under the *Act*, it may have the power to and may disqualify him under section 345 or 345A, respectively, of the *Act*. ~~For more detail about what happens when the disqualification of an actuary is being considered or put into effect, see EG 15.~~ A list of *actuaries* who are disqualified by the ~~FSA~~ FCA may be found on the ~~FSA~~ FCA website.

...

4.6.13 R A *managing agent* must not appoint under SUP 4.6.9R as *syndicate actuary* an *actuary* who is disqualified by the ~~FSA~~ FCA under section 345 of the *Act* (~~Disqualification~~ Disciplinary measures: FCA) or the *PRA* under section 345A of the *Act* (Disciplinary measures: PRA) from acting: ...

4.6.14 G If it appears to the ~~FSA~~ FCA or *PRA* that an *actuary* has failed to comply with a duty imposed on him under the *Act*, it may have the power to and may disqualify him under section 345 or 345A, respectively, of the *Act*. ~~For more detail about what happens when the disqualification of an actuary is being considered or put into effect, see EG 15.~~ A list of *actuaries* who are disqualified by the ~~FSA~~ FCA may be found on the ~~FSA~~ FCA website.

...

9.2.2 G A *firm* and its professional advisers should address requests for

individual *guidance* to the *firm's* usual supervisory contact at the ~~FSA~~ FCA, with the exception of requests for *guidance* on the *Code of Market Conduct (MAR 1)* which should be addressed to the specialist team within the ~~Markets and Exchanges Division~~ Markets Division. A *firm* may wish to discuss a request for *guidance* with the relevant contact before making a written request.

...

- 9.3.2 G The ~~FSA~~ FCA may give individual *guidance* to a *firm* on its own initiative if it considers it appropriate to do so. For example:
- (1) the ~~FSA~~ FCA may consider that general *guidance* in the *Handbook* does not appropriately fit a *firm's* particular circumstances (which may be permanent or temporary) and therefore decide to give additional individual *guidance* to the *firm*;
  - (2) some of the ~~FSA's~~ FCA's requirements are expressed in general terms; however, there may be times when the ~~FSA~~ FCA will wish to respond to a *firm's* particular circumstances by giving individual *guidance* on the application of the general requirement in these circumstances;
  - (3) the ~~FSA~~ FCA may consider that a *firm* should be given more detailed *guidance* than that contained in the ~~Handbook~~ FCA Handbook; for example, where a *firm* holds positions in instruments of a non-standard form it may be appropriate to give the *firm* additional or more detailed *guidance* on how the ~~FSA~~ FCA considers that it should calculate its financial resources requirement
  - (4) in some instances a *rule* allows a *firm* to select which requirement, within a range of alternative requirements, a *firm* should comply with; in many instances, the ~~Handbook~~ FCA Handbook gives *guidance* setting out the circumstances in which compliance with a particular requirement is appropriate; the ~~FSA~~ FCA may sometimes consider it necessary to give additional individual *guidance* to tell a *firm* which requirement it considers appropriate;
  - (5) in relation to the maintenance of adequate financial resources, the ~~FSA~~ FCA may give a *firm* individual *guidance* on the amount or type of financial resources the ~~FSA~~ FCA considers appropriate, for example *individual capital guidance* for *BIPRU firms* ~~and insurers~~; further *guidance* on how and when the ~~FSA~~ FCA may give *individual capital guidance* on financial resources is contained in the Prudential Standards part of the *Handbook*:
    - (a) for a *BIPRU firm*: *GENPRU 1.2* and *BIPRU 2.2*; and
    - (b) ~~for an insurer: GENPRU 1.2 and INSPRU 7.1; [deleted]~~
    - (c) for a *securities and futures firm* (or other *firm* required to comply with *IPRU(INV) 3*): *IPRU(INV) 3-79R*; ~~and~~

(d) ~~for an insurer: *INSPRU 7*~~ [deleted]

**App 2 Insurers: Regulatory intervention points and run-off plans**

...

App 2.1.5 G *SUP App 2.7.1G is made by the FCA for the purpose of its application to dormant account fund operators, rather than insurers.*

[FCA]

...

App 2.3.1 G To fulfil its obligations under the *Insurance Directives*, and as part of the ~~FSA's~~ PRA's risk-based approach to supervision, there are certain times when the ~~FSA~~ PRA needs to monitor a *firm* more closely than it normally would. This is so the ~~FSA~~ PRA can fulfil its function of supervising the safety and soundness of firms properly and meet the ~~regulatory objective~~ statutory objective of securing an appropriate degree of protection for ~~consumers~~ policyholders.

[PRA]

...

App 2.3.4 G In accordance with the *Insurance Directives*, a *firm* whose capital resources have fallen below its required margin of solvency, or its guarantee fund, is required, by the *rule* set out in this appendix, to submit a *scheme of operations*, together with an explanation of how its capital resources will be adequately restored. In order to secure an appropriate degree of protection for ~~consumers~~ policyholders, the ~~FSA~~ PRA applies the rule in this appendix to firms to which the provisions of the *Insurance Directives* would not otherwise apply.

[PRA]

...

App 2.3.8 G In relation to a *firm* carrying on *with-profits insurance business*, action which it takes either to restore its capital resources to the levels set by the intervention points in this appendix, or to prevent its capital resources falling below those points, should be consistent with *Principle 6* of the ~~FSA's~~ FCA's Principles for Businesses. The FCA's Principle 6 requires a *firm* to pay due regard to the interests of its *customers* and treat them fairly.

[FCA /  
PRA]

App 2.3.9 G These *rules* are in addition to the other *rules* and *guidance* in *SUP*, in particular *SUP 2* (Information gathering by the ~~FSA~~ appropriate regulator on its own initiative), *SUP 15* (Notifications to the ~~FSA~~ FCA or PRA), *SUP 16* (Reporting requirements) and the Principles for Businesses (*PRIN*).

[PRA]

...

App 2.7.3  
[FCA / PRA]

G In relation to a *firm* carrying on *with-profits insurance business*, if it intends either (a) to remedy a fall in the level of capital resources advised in its *individual capital guidance*, or (b) to prevent a fall in the level advised in that *guidance*, for example, in either case, by taking management action to de-risk a *with-profits fund* or by reducing non-contractual benefits for *policyholders*, it should explain to the ~~FSA~~ appropriate regulator how such proposed actions are consistent with the *firm's* obligations under ~~PRIN 2.1~~ the FCA's Principle 6 (Customers' interests).

...

App 2.7.5  
[PRA]

G If a *firm* has not accepted *individual capital guidance* given by the ~~FSA~~ PRA it should, nevertheless, inform the ~~FSA~~ PRA as soon as practicable if its capital resources have fallen below the level suggested by that *individual capital guidance*. In such circumstances, the ~~FSA~~ PRA may ask the *firm* for further explanation as to why it does not consider the *individual capital guidance* to be appropriate. The ~~FSA~~ PRA may also consider using its powers under section 45 55M of the *Act* to, on its own initiative, ~~vary a firm's Part IV permission, so as to~~ require it a *firm* to hold such capital as the ~~FSA~~ PRA considers is necessary for the ~~firm~~ firm to comply with *GENPRU 1.2.26R*.

...

App 2.9.1

G ~~A firm that has notified the FSA of a new parent undertaking may be requested to submit a scheme of operations (see SUP 11.5.5G). A scheme of operations would be requested if the significance and circumstances of the change were considered to be sufficient to merit that level of scrutiny. This is normally only likely to be necessary when there has been an ultimate change in control, or when, as a result of the change in control, significant changes are proposed to the firm's regulated activities, business plan or strategy. A firm which has submitted a scheme of operations under SUP 11.5.5G, is not required to submit a further scheme of operations under this appendix unless SUP App 2.4, SUP App 2.5 or SUP App 2.8 applies. SUP App 2.13 does, however, apply to such a firm. [deleted]~~

...

App 2.10.1  
[PRA]

G The ~~FSA~~ PRA may ask a *firm* seeking a grant or variation of *permission* to provide a *scheme of operations* as part of the application process (see *SUP 6.3.25G*). Such a *firm* is not required to submit to the PRA a further *scheme of operations* under this appendix unless *SUP App 2.4*, *SUP App 2.5* or *SUP App 2.8* applies. *SUP App 2.13* and *SUP 6 Annex 4* do, however, apply to such a *firm*.

...

App 2.11.4  
[FCA /

G In relation to a *firm* which carries on *with-profits insurance business* and which submits a plan, the ~~FSA~~ appropriate regulator would expect an explanation of how any actions it plans to take to restore capital resources to the level of the guarantee fund, required margin of solvency or *capital*

PRA] *resources requirement* are consistent with the *firm's* obligations under the FCA's Principle 6 (Customers' interests).

...

App 2.15.14 [FCA] G ~~The FSA~~ Either regulator may request additional information and explanations from the *firm*. (See section 165 (~~Authority's~~ Regulators' power to require information) of the *Act*.)

...

## Annex 22

### Amendments to the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### INTRO 1 Introduction

[FCA] This part of the FCA Handbook sets out how *complaints* are to be dealt with by *respondents* (*firms, payment service providers, electronic money issuers, licensees and VJ participants*) and the *Financial Ombudsman Service*.

It refers to relevant provisions in the *Act* and in transitional provisions made by the Treasury under the *Act*. It includes *rules* made by the ~~FSA~~ FCA and rules made (and *standard terms* set) by *FOS Ltd* with the consent or approval of the ~~FSA~~ FCA. ~~Schedule 4 specifies the sections of the Act under which the rules in this sourcebook are made.~~

....

#### **Appendix 1: ~~FSA's~~ FCA's guidance on handling mortgage-endowment complaints**

This appendix contains the ~~FSA's~~ FCA's *guidance to firms* on handling *complaints* relating to mortgage endowments.

#### **Appendix 3: ~~FSA's~~ FCA's rules and guidance on handling payment protection insurance complaints**

This appendix sets out the approach which *firms* should use when handling *complaints* relating to the sale of *payment protection contracts*

...

#### Sch 6 Rules that can be waived

Sch 6.1  
[FCA]

G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives or European Regulations, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives or Regulations.

**Annex 23**

**Amendments to Consumer Redress Scheme Sourcebook (CONRED)**

There are no amendments to this module in this Instrument.

## Annex 24

### Amendments to the Compensation sourcebook (COMP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise indicated.

INTRO 1 is deleted in its entirety. The deleted text is not shown.

The following chapters (INTRO 1A and 1B) are new text and not underlined.

#### INTRO 1A Foreword [FCA]

##### **(This Foreword to the Compensation sourcebook does not form part of COMP.)**

The *Act* requires the *FCA* to make rules establishing a scheme for compensating consumers in cases where: (i) authorised *firms* are unable, or likely to be unable, to satisfy claims against them; or (ii) persons who have assumed responsibility for liabilities arising from acts or omissions of authorised *firms* (“successors”) are unable, or likely to be unable, to satisfy claims against the successors that are based on those acts or omissions. The body established to operate and administer the compensation scheme is the *Financial Services Compensation Scheme Limited (FSCS)*. By making rules that allow the *FSCS* to pay compensation to retail consumers and small businesses, and focusing protection on those who need it most, the compensation scheme rules form an important part of the toolkit the *FCA* will use to meet its statutory objectives. This module of the *FCA Handbook* contains the rules and guidance that allow the *Financial Services Compensation Scheme Limited* to pay claims for compensation when an authorised person is unable or likely to be unable to meet claims against it. The rules specify who is eligible to receive compensation and in what circumstances, how much compensation can be paid to a claimant; and how the scheme will be funded. The compensation rules are of interest to consumers. The rules apply to the *FSCS* and to authorised firms.

The Sourcebook is divided into the following Chapters covering all aspects of the scheme:

#### Chapter 1: Introduction and Overview

This chapter provides an introduction to the *FSCS* rules and a table of question and answers that may be of interest to consumers.

#### Chapter 2: The *FSCS*

This chapter gives the *FSCS* the duty to administer the compensation scheme. It also sets out the general conditions the *FSCS* must follow when administering the scheme, such as having regard to the efficient and economic use of resources, the requirement to publish an Annual Report, and the duty to ensure consumers are informed about how they can make a claim. The rules in this chapter also require the *FSCS* to have in place procedures for dealing with

complaints.

#### Chapter 3 The qualifying conditions for paying compensation

This chapter sets out the main qualifying conditions that must be satisfied before the FSCS can pay compensation to claimants. These are that a claimant is eligible to claim; the activity that gave rise to the loss is protected by the scheme; the firm against which the claim is being made is protected by the scheme; and that the claimant has assigned his rights to the scheme. Chapters 4 to 7 expand on the general conditions described in Chapter 3.

#### Chapter 4 Eligible claimants

This chapter specifies who is eligible to receive compensation provided by the FSCS.

Chapter 5 What is a protected claim? This chapter specifies the activities that are protected by the FSCS.

#### Chapter 6 Relevant persons in default

This chapter specifies the circumstances when a firm is in default, that is, when a firm is to be taken as being unable or likely to be unable to meet claims against it. The FSCS can only pay compensation if the circumstances specified in Chapter 6 are met.

#### Chapter 7 Assignment of rights

This chapter enables the FSCS to make an offer of compensation conditional on the claimant assigning to it their rights to claim against the failed firm. If the FSCS recovers from the firm a greater sum than it has paid to the claimant, it must pay the balance to the claimant.

#### Chapter 8 Rejection of application and withdrawal of offer

This chapter allows the FSCS to reject an application for compensation or withdraw an offer of compensation in specified circumstances.

#### Chapter 9 Time limits on payment and postponing payment

This chapter requires the FSCS to pay a claim for compensation within a specified time unless specified conditions apply.

#### Chapter 10 Limits on the amount of compensation payable

This chapter specifies the maximum amount of compensation the FSCS can pay to a claimant.

#### Chapter 11 Payment of compensation

This chapter specifies to whom the FSCS may pay compensation. In certain circumstances compensation may be paid to a person other than the claimant.

#### Chapter 12 Calculating compensation

This chapter specifies how the FSCS will calculate the amount of compensation it can pay to a claimant.

#### Chapter 13 Funding

Chapter 13 relating to the funding of the FSCS has now been deleted. The

funding provisions for the FSCS are now contained in FEES 6 instead and allow the FSCS to make levies on authorised firms to fund the operation of the scheme or to pay compensation. FEES 6 specifies how FSCS can make levies, how costs are to be allocated, the maximum the FSCS can levy in any particular period of time, and how sums recovered from failed firms are to be treated.

#### Chapter 14 Participation by EEA firms

This chapter sets out the way the FSCS deals with incoming EEA firms who may choose to top-up into the FSCS to supplement the compensation available from their home state scheme.

## INTRO 1B

[PRA]

### Foreword

**(This Foreword to the Compensation sourcebook does not form part of COMP.)**

The *Act* requires the *PRA* to make rules establishing a scheme for compensating consumers in cases where: (i) authorised *firms* are unable, or likely to be unable, to satisfy claims against them; or (ii) persons who have assumed responsibility for liabilities arising from acts or omissions of authorised *firms* (“successors”) are unable, or likely to be unable, to satisfy claims against the successors that are based on those acts or omissions. The body established to operate and administer the compensation scheme is the *Financial Services Compensation Scheme Limited (FSCS)*. By making rules that allow the *FSCS* to pay compensation to retail consumers and small businesses, focusing protection on those who need it most, the compensation scheme rules form an important part of the toolkit the *PRA* will use to meet its statutory objectives.

This module of the *PRA Handbook* contains the rules and guidance that allow the *Financial Services Compensation Scheme Limited* to pay claims for compensation or secure continuity of insurance when an authorised person is unable or likely to be unable to meet claims against it. The rules specify who is eligible to receive compensation and in what circumstances, how much compensation can be paid to a claimant; and how the scheme will be funded. The compensation rules are of interest to consumers. The rules apply to the *FSCS* and to authorised firms.

The Sourcebook is divided into 17 Chapters covering all aspects of the scheme:

#### Chapter 1: Introduction and Overview

This chapter provides an introduction to the FSCS rules and a table of question and answers that may be of interest to consumers.

#### Chapter 2: The FSCS

This chapter gives the FSCS the duty to administer the compensation scheme. It also sets out the general conditions the FSCS must follow when administering the scheme such as having regard to the efficient and economic use of resources, the requirement to publish an Annual Report, and the duty to ensure consumers are informed about how they can make a claim. The rules in this

chapter also require the FSCS to have in place procedures for dealing with complaints.

#### Chapter 3 The qualifying conditions for paying compensation

This chapter sets out the main qualifying conditions that must be satisfied before the FSCS can pay compensation to claimants or take steps to secure continuity of insurance. These are that a claimant is eligible to claim; the activity that gave rise to the loss is protected by the scheme; the firm against which the claim is being made is protected by the scheme; and that the claimant has assigned his rights to the scheme. Chapters 4 to 7 expand on the general conditions described in Chapter 3.

#### Chapter 4 Eligible claimants

This chapter specifies who is eligible to receive compensation or benefit from the continuity of insurance provided by the FSCS.

Chapter 5 What is a protected claim? This chapter specifies the activities that are protected by the FSCS.

#### Chapter 6 Relevant persons in default

This chapter specifies the circumstances when a firm is in default, that is, when a firm is to be taken as being unable or likely to be unable to meet claims against it. The FSCS can only pay compensation, take steps to secure continuity of insurance, or provide assistance to an insurer in financial difficulties if the circumstances specified in Chapter 6 are met.

#### Chapter 7 Assignment or subrogation of rights

This chapter enables the FSCS to make an offer of compensation conditional on the claimant assigning to it their rights to claim against the failed firm. If the FSCS recovers from the firm a greater sum than it has paid to the claimant, it must pay the balance to the claimant.

#### Chapter 8 Rejection of application and withdrawal of offer

This chapter allows the FSCS to reject an application for compensation or withdraw an offer of compensation in specified circumstances.

#### Chapter 9 Time limits on payment and postponing payment

This chapter requires the FSCS to pay a claim for compensation within a specified time unless specified conditions apply.

#### Chapter 10 Limits on the amount of compensation payable

This chapter specifies the maximum amount of compensation the FSCS can pay to a claimant, and the limits on the FSCS's duty to secure continuity of insurance for policyholders. Different limits apply depending on whether a claim is for a deposit, a claim on an insurance policy, or a claim in connection with an investment.

#### Chapter 11 Payment of compensation

This chapter specifies to whom the FSCS may pay compensation. In certain circumstances compensation may be paid to a person other than the claimant.

#### Chapter 12 Calculating compensation

This chapter specifies how the FSCS will calculate the amount of compensation it can pay to a claimant.

#### Chapter 13 Funding

Chapter 13 relating to the funding of the FSCS has now been deleted. The funding provisions for the FSCS are now contained in FEES 6 instead and allow the FSCS to make levies on authorised firms to fund the operation of the scheme, to pay compensation or secure continuity of insurance. FEES 6 specifies how FSCS can make levies, how costs are to be allocated, the maximum the FSCS can levy in any particular period of time, and how sums recovered from failed firms are to be treated.

#### Chapter 14 Participation by EEA firms

This chapter sets out the way the FSCS deals with incoming EEA firms who may choose to top-up into the FSCS to supplement the compensation available from their home state scheme.

#### Chapter 15 Protected deposits: Payments from other schemes

This chapter provides for the FSCS to have the power to pay compensation on behalf of another compensation scheme or government and to recover the sums paid.

#### Chapter 16 Disclosure requirements for firms that accept deposits

This chapter sets out the format, frequency and method of communication that deposit-taking firms must use in informing eligible customers that their deposits are covered by the FSCS. It also requires deposit-taking firms to inform their customers if their deposits are not covered by the FSCS.

#### Chapter 17 Systems and information requirements for firms that accept deposits

This chapter sets out the information required by the FSCS to make deposit compensation payments to eligible depositors. This chapter also sets out the electronic requirements connected to the information contained within each Single Customer View, including the requirement to flag eligible depositor accounts, aggregate accounts held by each eligible depositor to provide a consistent view of each eligible depositor, perform a limit check on each aggregated Single Customer View and enable the electronic submission of the Single Customer View to the FSCS. This chapter also outlines a threshold below which the electronic requirements connected to the Single Customer View are not mandatory.

Amend the following text as shown.

### **1.1 Application, Introduction, and Purpose**

...

#### Introduction

...

- 1.1.5 [FCA/  
PRA] G ~~Under section 212 of the Act (The scheme manager), the The FSA must establish a body corporate to exercise established the Financial Services Compensation Scheme Limited, a company limited by guarantee (FSCS). The FSCS exercises the functions that are conferred on that body corporate the scheme manager by Part XV of the Act, dealing with compensation. This body is the Financial Services Compensation Scheme Limited, a company limited by guarantee (FSCS).~~

...

#### Purpose

...

- 1.1.9 G ~~This sourcebook is one of the means by which the FSA will meet its regulatory objectives of securing the appropriate degree of protection for consumers, contributing to the protection and enhancement of the financial stability of the United Kingdom and maintaining confidence in the UK financial system. [deleted]~~
- 1.1.9A [FCA] G This sourcebook is one of the means by which the FCA will meet its statutory objectives of securing an appropriate degree of protection for consumers and protecting and enhancing the integrity of the UK financial system.
- 1.1.9B [PRA] G This sourcebook is one of the means by which the PRA will meet its statutory objectives of promoting the safety and soundness of PRA-  
authorised persons (by seeking to minimise the adverse effect that the failure of a PRA-  
authorised person could be expected to have on the stability of the UK financial system) and contributing to the securing of an appropriate degree of protection for those who are policyholders.
- 1.1.10 G ~~By setting up the FSCS and making rules that allow the FSCS to provide compensation at a level appropriate for the protection of retail consumers and small businesses, the FSA enables consumers to participate in the financial markets with the confidence that they will be protected, at least in part, should the relevant person with whom they are dealing be unable to satisfy claims against it. [deleted]~~
- 1.1.10A [FCA] G By making rules that allow the FSCS to provide compensation at a level appropriate for the protection of retail consumers and small businesses, the FCA enables consumers to participate in the financial markets with the confidence that they will be protected, at least in part, should the relevant person with whom they are dealing be unable to satisfy claims against it.
- 1.1.10B [PRA] G By making rules that allow the FSCS to provide compensation at a level appropriate for the protection of retail consumers and small businesses, the PRA minimises the adverse effect that the failure of a PRA-  
authorised person could be expected to have on the stability of the UK financial

system and enables consumers to participate in the financial markets with the confidence that they will be protected, at least in part, should the relevant person with whom they are dealing be unable to satisfy claims against it.

## 1.2 The FSCS

...

- 1.2.2 G (1) ~~In addition, the Act itself confers certain powers upon the FSCS, such as a power under section 219 of the Act (Scheme Manager's powers to require information) to require persons to provide information. These powers are not, therefore, covered by this sourcebook. [deleted]~~
- (2) ~~Of specific relevance to the way in which the FSCS fulfils its responsibilities is the relationship between the FSCS and the FSA. This is covered in a Memorandum of Understanding which can be found on the FSA FCA website www.fsa.gov.uk. [deleted]~~

- 1.2.2A G (1) In addition, the Act itself confers certain powers upon the FSCS, such as a power under section 219 of the Act (Scheme Manager's powers to require information) to require persons to provide information. These powers are not, therefore, covered by this sourcebook.  
[FCA]
- (2) Of specific relevance to the way in which the FSCS fulfils its responsibilities is the relationship between the FSCS and the FCA. This is covered in a Memorandum of Understanding which can be found on the FCA website [web address tbc]

- 1.2.2B G (1) In addition, the Act itself confers certain powers upon the FSCS, such as a power under section 219 of the Act (Scheme Manager's powers to require information) to require persons to provide information. These powers are not, therefore, covered by this sourcebook.  
[PRA]
- (2) Of specific relevance to the way in which the FSCS fulfils its responsibilities is the relationship between the FSCS and the PRA. This is covered in a Memorandum of Understanding which can be found on the PRA website www.pra.org.uk

...

## 2.2 Duties of the FSCS

...

Annual Report

- 2.2.5 G The *FSCS* must make and publish an annual report to the ~~FSA~~ on the  
[FCA/ discharge of its functions (section 218 of the *Act* (Annual report)).  
PRA]

...

**9.2 When must compensation be paid?**

- 9.2.1 R The *FSCS* must pay a *claim* as soon as reasonably possible after:  
[PRA]

...

and in any event within:

- (3) in relation to a *claim* for a *protected deposit*, 20 *working days* of that date unless the ~~FSA~~ PRA has granted the *FSCS* an extension, in which case payment must be made no later than 30 *working days* from that date; or

[**Note:** article 10(1), first and second sub-paragraphs of the *Deposit Guarantee Directive*]

- (4) in relation to any other *claim*, three months of that date, unless the ~~FSA~~ PRA has granted the *FSCS* an extension, in which case payment must be made no later than six months from that date.

...

- 9.2.1B R The *FSCS* must pay a *claim* as soon as reasonably possible after:  
[FCA]

- (1) it is satisfied that the conditions in *COMP* 3.2.1R have been met;  
and  
(2) it has calculated the amount of compensation due to the claimant;

and in any event within:

- (3) three months of that date, unless the *FCA* has granted the *FSCS* an extension, in which case payment must be made no later than six months from that date.

...

## 11.2 Payment

To whom must payment be made?

11.2.1 R ~~If the FSCS determines that compensation is payable (or any recovery or other amount is payable by the FSCS to the claimant), it must pay it to the claimant, or as directed by the claimant, unless:~~

~~(1) arrangements have or are being made to secure continuity of insurance under COMP 3.3.1R to COMP 3.3.2ER or the FSCS is taking measures it considers appropriate to safeguard *eligible claimants* under COMP 3.3.3R to COMP 3.3.6R; or~~

~~(2) COMP 11.2.2R or COMP 11.2.3R applies. [deleted]~~

11.2.1A R If the FSCS determines that compensation is payable (or any recovery or other amount is payable by the FSCS to the claimant), it must pay it to the claimant, or as directed by the claimant, unless COMP 11.2.2R applies.  
[FCA]

11.2.1B R If the FSCS determines that compensation is payable (or any recovery or other amount is payable by the FSCS to the claimant), it must pay it to the claimant, or as directed by the claimant, unless:  
[PRA]

(1) arrangements have or are being made to secure continuity of insurance under COMP 3.3.1R to COMP 3.3.2ER or the FSCS is taking measures it considers appropriate to safeguard *eligible claimants* under COMP 3.3.3R to COMP 3.3.6R; or

(2) COMP 11.2.3R applies.

...

## 12.2 Quantification: general

12.2.1 R The amount of compensation payable to the claimant in respect of:  
[PRA]

...

12.2.1A R The amount of compensation payable to the claimant in respect of any type of *protected claim* is the amount of his overall net *claim* against the *relevant person* at the *quantification date* and any reference in COMP to overall *claim* means "overall net *claim*" or "overall gross *claim*" as appropriate.  
[FCA]

...

Payments to the claimant

12.2.7 R The *FSCS* must take into account any payments to the claimant (including  
[PRA] amounts recovered by the *FSCS* on behalf of the claimant) made by the *relevant person* or the *FSCS* or any other *person*, if that payment is connected with the *relevant person's* liability to the claimant:

- (1) in calculating the claimant's overall *claim*; and
- (2) for a *claim* for a *protected deposit*, by reducing the amount of compensation by the ~~FSCS~~ *FSCS* retention sum that the *FSCS* would have retained if it had made those recoveries itself.

12.2.7A R The *FSCS* must take into account any payments to the claimant (including  
[FCA] amounts recovered by the *FSCS* on behalf of the claimant) made by the *relevant person* or the *FSCS* or any other *person*, if that payment is connected with the *relevant person's* liability to the claimant in calculating the claimant's overall *claim*.

...

#### 14.4 Ending top-up cover

...

14.4.4 R ~~If the *incoming EEA firm* fails to meet its obligations for a period of twelve months following the notice, the *FSCS* may, subject to obtaining the consent of the *incoming EEA firm's Home State regulator*, terminate its *top-up cover*. Notwithstanding the termination of top-up cover under this rule, cover will continue for:~~

- ~~(1) *protected deposits* which are not repayable on demand without penalty; and~~
- ~~(2) *protected investment business* transacted before that termination.  
[deleted]~~

14.4.4A R If the *incoming EEA firm* fails to meet its obligations for a period of  
[FCA] twelve months following the notice, the *FSCS* may, subject to obtaining the consent of the *incoming EEA firm's Home State regulator*, terminate its *top-up cover*. Notwithstanding the termination of top-up cover under this rule, cover will continue for *protected investment business* transacted before that termination.

14.4.4B R If the *incoming EEA firm* fails to meet its obligations for a period of  
[PRA] twelve months following the notice, the *FSCS* may, subject to obtaining the consent of the *incoming EEA firm's Home State regulator*, terminate its *top-up cover*. Notwithstanding the termination of top-up cover under this rule, cover will continue for *protected deposits* which are not repayable on demand without penalty.

...

**Sch 2 Notification requirements**

Sch 2.1G

1.	The aim of the guidance in the following table is to give the reader a quick overall view of the relevant requirements for notification and reporting. In all cases, other than those concerning Chapters 13, 14 and 17 and the Transitional Provisions, the notification rules in <i>COMP</i> apply only to the FSCS (the scheme manager).
2.	It is not a complete statement of those requirements and should not be relied on as if it were.

Sch 2.2G

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
<i>COMP</i> 2.2.5G	Annual Report	Not specified in <i>COMP</i> - see Memorandum of Understanding (MoU) between <del>FSA</del> <u>each regulator</u> and FSCS	End of Financial Year	Not specified in <i>COMP</i> (see MoU)
...				
<i>COMP</i> 17.3.1R	A firm must provide the <del>FSA</del> <u>PRA</u> with an <i>SCV implementation report</i> and <i>SCV report</i>	See <i>COMP</i> 17.3.6R(1) or <i>COMP</i> 17.3.6R(2) as applicable and <i>COMP</i> 17.3.9R(1) or <i>COMP</i> 17.3.9R(2) as applicable.	Receipt of <i>permission</i> to <i>accept deposits</i> or obtaining <i>top-up cover</i> as applicable	Three months
<i>COMP</i> 17.3.2R	A firm must provide the <del>FSA</del> <u>PRA</u> with an <i>SCV implementation report</i> and <i>SCV report</i>	See <i>COMP</i> 17.3.6R(1) or <i>COMP</i> 17.3.6R(2) as applicable and <i>COMP</i> 17.3.9R(1) or <i>COMP</i> 17.3.9R(2) as applicable.	A material change in the <i>firm's SCV system</i>	Three months
<i>COMP</i> 17.3.4R	A firm must provide the <del>FSA</del> <u>PRA</u> with an <i>SCV report</i>	<i>COMP</i> 17.3.9R(1) or <i>COMP</i> 17.3.9R(2) as applicable.	Every four years (starting from 31 December 2010 or the date of receiving <i>permission</i> to <i>accept deposits</i> )	See Trigger Event

			or in the case of an <i>incoming EEA firm</i> the date of obtaining <i>top-up cover</i> , whichever is later)	
...				

...

## Sch 5 Rights of action for damages

...

Sch 5.2G

Chapter/ Appendix		Section/ Annex	Paragraph	For private person	Removed	For other person?
<i>COMP</i> 1		5	8	No	Yes – <i>COMP</i> 1.5.11G	No
<i>COMP</i> 13	Funding (all rules)			Yes	No	No
<i>COMP</i> 14.4.6R				Yes	No	No

## Sch 6 Rules that can be waived

Sch 6.1G ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. [deleted]~~

Sch 6.1AG As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

[FCA]

Sch 6.1BG As a result of section 138A of the Act (Modification or waiver of rules) the PRA has power to waive all its *rules*, other than *rules* made under section 137O(Threshold condition code) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the

[PRA]

PRA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## **Annex 25**

### **Amendments to the Building Societies Sourcebook (BSOCS)**

There are no amendments to this module in this Instrument.

**Annex 26**

**Amendments to the Collective Investment Schemes sourcebook (COLL)**

There are no amendments to this module in this Instrument.

## Annex 27

### Amendments to the Credit Unions New Sourcebook (CREDS)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise indicated.

#### 1.1 Application and Purpose

...

- 1.1.5 G The status of the provisions in *CREDS* is indicated by icons containing the letters R, G or E. Please refer to chapter six of the Reader's Guide for further explanation about the significance of these icons. The Reader's Guide can be found at [http://www.fsa.gov.uk/pages/Handbook/readers\\_guide.pdf](http://www.fsa.gov.uk/pages/Handbook/readers_guide.pdf) [web address tbc]
- [FCA/  
PRA]

...

#### 5.2 Components of capital

- 5.2.1 R ...

[FCA/  
PRA]

- (7) Subject to the conditions in (6), and the limit in (8), the amount of revaluation reserve used for the calculation of capital must be:
- (a) the amount standing to the credit of any such reserve in the balance sheet in the most recent annual return to have been sent to the *FSA PRA* under ~~*SUP 16.7.62R*~~ or *SUP 16.12.5R* (see *CREDS 8.2.3G*); or

...

...

#### 7.2 General requirements concerning lending policy

- 7.2.1 R ~~A credit union must establish, maintain and implement an up-to-date lending policy statement approved by the committee of management that is prudent and appropriate to the scale and nature of its business, having regard to the limits outlined in *CREDS 7.3* to *CREDS 7.4*.~~

~~[Note: a transitional provision applies to this rule: see *CREDS TP 1.6*.]~~

[deleted]

7.2.1A R A credit union must establish, maintain and implement an up-to-date lending policy statement approved by the committee of management that is prudent and appropriate to the scale and nature of its business, having regard to the limits outlined in CREDS 7.3.  
[FCA/  
PRA]

7.2.1B R A credit union must establish, maintain and implement an up-to-date lending policy statement approved by the committee of management that is prudent and appropriate to the scale and nature of its business, having regard to the limits outlined in CREDS 7.4.  
[PRA]

[Note: a transitional provision applies to CREDS 7.2.1AR and CREDS 7.2.1BR: see CREDS TP 1.6.]

...

## 8.2 Reporting requirements

...

Financial penalties for late submission of reports

8.2.8 G ...  
[FCA/  
PRA]

(2) Details of the *FSA's* policy and procedures on financial penalties are given in *DEPP*.

...

## 10 Application of other parts of the Handbook to Credit unions

...

10.1.3 G  
[FCA/  
PRA]

Module	Relevance to Credit Unions
The Principles for Businesses ( <i>PRIN</i> )	The Principles for Businesses ( <i>PRIN</i> ) set out, <del>in a small number of high-level requirements, the basic obligations of all regulated firms.</del> <u>high-level requirements, some of which are imposed by the <i>FCA</i> and some by the <i>PRA</i>.</u> They provide a

	<p>general statement of regulatory requirements, <del>and the FSA considers that the Principles are appropriate expressions of the standards of conduct to be expected of all financial firms including credit unions.</del> <u>The Principles apply to all credit unions.</u> In applying the <i>Principles</i> to <i>credit unions</i>, the <u>FSA appropriate regulator</u> will be mindful of proportionality. In practice, the implications are likely to vary according to the size of the <i>credit union</i>.</p>
...	
Threshold Conditions (COND)	<p>In order to become <i>authorised</i> under the <i>Act</i> all <i>firms</i> must meet the <i>threshold conditions</i>. The <i>threshold conditions</i> must be met on a continuing basis by <i>credit unions</i>. Failure to meet one of the conditions is sufficient grounds for the exercise by the <del>FSA</del> <u>appropriate regulator</u> of its powers (<del>see EG</del>).</p>
Statements of Principle and Code of Practice for Approved Persons (APER)	<p>The purpose of the <i>Statements of Principle</i> contained in <i>APER 2</i> is to provide guidance to <i>approved persons</i> in relation to the conduct expected of them in the performance of a <i>controlled function</i>. The <i>Code of Practice for Approved Persons</i> sets out descriptions of conduct which, in the opinion of the <del>FSA</del> <u>appropriate regulator</u>, do not comply with a <i>Statement of Principle</i> and, in the case of <i>Statement of Principle 3</i>, conduct which tends to show compliance within that statement.</p>
The Fit and Proper test for Approved Persons (FIT)	<p>The purpose of <i>FIT</i> is to set out and describe the criteria that the <del>FSA</del> <u>appropriate regulator</u> will consider when assessing the fitness and propriety of a person in respect of whom an application is being made for approval to undertake a <i>controlled function</i> under the approved persons regime. The criteria are also relevant in assessing the continuing fitness and propriety of persons who have already been approved.</p>
General Provisions (GEN)	<p><i>GEN</i> contains <i>rules</i> and <i>guidance</i> on general matters, including interpreting the <i>Handbook</i>, statutory status disclosure, the <del>FSA</del> <u>appropriate regulator's</u> logo and insurance against financial penalties.</p>
...	
Supervision manual (SUP)	<p>The following provisions of <i>SUP</i> are relevant to <i>credit unions</i>: <i>SUP 1</i> (The <del>FSA</del> <u>appropriate regulator's</u> approach to supervision), <i>SUP 2</i> (Information gathering by the <del>FSA</del> <u>appropriate regulator</u> on its own initiative), <i>SUP 3.1</i> to <i>SUP 3.8</i> (Auditors), <i>SUP 5</i> (Skilled persons), <i>SUP 6</i> (Applications to vary or cancel Part <del>IV 4A</del> permission), <i>SUP 7</i> (Individual requirements), <i>SUP 8</i> (Waiver and modification of rules), <i>SUP 9</i> (Individual guidance), <i>SUP 10</i> (Approved persons), <i>SUP 11</i> (Controllers and Close links), <i>SUP 15</i> (Notifications to the <del>FSA</del> <u>appropriate regulator</u>) and <i>SUP 16</i> (Reporting</p>

	<p>Requirements).</p> <p><i>Credit unions</i> are reminded that they are subject to the requirements of the <i>Act</i> and <i>SUP 11</i> on <i>controllers</i> and <i>close links</i>, and are bound to notify the <del>FSA</del> <u>appropriate regulator</u> of changes...</p>
<p>Decision, Procedure and Penalties manual (<i>DEPP</i>)</p>	<p><i>DEPP</i> is relevant to <i>credit unions</i> because it sets out:</p> <p>(1) the <del>FSA</del> <u>FCA</u>'s decision-making procedure for giving <i>statutory notices</i>. These are <i>warning notices</i>, <i>decision notices</i> and <i>supervisory notices</i> (<i>DEPP</i> 1.2 to <i>DEPP</i> 5); and</p> <p>(2) the <del>FSA</del> <u>FCA</u>'s policy with respect to the imposition and amount of penalties under the <i>Act</i> (see <i>DEPP</i> 6).</p>
...	
<p>Complaints against the FSA (<i>COAF</i>)</p>	<p><del>This relates to complaints against the FSA.</del></p>
<p>The Enforcement Guide (<i>EG</i>)</p>	<p>The Enforcement Guide (<i>EG</i>) describes the <del>FSA</del> <u>FCA</u>'s approach to exercising the main enforcement powers given to it by the <i>Act</i> and by regulation 12 of the <i>Unfair Terms Regulations</i>.</p>
...	

## Annex 28

### Amendments to the Professional Firms sourcebook (PROF)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application and Purpose

...

Purpose

...

1.1.6 G The *rules* and *guidance* in this sourcebook are intended to:

- (1) assist the protection of *clients of exempt professional firms* by ensuring that the ~~FSA~~ FCA has information which allows it to keep under review the exercise of the direction power under section 328 of the *Act* (see *PROF* 1.1.4G(4));
- (2) secure ~~the~~ an appropriate degree of protection for *consumers* by ensuring that the *clients* of an *exempt professional firm* are made aware that the firm is not an *authorised person*;
- (3) enable the ~~FSA~~ FCA to use its resources in an efficient and effective way in the collection of information relevant to its duty to keep itself informed under section 325 of the *Act* (~~Authority's~~ FCA's general duty); and
- (4) explain the background to and the arrangements made by the ~~FSA~~ FCA for:

...

...

#### 3 Annex 1G The ~~FSA's~~ FCA's duties and powers G

**Directions made by the ~~FSA~~ FCA under section 328(6)(a) of the Act (see *PROF* 3.2.7G)**

1.1 G 

As at 31 <del>October</del> 2004, the <del>FSA</del> had <del>The</del> <u>FCA</u> <u>has</u> made no directions under section 328(6)(a) of the <i>Act</i> .
--

**3 Annex 2G The ~~FSA's~~ FCA's duties and powers G**

**Directions made by the ~~FSA~~ FCA under section 328(6)(b) of the Act (see *PROF 3.2.7G*)**

~~As at 31 October 2004, the FSA had~~ The FCA has made no directions under section 328(6)(b) of the *Act*.

**Sch 6 Rules that can be waived**

**6.1G**

As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

## Annex 29

### Amendments to the Regulated Covered Bonds sourcebook (RCB)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

1.1.4 G This section refers to some of the other parts of the ~~FSA's Handbook~~ FCA Handbook and PRA Handbook which may be relevant to *regulated covered bonds*.

...

1.1.6 G *BIPRU firms* which have *exposures to covered bonds* which meet the requirements set out in the provisions of BIPRU 3.4.106R to BIPRU 3.4.109R, whether made by the FCA or the PRA, may benefit from reduced *risk weights* as set out in the version of BIPRU 3.4.110R applying to that BIPRU firm.

## Annex 30

### Amendments to the Listing Rules sourcebook (LR)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

...

## Annex 31

### Amendments to the Prospectus Rules sourcebook (PR)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

...

## Annex 32

### Amendments to the Disclosure Rules and Transparency Rules sourcebook (DTR)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Sch 6 Rules that can be waived

- Sch 6.1 G As a result of ~~regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973)~~ section 138A of the Act (Modification or waiver of rules) the ~~FSA~~ FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the *Act*. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the ~~FSA~~ FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

**Annex 33**

**Amendments to the Energy Market Participants Guide (EMPS)**

There are no amendments to this module in this Instrument.

**Annex 34**

**Amendments to the Oil Market Participants Guide (OMPS)**

There are no amendments to this module in this Instrument.

**Annex 35**

**Amendments to the Service Companies Guide (SERV)**

There are no amendments to this module in this Instrument.

## Annex 36

### Amendments to the Building Societies Regulatory Guide sourcebook (BSOG)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application, purpose and definitions

...

##### Interpretation

1.1.2A G The interpretation provisions in GEN 2 apply as guidance to the interpretation of this Guide.  
[FCA/  
PRA]

##### Frequently used terms

1.1.3 G The following terms are used in this Guide and have the meaning described here:  
[FCA/  
PRA]

"the 1986 Act"	the Building Societies Act 1986 ( <u>as amended</u> ) <del>[Note: as amended by or under the Building Societies Act 1997 and the Financial Services and Markets Act 2000. The 1986 Act has also been amended by other legislation.]</del>
...	
"the Act"	the Financial Services and Markets Act 2000 ( <u>as amended</u> )
...	
"approved person"	a person approved <del>by the Authority</del> under section 59 of the Act (Approval for particular arrangements) to perform a controlled function
<del>"the Authority"</del>	<del>the Financial Services Authority</del>
...	
"controlled function"	a function, relating to the carrying on of a regulated activity by a firm, which is specified, under section 59 of the Act (Approval for particular arrangements), in the table of controlled functions shown in the Supervision manual of the <del>Authority's</del> Handbook (see SUP 10.4.5R)

...	
“existing company”	...
“FCA”	<u>the Financial Conduct Authority</u>
“Fees Rules”	<del>the Rules made by the Authority from time to time under paragraph 17 of Schedule 1 to the Financial Services and Markets Act 2000 prescribing the fees to be paid in connection with the discharge of its functions under the 1986 Act</del> <u>the Rules made by the FCA under paragraph 23 of schedule 1ZA and the PRA under paragraph 31 of schedule 1ZB to the Act, prescribing the fees to be paid in connection with the discharge of the FCA’s or the PRA’s functions under the 1986 Act.</u>
...	
“Merger Resolutions”	the shareholding members’ resolution and borrowing members’ resolution required to approve a merger where no direction under section 42(B)(3) <u>of the 1986 Act</u> has been given
...	
“PIBS”	...
“PRA”	<u>the Prudential Regulation Authority</u>
“proxy voting form”	...
“ <u>the Prudential Regulator</u> ”	<u>(a) in relation to a building society which is a PRA- authorised person, the PRA; and (b) in relation to a building society which is not a PRA-authorized person, the FCA</u>
...	

...

#### Fit and proper test for directors

- 1.3.3 G A building society’s directors are elected by its members. Subject to certain exceptions, any natural person may be elected as a building society director (section 60 of the 1986 Act). Members have the right to nominate any
- [FCA/  
PRA]

candidate for election. Unless that person is subject to an ~~Authority prohibition order~~ a prohibition order made under section 56 of the Act, the board cannot refuse to accept a candidate's nomination because the board does not regard that person as fit and proper. Prior to the election, the board should take reasonable steps to establish whether there are any facts or matters concerning the candidate's fitness and propriety which the members should be aware of. If there are, the board should bring them to the members' attention before the election takes place. The ~~Authority~~ Prudential Regulator will not vet candidates for election.

...

- 1.5.3 G This Guide reflects law and practice as at ~~23rd November 2006~~ 1 April 2013 and does not take into account subsequent developments.  
[FCA/  
PRA]

## 1A Applications for the Right to Obtain Access to the Registers of Members of Building Societies

...

- 1A.3.7 G Before giving a direction, the ~~Authority~~ FCA is required to give particulars of the application to the building society concerned and to give it the opportunity to make representations. If either the applicant or the society so requests, the ~~Authority~~ FCA must give both the opportunity of being heard by it. The FCA must also consult the PRA before making a direction.  
[FCA/  
PRA]

...

## 2 Merger Procedures

...

- 2.1.1 G This chapter ultimately derives from the Merger Procedures Guidance Note issued by the Commission in May 1999. It gives guidance on the requirements of the 1986 Act, as amended, ~~by and under the Act, under which~~ Under the Act certain functions of the Commission were transferred to the ~~Authority~~ Financial Services Authority and, subsequently, to the FCA and PRA. This chapter is not intended to be exhaustive and is not a substitute for looking at the 1986 Act as amended and the Mergers Regulations 1987 (SI 1987/2005) as amended by the Mergers (Amendment) Regulations 1995 (SI 1995/1874), the Merger Notification Statement Regulations 1999 (SI 1999/1215), where applicable, and a society's own Rules. Nor is it a substitute for the society seeking its own legal advice. It gives a description of the relevant provisions of the 1986 Act, of the information which must be

made available to the Authority Prudential Regulator and to societies' members, together with an outline of the procedures to be followed at general meetings, and the voting majorities required to pass the Merger Resolutions which the members are to be asked to approve. This chapter describes the role of the Authority Prudential Regulator in approving the statements to members under Schedule 16 to the 1986 Act, in its prudential supervision of mergers, and in confirmation hearings. It also gives a broad indication of the way in which the Authority Prudential Regulator may be expected to exercise its discretionary powers. Except as described in section 6, to which section 7 of this chapter also applies, this chapter is concerned only with voluntary mergers under Sections 93 and 94 of the 1986 Act.

2.1.1A    G    The 1986 Act assigns most of the functions relating to Merger Procedures to "the appropriate authority". In order to clarify this, the term "Prudential Regulator" is used throughout this chapter, including where guidance is being given.  
[FCA/  
PRA]

...

Statutory requirements

2.1.5    G  
[PRA]    ...

The procedures for all three are much the same, and the differences are explained in the relevant sections of this chapter. The Authority's practice as described in this chapter is derived exclusively from previous experience of transfers of engagements because, so far, there have been no amalgamations or partial transfers under the 1986 Act. However, it is not expected that the Authority's Prudential Regulator's handling of amalgamation procedures would be significantly different from what is described here.

...

### **Terms of a merger**

2.2.7    G    The terms negotiated between the parties in a merger will be set out in a formal agreement. In the case of a transfer of engagements, Section 94(6) of the 1986 Act requires the "extent of the transfer", and in practice the other agreed terms, to be recorded in an Instrument of Transfer. For an amalgamation, Section 93(2) of the 1986 Act requires the parties to agree on a Memorandum and Rules for the successor society, and each to approve the terms of the amalgamation by Merger Resolutions, so that there must be agreement on the terms. The Authority Prudential Regulator will expect the Instrument of Transfer or amalgamation agreement to be signed before the Authority Prudential Regulator approves the Schedule 16 statement, although it will be conditional on, among other things, approval by members and confirmation by the Authority Prudential Regulator. In both cases the boards of the societies will have approved the Instrument or agreement and the

Schedule 16 statement and, in the case of an amalgamation, the Memorandum and Rules of the successor society. Before such approval by the boards, drafts of the proposed Memorandum and Rules should have been cleared with the ~~registration team~~ FCA and the Prudential Regulator. The Rules of transferee societies should provide that members of transferor societies are not disenfranchised for any period after the merger is effected (see ~~paragraph~~ *BSOG* 2.3.16G and rule 4(9) of the BSA Model Rules 5th edition).

...

### **Bonus Payments to Members**

- 2.2.10 G Whether any bonus is to be paid to members and, if so, its amount and distribution, are matters to be agreed by the boards of the societies concerned and to be approved by their members, subject to the discretion described in ~~paragraphs 4.41 and 4.42~~ *BSOG* 2.4.41G and 2.4.42G. However, the ~~Authority~~ Prudential Regulator will wish to be satisfied that the combined society will maintain a prudent level of capital resources after the bonus is paid. A bonus may, for example, be paid to the members of a transferor society with a higher capital ratio than the transferee society so as to equalise the reserves which both bring to the combined society. If it is thought desirable also to pay a bonus to the members of the transferee society, then the reserves of the combined society may be equalised at a level below the capital ratio of the transferee society, but only if it is prudent to do so. The statutory requirements for approval of bonus payments are described in ~~paragraph~~ *BSOG* 2.4.4G.
- [PRA]

...

### Compensation to Directors and Other Officers

- 2.2.12 G Any compensation proposed to be paid to directors or other officers must be disclosed in the Schedule 16 Statement and approved by a separate special resolution of the members (see ~~paragraphs~~ *BSOG* 2.3.11G and *BSOG* 2.4.3G)
- [PRA]

...

...

## **2.3 Information Provided To Members**

### Statutory requirements

- 2.3.1 G Part I of Schedule 16 to the 1986 Act requires a building society which desires to merge with another society to send to every member entitled to notice of a meeting of the society a statement concerning the matters specified in the Schedule. The statement is to be included in or with the notice of the meeting at which the Merger Resolutions are to be moved. No statement shall be sent unless its contents, so far as they concern the specified matters, have been approved by the ~~Authority~~ Prudential Regulator. Where
- [PRA]

the transferee society has obtained the consent of the Authority Prudential Regulator to proceed by board resolution then it is exempt from this requirement (see ~~paragraphs~~ *BSOG 2.4.41G* and *BSOG 2.4.42G*).

2.3.2 G Meeting arrangements and resolutions are discussed in ~~section 4~~ *BSOG 2.4*.

[PRA]

...

The financial position

2.3.6 G Paragraph 1(4)(a) of Schedule 16 to the 1986 Act requires the Statement to contain information concerning the financial position of each of the societies participating in the merger. The members should be given sufficient information to enable them to gain an accurate understanding of the key financial features of their businesses. The information will include a balance sheet, recent results and certain financial ratios; for this purpose it is necessarily rather more detailed than is required for the annual Summary Financial Statement. In addition, further information will be required concerning accounting policies and other matters, as set out in ~~paragraph~~ *BSOG 2.3.10G*.

[PRA]

2.3.7 G The information should comprise consolidated accounts of each society and its connected undertakings prepared at a common balance sheet date which should be no more than 6 months before the date on which the Statement is approved by the Authority, or the date on which the Statement is to be sent to the members if that is expected to be significantly later. Information regarding results should relate to the relevant period ending on the chosen balance sheet date. The figures may be derived from audited or unaudited accounts. In either case, the source must be stated. If unaudited figures are used, the Authority Prudential Regulator will require a “letter of comfort” from the relevant society’s external auditors confirming that, in their opinion:

[PRA]

...

(3) in reviewing the data relating to the Statement, nothing has come to their attention which would cast doubt on the directors’ statement (see ~~paragraph~~ *BSOG 2.3.8G*) that there has been no material change affecting the information given.

2.3.8 G Since the financial information will necessarily relate to a period ending somewhat before the date of approval of the Schedule 16 Statement, the board is required to state whether or not there have been any material changes to the financial position in the interim. If the effect of a change cannot be quantified, it must be described so that the members at least know that it has been identified and is relevant to their consideration of the proposed merger. Failure to disclose such changes will be relevant to the Authority’s Prudential Regulator’s subsequent consideration of the society’s application for confirmation of the merger (see ~~paragraphs~~ *BSOG 2.5.4G*, *BSOG 2.5.12G* and *BSOG 2.5.13G*).

[PRA]

...

#### Interests of Directors and Other Officers

- 2.3.11 G Subparagraphs 1(4)(b) and (c) of Schedule 16 to the 1986 Act require the  
[PRA] Statement to disclose any interests of the directors in the merger and any compensation to be paid to them or other officers. This information must be comprehensive and clear. It should include the following:

...

- (2) any compensation payable to directors or other officers for loss of office or reduction in emoluments, and the basis on which it is calculated; if a global sum is proposed to be given to a group of persons, the intended manner of apportionment should be stated (see ~~paragraph~~ *BSOG 2.2.12G*);

...

...

#### Bonus Payments to Members

- 2.3.13 G Paragraph 1(4)(d) of Schedule 16 to the 1986 Act requires the Statement to  
[PRA] specify the bonus, if any, to be paid to members in consideration of the merger. The ~~Authority's Prudential Regulator's~~ views on what may, or may not, be regarded as bonus are given in ~~paragraph~~ *BSOG 2.2.11G*, and the statutory requirements for approval of bonus payments are described in ~~paragraph~~ *BSOG 2.4.4G*.

...

#### Other Matters

- 2.3.15 G As is noted in ~~paragraph~~ *BSOG 2.2.9G*, the Instrument of Transfer (or  
[PRA] amalgamation agreement) will normally make provision for a number of matters in addition to those concerning the interests of directors and other officers and any bonus to be paid to the members. Such matters must be explained in the Schedule 16 Statement, together with any other matters of which the ~~Authority~~ Prudential Regulator may require particulars to be given (see paragraph 1(4)(f) of Schedule 16 to the 1986 Act). They are discussed in the following paragraphs.

- 2.3.16 G Post-merger membership rights should be secured by the adoption of ~~BSA~~  
[PRA] Model Rule 4(9) (Fifth Edition, November 1997) BSA Model Rules which cover this matter or a similar Rule to the same effect. The purpose of the Rule is to ensure that members of a transferor society are not disenfranchised ...

...

#### Board Rationale and Statements

2.3.22 G A board putting a merger proposal to its members has, in addition to its  
[PRA] statutory duty to provide a Schedule 16 Statement, a fiduciary duty to provide its members with essential factual information and a fair assessment of the issues so that they can take informed decisions on whether to approve the boards proposals. The Authority Prudential Regulator, therefore, expects that the Merger Document (see ~~paragraph~~ *BSOG 2.3.4G*) will include an explanation by or on behalf of the board of the reasons for the merger and the choice of merger partner. This rationale should give a fair assessment of the advantages and disadvantages of the merger and should be entirely consistent with the facts set out in the Schedule 16 Statement. In addition to explaining the rationale and its consequences for the members, it should explain the effect on the staff's terms and conditions of employment and expectations for future employment prospects. The planned timescale for integration of the businesses should also be explained.

...

2.3.25 G The rationale itself is not a statutory requirement, and is not subject to  
[PRA] approval by the Authority Prudential Regulator. However, the Authority Prudential Regulator will take account of the information it provides when considering whether to confirm the merger (see ~~section~~ *BSOG 2.5*, particularly ~~paragraphs~~ *BSOG 2.5.9G* and *BSOG 2.5.12G*). Societies will, therefore, find it helpful to consult the Authority's Prudential Regulator's staff about the drafting and content of the rationale.

...

#### Application and the Authority's Prudential Regulator's Approval

2.3.28 G A society's formal application to the Authority Prudential Regulator for  
[FCA/  
PRA] approval of a Schedule 16 Statement is likely to be the culmination of many weeks of discussion with the Authority's Prudential Regulator's staff who will have reviewed and commented upon a draft or successive drafts of the Statement, having had regard also to drafts of the Instrument of Transfer (or amalgamation agreement) and the prudential information described in ~~section~~ *BSOG 2.2*. Societies should also have cleared any proposed Rule changes or, in the case of an amalgamation, the proposed Memorandum and Rules of the successor society, with the ~~registration team~~ FCA and the Prudential Regulator. The probable sequence of events is described more fully in ~~section~~ *2.8 BSOG 2.8*. The case where the Authority Prudential Regulator has consented to a transferee society proceeding by board resolution, and thereby exempting it from the requirement to put Merger Resolutions, and sending a Schedule 16 Statement, to its members, is described in ~~paragraphs~~ *BSOG 2.4.41G* and *BSOG 2.4.42G*.

2.3.29 G Schedule 16 Statements must be prepared to the same standards as apply to  
[PRA] financial statements and directors' reports. An application to the Authority Prudential Regulator for approval of a Schedule 16 Statement must be made in writing and should include a declaration made on behalf of the board, that the Statement is complete and includes all material information of which, in

the opinion of the directors, the members should be aware. That declaration should say whether or not there have been any other merger or takeover proposals (confidential or otherwise see ~~paragraph~~ *BSOG* 2.3.23G) and confirm that the information about them is correct. The application should be accompanied by the following documents:

...

- (2) two authenticated copies of the final draft of the Merger Document (or documents) in printer's proof form, including the Schedule 16 Statement, the board rationale, the notice of the general meeting and Merger Resolutions (including, in the case of an amalgamation, per section 93(2)(d) of the 1986 Act, three copies of the proposed Memorandum and Rules of the successor society), any merger or transfer proposal statements as mentioned in ~~paragraphs~~ *BSOG* 2.3.23G and *BSOG* 2.3.24G, and the directors' responsibility statements.

...

- (5) an assurance by, or on behalf, of the board that the society's systems for verification of membership records are capable of providing the information required to fulfil the relevant requirements of the 1986 Act and the Rules (see ~~paragraph~~ *BSOG* 2.4.15G);

...

- (8) confirmation that the final draft as submitted for approval does not differ from that previously seen by the ~~Authority~~ Prudential Regulator or, where it does, indicating each change that has been made.

2.3.29 G Per section 93(2)(d) of the 1986 Act, in the case of an amalgamation, three copies of the proposed Memorandum and Rules of the successor society must also be sent to the FCA.  
A  
[FCA/  
PRA]

2.3.30 G The ~~Authority's~~ Prudential Regulator's approval of the Schedule 16 Statement will be confirmed by returning to the society one authenticated copy of the Statement with the ~~Authority's~~ Prudential Regulator's certificate of approval signed by an authorised signatory for the ~~Authority~~ Prudential Regulator. There is no statutory requirement for copies of Schedule 16 Statements to be placed on the public files of societies but, because the documents are in the public domain, it will be the Authority's Prudential Regulator's practice to pass copies to the ~~registration team~~ FCA for filing. Were a public announcement about the merger not to be made until after the ~~Authority~~ Prudential Regulator had approved the Schedule 16 Statement, the ~~Authority~~ Prudential Regulator would not pass a copy of the Statement to the ~~registration team~~ FCA until after the announcement. The supporting documents listed above will not be passed to the ~~registration team~~ FCA for inclusion on the public file.  
[PRA]

2.3.31 G The PRA is required to consult the FCA before approving a Schedule 16  
[PRA] Statement.

## 2.4 General Meetings and Resolutions

...

2.4.3 G Section 96(1) of the 1986 Act provides that, where a society wishes to pay  
[PRA] compensation to directors or other officers for loss of office or diminution of  
emoluments, such compensation must be approved by a special resolution of  
the society's members (see also ~~paragraph~~ *BSOG 2.2.12G*), separate from the  
Merger Resolutions ...

2.4.4 G The members' approval of bonus payments is required as part of the Merger  
[PRA] Resolutions (see ~~Section~~ section 96(4) to (6) of the 1986 Act) and see  
~~paragraph~~ *BSOG 2.2.11G* for the Authority's Prudential Regulator's view of  
what may constitute a bonus). If the total gross cost of the proposed bonus(es)  
(i.e. without any adjustment for prospective corporation tax recovery) is within  
the prescribed limit, then approval for it need only be included in each of the  
Merger Resolutions of the society whose funds are to be distributed. If it  
exceeds that limit then it must be included in each of the Merger Resolutions  
of each participating society. The prescribed limit was changed by the  
Building Societies (Mergers) (Amendment) Regulations SI 1995/1874  
amending S1 1987/2005 and now is:

...

- (3) or a sum equal to the society's reserves after deducting its fixed assets  
(apportioned pro rata in respect of ~~4.4(2)~~ *BSOG 2.4.4G(2)* above),  
whichever is the less. The Regulations should be consulted for the full  
detail of the calculations.

...

2.4.8 G The "qualifying shareholding date" is either the last day of the financial year  
[PRA] preceding the voting date or, if the voting date falls during that part of a  
financial year which follows the conclusion of the society's Annual General  
Meeting commenced in that year, the first day of the period beginning 56 days  
before the date of the meeting. Therefore, if a society's Rules, ~~following the~~  
~~BSA Model Rules (Fifth Edition)~~, include the provisions concerning  
shareholding and continuity of membership described in ~~paragraph~~ *BSOG*  
*2.4.7G*, and if the voting date is later than the AGM in that year, a person to be  
entitled to vote on a shareholding members' resolution must:

...

But note that there is no requirement for continuity of shareholding between  
~~2.4.8(1) and (2)~~ *BSOG 2.4.8G(1) and (2)*. (In contrast, in the case of an

ordinary or special resolution, membership at ~~2.4.8(1)~~ BSOG 2.4.8G(1) may be satisfied by either borrowing or shareholding membership provided the shareholding member satisfies the other conditions of ~~2.4.8(2) to (4)~~ BSOG 2.4.8G(2) to (4) in order to vote in his or her capacity as a shareholder.) Note also that a person cannot meet a requirement for “holding shares” on a given date, or during a given period, by relying on his holding of a share account with an overdrawn balance; and a person cannot meet a requirement for being a “member” on a given date (for example, at ~~2.4.8(a)~~ BSOG 2.4.8G(1)) by relying on his holding of such a share account.

...

- 2.4.11 G A member may vote once only on any resolution, irrespective of the number of  
[PRA] accounts he or she may hold. The amount of the balance(s) held on an account(s) is not material, except to qualify to vote (see ~~paragraphs 2.4.7 and 2.4.8~~ BSOG 2.4.7G and 2.4.8G). Thus, a member with several share accounts and/or several mortgage accounts, whether as sole and/or representative joint shareholder or representative joint borrower, may vote once only on any resolution ...

...

#### Register of Members

- 2.4.14 G Every society is required to maintain a register of the names and addresses of  
[PRA] its members and whether each member is a shareholding member or a borrowing member or both (paragraph 13 of Schedule 2 to the 1986 Act). The register should, so far as possible, be “de-duplicated”; that is, multiple account holders should be identified and their names recorded once only in the register. A society’s systems must also be capable of recognising those members who are eligible to vote by, for example, aggregating share account balances of multiple account holders to check that they have the requisite qualifying shareholding, by checking members’ continuity of shareholding (if and where applicable), and by identifying minors including (separately) those who will shortly attain their majority (see ~~paragraphs~~ BSOG 2.4.6G and BSOG 2.4.9G). Other situations requiring careful consideration are, for example, in relation to powers of attorney, personal representatives, and death of the representative joint holder or borrower. This information is required to ensure that the notice of the meeting is sent to all the members entitled to receive it and so that the scrutineers have adequate systems to validate the votes cast on the Merger Resolutions (see also ~~paragraph~~ BSOG 2.4.20G).

- 2.4.15 G It will be necessary for the directors of a society contemplating a merger to  
[PRA] satisfy themselves, in consultation with their external auditors, that the society’s systems are capable of delivering the information described above. The ~~Authority~~ Prudential Regulator will require an assurance on this point when the society applies for approval of the Schedule 16 Statement (see ~~paragraph~~ BSOG 2.3.29G(5)). One of the criteria which the ~~Authority~~ Prudential Regulator has to consider at the confirmation stage is whether some relevant requirement of the 1986 Act or the Rules was not fulfilled (see

paragraphs *BSOG* 2.5.15G to *BSOG* 2.5.19G).

...

#### General Meeting Arrangements

- 2.4.18 G Paragraphs *BSOG* 2.4.19G to *BSOG* 2.4.34G consider the requirements for  
[PRA] sending notices of meetings and Schedule 16 Statements to members, and the  
conduct of meetings at which Merger Resolutions are to be moved. It is for  
societies to satisfy themselves that they comply with the relevant requirements  
of the 1986 Act, their Rules and the general law on meetings.

#### Notice of Meeting

- 2.4.19 G The statutory requirements concerning notices are in paragraph 22 of Schedule  
[PRA] 2 to the 1986 Act. Notice of the meeting must be given to each shareholding  
and borrowing member of the society who would be eligible to vote at the  
meeting if the meeting were held on the date of the notice (a single date for all  
notices irrespective of when they are despatched). In addition, notice must also  
be given to any person who will attain the age of 18 years after the date of the  
notice but on or before the date of the meeting, and to every person who  
becomes a shareholding or borrowing member of the society after the date of  
the notice but before the final date for receipt of proxy voting forms, and who  
would, in either case, be eligible to vote at the meeting if he remained a  
member until then. (In practice, this may mean sending out a notice to every  
such person, even if they will, in fact, not be entitled to vote). The Schedule 16  
Statement must be sent in or with the notices (paragraph 1(2) of Schedule 16  
to the 1986 Act). Accidental omission to give notice of a meeting to any  
person entitled to receive it does not invalidate the proceedings at the meeting.  
However, accidental omission does not include a systemic failure to send  
notices (e.g. omitting to send notices to new members, or omission of a group  
or class of members from the mailing list arising from a fault in a computer  
programme), nor all cases of error by management see also paragraph *BSOG*  
2.4.39G.

...

- 2.4.21 G The Schedule 16 Statement is required, by paragraph 1(2) of that Schedule, to  
[PRA] be sent in or with the notice of the meeting to every member entitled to that  
notice. As is suggested in paragraph *BSOG* 2.3.4G, it may be expedient to  
include both in a comprehensive Merger Document.

...

- 2.4.26 G Merger Resolutions or the other resolutions mentioned in paragraphs *BSOG*  
[PRA] 2.4.1G to *BSOG* 2.4.3G, cannot be amended at the meeting except in a way  
which does not change their substance at all. This is because an amendment to  
such a resolution has to be subject to the same procedure and period of notice  
to members as the resolution itself ...

#### Conduct of the Voting

...

2.4.28 G Experience has demonstrated the need for societies to take the greatest care to ensure that they comply strictly with the statutory procedural requirements and their own Rules on meetings and resolutions. The chairman of the meeting should ensure that he or she is well briefed and aware of the Rules and the general law relating to procedural resolutions, such as resolutions to adjourn the meeting. The Authority Prudential Regulator will require a confirmatory report from the scrutineers on the validity of the voting procedures when the society applies for confirmation (see ~~paragraph~~ *BSOG* 2.4.38G).

[PRA]

...

2.4.37 G Validation checks during the counting of votes may be expected to include the following:

[PRA]

...

- (2) the member is eligible to vote under the 1986 Act and under the society's Rules (a proxy vote may still be valid even though the member ceases to be a member after the closing date for receipt of proxies see ~~paragraph~~ *BSOG* 2.4.12G(2));

...

...

2.4.40 G The Authority Prudential Regulator would find it helpful if the scrutineers' report would also comment upon any procedural difficulties encountered and give an analysis of the reasons why votes were found to be invalid, if the numbers of invalid votes appear to be significant (see also ~~paragraph~~ *BSOG* 2.5.14G).

[PRA]

...

## 2.5 Confirmation

...

2.5.2 G The parties in an amalgamation should make a joint application for confirmation to the Authority Prudential Regulator, while the parties to a transfer of engagements should make separate applications for confirmation of the transfer. These applications should specify the date on which the merger is intended to take effect and should be accompanied by two authenticated copies of the Instrument of Transfer, or the amalgamation agreement, and of the Merger Document or separate Schedule 16 Statement. In addition, in the case of an amalgamation, three signed copies of the Memorandum and Rules of the successor to the amalgamating societies should be sent to the ~~registration team~~ Prudential Regulator and the FCA. The scrutineers' report described in ~~paragraphs~~ *BSOG* 2.4.38G to *BSOG* 2.4.40G, and a certified copy of the minutes of the general meeting at which the Merger Resolutions were moved,

[FCA/  
PRA]

must be enclosed with each application.

...

2.5.4 G ...

[PRA]

Section 95(5) then provides that the ~~Authority~~ Prudential Regulator shall not be precluded from confirming a merger by virtue only of the non-fulfilment of some relevant requirement of the 1986 Act or the Rules (the Third Criterion in *BSOG* 2.5.4(3)) if it appears to the ~~Authority~~ Prudential Regulator that the failure could not have been material to the members decision about the merger, and the ~~Authority~~ Prudential Regulator gives a direction under that sub-section that the failure is to be disregarded.

...

#### Scope of the ~~Authority's~~ Prudential Regulator's powers

2.5.6 G The ~~Authority's~~ Prudential Regulator's powers in connection with applications for confirmation of a merger are confined to considerations of whether, in the light of the facts, any of the Three Criteria apply. It is not for the ~~Authority~~ Prudential Regulator to consider, or make judgements about, the merits of a proposed merger or the fairness of its terms; these matters are first for the board of a society, and then for its members to decide. Once the members have approved the merger and its terms, the ~~Authority~~ Prudential Regulator has no powers to require a society to make any changes to those terms. The ~~Authority's~~ Prudential Regulator's discretionary powers are similarly confined to the matters described in ~~paragraphs~~ *BSOG* 2.5.4G and *BSOG* 2.5.5G.

[PRA]

2.5.7 G The ~~Authority~~ Prudential Regulator has no general power to determine disputes between a society and its members. Disputes concerning the services provided by societies in the ordinary course of their business are generally a matter, in the first instance, for a society's internal complaints procedure. They may also fall within the jurisdiction of the Financial Services Ombudsman. Disputes between a building society and a member of the society, in his capacity as a member, in respect of any rights or obligations arising from the Rules of the society or the provisions of the 1986 Act, fall within the jurisdiction of the High Court or, in Scotland, the Court of Session (Section 85 of and Schedule 14 to the 1986 Act). ~~However, the Authority does have power, on the written application of an eligible member, to direct that the member has the right to obtain names and addresses from the societys register of members. Before it gives such a direction, the Authority is required to be satisfied that the member requires that right for the purpose of communicating with members of the society on a subject relating to its affairs, and must have regard to the interests of the members as a whole and to all the other circumstances (Schedule 2, paragraph 15). A fee is payable by the applicant. Chapter 1A on applications for access to the register of members explains who is eligible to apply.~~

2.5.7A G However, the FCA does have power, on the written application of an eligible member, to direct that the member has the right to obtain names and addresses from the society's register of members. Before it gives such a direction, the FCA is required to be satisfied that the member requires that right for the purpose of communicating with members of the society on a subject relating to its affairs, and must have regard to the interests of the members as a whole and to all the other circumstances (Schedule 2, paragraph 15). A fee is payable by the applicant. Chapter 1A on applications for access to the register of members explains who is eligible to apply.  
[FCA/  
PRA]

...

2.5.24 G Copies of the society's comments on representations in the category set out in BSOG 2.5.22G(2) will be sent to those who made the representations so that they may concentrate their oral representations on the points which they consider to remain at issue. Persons making written representations who wish to see the society's response must, therefore, give notice of intention to make oral representations. The Authority Prudential Regulator will consider the written representations in the category set out in BSOG 2.5.22G(1) and the societies' responses to them in advance of the date set for hearing oral representations. The society may, exceptionally, apply to put to the Authority Prudential Regulator in confidence documents which the society considers to be commercially sensitive: the Authority Prudential Regulator will decide on the merits of each case whether, and on what terms, to accept them as being confidential. Persons in the category set out in BSOG 2.5.22G(3) will be asked to inform the Authority Prudential Regulator, in advance of the hearing, of the subject and general grounds of the representations they intend to make and their responses will be copied to the society.

...

2.5.32 G The PRA is required to consult the FCA before confirming an amalgamation or transfer of engagements or making a direction under section 95 of the 1986 Act. The PRA will notify the FCA if it confirms an amalgamation or transfer of engagements and will furnish the FCA with a copy of any direction it makes.  
[PRA]

## 2.6 Transfer Of Engagements Under Direction

...

2.6.1A G The PRA is required to consult the FCA before giving a direction under section 42B of the 1986 Act.  
[FCA/  
PRA]

...

2.6.3 G The Merger Notification Statement must have been approved by the Authority

[PRA] Prudential Regulator before it is sent to the members, and must be sent within the specified time limit. Applications for approval should, in general, follow the procedure described in paragraph BSOG 2.3.28G, and the final draft of the Merger Notification Statement should be accompanied by the relevant documents listed in paragraph BSOG 2.3.29G, but as appropriate to the particular case and the less extensive information the statement is required to contain. The statement must include particulars of any compensation payable to directors or other officers of the transferor society to which the Authority Prudential Regulator has given its consent under paragraph 2(1) of Schedule 8A to the 1986 Act.

2.6.4 G Section BSOG 2.4 (General Meetings and Resolutions) does not apply, except  
[PRA] that the directors will need to be satisfied that the society's register of members is correct to enable the society to send Merger Notification Statements to those entitled to receive them.

2.6.5 G When the board has resolved to transfer the society's engagements and Merger  
[PRA] Notification Statements have been sent to its members, the society may apply to the Authority Prudential Regulator for confirmation of the transfer of engagements, but using an adaptation agreed with the Authority Prudential Regulator of the pro forma in Annex 2A. The procedure described in section BSOG 2.5 is to be followed, including the publication of notices in the official Gazettes and newspapers and the form of application. However, the lapse of time between each stage of the procedure may be modified according to the particular circumstances of a case, and having regard to the need to protect the investments of shareholders or depositors. While a scrutineers' report will not be required, the Authority Prudential Regulator will require a report from the society's external auditors on the adequacy of the society's systems to fulfil the requirements of the 1986 Act and the Rules with regard to the sending of Merger Notification Statements. This is, of course, relevant to the Authority's Prudential Regulator's consideration of the Third Criterion.

2.6.6 G As is noted in paragraph BSOG 2.6.1G, the First and Second Criteria are  
[PRA] replaced, in those circumstances, by a single criterion as to whether the members or a proportion of them would be unreasonably prejudiced by the transfer. Whether this special criterion applies will be a matter of judgement for the Authority Prudential Regulator to make in the light of any representations made to it and its own enquiries in respect of the particular case. It follows also that, in considering the Third Criterion, the Authority Prudential Regulator will take account of the modified procedure.

## 2.7 Registration And Dissolution

...

2.7.2 G In the case of an amalgamation, the ~~registration team~~ FCA is required to be  
[FCA/  
PRA] satisfied as regards the proposed Rules, Memorandum and name of the successor society. The amalgamating societies are, therefore, advised to clear drafts of the proposed Rules and Memorandum with the ~~registration team~~ FCA

at an early stage (see ~~paragraph~~ *BSOG* 2.3.28G). When they apply to the ~~Authority~~ Prudential Regulator for confirmation under Section 93(2) of the 1986 Act, the amalgamating societies must ~~also~~ send three signed copies of the Rules and Memorandum to the ~~registration team~~ Prudential Regulator and the FCA (Section 93(2)(d)). If the ~~registration team~~ FCA is satisfied on these matters it will, upon confirmation by the Prudential Regulator, register the successor society and issue to it a certificate of incorporation specifying the date (the specified date) from which the incorporation takes effect, and will return to it one copy each of the Rules and Memorandum together with a certificate of registration. Copies are placed on the public file of the successor society.

2.7.3 G On the specified date of the amalgamation, all the property, rights and liabilities of the amalgamating societies are transferred to the successor society, the successor is given such permission under ~~Part IV~~ Part 4A of the Act as the ~~Authority~~ Prudential Regulator considers appropriate, and the amalgamated societies are dissolved and their registrations cancelled by the FCA, having consulted the PRA (Section 93, sub-sections (4), (5) and (6) and Section 103(1) of the 1986 Act). In deciding on the appropriate terms of the permission for the successor society, the ~~Authority~~ Prudential Regulator will have regard to the terms of the permissions of the amalgamating societies, including any limitations or requirements. It will also have regard to the business plan for the successor society.

[FCA/  
PRA]

2.7.4 G In the case of a transfer of engagements, the ~~registration team~~ FCA will register a copy of the Instrument of Transfer and issue a registration certificate to the transferee society. A copy of the Instrument of Transfer and the registration certificate are placed on the public file of the transferee society. On the date specified in the registration certificate, the property, rights and liabilities of the transferor society are transferred to the transferee society, by virtue of Section 94(8) of the 1986 Act, the transferor society's authorisation is revoked by the ~~Authority~~ FCA, and the society itself is dissolved (Section 94(10)). The transferor society's registration is subsequently cancelled by the ~~registration team~~ FCA, having consulted the PRA, under Section 103(1).

[FCA/  
PRA]

## 2.8 Timetable

...

2.8.2 G The likely sequence of events is as follows:

[FCA/  
PRA]

Stage 1	Informal consultations with the <del>Authority's</del> <u>Prudential Regulator's</u> supervisory staff on both substance and timing of the proposed merger.
Stage 2	Submission to the <del>Authority</del> <u>Prudential Regulator</u> of:
	(a) prudential information: this should be available to the <del>Authority</del> <u>Prudential Regulator</u> for discussion with the society well before

	the Schedule 16 Statement is submitted for approval;
	(b) written details of the proposed terms of the merger: it will be helpful for both the societies and the <u>Authority Prudential Regulator</u> to be clear about these matters as soon as possible after Stage 1 and well before Stage 3 is reached.
	Submission to the <del>registration team FCA</del> and the <u>Prudential Regulator</u> , in the case of an amalgamation, of preliminary draft Rules and Memorandum, noting any unresolved issues.
Stage 3	Submission to the <u>Authority Prudential Regulator</u> and, in respect of (b) below to the <del>Registration team FCA</del> , in draft, of the following:
	...
	(c) the Merger Document, including the Schedule 16 Statement, unless consent to proceed by way of board resolution is being sought in respect of the transferee society, together with the explanations of change, comparability and commitments referred to in paragraphs <i>BSOG 2.3.8G to BSOG 2.3.10G</i> and <i>BSOG 2.3.27G</i> ;
	...
	<p>After examination of these drafts, the <u>Authority Prudential Regulator</u> or, as the case may be, <del>registration team staff the FCA</del> will return them with any comments and, if necessary, will discuss them with the societies and their advisers. Any clearance by the <u>Authority Prudential Regulator</u> at this stage is provisional, and the <u>Authority Prudential Regulator</u> may seek further modification of the documents in the light of later information. Similarly, any clearance given by the <del>registration team FCA</del> is subject to review of the proofs submitted at stage 4.</p> <p>If the transferee society is applying for consent to proceed by way of board resolution, formal application to do so (with supporting justification) should be made to the <u>Authority Prudential Regulator</u> at this stage.</p>
	...
Stage 5	<p>Informal clearance of near-final proofs (particularly of the Schedule 16 Statement(s)) by the <u>Authority Prudential Regulator</u>.</p> <p>Informal clearance of proof copies of Rules and Memorandum by the <del>registration team FCA</del> and the <u>Prudential Regulator</u>, in the case of an amalgamation.</p>
Stage	Formal submission of the Schedule 16 Statement(s) for approval by the <u>Authority Prudential Regulator</u> . The covering letter should

6	<p>include a declaration on behalf of the board of the society either:</p> <p>...</p> <p>(h) letter of comfort from the society's external auditors when required (see <del>paragraph</del> <i>BSOG 2.3.7G</i>);</p> <p>...</p> <p>(j) the fee payable by each society to the <u>Authority Prudential Regulator</u>.</p>
<p>NB Schedule 16 Statements should not be printed for distribution to members until after Stage 7.</p>	
Stage 7	<p>Approval by the <u>Authority Prudential Regulator</u> of the Schedule 16 Statement, or the <u>Authority's Prudential Regulator's</u> consent to proceed by board resolution. Approval or consent will be given by letter and one proof copy of the Schedule 16 Statement, with the certificate of approval signed on behalf of the <u>Authority Prudential Regulator</u>, will be returned to the society.</p>
Stage 8	<p>Printing and circulation of documents to members in time to be received by them at least 21 days before the voting date for the meeting at which the Merger Resolutions are to be moved (see <del>paragraphs</del> <i>BSOG 2.4.12G</i>, <i>BSOG 2.4.19G</i> and <i>BSOG 2.4.20G</i>).</p>
...	
Stage 10	<p>If the Merger Resolutions have been passed, application to the <u>Authority Prudential Regulator</u> for confirmation and publication of notices of that application in the London and Edinburgh or Belfast Gazettes, and in other newspapers (as the <u>Authority Prudential Regulator</u> directs). The application must notify the <u>Authority Prudential Regulator</u> of the specified effective date for the merger, and be accompanied by two authenticated copies of the Instrument of Transfer or amalgamation agreement. In addition, in an amalgamation, <del>four</del> <u>three</u> signed copies, <u>each</u>, of the Memorandum and Rules of the successor society, <del>should be sent to the registration team FCA, and to the Prudential Regulator</del>, should be sent to the <u>registration team FCA, and to the Prudential Regulator</u>. The societies must report to the <u>Authority Prudential Regulator</u> on the outcome of their meetings.</p>
Stage 11	<p>Notification by the <u>Authority Prudential Regulator</u> of the time and place of the confirmation hearing, if it is necessary to hold an oral hearing. The societies should allow sufficient time before the proposed effective date for the <u>Authority Prudential Regulator</u> to consider and write its decision, and in case it proves necessary to adjourn the hearing.</p>

Stage 12	Confirmation hearing and decision by the <u>Authority Prudential Regulator</u> whether to confirm the merger. <u>The PRA must consult the FCA before confirming an amalgamation.</u>
Stage 13	Registration by the <del>registration team</del> <u>FCA</u> to give effect to the amalgamation or transfer of engagements.

2.8.3 G The following table indicates the likely minimum time to be taken by the main stages outlined above:

[FCA/  
PRA]

Pre Day 1	Board Resolution to Merge Initial discussions with <u>Authority Prudential Regulator</u> re timetable and prudential information Submission of terms and initial prudential information to <u>Authority Prudential Regulator</u> Submission of draft Rules and Memorandum to <del>registration team</del> <u>the FCA and Prudential Regulator</u> (amalgamations)
...	
Day 28	<u>Authority Prudential Regulator</u> gives informal approval to Schedule 16 Statement, Instrument of Transfer signed (Stage 5)
Day 35	Formal Schedule 16 approval by the <u>Authority Prudential Regulator</u> (Stage 7)
...	
Day 75	Application to <u>Authority Prudential Regulator</u> for confirmation (Stage 10) and submission of Rules and Memorandum to <del>registration team</del> <u>the FCA and Prudential Regulator</u> (amalgamations)
...	
Day 142	<u>Authority's Prudential Regulator's</u> Decision on Confirmation (Stage 12)
...	

2.8.4 G Notes:

[FCA/  
PRA]

...

- (2) A significant amount of financial information needs to be assessed by the Authority Prudential Regulator prior to approval of Schedule 16 Statement.

...

- (4) Where the Prudential Regulator is the PRA it is under a statutory obligation to consult the FCA (see section 95(6A) of the 1986 Act). This consultation will take place within the above timetable.

...

**2 Index to chapter 2**

**Annex  
3G**

[PRA]

INDEX		
...		
<b>Schedule 16 Statement</b>	...	
	Application and Commission Approval	<i>BSOG 2.3.28G to BSOG 2.3.30G</i>
	...	

...

**2 Merger Confirmation Procedures**

**Annex  
4G**

4.1G

[PRA]

4.1	Introduction	
...		
4.1.2	G	The 1986 Act provides that when the necessary merger resolutions have been passed the societies must obtain confirmation by the <u>Authority Prudential Regulator</u> of the merger in accordance with Section 93(2) (amalgamations) or Section 94(7) (transfers of engagements) of the 1986 Act. If the <u>Authority Prudential Regulator</u> confirms the merger <del>the</del> <u>FCA</u> will issue a registration certificate.
...		
4.3.5	G	Copies of the society's comments on representations in category 4.3.3(2) will be sent to those who made the representations so that they may concentrate their representations at oral hearings on the points which they consider to remain at issue. Persons making written

		representations who wish to see the society's comments must, therefore, also give notice of intention to make oral representations. Any documents referred to in the society's comments will be made available by the society for inspection at a specified place which will be notified to those making oral representations. (The society may, exceptionally, apply to put to the <u>Authority Prudential Regulator</u> in confidence documents which the society considers to be commercially sensitive: the <u>Authority Prudential Regulator</u> will decide on hearing argument whether, and on what terms, to accept them as confidential). Persons in the category set out in <u>BSOG 2 Annex 4.3.3G(3)</u> will be asked to inform the <u>Authority Prudential Regulator</u> , in advance of the hearing, of the subject and general grounds of the representations they intend to make. The <u>Authority Prudential Regulator</u> will pass this information to the society.
...		
4.4	Purpose of the hearing	
4.4.1	G	The purpose of the hearing is to enable interested parties to make representations, and to enable the <u>Authority Prudential Regulator</u> to make such enquiry as it considers necessary, both of the society and of those making representations, in order to reach an informed view on those aspects of the decision on confirmation to which the representations are directed. The <u>Authority Prudential Regulator</u> will examine all the representations, whether written or oral, in relation to the three statutory criteria described in <u>paragraph BSOG 2 Annex 4.2.1G</u> . In the light of that examination, and consideration of all the representations and the society's response, the <u>Authority Prudential Regulator</u> will decide whether to confirm, or direct the society to correct any defects, or to refuse to confirm the merger. It is for the <u>Authority Prudential Regulator</u> to decide whether the matters discussed in representations are relevant to the statutory criteria.
...		

...

### 3 Transfer Procedures

#### 3.1 Introduction

The Purpose of this Chapter

- 3.1.1 G This chapter ultimately derives from the Transfer Procedures Guidance Note published by the Commission in April 1998. It gives guidance on the requirements of the 1986 Act relevant to, and on the procedures to be followed by, a building society proposing to transfer its business to a
- [PRA]

company having permission under the Act to carry on those regulated activities which it will undertake as a result of the transfer. It is not intended to be exhaustive, and is not a substitute for looking at the 1986 Act and the Transfer Regulations, on which a society should seek its own legal advice. It describes the relevant provisions of the 1986 Act, and the information which must be made available to the ~~Authority~~ Prudential Regulator, the FCA, and to the society's members, and outlines the procedures to be followed at general meetings, including the voting majorities required to pass the Transfer Resolutions. The chapter also describes the role of the ~~Authority~~ Prudential Regulator in approving the Transfer Statement which must be sent to the members and in the confirmation procedure, together with its ongoing prudential supervision during the transfer process. The Transfer Summary, which a society may send to its members instead of the Transfer Statement, is also discussed. Except as described in ~~section~~ BSOG 3.7, to which ~~section~~ BSOG 3.8 also applies, this section is concerned only with voluntary transfers under Section 97 of the 1986 Act.

3.1.1A G The 1986 Act assigns most of the functions relating to Transfers of Business to “the appropriate authority”. In order to clarify this, the term “Prudential Regulator” is used throughout this chapter including where guidance is being given.  
[PRA]

3.1.2 G It is for the directors of a society to assess the case for transfer, and they must explain and recommend their decision to the members. However, the ~~Authority's~~ Prudential Regulator's staff are willing to discuss with a society the procedures to be followed and the information required to ensure that the members can reach fully informed decisions. Societies are strongly recommended to consult the ~~Authority~~ Prudential Regulator early on in the formative stages of transfer proposals. Such consultation will, of course, be treated in the strictest confidence. It will be helpful, also, to have regard to the indicative timetable set out in ~~section~~ BSOG 3.9.  
[FCA/  
PRA]

...

3.1.4 G This chapter considers each stage of the transfer procedure in chronological order. The remainder of this section gives a synopsis of the relevant requirements of the 1986 Act, which are then discussed in more detail in subsequent sections, as follows:  
[FCA/  
PRA]

- (1) ~~Section~~ BSOG 3.2, Preliminary Matters, considers the rationale for a transfer and the handling of public announcements, and gives guidance on certain prudential issues.
- (2) ~~Section~~ BSOG 3.3, Terms of a Transfer, considers the mandatory provisions of Section 100 of the 1986 Act concerning the successor company's obligation to treat former shareholders of the society as depositors with it, and the Statutory Cash Bonus. It also considers the mandatory provisions of Sections 102B to D of the 1986 Act, concerning distributions to members who are Trustee Account Holders, the statutory restrictions on distributions to members in Section 100, and the permissive provisions of Sections 100 and

102A. The protective provisions for specially formed successor companies are also discussed.

- (3) ~~Section~~ BSOG 3.4, Information Provided to Members, discusses the form and content of the statutory Transfer Statement and the Transfer Summary, and the accompanying rationale and other statements by the board, and describes the form of application to be made to the Authority for approval of the Transfer Statement.
- (4) ~~Section~~ BSOG 3.5, General Meetings and Resolutions, discusses the register of members and members' entitlement to vote, the arrangements for general meetings, the conduct of voting on the Transfer Resolutions and the scrutineers' report.
- (5) ~~Section~~ BSOG 3.6, Confirmation, describes the form of application to the Authority for confirmation of a transfer, and the procedures which the Authority expects to follow in considering and hearing written and oral representations and in reaching its decision.
- (6) ~~Section~~ BSOG 3.7, Transfers Under Direction, describes the modified procedure to be followed when a society has been directed by the Authority to transfer its business to a company and to proceed by board resolution.
- (7) ~~Section~~ BSOG 3.8, Notification and Dissolution, briefly discusses the process of notification of the vesting date and dissolution of the society.
- (8) ~~Section~~ BSOG 3.9, Timetable, reviews the several stages of a transfer from start to finish.

...

- 3.1.10 G The statutory requirements of the 1986 Act are explained and discussed in more detail in subsequent sections of this chapter. However, as is stated in ~~paragraph~~ BSOG 3.1.1G, this chapter is not exhaustive and is not a substitute for considering, and taking professional advice on, the primary documents, which include:

the Building Societies Act 1986, as amended by or under other legislation, including:

the Building Societies (Joint Account Holders) Act 1995  
the Building Societies (Distributions) Act 1997  
the Building Societies Act 1997 and  
the Financial Services and Markets Act 2000 (in particular by the  
Financial Services and Markets Act 2000 (Mutual Societies) Order  
2001), ~~and~~ the Financial Services and Markets Act 2000 (Consequential  
Amendments and Repeals) Order 2001, and  
the Financial Services and Markets Act [] (Mutual Society) Order [].



...

### 3.3 Terms of a Transfer

...

#### The Successor Company

...

3.3.20 G The terms of the transfer must include provision to secure that the society ceases to hold any shares in the specially formed successor company by the date on which the society is to dissolve (Section 100(11) of the 1986 Act). The provisions of the 1986 Act concerning the dissolution of the society and the disposal of any shares in its successor are discussed in ~~section~~ BSOG 3.8.  
[PRA]

3.3.21 G The requisite protective provisions are the provisions of Section 101 of the 1986 Act which require the successor company to ensure that it does not allow one person, or two or more persons acting in concert, to hold more than 15% of the shares of the company during the period from the company's incorporation until 5 years after the vesting date. The purpose of this provision is, clearly, to protect the newly converted bank from takeover. The provisions will cease to apply if the ~~Authority~~ Prudential Regulator so directs or if the successor company acquires another financial institution, as defined in Section 101(6), or if the shareholders resolve to that effect by a majority representing at least 75% of the nominal value of shares giving voting rights. The PRA is required to consult the FCA before making a direction under section 101.  
[PRA]

...

### 3.4 Information provided to Members

...

#### Application and Authority Approval

...

3.4.12 G Before approving a Transfer Statement the PRA is required to consult the  
A FCA.

[PRA]

...

### 3.6 Confirmation

...

3.6.5A G The PRA is required to consult the FCA before confirming a transfer.

[PRA]

#### Scope of the Authority's Prudential Regulator's Powers

...

3.6.7 G The ~~Authority~~ Prudential Regulator has no general power to determine disputes between a society and its members, nor to seek to enforce other legislation or the general law. Disputes concerning services provided by societies in the ordinary course of their business are generally a matter, in the first instance, for a society's internal complaints procedure. They may also fall within the jurisdiction of the Financial Services Ombudsman Scheme. Disputes between a building society and a member of the society, in his or her capacity as a member, in respect of any rights or obligations arising from the Rules of the society or the provisions of the 1986 Act, fall within the jurisdiction of the High Court or, in Scotland, the Court of Session (Section 85 of and Schedule 14 to the 1986 Act). ~~However, the Authority does have power, on the written application of certain members, to direct that the member has the right to obtain names and addresses from the society's register of members. Before it gives such a direction, the Authority is required to be satisfied that the member requires that right for the purpose of communicating with other members of the society on a subject relating to its affairs, and must have regard to the interests of the members as a whole and to all the other circumstances (paragraph 15 of Schedule 2 to the 1986 Act). A fee is payable by the applicant. Chapter 1A of this Guide gives guidance on applications for access to the register of members.~~

3.6.7A G However, the FCA does have power, on the written application of certain members, to direct that the member has the right to obtain names and addresses from the society's register of members. Before it gives such a direction, the FCA is required to be satisfied that the member requires that right for the purpose of communicating with other members of the society on a subject relating to its affairs, and must have regard to the interests of the members as a whole and to all the other circumstances (paragraph 15 of Schedule 2 to the 1986 Act). A fee is payable by the applicant. Chapter 1A of this Guide gives guidance on applications for access to the register of members.

...

3.6.26 G The ~~Authority~~ Prudential Regulator will consider the written representations in the category set out in BSOG 3.6.24G(1) and the society's responses to them in advance of the date set for hearing oral representations. Copies of the society's comments on representations in the category set out in BSOG 3.6.24G(2) will be sent to those who made the representations so that they

[PRA]

may concentrate their oral representations on the points which they consider to remain at issue. A person making written representations who also wishes to see the society's response must, therefore, also give notice of intention to make oral representations. The society may, exceptionally, apply to put to the Authority Prudential Regulator in confidence documents which the society considers to be commercially sensitive: the Authority Prudential Regulator will decide on the merits of each case whether, and on what terms, to accept them as being confidential. Persons in the category set out in BSOG 3.6.24G(3) will be asked to inform the Authority Prudential Regulator, in advance of the hearing, of the subject and general grounds of the representations they intend to make, and their responses will be copied to the Society.

...

#### The Authority's Prudential Regulator's decision

- 3.6.33 G The Authority Prudential Regulator will not normally give an oral decision at the end of the hearing, ~~but may be expected to~~ and will reserve its decision to be issued later in writing, setting out its reasons. Copies of the written decision will be sent to the participants, and can be purchased by any other person. The Authority Prudential Regulator will ask the ~~registration team~~ FCA to place a copy on the public file of the society.
- [FCA/  
PRA]

### 3.7 Transfers under Direction

- 3.7.1 G This section describes the Authority's Prudential Regulator's powers to direct a society to transfer its business to a company, and to proceed by board resolution, and the modified transfer procedure consequently prescribed by the 1986 Act. Section 42B of the 1986 Act provides that, if the Authority Prudential Regulator considers it expedient to do so to protect the investments of shareholders or depositors, it may direct a society, inter alia, to transfer its business to a company within a specified time (subsection (1)(b)). The PRA must consult the FCA before giving a direction under section 42B of the 1986 Act. In such a case, or where the Authority Prudential Regulator would have directed a transfer, but for the fact that negotiations were already under way, the Authority Prudential Regulator may also direct that the approval of the transfer shall be by board resolution rather than the Transfer Resolutions. In these circumstances, because neither a Transfer Statement nor Transfer Resolutions are required, the 1986 Act requires the society instead to send to every member entitled to notice of a meeting a statement (referred to below as a transfer notification statement) before it applies for confirmation of the transfer (paragraphs 9 and 10 of Schedule 8A to the 1986 Act). Finally, in these circumstances, the first two Confirmation Criteria concerning information made available to, and the views of, the members (see section 6) are replaced by a single criterion: the members or a proportion of them would be unreasonably prejudiced by the transfer;
- [PRA]

(paragraph 11 of Schedule 8A to the 1986 Act).

...

### 3.8 Notification and Dissolution

...

3.8.2 G Section 97(8) of the 1986 Act requires the society to notify the ~~Authority~~ Prudential Regulator and the FCA of the vesting date, and it must do so no later than 7 days before that date, and, unless a notice is given under subsection (10), subsection (9) provides that the society shall be dissolved on that date ...

[FCA/  
PRA]

...

3.8.4 G The ~~registration team~~ FCA will record the relevant date, or dates, notified to the ~~Authority~~ Prudential Regulator and the FCA by the society.

[FCA/  
PRA]

3.8.5 G The society will be dissolved on the vesting date or on the later date for dissolution referred to in ~~paragraph~~ *BSOG* 3.8.2G, and its registration will subsequently be cancelled by the ~~registration team~~ FCA under the provisions of Section 103(1)(a) of the 1986 Act having consulted the FCA.

[FCA/  
PRA]

### 3.9 Timetable

3.9.1 G The society will need to draw up a project plan covering the key elements in the transfer process and the relationships between them, and specifying when it wishes to receive the necessary clearances from the ~~Authority~~ Prudential Regulator. The time needed for the process will depend, among other things, on the length of time it takes to settle the final terms of the distribution scheme, the complexity of those terms and whether the scheme raises new legal issues (perhaps requiring resolution by application to the High Court), and the time needed to verify the register of members and the record of Trustee Account Holders. It will also be affected by the facility with which the society and its advisers can develop satisfactory documents and respond to enquiries and representations. The plan and the timetable will, of course, need to cover all that will be required of the society, and the successor company, in relation to the requirements of the Banking Regulator, and of the ~~Authority~~ FCA concerning the listing of any shares in the successor company.

[FCA/  
PRA]

3.9.2 G It will be helpful for the society to discuss its plans with the ~~Authority~~ Prudential Regulator during their formative stages, when the ~~Authority~~ Prudential Regulator will be prepared to give a view on their feasibility. However, although the ~~Authority~~ Prudential Regulator may agree that a

[FCA/  
PRA]

planned timetable appears to be manageable, it cannot undertake to meet any deadlines set by the society. In particular, the Authority Prudential Regulator cannot be constrained in the proper performance of its statutory functions by, for example, the society's wish to put the Transfer Resolutions to a SGM on or before the date of the AGM in that year, or the planned flotation date. The Authority Prudential Regulator will be mindful of the need to ensure that there is adequate time, compatible with its other business and commitments, to:

...

- (3) give interested parties an opportunity to make considered representations at the confirmation stage, for the society to respond to those representations, and for the Authority Prudential Regulator to consider all the evidence and arguments, including making any necessary further enquiries of its own, and to meet any statutory requirement for consultation; and

...

3.9.3 G The likely sequence of events is as follows:

[FCA/  
PRA]

Stage 1	Informal preliminary discussions with the <u>Authority Prudential Regulator</u> and, if different, the Banking Regulator on both substance and timing of the proposed transfer.
Stage 2	Public announcement of the transfer proposals. The <u>Authority Prudential Regulator</u> will be ready to comment on drafts of the announcement and any supporting material, although the terms of the announcement are for the society to decide and the <u>Authority Prudential Regulator</u> is not required to approve them.
Stage 3	Consultation with the <u>Authority Prudential Regulator</u> on the outline structure of, and main features to be contained in, the Transfer Statement, and on the full specification of the proposed cash and/or share distribution scheme.
Stage 4	Submission to the <u>Authority Prudential Regulator</u> of the prudential information described in <u>section BSOG 3.2</u> .
Stage 5	Initial application to the <u>Authority Prudential Regulator</u> , with the appropriate fee, for approval of a full draft of the Transfer Statement, contained within a draft Transfer Document, supported by the material described in paragraph <u>BSOG 3.4.12G</u> .
Stage 6	Consideration by the <u>Authority Prudential Regulator</u> , and discussion with the society and its advisers, of the draft documents, including submission by the society of revised drafts as necessary. At this stage, the <u>Authority's Prudential Regulator's</u> staff will also be ready to comment informally on draft proxy forms and other material

	proposed to be sent to the members with, or in advance of, the Transfer Document. By this stage also, the society ought to have undertaken any mailing to members which it thinks necessary to verify its register of members (see <del>paragraphs</del> <i>BSOG 3.5.14G</i> to <i>BSOG 3.5.17G</i> ), and to notify them of the rights of Trustee Account Holders (See <del>paragraph</del> <i>BSOG 3.3.18G</i> ).
Stage 7	(if necessary) Further application to the <u>Authority Prudential Regulator</u> , with a further fee, for approval of a significantly revised Transfer Statement (see <del>paragraph</del> <i>BSOG 3.4.14G</i> ).
...	
Stage 9	Informal indication by the <u>Authority Prudential Regulator</u> that it is satisfied with near-final proofs of the Transfer Statement, and the Transfer Agreement.
Stage 10	Formal submission to the <u>Authority Prudential Regulator</u> of the final draft of the Transfer Statement, together with the supporting documents described in <del>paragraph</del> <i>BSOG 3.4.15G</i> .
Stage 11	Approval by the <u>Authority Prudential Regulator</u> of the Transfer Statement. One proof copy of the Statement, identified and signed on behalf of the <u>Authority Prudential Regulator</u> , will be returned to the society.
Stage 12	Printing and distribution of meeting notice and Transfer Document to members of the society in time to be received by them at least 21 days before the last date for receipt of proxy forms for the meeting at which the Transfer Resolutions are to be moved. The <u>Authority Prudential Regulator</u> would appreciate being provided with a number (to be agreed) of copies of the final printed Transfer Document and any Transfer Summary and of the Transfer Statement if printed separately for distribution on request. Although not required by the 1986 Act, one copy of each will be passed to the <del>Registration team</del> <u>FCA</u> to be placed on the public file of the society.
...	
Stage 14	If the Transfer Resolutions are passed, application to the <u>Authority Prudential Regulator</u> for confirmation and publication of notices of that application in the official Gazettes and newspapers. The application should be accompanied by the requisite fee and the material specified in <del>paragraph</del> <i>BSOG 3.6.2G</i> .
Stage 15	Last date for receipt by the <u>Authority Prudential Regulator</u> of representations with respect to the applications. A minimum of four weeks should be allowed between Stages 14 and 15 and a further four weeks to Stage 16 (with extra time allowed for any public holidays which intervene). Representations will be copied to the

	society for its comments as and when they are received. The <u>Authority Prudential Regulator</u> will then require sufficient time before the hearing to consider and assess all the representations and the society's responses, and to make any further enquiries which it may think necessary.
...	
Stage 17	Notification to the society and representers, and publication, of the <u>Authority's Prudential Regulator's Decision</u> . It is advisable to allow a minimum of four weeks between Stages 16 and 17, again allowing extra time for any public holidays.
Stage 18	Notification by the society to the <u>Authority Prudential Regulator and the FCA</u> of the vesting date and, if later, the date of dissolution of the society.
...	

...

3.9.5 G The PRA is required to consult the FCA before approving a merger. This will happen before Stage 17 in the table above.  
[PRA]

...

**3** **Transfer Confirmation Procedures**  
**Annex**  
**4**

[PRA]

...		
4.3.1	G	The purpose of the hearing is to enable interested parties to make representations, and to enable the <u>Authority Prudential Regulator</u> to make such enquiry as it considers necessary, both of the society and of those making representations, in order to reach an informed view. The <u>Authority Prudential Regulator</u> will examine all the representations, whether written or oral, in relation to the four statutory criteria described in <u>paragraph BSOG 3 Annex 4.2.2G</u> . In the light of that examination, and consideration of all the representations and the society's response, <u>and after any consultation required by the 1986 Act</u> , the <u>Authority Prudential Regulator</u> will make its decision.
...		
4.4.4	G	The <u>Authority Prudential Regulator</u> will send copies of all written representations to the society, and will afford it an opportunity to comment on them (paragraph 8 of Schedule 17 to the 1986 Act). The <u>Authority Prudential Regulator</u> will consider the written representations in the categories set out in <u>BSOG 3 Annex 4.4.3G(1) and (2)</u> , and the

		<p>society's responses to them. A synopsis of the representations (probably in the form of a summary of each of the main points made and the numbers of persons making each point) and the society's responses may be made available to those participating in the oral hearing. This is intended to inform those making oral representations of the points already under consideration by the <u>Authority Prudential Regulator</u> with a view to avoiding unnecessary repetition.</p>
4.4.5	G	<p>Copies of the society's comments on representations in <u>the category set out in BSOG 3 Annex 4.4.3G(2)</u> will be sent to those who made the representations in time for the oral hearing so that they may concentrate their oral representations on the points which they consider to remain at issue. A person making written representations who wishes to see the society's comments must, therefore, also give notice of intention to make oral representations. Any documents referred to in the society's comments will be made available by the society for inspection at a specified place which will be notified to those making oral representations. (The society may, exceptionally, apply to put to the <u>Authority Prudential Regulator</u> in confidence documents which the society considers to be commercially sensitive: the <u>Authority Prudential Regulator</u> will decide on hearing argument whether, and on what terms, to accept them as being confidential). Persons in <u>the category set out in BSOG 3 Annex 4.4.3G(3)</u> will be asked to inform the <u>Authority Prudential Regulator</u>, in advance of the oral hearing, of the subject and general grounds of the representations they intend to make; the <u>Authority Prudential Regulator</u> will copy any response to the society.</p>
...		

**Annex 37**

**Amendments to the Collective Investment Scheme Information Guide (COLLG)**

There are no amendments to this module in this Instrument.

Annex 38

Amendments to the Financial Crime: a guide for firms sourcebook (FC)

In this Annex, underlining indicates new text and striking through indicates deleted text.

Part 1, Annex 1:

Common terms

...

Term	Meaning
...	...
Financial Action Task Force (FATF)	...
<u>Financial Conduct Authority (FCA)</u>	<u>The Financial Conduct Authority has statutory objectives under FSMA that include protecting and enhancing the integrity of the UK financial system. The integrity of the UK financial system includes its not being used for a purpose connected with financial crime. We have supervisory responsibilities under the Money Laundering Regulations 2007 for authorised firms and businesses such as leasing companies and providers of safe deposit boxes. We also have functions under other legislation such as the Transfer of Funds (Information on the Payer) Regulations 2007, in relation to the EU Wire Transfer Regulation, and schedule 7 to the Counter-Terrorism Act 2008.</u>
Financial Intelligence unit (FIU)	...
...	
Financial Services Authority (FSA)	<u>The Financial Services Authority was the previous financial services regulator. The Financial Services Authority has It had</u> statutory objectives under FSMA that <del>include</del> <u>included</u> the reduction of financial crime. <del>We have</del> <u>The FSA had</u> supervisory responsibilities under the Money Laundering Regulations 2007 for authorised firms and businesses such as leasing companies and providers of safe deposit boxes. <del>We also have</del> <u>It also had</u> functions under other legislation such as the Transfer of Funds (Information on the Payer) Regulations 2007, in relation to the EU Wire Transfer Regulation, and schedule 7 to the Counter-Terrorism Act 2008.

...	
-----	--

Annex 39

Amendments to the Perimeter Guidance manual (PERG)

In this Annex, underlining indicates new text and striking thorough indicates deleted text, unless otherwise stated.

2 Annex Regulated activities and the permission regime  
2G

[FCA] 1 Table

1.1 G	Table 1 is designed to relate the <i>permission</i> regime <u>as operated by the FCA to regulated activities</u> . <del>It does not explain how the permission regime as operated by the PRA relates to regulated activities. It therefore does not cover PRA-regulated activities which only apply to PRA-authorised persons.</del> Those <i>PRA-regulated activities</i> are set out in <u>Table 1A</u> . Section <del>42(6)</del> <u>55E(4)</u> of the <i>Act</i> gives the <del>FSA</del> <u>FCA</u> the power to describe the <i>regulated activity</i> or <i>regulated activities</i> for which it gives <i>permission</i> in such manner as the <del>FSA</del> <u>FCA</u> considers appropriate. Table 1 details how the <del>FSA</del> <u>FCA</u> has chosen to describe the <i>regulated activities</i> and <i>specified investments</i> for the purposes of the <i>permission</i> regime.
1.2 G	In an application for <del>Part IV permission</del> <u>Part 4A permission</u> , an applicant will need to state the <i>regulated activities</i> it requires <i>permission</i> to carry on. This will involve an applicant identifying the <i>regulated activities</i> and the <i>specified investments</i> associated with those activities for which it requires <del>Part IV permission</del> <u>Part 4A permission</u> .
...	

2 Table

<b>Table 1: Regulated Activities (excluding PRA-only activities)</b> [See note 1 to Table 1]	
<b>Regulated activity</b>	<b>Specified investment in relation to which the regulated activity (in the corresponding section of column one) may be carried on</b>
<b>Accepting deposits</b>	
(a) <del>accepting deposits</del> (article 5)	<del>deposit</del> (article 74)

[deleted]	
...	
<b>Insurance business</b>	
(b) <i>effecting contracts of insurance</i> (article 10(1)) (c) <i>carrying out contracts of insurance</i> (article 10(2)) [deleted]	<i>contract of insurance</i> (article 75) [expanded in Table 2]
...	
<b>The Lloyd's market [see note 6 to Table 1]</b>	
(q) <i>advising on syndicate participation at Lloyd's</i> (article 56)	membership of a Lloyd's syndicate (article 86(2))
(r) <i>managing the underwriting capacity of a Lloyd's syndicate as a managing agent at Lloyd's</i> (article 57)	<i>underwriting capacity of a Lloyd's syndicate</i> (article 86(1))
...	

### 3 Table

Notes to Table 1
<p>Note 1: In addition to the <i>regulated activities</i> listed in Table 1, article 64 of the <i>Regulated Activities Order</i> specifies that <i>agreeing to carry on a regulated activity</i> is itself a <i>regulated activity</i> in certain cases. This applies in relation to all the <i>regulated activities</i> listed in Table 1 apart from:</p> <ul style="list-style-type: none"> <li>• <del><i>accepting deposits</i> (article 5);</del></li> <li>• <i>issuing electronic money</i> (article 9B);</li> <li>• <del><i>effecting and carrying out contracts of insurance</i> (article 10);</del></li> <li>• <i>operating a multilateral trading facility</i> (article 25D)</li> <li>• <i>establishing, operating or winding up a collective investment scheme</i> (article 51(1)(a));</li> <li>• <i>acting as trustee of an authorised unit trust scheme</i> (article 51(1)(b));</li> <li>• <i>acting as the sole depositary or sole director of an open-ended investment company</i> (article 51(1)(c));</li> <li>• <i>establishing, operating or winding up a stakeholder pension scheme or</i></li> </ul>

<p><i>establishing operating or winding up a personal pension scheme</i> (article 52) : and</p> <ul style="list-style-type: none"> <li>• <i>the meeting of repayment claims and/or managing dormant account funds (including the investment of such funds)</i> (article 63N).</li> </ul>
<p><i>Permission to carry on the activity of agreeing to carry on a regulated activity will be given automatically by the FSA FCA in relation to those other regulated activities for which an applicant is given permission (other than those activities in articles 5, 9B, 40, 51 and 52 detailed above).</i></p>
<p>...</p>
<p>Note 6: Section 315 of the Act (<del>The Society: authorisation and permission</del>) states that <del>the Society of Lloyd's has permission to carry on the regulated activities referred to in that section, one of which is specified in article 58 of the Regulated Activities Order. This permission is unique to the Society of Lloyd's.</del></p>
<p>...</p>

4 Table

<b>Table 1A: PRA-only regulated Activities [See notes 1 and 2 to Table 1A]</b>	
<b><u>Regulated activity</u></b>	<b><u>Specified investment in relation to which the regulated activity (in the corresponding section of column one) may be carried on</u></b>
<b><u>Accepting deposits</u></b>	
<i>(a) accepting deposits</i> (article 5)	<i>deposit</i> (article 74)
<b><u>Insurance business</u></b>	
<i>(b) effecting contracts of insurance</i> (article 10(1)) <i>(c) carrying out contracts of insurance</i> (article 10(2))	<i>contract of insurance</i> (article 75) [expanded in Table 2]
<b><u>The Lloyd's market</u></b>	
<i>(d) managing the underwriting capacity of a Lloyd's syndicate as a managing agent at Lloyd's</i> (article 57)	<i>underwriting capacity of a Lloyd's syndicate</i> (article 86(1))
<i>(e) the activity of arranging, by the</i>	<i>contract of insurance</i>

<p><i>Society</i>, of deals in contracts of insurance written at Lloyd's (article 58)</p>	
---	--

5 Table

<p>Notes to Table 1A</p>
<p><u>Note 1:</u> In addition to the <i>regulated activities</i> listed in Table 1A, article 64 of the <i>Regulated Activities Order</i> specifies that <i>agreeing to carry on a regulated activity</i> is itself a <i>regulated activity</i> in certain cases. This only applies in relation to the Lloyd's market activities in paragraphs (d) and (e).</p>
<p><u>Note 2:</u> The activity of <i>dealing in investments as principal</i> is also a <i>PRA regulated activity</i> where carried on by a <i>person</i> designated by the <i>PRA</i>.</p>

4 6 Table

<p>Table 2: Contracts of insurance</p>
<p>...</p>
<p><b>Notes to Table 2</b></p>
<p><u>Note 1:</u> See <i>IPRU(INS)</i> Ann 10.2 Part II for the groups of <i>classes of general insurance business</i> from the Annex to the <i>First non-Life Directive</i>.</p>
<p><u>Note 2:</u> See <i>IPRU(INS)</i> 11.8 and the definition of <i>ancillary risks</i> in <i>IPRU(INS)</i> for <i>guidance on the treatment of supplementary and ancillary provisions in relation to contracts of insurance</i>.</p>

5 7 Table

<p><b>Table 3: Securities, contractually based investments and relevant investments [see notes 1 and 2 to Table 3]</b></p>		
<p><b>Security (article 3(1))</b></p>	<p><b>Contractually based investment (article 3(1))</b></p>	<p><b>Relevant investments (article 3(1))</b></p>
<p>...</p>	<p>...</p>	<p>...</p>

...

4.1.2 G ~~With effect from 31 October 2004 certain~~ Certain activities relating to mortgages ~~have been~~ are regulated by the ~~FSA~~ FCA. The purpose of this guidance is to help *persons* decide whether they need *authorisation* and, if they do, to determine the scope of the ~~Part IV permission~~ Part 4A permission for which they will need to apply.

...

5.3.4 G As with any other contract, a *contract of insurance* that is not effected by way of a deed will only be legally binding if, amongst other things, it is entered into for valuable consideration. Determining what amounts to sufficient consideration in any given case is a matter for the courts. In practice, however, the legal definition of consideration is very wide. In particular, just because a *contract of insurance* is 'free' in the colloquial sense does not mean that there is no consideration for it. In the vast majority of cases, therefore, 'free' insurance policies (such as policies that act as loss leaders for an *insurance undertaking*) will be binding contracts and will amount to *specified investments* and therefore be subject to ~~FSA~~ regulation under the Act.

...

6.3.1 G The business of *effecting or carrying out contracts of insurance* is subject to prior *authorisation* under the Act and regulation by the ~~FSA~~ FCA and PRA. (There are some limited exceptions to this requirement, for example, for breakdown insurance.)

...

8.14.40 G In the ~~FSA's~~ FCA's opinion, provided that the purpose of the transaction is for the buyer to acquire the necessary control, it is irrelevant who is the seller. The exemption specifically applies to *financial promotions* which are *communicated* on behalf of the parties or potential parties to the transaction. ~~The Treasury, in its consultative document "Financial Services and Markets Act two year review: Changes to secondary legislation Proposals for change, February 2004" proposed changes to article 62 aimed primarily at limiting its scope in relation to the objective test referred to in PERG 8.14.35G. In its response to the comments received during the consultation, the Treasury announced, in its document "Financial Services and Markets Act two year review: Changes to secondary legislation Government response, November 2004" that it intends to make certain changes to article 62 in due course.~~

...

8.17.7 G *Advising on qualifying credit* ~~will be~~ is a *controlled activity* under paragraph  
[FCA] 10B of Schedule 1 to the *Financial Promotion Order*; that is, advising a  
*person* if the advice is:

...

8.17.8 G Agreeing to carry on each of these three *controlled activities* ~~will also be~~ is  
[FCA] also a *controlled activity* under paragraph 11 of Schedule 1 to the *Financial*  
*Promotion Order*.

...

## 10.2 General issues

[FCA] **Q2. I propose to provide services to a pension scheme - in what circumstances  
will I need to be authorised by the FSA under the Act or be an exempt  
person?**

...

### **Q3. How will I know if my proposed activities are regulated?**

*Regulated activities* are specified in the Financial Services and Markets Act 2000  
(Regulated Activities) Order 2001 ("the *Regulated Activities Order*"). They  
include:

...

~~But some activities are specifically excluded from the FSA's regulatory scope.~~

...

In PERG 15 Annex 1, Flowchart 2 (PSD transitional arrangements) is deleted. The deleted  
flowchart is not shown.

**Annex 40**

**Amendments to the Responsibilities of Providers and Distributors for the Fair  
Treatment of Customers Guide (RPPD)**

There are no amendments to this module in this Instrument.

## **Annex 41**

### **Amendments to the Unfair Contract Terms Regulatory Guide (UNFCOG)**

There are no amendments to this module in this Instrument.

**LEGAL CUTOVER (SKILLED PERSONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex D to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex D to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A and provision 3.2.7R in Annex B to this Instrument; and
  - (2) each provision in Annex C to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex D to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex D to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex D to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex D to this Instrument,
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

#### **Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

#### **Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set

out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex D to this Instrument; and
- (2) “PRA” or “FCA/PRA” in Column 3 of Annex D to this Instrument.

15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.

16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:

- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
- (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
- (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

#### **Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

#### **Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph (3), the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A and provision 3.2.7AR in Annex B to this Instrument; and
- (2) each provision in Annex C to this Instrument that meets all of the conditions in paragraph 20:
- (3) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 21.

20 The conditions referred to in paragraph 19(2) are that a provision is:

- A. identified as “Made” in Column 2 of Annex D to this Instrument; and

- B. identified as “PRA” or “PRA/FCA” in Column 3 of Annex D to this Instrument.
- 21 The conditions referred to in paragraph 19(3) are that a provision is:
- A. identified as “Designated” in Column 2 of Annex D to this Instrument; and
- B. identified as “PRA” or “PRA/FCA” in Column 3 of Annex D to this Instrument,
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers).
- 23 The rule-making powers in paragraph 19(3) are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex C to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex D that is marked with a G in Column 1 of Annex D to this Instrument; and
- (2) each provision listed in Annex D to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex D that is (a) marked with a G in Column 1 of Annex D to this Instrument and (b) not in Annex C to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on the 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The modules of the FCA’s and PRA’s Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A

Fees manual (FEES)	Annex B
Supervision manual (SUP)	Annex C

**Citation**

29 This Instrument may be cited as the Legal Cutover (Skilled Persons) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Glossary of definitions (Glossary)

In this Annex, underlining indicates new text and striking through indicates deleted text.

- skilled person*  
[FCA/PRA]      a *person* appointed to make a report required by section 166 (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the *Act* (~~Reports by skilled persons~~) for provision to the *FSA appropriate regulator* and who must be a person:
- (a)      nominated, ~~or~~ approved or appointed by the *FSA appropriate regulator*; and
  - (b)      appearing to the *FSA appropriate regulator* to have the skills necessary to make a report on the matter concerned.

**Annex B**

**Amendments to the Fees manual (FEES)**

In this Annex, underlining indicates new text.

3.2.7  
[FCA/  
PRA]

**R Table of application, notification and vetting fees**

(1) Fee payer	(2) Fee payable	Due date
...		
<p><u>(zp) A person in respect of which the appropriate regulator has given notice of its intention to itself appoint a skilled person to provide it with a report pursuant to section 166(3)(b) of the Act and SUP 5.2.</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in relation to any work carried out by that skilled person in connection with its appointment by the appropriate regulator pursuant to section 166(3)(b) of the Act.</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>
<p><u>(zq) A person in respect of which the appropriate regulator has given notice of its intention to itself appoint a skilled person to collect or update information pursuant to section 166A(2)(b) of the Act.</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in relation to any work carried out by that skilled person in connection with its appointment by the appropriate regulator pursuant to section 166A(2)(b) of the Act.</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>
...		

## Annex C

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 5 Reports by skilled persons

##### 5.1 Application and purpose

Application

5.1.1 R ...

5.1.1A R In respect of the FCA's power in section 166 of the Act (Reports by skilled persons), reference to a firm in SUP 5.5.1R, SUP 5.5.5R and SUP 5.5.9R includes a recognised investment exchange.  
[FCA]

5.1.1B G In respect of the FCA's power in section 166 of the Act (Reports by skilled persons), the guidance in this chapter applies to a recognised investment exchange in the same way as it applies to a firm.  
[FCA]

...

Purpose

5.1.3 G The purpose of this chapter is to give *guidance* on the ~~FSA's~~ appropriate regulator's use of the power in section 166 (Reports by skilled persons) and section 166A (Appointment of skilled person to collect and update information) of the Act (~~Reports by skilled persons~~). The purpose is also to make *rules* requiring a *firm* ~~to include certain provisions in its contract with a skilled person~~ and to give assistance to a *skilled person* and, where a *firm* is required to appoint a skilled person, to include certain provisions in its contract with a skilled person. These *rules* are designed to ensure that the ~~FSA~~ appropriate regulator receives certain information from a *skilled person* and that a *skilled person* receives assistance from a *firm*.  
[FCA/  
PRA]

##### 5.2 The ~~FSA's~~ appropriate regulator's power

Who may be required to provide a report?

5.2.1 G Under section 166 of the Act (Reports by skilled persons), the ~~FSA~~ appropriate regulator may, by giving a written notice, itself appoint a skilled person to provide it with a report, or require any of the following *persons* to provide it with a report by a *skilled person*:  
[FCA/  
PRA]

...

5.2.2  
[FCA/  
PRA]      G      Under section 166A of the Act (Appointment of skilled person to collect and update information), the *appropriate regulator* may require a *firm* to appoint, or itself appoint, a *skilled person* to collect or update information.

### 5.3 Policy on the use of skilled persons

5.3.1  
[FCA/  
PRA]      G      The appointment of a *skilled person* to produce a report under section 166 of the Act (Reports by skilled persons) is one of the *FSA's appropriate regulator's* regulatory tools. The tool may be used:

...

~~*SUP 5 Annex 1 gives examples of circumstances in which the FSA may use the skilled persons tool.*~~

5.3.1A  
[FCA]      G      *SUP 5 Annex 1 gives examples of circumstances in which the FCA may use the skilled persons tool.*

5.3.2  
[FCA/  
PRA]      G      The decision by the *appropriate regulator* to require a report by a *skilled person* under section 166 of the Act (Reports by skilled persons) will normally be prompted by a specific requirement for information, analysis of information, assessment of a situation, expert advice or recommendations or by a decision to seek assurance in relation to a regulatory return. It may be part of the risk mitigation programme applicable to a *firm*, or the result of an event or development relating or relevant to a *firm*, prompted by a need for verification of information provided to the *FSA appropriate regulator* or part of the *FSA's appropriate regulator's* regular monitoring of a *firm*.

5.3.2A  
[FCA/  
PRA]      G      The decision by the *appropriate regulator* to require the collection or updating of information by a *skilled person* under section 166A of the Act (Appointment of skilled person to collect and update information) will be prompted where the *appropriate regulator* considers there has been a breach of a requirement by a *firm* to collect, and keep up to date, information of a description specified in the *appropriate regulator's rules*.

5.3.3  
[FCA/  
PRA]      G      When making the decision to require a report by a *skilled person* under section 166 (Reports by skilled persons) or the collection or updating of information by a *skilled person* under section 166A (Appointment of skilled person to collect and update information) of the Act, the *FSA appropriate regulator* will have regard, on a case-by-case basis, to all relevant factors. Those are likely to include:

...

(4) the objectives of the *FSA's appropriate regulator's* enquiries;

...

(6) considerations relating to *FSA the appropriate regulator's*

resources.

*SUP 5.3.4G* to *SUP 5.3.10G* give further guidance on these listed factors.

Circumstances relating to the firm

5.3.4  
[FCA/  
PRA]

G The *FSA appropriate regulator* will have regard to circumstances relating to the *firm*, for example:

...

- (3) quality of a *firm's* systems and records: whether the *FSA appropriate regulator* has confidence that the *firm* has the ability to provide the required information;
- (4) objectivity: whether the *FSA appropriate regulator* has confidence in the *firm's* willingness and ability to deliver an objective report;
- (5) conflicts of interest: whether the subject matter of the enquiries or the report involves actual or potential misconduct and it would be inappropriate for the *FSA appropriate regulator* to rely on the *firm* itself to enquire into the matter; and

...

Alternative tools available, including other statutory powers

5.3.5  
[FCA/  
PRA]

G The *FSA appropriate regulator* will have regard to alternative tools that may be available, including, for example:

- (1) obtaining what is required without using specific statutory powers (for example, by a visit by *FSA* staff of the *appropriate regulator* or a request for information on an informal basis);
- (2) requiring information from *firms* and others, including authorising an agent to require information, under section 165 of the *Act* (~~Authority's power~~ Power to require information);
- (3) appointing investigators to carry out general investigations under section 167 of the *Act* (~~Appointment of persons to carry out general investigations~~ investigator in general cases) (see *EG 3* for the *FSA's appropriate regulator's* policy on the use of this power); and
- (4) appointing investigators to carry out investigations in particular cases under section 168 of the *Act* (~~Appointment of persons to carry out investigations in particular cases~~ investigator in specific cases) (see *EG 3* for the *FSA's appropriate regulator's* policy on the use of this power).

Legal and procedural considerations

5.3.6  
[FCA/  
PRA]

- G The *FSA appropriate regulator* will have regard to legal and procedural considerations including:
- (1) statutory powers: whether one of the other available statutory powers is more appropriate for the purpose than the power in section 166 (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the *Act* (~~Reports by skilled persons~~);
  - ...
  - (3) application of the *Handbook rules*: whether it is important that the relevant *rules* in the *Handbook* should apply, for example SUP 5.5.1R which obliges the *firm* to require and permit the ~~skilled person~~ *skilled person* to report specified matters to the *FSA appropriate regulator*.

The objectives of the *FSA's appropriate regulator's* enquiries

5.3.7  
[FCA/  
PRA]

- G The *FSA appropriate regulator* will have regard to the objectives of its enquiries, and the relative effectiveness of its available powers to achieve those objectives. For example:
- (1) historic information or evidence: if the objectives are limited to gathering historic information, or evidence for determining whether enforcement action may be appropriate, the *FSA's appropriate regulator's* information gathering and investigation powers under sections 165 (~~Authority's power~~ Power to require information), 167 (~~Appointment of persons to carry out general investigations~~ investigator in general cases) and 168 (~~Appointment of persons to carry out investigations in particular cases~~ investigator in specific cases) of the *Act* are likely to be more appropriate than the ~~power in~~ section 166 ~~power~~ (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the *Act*; and
  - (2) expert analysis or recommendations: if the objectives include obtaining expert analysis or recommendations (or both) for diagnostic, monitoring, preventative or remedial purposes, the section 166 power (Reports by skilled persons) may be an appropriate power to use, instead of, or in conjunction with, the *FSA's appropriate regulator's* other available powers.

Cost considerations

5.3.8  
[FCA/  
PRA]

- G In accordance with its general policy the *FSA appropriate regulator* will have regard to the question of cost, which is particularly pertinent in relation to *skilled persons* because:
- (1) if the *FSA appropriate regulator* uses the section 166 power

(Reports by skilled persons) or the section 166A power (Appointment of skilled person to collect and update information), either the firm will appoint, and will have to pay for the services of, the skilled person, or the appropriate regulator will appoint, and will require under FEES 3.2.7R(zp) or FEES 3.2.7R(zq) that the relevant firm pays for the services of, the skilled person;

- (2) if the *FSA appropriate regulator* uses its other information gathering and investigation powers, it will either authorise or appoint its own staff to undertake the information gathering or investigation (or both), or it will pay for the services of external competent persons to do so; in either case the costs will be recovered under the *FSA's appropriate regulator's* general fee scheme.

5.3.9 [FCA/  
PRA] G In having regard to the cost implications of using the section 166 power (Reports by skilled persons) or the section 166A power (Appointment of skilled person to collect and update information) alternative options (such as visits) or other powers, the *FSA appropriate regulator* will take into account relevant factors, including:

...

- (4) whether the *firm* appears to have breached requirements or standards under the *regulatory system* or otherwise put the interests of consumers at risk, and it is unable or unwilling to review and remedy the matters of concern, or the *FSA appropriate regulator* considers that it cannot rely on the *firm* to do so; and

...

...

Considerations relating to *FSA the appropriate regulator's* resources

5.3.10 [FCA/  
PRA] G The *FSA appropriate regulator* will have regard to *FSA appropriate regulator*-related considerations including:

- (1) *FSA appropriate regulator* expertise: whether the *FSA appropriate regulator* has the necessary expertise; and
- (2) *FSA appropriate regulator* resources: whether the resources required to produce a report or to make enquiries or to appoint a skilled person itself are available within the *FSA appropriate regulator*, or whether the exercise will be the best use of the *FSA's appropriate regulator's* resources at the time.

## 5.4 Appointment and reporting process

Scope of report

- 5.4.1 [FCA/PRA] G ~~The FSA~~ Where the appropriate regulator requires a report by a skilled person under section 166 of the Act (Reports by skilled persons), the appropriate regulator will send a notice in writing requiring the person in SUP 5.2.1G to provide a report by a skilled person, or notifying the person in SUP 5.2.1G in writing of the appropriate regulator's appointment of a skilled person to provide a report, on any matter if it is reasonably required in connection with the exercise of its functions conferred by or under the Act. The ~~FSA~~ appropriate regulator may require the report to be in whatever form it specifies in the notice (SUP 5 Annex 2 summarises the appointment and reporting processes).
- 5.4.1A [FCA/PRA] G Where the appropriate regulator requires the updating or collection of information by a skilled person under section 166A of the Act (Appointment of skilled person to collect and update information), the appropriate regulator will send a notice in writing requiring the firm to appoint a skilled person, or notifying the firm of the appropriate regulator's appointment of a skilled person, to collect or update the relevant information.
- 5.4.2 [FCA/PRA] G As part of the decision making process the ~~FSA~~ appropriate regulator will normally contact the person in SUP 5.2.1G or in SUP 5.2.2G to discuss its needs before finalising its decision to require a report or the updating or collection of information by a skilled person. This will provide an opportunity for discussion about the appointment, whether an alternative means of obtaining the information would be better, what the scope of a report should be, who should be appointed, who should appoint, and the likely cost.
- 5.4.3 [FCA/PRA] G The ~~FSA~~ appropriate regulator will give written notification to the person in SUP 5.2.1G or SUP 5.2.2G of the purpose of the report or collection or updating of information, its scope, the timetable for completion and any other relevant matters. The ~~FSA~~ appropriate regulator will state the matters which the report is to contain, or the information which is to be collected or updated, as well as any requirements as to the report's format. For example, a report on controls may be required to address key risks, key controls and the control environment. The ~~FSA~~ appropriate regulator attaches importance to there being a timetable for each report and to the skilled person, with the cooperation of the person in SUP 5.2.1G or the firm in SUP 5.2.2G, as relevant, keeping to that timetable.
- 5.4.4 [FCA/PRA] G The written notification in SUP 5.4.3G may be preceded or followed by a discussion of the ~~FSA's~~ appropriate regulator's requirements and the reasons for them. This may involve the ~~FSA~~ appropriate regulator, the person in SUP 5.2.1G or in SUP 5.2.2G and the person who has been, or is expected to be, appointed as the skilled person. The ~~FSA~~ appropriate regulator recognises that there will normally be value in holding discussions involving the skilled person at this stage. These discussions may include others if appropriate.
- 5.4.5 [FCA/PRA] G The ~~FSA~~ appropriate regulator will wish to conduct the discussion with the firm, its skilled person and any others within a timescale appropriate to the

PRA] circumstances of the case.

#### Appointment process

5.4.6 [FCA/  
PRA] G ~~The~~ Where the skilled person is appointed by the *person* in SUP 5.2.1G-  
~~The FSA or SUP 5.2.2G, the appropriate regulator~~ will normally seek to  
agree in advance with the *person* in SUP 5.2.1G or SUP 5.2.2G the skilled  
person who will make the report or collect or update the relevant  
information. The *Act* requires that ~~the~~ such skilled person be nominated or  
approved by the ~~FSA~~ appropriate regulator:

- (1) if the ~~FSA~~ appropriate regulator decides to nominate the skilled  
person who is to make the report or collect or update the  
information, it will notify the *person* in SUP 5.2.1G or SUP 5.2.2G  
accordingly; and
- (2) alternatively, if the ~~FSA~~ appropriate regulator is content to approve  
a skilled person selected by the *person* in SUP 5.2.1 G or SUP  
5.2.2G, it will notify the latter *person* of that fact.

The ~~FSA~~ appropriate regulator may give the *person* in SUP 5.2.1G or SUP  
5.2.2G a shortlist from which to choose.

5.4.7 [FCA/  
PRA] G A skilled person must appear to the ~~FSA~~ appropriate regulator to have the  
skills necessary to make a report on the matter concerned or collect or  
update the relevant information. A skilled person may be an accountant,  
lawyer, compliance consultant, *actuary* or *person* with relevant business,  
technical or technological skills.

5.4.8 [FCA/  
PRA] G When considering whether to nominate, ~~or~~ approve or appoint a skilled  
person to make a report or collect or update information, the ~~FSA~~  
appropriate regulator will have regard to the circumstances of the case,  
including whether the proposed skilled person appears to have:

- (1) the skills necessary to make a report on the matter concerned or  
collect or update the relevant information;
- (2) the ability to complete the report or collect or update the information  
within the time expected by the ~~FSA~~ appropriate regulator;
- (3) any relevant specialised knowledge, for instance of the *person* in  
SUP 5.2.1G or SUP 5.2.2G, the type of business carried on by the  
*person* in SUP 5.2.1G or SUP 5.2.2G, or the matter to be reported  
on or information to be collected or updated;
- (4) any professional difficulty or potential conflict of interest in  
reviewing the matters to be reported on or the information to be  
collected or updated, for instance because ~~the matters to be reported  
on~~ it may involve questions reflecting on the quality or reliability of  
work previously carried out by the proposed skilled person; and

- (5) enough detachment, bearing in mind the closeness of an existing professional or commercial relationship, to be able to collect or update the information or to give an objective opinion on matters such as:
- (a) matters already reported on by the *skilled person* (for example, on the financial statements of the *person* in SUP 5.2.1G or in SUP 5.2.2G or in relation to their *systems and controls*); or
  - (b) matters that are likely to be contentious and may result in disciplinary or other enforcement action against the *person* in SUP 5.2.1G or SUP 5.2.2G, its management, *shareholders* or *controllers*; or

...

5.4.9 [FCA/PRA] G In appropriate circumstances, it may be cost effective for the *FSA appropriate regulator* to nominate or approve the appointment of, or appoint itself, a *skilled person* who has previously acted for, or advised, the *person* in SUP 5.2.1G or SUP 5.2.2G. For example, the *FSA appropriate regulator* may nominate, or approve the appointment of, or appoint, the auditor of a *person* in SUP 5.2.1G or SUP 5.2.2G to prepare a report or collect or update the information taking into account, where relevant, the considerations set out in SUP 5.4.7G.

#### Reporting process

5.4.10 [FCA/PRA] G ~~The *FSA*~~ Where the *skilled person* is appointed by the *person* in SUP 5.2.1G or SUP 5.2.2G, the *appropriate regulator* will normally require the ~~*person* in SUP 5.2.1G to appoint a *skilled person* to be appointed to report~~ to the *FSA appropriate regulator* through that *person*. In the normal course of events the *FSA appropriate regulator* expects that the *person* in SUP 5.2.1G or SUP 5.2.2G will be given the opportunity to provide written comments on the report or the collection of the relevant information prior to its submission to the *FSA appropriate regulator* (*SUP 5 Annex 2 summarises the reporting process*).

5.4.10A [FCA/PRA] G Where the *skilled person* is to be appointed by the *appropriate regulator* itself, the *skilled person* will report directly to the *appropriate regulator*.

5.4.11 [FCA/PRA] G The *FSA appropriate regulator* may enter into a dialogue with the *skilled person*, and is ready to discuss matters relevant to the report or the collection or updating of the relevant information with him, during the preparation of the report or the collection or updating of the relevant information. Such discussions ~~will normally~~ may involve or be through the *person* in SUP 5.2.1G or SUP 5.2.2G.

5.4.12 [FCA/PRA] G The *FSA appropriate regulator* will normally specify a time limit within which it expects the *skilled person* to deliver the report or collect or update

PRA] the relevant information. Where the *skilled person* is appointed by the *person* in SUP 5.2.1G or SUP 5.2.2G, ~~The~~ the *skilled person* should, in complying with its contractual duty under SUP 5.5.1R, take reasonable steps to achieve delivery by that time. If the *skilled person* becomes aware that the report may not be delivered, or collection or updating of the relevant information may not be, on time, he should inform the ~~FSA~~ *FSA appropriate regulator* and the *person* in SUP 5.2.1G or SUP 5.2.2G as soon as possible. ~~If~~ Where the *skilled person* is appointed by the *person* in SUP 5.2.1G or SUP 5.2.2G, if the *skilled person* becomes aware that there may be difficulties delivering the report or collecting or updating the relevant information within cost estimates, he will no doubt wish to advise the *firm*.

5.4.13 [FCA/ PRA] G The ~~FSA~~ *FSA appropriate regulator* may meet with the *person* in SUP 5.2.1G or SUP 5.2.2G and the *skilled person* together to discuss the final report. The ~~FSA~~ *FSA appropriate regulator* may also wish to discuss the final report with the *skilled person* present but without the *person* in SUP 5.2.1G or SUP 5.2.2G.

## 5.5 Duties of firms

### Contract with the skilled person

5.5.1 [FCA/ PRA] R When a *firm* appoints a ~~skilled person~~ *skilled person* to provide a report under section 166 (Reports by skilled persons) or collect or update information under section 166A (Appointment of skilled person to collect and update information) of the Act (~~Reports by skilled persons~~), the *firm* must, in a contract with the *skilled person*:

- (1) require and permit the *skilled person* during and after the course of his appointment:
  - (a) to cooperate with the *FSA appropriate regulator* in the discharge of its functions under the Act in relation to the *firm*; and
  - (b) to communicate to the *FSA appropriate regulator* information on, or his opinion on, matters of which he has, or had, become aware in his capacity as *skilled person* reporting on the *firm* in the following circumstances:
    - (i) the *skilled person* reasonably believes that, as regards the *firm* concerned (A) there is or has been, or may be or may have been, a contravention of any relevant *requirement* that applies to the *firm* concerned; and (B) that the contravention may be of material significance to the *FSA appropriate regulator* in determining whether to exercise, in relation to the *firm* concerned, any functions conferred on the *FSA appropriate regulator* by or under any provision of

the *Act* other than Part VI (Official Listing); or

- (ii) the *skilled person* reasonably believes that the information on, or his opinion on, those matters may be of material significance to the *FSA appropriate regulator* in determining whether the *firm* concerned satisfies and will continue to satisfy the *threshold conditions*; or

...

- (2) require the *skilled person* to prepare a report or collect or update information, as notified to the *firm* by the *FSA appropriate regulator*, ~~within the time specified by the FSA~~ within the time specified by the appropriate regulator; and
- (3) waive any duty of confidentiality owed by the *skilled person* to the *firm* which might limit the provision of information or opinion by that *skilled person* to the *FSA appropriate regulator* in accordance with (1) or (2). (See also *SUP 5.5.13G* and *SUP 5.6*)

5.5.2  
[FCA/  
PRA]

- G In complying with the contractual duty in *SUP 5.5.1R(1)* the *FSA appropriate regulator* expects that a *skilled person* appointed by a firm under section 166 (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the *Act* (~~Reports by skilled persons~~) will cooperate with the *FSA appropriate regulator* by, amongst other things, providing information or documentation about the planning and progress of the report and its findings and conclusions, if requested to do so. A *firm* should therefore ensure that the contract it makes with the *skilled person* requires and permits the *skilled person* to provide the following to the *FSA appropriate regulator* if requested to do so:

...

5.5.3  
[FCA/  
PRA]

- G If the *FSA appropriate regulator* is considering asking for the information specified in *SUP 5.5.2G* it will take into consideration the cost of the *skilled person* complying with the request, and the benefit that the *FSA appropriate regulator* may derive from the information. For example, in most cases, the *FSA appropriate regulator* will not need to request a *skilled person* to give it source data, *documents* and working papers. However, the *FSA appropriate regulator* may do so when it reasonably believes that this information will be relevant to any investigation it may be conducting, or any action it may need to consider taking against the *firm*.

5.5.4  
[FCA/  
PRA]

- G In complying with the contractual duty in *SUP 5.5.1R*, the *FSA appropriate regulator* expects that, in the case of substantial or complex reports, the *skilled person* will give a periodic update on progress and issues to allow for a re-focusing of the report if necessary. The channel of communication would normally be directly between the *skilled person* and the *FSA appropriate regulator*. However, the *FSA appropriate regulator* would also

expect *firms* normally to be informed about the passage of information, and the *skilled person* would usually be expected to keep the *firm* informed of any communication between the *skilled person* and the *FSA appropriate regulator*.

- 5.5.5 [FCA/PRA] R A *firm* must ensure that the contract required by SUP 5.5.1R:  
...  
(2) expressly
- (a) provides that the *FSA appropriate regulator* has a right to enforce the provisions included in the contract under SUP 5.5.1R and SUP 5.5.5R(2);
  - (b) provides that, in proceedings brought by the *FSA appropriate regulator* for the enforcement of those provisions, the *skilled person* is not to have available by way of defence, set-off or counterclaim any matter that is not relevant to those provisions;
  - (c) (if the contract includes an arbitration agreement) provides that the *FSA appropriate regulator* is not, in exercising the right in (a), to be treated as a party to, or bound by, the arbitration agreement; and
  - (d) provides that the provisions included in the contract under SUP 5.5.1R and SUP 5.5.5R(2) are irrevocable and may not be varied or rescinded without the *FSA's appropriate regulator's* consent; and
- ...
- 5.5.6 [FCA/PRA] G The Contracts (Rights of Third Parties) Act 1999, or Scots common law, enables the *FSA appropriate regulator* to enforce the rights conferred on it under the contract required by SUP 5.5.1R against the *skilled person*.
- 5.5.7 [FCA/PRA] G If the *FSA appropriate regulator* considers it appropriate, it may request the *firm* to give it a copy of the draft contract required by SUP 5.5.1R before it is made with the *skilled person*. The *FSA appropriate regulator* will inform the *firm* of any matters that it considers require further clarification or discussion before the contract is finalised.
- 5.5.8 [FCA/PRA] G The *FSA appropriate regulator* expects the *firm*, including where applicable in complying with Principle 11, to give the *FSA appropriate regulator* information about the cost of the *skilled persons* report. This may include both an initial estimate of the cost as well as the cost of the completed report. This information is required to help inform the *FSA's appropriate regulator's* decision making in the choice of regulatory tools. Information about the number and cost of reports by *skilled persons* will be published by the *FSA appropriate regulator*.

#### Assisting the skilled person

- 5.5.9 [FCA/  
PRA] R A *firm* must provide all reasonable assistance to any *skilled person* appointed to provide a report under section 166 (Reports by skilled persons) or to collect or update information under section 166A (Appointment of skilled person to collect and update information) of the *Act* (~~Reports by skilled persons~~).

...

#### Responsibility for delivery

- 5.5.12 G ~~In complying with Principle 11,~~ When a *firm* appoints a *skilled person* to provide a report under section 166 (Reports by skilled persons) or collect or update information under section 166A (Appointment of skilled person to collect and update information) of the *Act*, a *firm* is expected, including where applicable in complying with *Principle 11*, to take reasonable steps to ensure that a *skilled person* delivers a report or collects or updates information in accordance with the terms of his appointment.

#### Assistance to skilled persons from others

- 5.5.13 [FCA/  
PRA] G In respect of the appointment of a *skilled person* under section 166 of the *Act* (Reports by skilled persons), ~~Section section 166(57) of the *Act* (Authority's power to require information)~~ imposes a duty on certain *persons* to give assistance to a *skilled person*. The *persons* on whom this duty is imposed are those who are providing, or have at any time provided, services to any *person* falling within SUP 5.2.1G. They include suppliers under *material outsourcing arrangements*.

- 5.5.14 [FCA/  
PRA] G In respect of the appointment of a *skilled person* under section 166A (Appointment of skilled person to collect and update information) of the *Act*, under section 166A(5) a *skilled person* may require any *person* to provide all such assistance as the *skilled person* may reasonably require to collect or update the information in question.

## 5.6 Confidential information and privilege

- 5.6.1 [FCA/  
PRA] G Within the legal constraints that apply, the *FSA appropriate regulator* may pass on to a *skilled person* any information which it considers relevant to the *skilled person's* function. A *skilled person*, being a primary recipient under section 348 of the *Act* (Restrictions on disclosure of confidential information by Authority etc.), is bound by the confidentiality provisions in Part XXIII of the *Act* (Public record, disclosure of information and cooperation) as regards confidential information he receives from the *FSA appropriate regulator* or directly from a *firm* or other *person*. A *skilled person* may not pass on confidential information without lawful authority, for example, where an exception applies under the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations

2001 (SI 2001/2188) or with the consent of the *person* from whom that information was received and (if different) to whom the information relates. The *FSA appropriate regulator* will indicate to a *skilled person* if there is any matter which cannot be discussed with the *person* in SUP 5.2.1G.

...

5.6.3  
[FCA/  
PRA]

G In respect of the appointment of a *skilled person* under section 166A (Appointment of skilled person to collect and update information) of the *Act*, a contractual or other requirement imposed on a *person* to keep any information confidential will not apply if:

- (1) the information is or may be relevant to anything required to be done as part of the *skilled person's* appointment under section 166A (Appointment of skilled person to collect and update information) of the *Act*;
- (2) a *firm* or a *skilled person* requests or requires the *person* to provide the information for the purpose of securing that those things are done; and
- (3) the *appropriate regulator* has approved the making of the request or the imposition of the requirement before it is made or imposed.

5.6.4  
[FCA/  
PRA]

G A *firm* may provide information that would otherwise be subject to a contractual or other requirement to keep it in confidence if it is provided for the purposes of anything required to be done in respect of the *skilled person's* collection or updating of information under section 166A (Appointment of skilled person to collect and update information) of the *Act*.

## 5 Annex 1G

**Examples** Non-exhaustive list of examples of when the FSA FCA may use the skilled person tool (This Annex belongs to SUP 5.3.1AG)

[FCA]

Toolkit purpose	Purpose for use of tool	Examples of reasons for use of tool
Diagnostic	<ul style="list-style-type: none"> <li>To find out more about a concern (e.g. the result of a visit, risk assessment, or notification) and determine whether action is needed to mitigate a risk to the <i>regulatory objectives</i> or to determine whether there may have been a breach of a <i>rule</i> or of a <i>threshold condition</i> or, <u>in the case of an RIE, failure to meet the recognised requirements.</u></li> <li>To assess the implications of, and <i>firm's*</i> response to, a change of circumstances e.g. <ul style="list-style-type: none"> <li>- proposed entry into new business area;</li> <li>- new control structure;</li> <li>- merger or take-over;</li> <li>- new IT system; or</li> <li>- launch of an E-Commerce venture.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Concern about effectiveness of the <i>firm's*</i> internal audit department.</li> <li>Concern about reliability of submitted financial returns.</li> <li>Inability of a <i>firm*</i> to quantify its current financial position.</li> <li>Assessment of consequences of incomplete customer files.</li> <li>Concern about quality of systems and controls.</li> <li>Indication of financial crime or <i>money laundering</i>.</li> <li>Concern about a <i>firm's*</i> <i>controller</i>.</li> <li>Assessment of control structure when a <i>bank</i> (specialising in consumer lending) diversifies into commercial lending.</li> </ul>
Diagnostic/ monitoring	<ul style="list-style-type: none"> <li>To verify information provided to the <del>FSA</del> <u>FCA</u>.</li> <li>To collect information required by but not provided to the <i>FCA</i> by the <i>firm*</i>.</li> <li>To update information previously provided to the <i>FCA</i> but not kept up to date by the <i>firm*</i>.</li> </ul>	<ul style="list-style-type: none"> <li>Verification of a specific return to give the <del>FSA</del> <u>FCA</u> assurance of the quality of information provided.</li> <li><u>Failure by a <i>firm*</i> to provide or keep up to date information required by the <i>FCA</i>.</u></li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>To review systems and controls</li> <li>To complement baseline monitoring</li> </ul>	<ul style="list-style-type: none"> <li>Assessment of systems and controls in <i>firms*</i> where identified as a risk mitigation priority.</li> <li>In-depth review of part of a <i>firm*</i> which is material to the <i>firm's</i> risk profile but of which the <del>FSA</del> <u>FCA</u> does not consider it has an adequate, up-to-date understanding.</li> </ul>
Preventative	<ul style="list-style-type: none"> <li>To gather and analyse information on an identified risk and develop recommendations for resolution.</li> </ul>	<p>Review of identified control weaknesses over <i>client money</i> to obtain recommendations to ensure compliance with the relevant <i>rules</i>.</p>
Remedial	<ul style="list-style-type: none"> <li>To assist in the design of a customer redress programme.</li> <li>To assist in the design of a remedial action plan.</li> <li>To oversee and report on remedial action plan.</li> </ul>	<ul style="list-style-type: none"> <li>Where possible, the <del>FSA</del> <u>FCA</u> has identified possible losses from failure to reconcile assets or from mis-posting of transactions to the general ledger.</li> <li>To report on quality of work undertaken and adherence to milestones in the action plan.</li> </ul>
* or, where applicable, the other <i>persons</i> in SUP 5.2.1G.		

Non-exhaustive list of examples of when the FCA may itself appoint a skilled person rather than require a firm to do so

<u>Toolkit purpose</u>	<u>Purpose for use of tool</u>	<u>Examples of reasons for use of tool</u>
<u>Diagnostic/ monitoring/ preventative/ remedial</u>	<u>(any of the above)</u>	<ul style="list-style-type: none"> <li>• <u>To provide a report or information that is urgently required.</u></li> <li>• <u>To assert a greater degree of control over the appointment and oversight of the <i>skilled person</i> due to the sensitive nature of the matter concerned.</u></li> <li>• <u>To assert a greater degree of control over the appointment and oversight of the <i>skilled person</i> in circumstances where more than one <i>firm</i>* is the subject of the same report or information required.</u></li> </ul>

SUP 5 Annex 2G is deleted in its entirety. The deleted text is not shown.

**Annex D**

**Designations & Regulator making new provision**

<b>Handbook Provision</b>	<b>Made, designated or not in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 5.1.1R	Designated	FCA/PRA
SUP 5.1.1AR	Made	FCA
SUP 5.1.1BG	Made	FCA
SUP 5.1.2G	Designated	FCA/PRA
SUP 5.1.3G	Designated	FCA/PRA
SUP 5.2.1G	Designated	FCA/PRA
SUP 5.2.2G	Made	FCA/PRA
SUP 5.3.1G	Designated	FCA/PRA
SUP 5.3.1AG	Made	FCA
SUP 5.3.2G	Designated	FCA/PRA
SUP 5.3.2AG	Made	FCA/PRA
SUP 5.3.3G	Designated	FCA/PRA
SUP 5.3.4G	Designated	FCA/PRA
SUP 5.3.5G	Designated	FCA/PRA
SUP 5.3.6G	Designated	FCA/PRA
SUP 5.3.7G	Designated	FCA/PRA
SUP 5.3.8G	Designated	FCA/PRA
SUP 5.3.9G	Designated	FCA/PRA
SUP 5.3.9AG	Not in force after legal cutover	
SUP 5.3.10G	Designated	FCA/PRA
SUP 5.4.1G	Made	FCA/PRA

SUP 5.4.1AG	Designated	FCA/PRA
SUP 5.4.2G	Designated	FCA/PRA
SUP 5.4.3G	Designated	FCA/PRA
SUP 5.4.4G	Designated	FCA/PRA
SUP 5.4.5G	Designated	FCA/PRA
SUP 5.4.6G	Designated	FCA/PRA
SUP 5.4.7G	Designated	FCA/PRA
SUP 5.4.8G	Designated	FCA/PRA
SUP 5.4.9G	Designated	FCA/PRA
SUP 5.4.10G	Designated	FCA/PRA
SUP 5.4.10AG	Designated	FCA/PRA
SUP 5.4.11G	Designated	FCA/PRA
SUP 5.4.12G	Designated	FCA/PRA
SUP 5.4.13G	Designated	FCA/PRA
SUP 5.5.1R	Designated	FCA/PRA
SUP 5.5.2G	Designated	FCA/PRA
SUP 5.5.3G	Designated	FCA/PRA
SUP 5.5.4G	Designated	FCA/PRA
SUP 5.5.5R	Designated	FCA/PRA
SUP 5.5.6G	Designated	FCA/PRA
SUP 5.5.7G	Designated	FCA/PRA
SUP 5.5.8G	Designated	FCA/PRA
SUP 5.5.9R	Designated	FCA/PRA
SUP 5.5.10G	Designated	FCA/PRA
SUP 5.5.11G	Designated	FCA/PRA
SUP 5.5.12G	Designated	FCA/PRA

SUP 5.5.13G	Designated	FCA/PRA
SUP 5.5.14G	Designated	FCA/PRA
SUP 5.6.1G	Designated	FCA/PRA
SUP 5.6.2G	Designated	FCA/PRA
SUP 5.6.3G	Made	FCA/PRA
SUP 5.6.4G	Made	FCA/PRA
SUP 5 Annex 1G	Designated	FCA
SUP 5 Annex 2G	Not in force after legal cutover	

**LEGAL CUTOVER (VARIATION OF PERMISSION) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (4) "the 2012 Act" means the Financial Services Act 2012;
  - (5) "the Authority" means the Financial Services Authority;
  - (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
  - (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
  - (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
  - (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;
  - (10) "FSA Instrument" means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
  - (11) "FCA Relevant Instrument" means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;

- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

#### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
- (1) “Designated” in Column 2 of Annex C to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex C to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
- (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

#### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

#### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument; and
  - (2) each provision in Annex B to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex C to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex C to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex C to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex C to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

#### **Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

#### **Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
  - (1) “Designated” in Column 2 of Annex C to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex C to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
  - (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument; and
- (2) each provision in Annex B to this Instrument that meets all of the conditions in paragraph 20; and
- (3) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.

20 The conditions referred to in paragraph 19(2) are that a provision is:

- (1) Identified as “Made” in Column 2 of Annex C to this Instrument; and
- (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex C to this Instrument.

21 The conditions referred to in paragraph 19(3) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex C to this Instrument; and
- (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex C to this Instrument,

22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:

- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers).

23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

24 The Prudential Regulation Authority gives as guidance:

- (1) each provision in Annex B to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex C that is marked with a G in Column 1 of Annex C to this Instrument; and
- (2) each provision listed in Annex C to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex C that is (a) marked with a G in Column 1 of Annex C to this Instrument and (b) not in Annex B to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The modules of the FCA's and PRA's Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A
Supervision manual (SUP)	Annex B

**Citation**

- 29 This Instrument may be cited as the Legal Cutover (Variation of Permission) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

*own-initiative requirement power*      The *FCA's* power under section 55L(3) of the *Act* or the *PRA's* power under section 55M(3) of the *Act* to impose a new *requirement* on a *firm*, to vary a *requirement* that it has imposed on the *firm* or to cancel any such *requirement* otherwise than on the application of a *firm*.

*own-initiative variation power*      The *FCA's* or the *PRA's* power under section 55J (Variation or cancellation on initiative of regulator) to vary or cancel a *Part 4A permission* otherwise than on the application of a *firm*.

Amend the following definition as shown.

*own-initiative power powers*      ~~the *FSA's* power under section 45 of the *Act* (Variation etc on the Authority's own initiative) to vary or cancel a *Part IV permission* otherwise than on the application of a *firm*~~ *FCA's* or the *PRA's own-initiative variation power* and *own-initiative requirement power*.

## Annex B

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 6 **Applications to vary and cancel Part IV ~~4A~~ permission and to impose, vary or cancel requirements**

##### 6.1 **Application, interpretation and purpose**

Application

6.1.1 G This chapter applies to every *firm* with a ~~Part IV permission~~ Part 4A permission which wishes to:  
[FCA/  
PRA]

- (1) vary its ~~Part IV permission~~ Part 4A permission;
- (2) cancel its ~~Part IV permission~~ Part 4A permission and end its *authorisation*;
- (3) have a new requirement imposed on it;
- (4) vary a requirement imposed on it; or
- (5) cancel a requirement imposed on it.

6.1.2 G If appropriate, a *firm* which is an *authorised fund manager* should also refer to *COLL 7* for *guidance* on the termination of *ICVCs* and *AUTs* and on winding up *authorised funds* that are not commercially viable.  
[FCA/  
PRA]

...

Interpretation

6.1.3A G (1) In SUP 6 the “relevant regulator” is the regulator to which a *firm* with a *Part 4A permission* has made or can make (in accordance with SUP 6) an application to vary or cancel its *Part 4A permission* or to have imposed on it a new *requirement* or to vary or cancel any existing *requirement* (see SUP 6.2.3AG to SUP 6.2.3EG).  
[FCA/  
PRA]

(2) Where the PRA can only determine an application with the consent of the FCA, the FCA may request further information as if it were the relevant regulator.

(3) In some instances, the Act requires the FCA and the PRA to consult with each other prior to exercising their powers under the Act. Details

of where consultation is required have not been set out in SUP 6. Where a provision in SUP 6 makes reference to a power, the exercise of which by the FCA or the PRA (as the case may be) requires consultation under the Act, firms should be aware that the regulator concerned will need to consult the other regulator before exercising that power.

## Purpose

- 6.1.4 G This chapter explains:
- [FCA/  
PRA]
- (1) how a *firm* with ~~Part IV permission~~ a Part 4A permission can apply to the FSA relevant regulator to vary that *permission*;
  - (2) how a *firm* which has ceased to carry on any of the *regulated activities* for which it has ~~a Part IV 4A permission~~, or which expects to do so in the short term (normally less than six months), should apply to the FSA relevant regulator to cancel that *permission* completely;
  - (2A) how a firm with a Part 4A permission can apply to the relevant regulator to:
    - (a) have a new requirement imposed on it; or
    - (b) vary a requirement imposed on it; or
    - (c) cancel a requirement imposed on it.
  - ...
  - (4) how the FSA relevant regulator assesses those applications.
- 6.1.5 G This chapter also outlines the FSA's relevant regulator's powers to withdraw authorisation from a firm whose ~~Part IV permission~~ Part 4A permission has been cancelled at the firm's request. It does not, however, cover the FSA's appropriate regulator's use of its own initiative powers to vary or cancel a firm's ~~Part IV 4A permission~~ (see SUP 7 (Individual requirements) and EG 8 (Variation and cancellation of permission on the FSA's own initiative and intervention against incoming firms)).
- [FCA/
- PRA]
- 6.1.6 G This chapter does not cover the FCA's use of its own-initiative variation power to vary or cancel a firm's Part 4A permission or its own-initiative requirement power to impose, vary or cancel a requirement (see SUP 7 (Individual requirements) and EG 8 (Variation and cancellation of permission on the FCA's own initiative and intervention against incoming firms)).
- [FCA]
- ## 6.2 Introduction
- 6.2.1 G A *firm authorised under Part IV 4A of the Act* (Permission to carry on regulated activity) has a single ~~Part IV permission~~ Part 4A permission granted
- [FCA/

- PRA] by the ~~FSA~~ FCA or the PRA. A firm's ~~Part IV permission~~ Part 4A permission specifies all or some of the following elements (see PERG 2 Annex 2G (Regulated activities and the permission regime) and the ~~FSA information~~ online at the FCA and PRA websites): ~~website "How do I get authorised": <http://www.fsa.gov.uk/Pages/Doing/how/index.shtml>)~~
- ...
- 6.2.2 G Under section 20(1) and 20(1A) of the Act (Authorised persons acting without permission), a firm is prohibited from carrying on a regulated activity in the United Kingdom (or purporting to do so) otherwise than in accordance with its permission.
- [FCA/  
PRA]
- 6.2.3 G ~~If a firm wishes to change its Part IV permission, it can apply to the FSA under section 44 of the Act (Variation etc. at request of authorised person) for a variation or cancellation of its Part IV permission. SUP 6.2.5G sets out the differences between these types of application and the circumstances in which they should be made and SUP 6 Annex 1 gives an overview of the considerations in these cases. [deleted]~~
- 6.2.3A G If an FCA-authorised person wishes to change its Part 4A permission to:
- [FCA]
- (1) add a regulated activity, other than a PRA-regulated activity; or
  - (2) remove a regulated activity from those to which the permission relates; or
  - (3) vary the description of a regulated activity to which the permission relates; or
  - (4) cancel the permission;
- it can apply to the FCA under section 55H of the Act (Variation by FCA at request of authorised person).
- 6.2.3B G If an FCA-authorised person wishes to change its Part 4A permission, by adding to the regulated activities to which the permission relates one or more regulated activities, which include a PRA-regulated activity, it can apply to the PRA under section 55I of the Act (Variation by PRA at request of authorised person). The PRA can determine such an application only with the consent of the FCA.
- [FCA/  
PRA]
- 6.2.3C G If a firm with a Part 4A permission wishes the FCA to:
- [FCA]
- (1) impose a new requirement; or
  - (2) vary a requirement imposed by the FCA; or
  - (3) cancel such a requirement;

it can apply to the FCA under section 55L(5) of the Act (Imposition of Requirements by FCA).

- 6.2.3D G If a PRA-*authorised person* wishes to change its Part 4A *permission* to:  
[PRA]
- (1) add a *regulated activity* to those to which the *permission* relates; or
  - (2) remove a *regulated activity* from those to which the *permission* relates; or
  - (3) vary the description of a *regulated activity* to which the *permission* relates; or
  - (4) cancel the *permission*;

it can apply to the PRA under section 55I of the Act (Variation by PRA at request of authorised person). The PRA can determine such an application, other than an application to cancel the *permission*, only with the consent of the FCA.

- 6.2.3E G If a PRA-*authorised person* wishes the PRA to:  
[PRA]
- (1) impose a new *requirement*; or
  - (2) vary a *requirement* imposed by the PRA; or
  - (3) cancel such a *requirement*;

it can apply to the PRA under section 55M(5) of the Act (Imposition of Requirements by PRA).

- 6.2.4 G A *firm* intending to expand its business should assess, taking appropriate professional advice where necessary, whether it will need to ~~apply to the FSA to vary its Part IV *permission*~~ make an application in accordance with SUP 6 before making any changes to its business.  
[FCA/  
PRA]

- 6.2.4A G If a *firm* intends to transfer its business to a different legal entity (~~for example, the business is to be transferred from a sole trader to a partnership or the other way around~~) it will need to apply to the ~~FSA~~ relevant regulator for cancellation of its ~~Part IV *permission*~~ Part 4A *permission* and the entity to which the business is to be transferred will need to apply for a ~~Part IV *permission*~~ Part 4A *permission*.  
[FCA/  
PRA]

- 6.2.4B G SUP 6.2.5G sets out the differences between these types of applications and the circumstances in which they should be made.  
[FCA/  
PRA]

- 6.2.5 G Variation and cancellation of Part ~~IV~~ 4A *permission* and imposition, variation and cancellation of requirements. See SUP 6.2.3AG to SUP 6.2.3EG  
[FCA  
and

PRA]

Question	Variation of Part IV 4A permission	Cancellation of Part IV 4A permission	<u>Imposition, variation and cancellation of requirements</u>
What does the application apply to?	Individual elements of a firm's <del>Part IV permission</del> <u>Part 4A permission</u> . Variations may involve adding or removing categories of regulated activity or specified investments or varying or removing any <del>limitations or requirements</del> in the firm's <del>Part IV permission</del> <u>Part 4A permission</u> .	A firm's entire <del>Part IV permission</del> <u>Part 4A permission</u> and not individual elements within it.	<u>Any requirement imposed on a firm with a Part 4A permission. Requirements may involve requiring the firm concerned to take or refrain from taking a specified action.</u>
In what circumstances is it usually appropriate to make an application?	If a firm: 1. wishes to change the regulated activities it carries on in the United Kingdom under a <del>Part IV permission</del> <u>Part 4A permission</u> (SUP 6.3); or 2. has the ultimate intention of ceasing carrying on regulated activities but due to the nature of those regulated activities (for example, accepting deposits, or insurance business) it will require a long	If a firm: 1. has ceased to carry on all of the regulated activities for which it has <del>Part IV permission</del> <u>Part 4A permission</u> (SUP 6.4); or 2. wishes or expects to cease carrying on all of the regulated activities for which it has <del>Part IV permission</del> <u>Part 4A permission</u> in the short term (normally not more than six months). In this case, the firm may apply to cancel its	If a firm: <u>1. wishes to have a new requirement imposed on it; or</u> <u>2. wishes to vary or cancel an existing requirement imposed by the FCA or PRA (for example, if anything relating to the firm's individual circumstances change and any existing requirement should be varied or</u>

	term (normally over six months) to wind down (run off) its business (see SUP 6.2.8G to SUP 6.2.11G and SUP 6 Annex 4).	<del>Part IV permission</del> <u>Part 4A permission</u> prior to ceasing the regulated activities (see SUP 6.4.3G).	<u>cancelled</u> ).
Where do I find a summary of the application procedures?	See SUP 6 Annex 2G.	See SUP 6 Annex 3G.	

- 6.2.6 G A firm which is seeking to:
- [FCA/  
PRA]
- (1) to vary its ~~Part IV permission~~ Part 4A permission substantially; or
  - (2) to cancel its ~~Part IV permission~~ Part 4A permission; or
  - (3) the imposition of a new requirement and/or the variation or cancellation of any existing requirement;

should discuss its plans with its ~~usual~~ supervisory contact at the ~~FSA~~ relevant regulator as early as possible before making an application, in order to comply with *Principle 11* (see SUP 15.3.7G (~~Notifications to the FSA~~)). These discussions will help the ~~FSA~~ relevant regulator and the firm to agree the correct approach for the firm.

- 6.2.7 G If a firm intends to cease carrying on one or more *regulated activities* permanently, it should give prompt notice to the ~~FSA~~ appropriate regulator to comply with *Principle 11* (see SUP 15.3.8G(1)(d)). A firm should consider whether it needs to notify the ~~FSA~~ appropriate regulator before applying to vary or cancel its ~~Part IV permission~~ Part 4A permission.
- [FCA/  
PRA]

Firms with long term liabilities to customers

- 6.2.8 G Discussions with the ~~FSA~~ appropriate regulator are particularly relevant where the firm has to discharge obligations to its customers or policyholders before it can cease carrying on a *regulated activity*. This may be the case, for example, where the firm is an insurer, a bank a dormant account fund operator, or, as is often the case, holding client money or customer assets.
- [FCA/  
PRA]

- 6.2.9 G If an insurer, a bank or a dormant account fund operator wishes to cease carrying on all *regulated activities* for which it has ~~Part IV permission~~ Part 4A permission, it will usually be necessary to wind down the business over a long term period which is normally more than six months. This may also be the case for a firm holding client money or customer assets. In these
- [FCA/  
PRA]

circumstances, it will usually be appropriate for the *firm* to apply for variation of its ~~Part IV permission~~ Part 4A permission and/or imposition of a new requirement, variation of any existing requirement or cancellation of such a requirement before commencing the wind-down. A *firm* should only make an application for cancellation of *permission* when it expects to complete its wind-down (run-off) within six months.

6.2.10 G A *firm* which is winding down (running off) its activities should contact its ~~usual~~ supervisory contact at the ~~FSA~~ appropriate regulator to discuss its circumstances. ~~The FSA will discuss~~ Discussions will focus on the firm's winding down plans and the need for the firm to vary or cancel its Part IV permission Part 4A permission and/or the need to impose a new requirement, vary any existing requirement or cancel such a requirement. Following these discussions ~~an application for variation or cancellation of Part IV 4A permission, as appropriate, should usually be made by the firm, although, in certain circumstances, the FSA may use its own initiative powers under section 45 of the Act (Variation etc. on the FSA's own initiative) (see SUP 7 and EG 8 (Variation and cancellation of permission on the FSA's own initiative and intervention against))~~ the firm should usually make the relevant application, as appropriate.

6.2.10 G In certain circumstances the FCA and/or the PRA may use their own-initiative powers (see SUP 7 and EG 8) (Variation and cancellation of permission on the FCA's own initiative and intervention against incoming firms)).

A  
[FCA/  
PRA]

6.2.11 G ...

[FCA/  
PRA]

(2) The guidance in SUP 6 Annex 4 applies to any *firm* that is applying for variation of ~~Part IV permission~~ Part 4A permission or for the imposition, variation or cancellation of a requirement before it applies for cancellation of ~~Part IV permission~~ Part 4A permission to enable it to wind down (run off) its business over a long term period of six months or more. It will apply to most *insurers* and *banks* and, in some circumstances, ~~as advised by the FSA~~, to *firms* holding *client money* or *customer assets*.

(3) If a *firm* wishes to cease carrying on some of its *regulated activities*, or the *specified investments* in respect of which the activities are carried on, the ~~FSA~~ appropriate regulator may consider it appropriate for the *firm* to comply with the additional procedures in SUP 6 Annex 4. This would depend on the scale and nature of the *regulated activities* concerned. This might be the case, for example, if the *firm* is ceasing a significant part of its business in respect of which it has outstanding obligations to *customers* and ~~the FSA believes it is believed~~ that the additional procedures would protect *consumers*.

UK firms exercising EEA or Treaty rights

6.2.12 G A *UK firm* should assess the effect of any change to its ~~Part IV 4A permission~~, or any requirements, on its ability to continue to exercise any *EEA right* or

[FCA/  
PRA] *Treaty right* and discuss any concerns with its ~~usual~~ appropriate supervisory contact(s) at the *FSA*. ~~A variation of *Part IV permission*~~ This may also change the *applicable provisions* with which it is required to comply by a *Host State*.

6.2.13 G A *UK firm* which, as well as applying to vary or cancel its ~~*Part IV permission*~~ *Part 4A permission*, wishes to vary or terminate any business which it is carrying on in another *EEA State* under one of the *Single Market Directives*, should follow the procedures in *SUP 13* (Exercise of passport rights by UK firms) on varying or terminating its *branch* or *cross border services* business.

[FCA/  
PRA]

The Lloyd's market

6.2.14 G A *firm* making an application to ~~vary or cancel its *Part IV permission*~~ in accordance with *SUP 6* which requires any approval from the *Society of Lloyd's* should apply to the *Society* for this at the same time as applying to the ~~*FSA*~~ relevant regulator for the ~~variation or cancellation~~. See *SUP 6* Annex 4 for additional procedures.

[FCA/  
PRA]

### 6.3 **Applications for variation of permission and/or imposition, variation or cancellation of requirements**

What is a variation of permission?

6.3.1 G ~~Under section 44 of the *Act*, a *firm* may apply to the *FSA* to vary its *Part IV permission* to:~~

- ~~(1) allow it to carry on further *regulated activities*; or~~
- ~~(2) reduce the number of *regulated activities* it is permitted to carry on; or~~
- ~~(3) vary the *FSA's* description of its *regulated activities* (including by the removal or variation of any *limitations*); or~~
- ~~(4) cancel any *requirement* applied for by the *firm* or imposed by the *FSA* under section 43 of the *Act* (Imposition of requirements); or~~
- ~~(5) vary any such *requirement*. [deleted]~~

6.3.1A G Under section 55H of the *Act*, an *FCA-authorized person* may apply to the *FCA* to vary its *Part 4A permission* to:

[FCA]

- (1) allow it to carry on further *regulated activities*, other than a *PRA-regulated activity*; or
- (2) reduce the number of *regulated activities* it is permitted to carry on; or
- (3) vary the description of its *regulated activities* (including by the removal or variation of any *limitations*).

6.3.1B G Under section 55I of the *Act*, an *FCA-authorized person* may apply to the *PRA*

[FCA/  
PRA] to vary its *Part 4A permission* to add *regulated activities* which include a *PRA-regulated activity*.

6.3.1C G Under section 55I of the Act, a *PRA-authorised person* may apply to the *PRA*  
[PRA] to vary its *Part 4A permission* to:

(1) allow it to carry on further *regulated activities*; or

(2) reduce the number of *regulated activities* it is permitted to carry on; or

(3) vary the description of its *regulated activities* (including by the removal or variation of any *limitations*).

6.3.2 G An application for variation of *Part IV 4A permission* may include one or more of SUP 6.3.1G(1)(5). For example, a *firm* may apply to vary its *Part IV IV permission* to add a new *regulated activity* and at the same time remove a *regulated activity* for which it currently has *permission*. [deleted]

#### Applications to impose, vary or cancel requirements

6.3.2A G Under section 55L(5) of the Act a *firm* with a *Part 4A permission* may apply to  
[FCA] the *FCA* for the imposition of a new *requirement* and/or the variation or cancellation of any *requirement* previously imposed by the *FCA*.

6.3.2B G Under section 55M(5) of the Act, a *PRA-authorised person* may apply to the  
[PRA] *PRA* for the imposition of a new *requirement* and/or the variation or cancellation of any *requirement* previously imposed by the *PRA*.

#### The scope of applications

6.3.2C G An application may relate to one or more of SUP 6.3.1AG and SUP 6.3.2AG.  
[FCA] For example, a *firm* may apply to vary its *Part 4A permission* to add a new *regulated activity* and at the same time remove a *regulated activity* for which it currently has *permission*.

6.3.2D G An application may relate to one or more of SUP 6.3.1C and SUP 6.3.2BG.  
[PRA] For example, a *firm* may apply to vary its *Part 4A permission* to add a new *regulated activity* and at the same time remove a *regulated activity* for which it currently has *permission*.

6.3.3 G In applying for a variation of ~~*Part IV permission*~~ *Part 4A permission*, a branch  
[FCA/  
PRA] of a *firm* from outside the *EEA* should be mindful of any continuing requirements referred to in the rest of the *Handbook*.

#### Applications to add additional regulated activities

6.3.4 G In determining the activities and *specified investments* for which a ~~*Part IV 4A*~~ *Part 4A*  
[FCA/  
PRA] *permission* is required, and whether to apply for a variation of that *permission*, a *firm* may need to take professional advice and may also wish to discuss this with its usual appropriate supervisory contact ~~at the *FSA*~~.

6.3.5 G Before applying to vary its *permission*, a *firm* should determine whether there are any statutory restrictions that do not allow combinations of certain types of *regulated activity*, particularly for *insurance business* or *UCITS managers*. For example, the ~~FSA PRA~~ will not grant a variation of ~~Part IV permission~~ Part 4A permission to allow a *friendly society* to carry on reinsurance business as this is not permitted under the Friendly Societies Acts 1974 and 1992. A *firm* should discuss its plans with its ~~usual~~ appropriate supervisory contact ~~at the FSA~~.

6.3.6 G If a *firm* is seeking a variation of ~~Part IV permission~~ Part 4A permission to add categories of *regulated activities*, it should be mindful of the directive requirements referred to at SUP 6.3.42G relating to the need to commence new activities within 12 months.

#### Applications to remove certain regulated activities

6.3.7 G If a *firm* wishes to cease carrying on an activity for which it has ~~Part IV permission~~ Part 4A permission, it will usually apply to vary its ~~Part IV permission~~ Part 4A permission to remove that activity. If a *firm* wishes to cease carrying on an activity in relation to any *specified investment*, it will usually apply to vary its ~~Part IV permission~~ Part 4A permission to remove that *specified investment* from the relevant activity.

#### How a variation of permission may affect the firm's approved persons

- 6.3.8 G (1) Where a *firm* is submitting an application for variation of ~~Part IV permission~~ Part 4A permission which would lead to a change in the *controlled functions* of its *approved persons*, it should, at the same time and as appropriate:
- (a) make an application ~~to the FSA~~ for an internal transfer of an *approved person*, Form E (Internal transfer), or make an application ~~to the FSA~~ for an individual to perform additional *controlled functions*, the relevant Form A (Application); see SUP 10.13.3D to SUP 10.13.5G;
  - (b) notify the ~~FSA~~ appropriate regulator of any *approved person* who has ceased to perform a *controlled function* specified by that regulator, Form C (Ceasing to perform controlled functions); see SUP 10.13.6R to SUP 10.13.13G.
- (2) If the *firm* intends to recruit new individuals to perform *controlled functions*, it should apply ~~to the FSA~~ for approval of the individuals as *approved persons* as soon as possible using Form A (Application); see SUP 10.12.

#### ~~How a variation of permission may change a firm's prudential category~~

6.3.9 G ~~A variation of Part IV permission may, in some cases, lead to a change in a firm's prudential category or sub-category (see SUP App 1). For example, an investment management firm which varies its Part IV permission to include~~

~~accepting deposits and as a result meets the definition of a bank, would move to the prudential category for a bank (see SUP App 1.3.1G). [deleted]~~

- 6.3.10 G ~~Even if a variation of permission does not itself lead to a change in a firm's prudential category or sub-category, the FSA may use its their own initiative powers to require a firm to comply with a different category or sub-category of prudential rules where it considers this to be appropriate. For details of when and how the FSA may use its own-initiative powers in this context, see SUP 7. [deleted]~~

Variation of permission involving insurance business

- 6.3.11 G A firm with ~~Part IV permission~~ Part 4A permission to carry on insurance business, which is applying for a variation of its ~~Part IV permission~~ Part 4A permission to add further insurance activities or *specified investments*, will be required to submit particular information on its existing activities as part of its application. This includes the *scheme of operations* which is required to be submitted as part of the application pack (for further details on the *scheme of operations*, see SUP App 2 (Insurers: scheme of operations)).
- [FCA/  
PRA]
- 6.3.12 G In applying to vary its ~~Part IV permission~~ Part 4A permission to add categories of *specified investments*, in relation to *insurance business*, a firm carrying on *insurance business* will need to determine the *classes* of *specified investments* relating to *effecting and carrying out contracts of insurance* for which variation of ~~Part IV permission~~ Part 4A permission will be necessary, having regard to whether certain *classes* of contract may qualify to be effected or carried out on an ancillary or supplementary basis (see SUP 3.12.6G to SUP 3.12.12G).
- [FCA/  
PRA]
- 6.3.13 G The application for variation of ~~Part IV permission~~ Part 4A permission will need to provide information about the *classes* of *contract of insurance* for which variation of ~~Part IV permission~~ Part 4A permission is requested and also those *classes* qualifying to be carried on, on an ancillary or supplementary basis. For example, an *insurer* applying to vary its *permission* to include *class 10* (motor vehicle liability, other than carrier's liability) must satisfy the ~~FSA~~ FCA that it will meet, and continue to meet, ~~threshold condition 2A.3F~~ (Appointment of claims representatives). *Firms* should note that, although the ~~FSA~~ relevant regulator is able in principle to use its power to give ~~Part IV permission~~ Part 4A permission for an applicant to carry on a *regulated activity* for which it did not originally apply, this is not possible under the Insurance Directives, which set out minimum information requirements for an application for *authorisation* including information on the *specified investments* the applicant proposes to deal in.
- [FCA/  
PRA]
- 6.3.14 G (1) A firm carrying on *insurance business* which is seeking to cease such business in respect of one or more *classes* of *specified investment*, but which is not intending to cease all *insurance business*, should apply to vary its ~~Part IV permission~~ Part 4A permission to remove the activity of *effecting contracts of insurance* in respect of those *specified investments* in relation to which it no longer wishes to carry on business. A firm intending to cease all *insurance business* should refer
- [PRA]

to SUP 6 Annex 4.

- (2) If the application for variation of ~~Part IV permission~~ Part 4A permission is granted by the ~~FSA PRA~~, the firm will have ~~Part IV permission~~ Part 4A permission only to carry out contracts of insurance in respect of the specified investments in relation to which it no longer wishes to carry on business (see SUP 6 Annex 4). This will allow the firm to run off this aspect of its business. When the business in question has been run-off completely, the firm should then apply to vary its ~~Part IV permission~~ Part 4A permission to remove the relevant classes of specified investment.

The application for variation of permission and/or imposition, variation or cancellation of requirements

- 6.3.15 D (1) A firm other than a credit union wishing to vary its ~~Part IV permission~~ make an application under SUP 6 must apply online at ~~www.fsa.gov.uk~~ using the form specified on the ~~FSA's~~ ONA system.
- [FCA/  
PRA]
- (2) ~~A credit union wishing to vary its Part IV permission must apply using the form in SUP 6 Ann 5D and submit its application in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).~~ [deleted]
- (3) Until the application has been determined, a firm which submits an application for variation of ~~Part IV permission~~ must inform the ~~FSA~~ relevant regulator of any significant change to the information given in the application immediately it becomes aware of the change.
- (3A) Where an application requires the consent of the FCA, a firm which submits an application must inform the FCA of any significant change to the information given in the application immediately it becomes aware of the change.
- (4) Where a firm is obliged to submit any form, notice or application online under (1), if the ~~FSA's~~ ONA information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored a firm must submit any form, notice or application by using the form in SUP 6 Ann 5D and submitting it in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).
- 6.3.15 G (1) If the ~~FSA's ONA~~ information technology systems fail and online submission is unavailable for 24 hours or more, the ~~FSA~~ relevant regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in SUP 6.3.15D(4) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.
- [FCA/  
PRA]
- (2) Where SUP 6.3.15D(4) applies to a firm, GEN 1.3.2R (Emergency)

does not apply.

- 6.3.15 G A credit union wishing to make an application under SUP 6 must apply using the form in SUP 6 Ann 5D and submit its application in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).  
B  
[PRA]
- 6.3.16 G (1) Section ~~54(2)~~ 55(U)(2) of the Act (Applications under this Part) requires that the application for variation of ~~Part IV permission~~ Part 4A permission must contain a statement:  
[FCA/  
PRA]  
...  
(1A) Section 55(U)(3) of the Act requires that an application for variation of a requirement imposed under section 55L or 55M or the imposition of a new requirement must contain a statement of the desired variation or requirement.  
(2) The full form and content of the application for variation of ~~Part IV permission~~ Part 4A permission or for the imposition or variation of a requirement is a matter for direction by the ~~FSA~~ relevant regulator, who will determine the additional information and documentation required on a case by case basis.
- 6.3.17 G (1) [deleted]  
[FCA/  
PRA]  
(2) A firm is advised to discuss its application with ~~its usual supervisory contact at the FSA~~ the relevant regulator before submission, particularly if it is seeking a variation of Part 4A permission or imposition, variation or cancellation of a requirement within a short timescale. A firm is also advised to include as much detail as possible (including any additional information identified by its supervisors at this stage) with its application.
- 6.3.18 G The ~~FSA~~ relevant regulator, as soon as possible after receipt of an application, will advise the firm of any additional information which is required as part of its application (see SUP 6.3.23G to SUP 6.3.27G). The amount of information ~~the FSA will~~ required will vary depending on the scale of the variation in the context of the firm as a whole, and the nature, risk profile and complexity of the variation.  
[FCA/  
PRA]
- Applications from firms winding down (running off) business over the long term
- 6.3.19 G A firm which is making an application for variation of ~~Part IV permission~~ Part 4A permission to wind down (run off) its business before applying for a cancellation of that permission (see SUP 6.2.9G) should read SUP 6 Annex 4 for details of the additional procedures that apply.  
[FCA/  
PRA]
- Applications involving significant changes
- 6.3.20 G In certain cases, ~~FSA~~ the relevant regulator may consider that granting an application for imposition, variation or cancellation of any requirement or for

[FCA/  
PRA]

variation of ~~Part IV permission~~ Part 4A permission which includes adding further *regulated activities* or changing a ~~requirement or limitation~~ would cause a significant change in the *firm's* business or risk profile. In these circumstances, the ~~FSA~~ relevant regulator may require the *firm* to complete appropriate parts of the full application pack (see the ~~FSA~~ relevant regulator's website "How do I get authorised": <http://www.fsa.gov.uk/Pages/Doing/how/index.shtml>), as directed by the ~~FSA~~ relevant regulator. Applications for variation involving significant changes may be processed by the *firm's* usual appropriate supervisory contact ~~at the FSA~~, in conjunction with the ~~Permissions department~~ Authorisations Team. Examples of an application for imposition, variation or cancellation of a requirement and for variation of ~~Part IV permission~~ Part 4A permission which may represent a significant change include, but are not limited to, an application:

...

- (3) to remove a *requirement* preventing a *firm* from holding or controlling *client money*; ~~or,~~
- (4) ~~which causes the firm to change prudential category by, for example, removing a requirement relating to prudential category (see SUP App 4).~~ [deleted]

6.3.21  
[FCA/  
PRA]

G A *firm* that wishes to make a significant change to its business, or is unsure whether the changes it is proposing would be considered to be significant, should contact ~~its usual supervisory contact at the FSA~~ the relevant regulator. The ~~FSA~~ relevant regulator will discuss with the *firm* whether it will be required to submit parts of the application pack and whether any reports from third parties may be required.

6.3.22  
[FCA/  
PRA]

~~R~~ G The fees payable for a *firm* applying for the imposition, variation or cancellation of any requirements and/or a variation of its ~~part IV permission~~ Part 4A permission are set out in FEES 3.

Information to be supplied to the ~~FSA~~ relevant regulator as part of the application

6.3.23  
[FCA/  
PRA]

- G (1) The ~~FSA~~ relevant regulator may ask for any information it reasonably requires before determining the application. The information required will be determined on a case by case basis, taking into account the ~~FSA's~~ relevant regulator's existing knowledge of the *firm* and the ~~variation~~ change requested. The ~~FSA~~ relevant regulator will advise the *firm* of the information required at an early stage in the application process.
- (2) The nature of the information and documents requested will be related to the risks posed to the ~~FSA's~~ relevant regulator's *regulatory statutory objectives* by the *regulated activities* and any *unregulated activities* that the *firm* is carrying on or is seeking to carry on. This information will be proportional to the nature of the business which

the *firm* intends to carry on or the risks posed by the *firm*.

6.3.24 G (1) The information the FSA relevant regulator may require includes, but is not limited to, the examples given in SUP 6.3.25G:  
[FCA/  
PRA]

6.3.25 G Information which may be required. See SUP 6.3.24G

[FCA/  
PRA]

Type of business	Information which may be required
All	1. Details of how the <i>firm</i> plans to comply with the <u>FSA's relevant regulator's</u> regulatory requirements relating to any additional <i>regulated activities</i> it is seeking to carry on.
	...
<i>Insurance business</i>	...
	2. (If the application seeks to vary a <i>permission</i> to include <i>motor vehicle liability insurance business</i> ) details of the claims representatives required by <i>threshold condition 2A 3F</i> (Appointment of claims representatives), if applicable.
<i>Accepting deposits and designated investment business</i>	1. A business plan which includes the impact of the variation on the <i>firm's</i> existing or continuing business financial projections for the <i>firm</i> , including the impact of the requested <del>variation of Part IV permission</del> <u>change</u> on the <i>firm's</i> financial resources and capital adequacy requirements.

6.3.26 G Specific information may also be required by the FSA relevant regulator on the activities the *firm* intends to cease, or cease carrying on in relation to any *specified investments* (see SUP 6 Annex 4).  
[FCA/  
PRA]

6.3.27 G When determining whether to grant an application, the FSA relevant regulator may request further information, including reports from third parties such as the *firm's* auditors, and may require meetings with, and visits to, the *firm*. The FSA relevant regulator may also require a statement from members of the *firm's governing body* confirming, to the best of their knowledge, the completeness and accuracy of the information supplied. The FSA relevant regulator may also discuss the application with other regulators or exchanges.  
[FCA/  
PRA]

When will the ~~FSA grant~~ an application for variation of permission and/or imposition or variation of requirements be granted?

6.3.28 G (1) The FSA relevant regulator is required by section 41(2) 55B(3) of the *Act* to ensure that a *firm* applying to gain or vary a *Part IV permission* *Part 4A permission* or to impose or vary a *requirement* satisfies and will continue to satisfy the *threshold conditions* in relation to all the regulated activities for which the *firm* has or will have a *Part IV*  
[FCA/  
PRA]

~~permission Part 4A permission, after the variation determination of the application. However, the FSA's duty under the Act does not prevent it, having regard to that duty, from taking such steps as it considers necessary in relation to a particular firm, to meet any of its regulatory objectives. This may include granting a firm's application for variation of Part IV 4A permission when it wishes to wind down (run off) its business activities and cease to carry on new business as a result of no longer being able to satisfy the threshold conditions.~~

- (2) ~~In addition, the FSA may refuse the application if it appears that any of its regulatory objectives would be adversely affected if the application were to be granted and it is desirable in order to meet any of its regulatory objectives for the application to be refused. [deleted]~~

6.3.28 A [FCA] G Where a firm applies to the PRA for the variation of its Part 4A permission, the FCA, in giving consent to such an application or imposing any requirements on the firm, is required by section 55B(3) of the Act to ensure that the firm satisfies and will continue to satisfy the threshold conditions for which the FCA is responsible in relation to all the regulated activities for which the firm has or will have Part 4A permission after the variation.

6.3.28 B [FCA] G (1) The FCA's duty under section 55B(3) of the Act does not prevent it, having regard to that duty, from taking such steps as it considers necessary in relation to a particular firm, to meet any of its operational objectives. This may include granting or consenting to (as the case may be) a firm's application for variation of Part 4A permission when it wishes to wind down (run off) its business activities and cease to carry on new business as a result of no longer being able to satisfy the threshold conditions.

- (2) The FCA may refuse an application, or refuse to give its consent to an application, under section 55B(3) of the Act if it considers that it is desirable to do so in order to advance any of its operational objectives.

6.3.28 C [PRA] G (1) The PRA's duty under section 55B(3) of the Act does not prevent it, having regard to that duty, from taking such steps as it considers necessary in relation to a particular firm, to meet any of its objectives. This may include, with the consent of the FCA, granting a firm's application for variation of Part 4A permission when it wishes to wind down (run off) its business activities and cease to carry on new business as a result of no longer being able to satisfy the threshold conditions.

- (2) The PRA may refuse an application under section 55B(3) of the Act if it considers that it is desirable to do so in order to advance any of its objectives.

6.3.29 [FCA/  
PRA] G In determining whether the firm satisfies and continues to satisfy the threshold conditions, the FSA regulator concerned will consider whether the firm is ready, willing and organised to comply with the regulatory requirements it will be subject to if the application requested

~~variation of Part IV permission~~ is granted.

6.3.30 G The ~~FSA~~ will also consider the specific requirements that apply to certain types of activity will also need to be considered as these may not allow certain combinations of activity.  
[FCA/  
PRA]

6.3.31 G In considering whether to grant (or consent to, as the case may be) a *firm's* application to vary its ~~Part IV permission~~ Part 4A permission or impose or vary a *requirement*, the ~~FSA~~ regulator concerned will also have regard, under section 49(1) 55R(1) of the *Act* (Persons connected with an applicant), to any *person* appearing to be, or likely to be, in a relationship with the *firm* which is relevant. The *Financial Groups Directive Regulations* make special consultation provisions where the ~~FSA~~ regulator is exercising its functions under Part ~~IV~~ 4A of the *Act* (Permission to carry on regulated activities) for the purposes of carrying on supplementary supervision. Broadly, where ~~the FSA a regulator~~, in the course of carrying on supplementary supervision, is considering varying the ~~Part IV permission~~ Part 4A permission of a *person* who is a member of a *group* which is a *financial conglomerate*, the consultation provisions in section 49(2) 55R(2) of the *Act* are disapplied. In their place, the regulations impose special obligations, linked to the *Financial Groups Directive*, to obtain the consent of the relevant competent authorities, to consult those authorities and to consult with the *group* itself.

The ~~FSA's~~ regulator's powers in respect of application for variation of Part IV permission

6.3.32 G The ~~FSA's~~ power to vary a ~~Part IV permission~~ after it receives an application from a *firm* extends to including in the ~~Part IV permission~~ as varied any provision that could be included as though a fresh permission was being given in response to an application under section 40 of the Act (Application for permission). Under sections 42 (Giving permission) and 43 of the Act (Imposition of requirements), the FSA may:

- (1) ~~incorporate in the description of a regulated activity a limitation (for example, as to the circumstance in which a regulated activity may or may not be carried on); or~~
- (2) ~~specify a narrower or wider description of regulated activity than the firm applied for in the application for variation of Part IV permission (see SUP 3.9.29G(3) for restrictions on insurers); or~~
- (3) ~~require the firm not to take a specified action (for example, not to hold client money); or~~
- (4) ~~require the firm to take a specified action (for example, to submit financial returns more frequently than normal). [deleted]~~

6.3.32 G The ~~FCA's~~ power to vary a Part 4A permission after it receives an application from a *firm* extends to including in the Part 4A permission as varied any provision that could be included as though a fresh permission was being given in response to an application under section 55A of the Act (Application for  
A  
[FCA]

permission). Under section 55E of the Act (Giving permission: the FCA) the FCA may:

- (1) incorporate in the description of a regulated activity such limitations (for example, as to the circumstance in which a regulated activity may or may not be carried on) as it considers appropriate; or
- (2) specify a narrower or wider description of regulated activity than that to which the application relates; or
- (3) give permission for the carrying on of a regulated activity which is not included among those to which the application relates and is not a PRA-regulated activity.

6.3.32 G Thus, when determining an application for variation of Part 4A permission, B the FCA can, include new limitations and vary existing limitations, either on [FCA] application from the firm (for example, the customer categories with which a firm may carry on a specified activity) or, if considered appropriate, by the FCA under section 55E(5) of the Act.

6.3.32 G If a firm has applied (whether to the FCA or the PRA) for the variation of a C Part 4A permission, the FCA has the power to impose on that person such [FCA/ requirements, taking effect on or after the variation of permission, as the FCA PRA] considers appropriate.

6.3.33 G Thus, when determining an application for variation of Part IV permission, the FCA can, therefore:

- (1) include new limitations and vary existing limitations, either on application from the firm (for example, the customer categories with which a firm may carry on a specified activity), or if considered appropriate by the FSA under section 42(7)(a) of the Act; or
- (2) include any new requirements and vary existing requirements, either on application from the firm or where considered appropriate by the FSA under section 43 of the Act to ensure that the firm satisfies and continues to satisfy the threshold conditions. [deleted]

6.3.33 G The PRA's powers to vary a Part 4A permission after it receives an application A from a firm extends, subject to the consent of the FCA, to including in the Part [PRA] 4A permission as varied any provision that could be included as though a fresh permission was being given in response to an application under section 55A of the Act (Application for permission). Under section 55F of the Act (Giving permission: the PRA), the PRA may:

- (1) incorporate in the description of a regulated activity such limitations (for example, as to the circumstance in which a regulated activity may or may not be carried on) as it considers appropriate; or
- (2) specify a narrower or wider description of regulated activity than that to which the application relates; or

(3) give permission for the carrying on of a regulated activity which is not included among those to which the application relates.

6.3.33 G Thus, when determining an application for variation of *Part 4A permission*,  
B the *PRA* can include new *limitations* and vary existing *limitations*, either on  
[PRA] application from the *firm* (for example, the *customer* categories with which a  
*firm* may carry on a specified activity), or if considered appropriate by the  
*PRA* under section 55F(4) of the *Act*.

6.3.33 C If a firm has applied to the PRA for the variation of a Part 4A permission, the PRA has the power to impose on that person such requirements, taking effect on or after the giving or variation of the permission, as the PRA considers appropriate.

6.3.34 G If ~~limitations or requirements~~ are varied or imposed or requirements are imposed by the ~~FSA~~ relevant regulator which were not included in the *firm's* application for variation of *Part IV 4A permission*, the ~~FSA~~ relevant regulator will be required to issue the *firm* with a *warning notice* and *decision notice* (see SUP 6.3.39G).

6.3.34 G Where a firm has made an application to the PRA for the variation of its Part 4A permission and requirements are imposed by the FCA which were not included in the firm's application, the FCA will be required to issue the firm with a warning notice and decision notice (see SUP 6.3.39G).  
A  
[FCA/  
PRA]

How long will an application take?

6.3.35 G Under section ~~52(4)~~ 55V(1) of the *Act* (Determination of applications), the ~~FSA~~ relevant regulator has six months to consider a completed application from the date of receipt.  
[FCA/  
PRA]

6.3.36 G If the ~~FSA~~ relevant regulator receives an application which is incomplete (that is, if information or a document required as part of the application is not provided), section ~~52(2)~~ 55V(2) of the *Act* requires the ~~FSA~~ relevant regulator to determine that incomplete application within 12 months of the initial receipt of the application.  
[FCA/  
PRA]

6.3.36 G Where the application cannot be determined by the PRA without the consent of the FCA, section 55V(3) of the Act requires that the FCA's decision must also be made within the period required in SUP 6.3.35G or SUP 6.3.36G as appropriate.  
A  
[FCA/  
PRA]

6.3.37 G Within these time limits, however, the length of the process will relate directly to the complexity of the ~~variation requested~~ application. ~~The FSA [To be inserted]~~ publishes standard response times on its website at [www.fsa.gov.uk](http://www.fsa.gov.uk) ~~[insert new website link]~~ setting out how long the application process is expected to take in practice. From time to time, the *FSA* also publishes its performance against these times.  
[FCA/  
PRA]

6.3.37 G The FCA publishes standard times on its website setting out how long the application process is expected to take. From time to time, the FCA also publishes its performance against these times.  
A  
[FCA]

6.3.38 G At any time after receiving an application and before determining it, the FSA relevant regulator may require the applicant to provide additional information or documents. The circumstances of each application will dictate what additional information or procedures are appropriate.  
[FCA/  
PRA]

How will the FSA relevant regulator make the decision?

6.3.39 G A decision to grant an application ~~for variation of Part IV permission, as applied for,~~ will be taken by appropriately experienced staff at the FSA relevant regulator staff. However, if the FSA staff dealing with the application recommend that a *firm's* application for variation of Part IV permission Part 4A permission be either refused or granted subject to *limitations* or *requirements* or a narrower description of *regulated activities* than applied for, the decision will ~~be taken by either the RDC or executive procedures~~ be subject to the regulator's formal decision making process.  
[FCA/  
PRA]

6.3.40 G DEPP gives guidance on the ~~FSA's~~ FCA's decision making procedures including the procedures it will follow if it proposes to refuse an application for variation of Part IV permission Part 4A permission or for imposition or variation of a requirement either in whole or in part (for example, an application granted by the ~~FSA~~ FCA but subject to *limitations* or *requirements* not applied for).  
[FCA]

Commencing new regulated activities

6.3.41 G If the variation of Part IV permission Part 4A permission is given, the FSA relevant regulator will expect a *firm* to commence a new *regulated activity* in accordance with its business plan (revised as necessary to take account of changes during the application process) or scheme of operations for an *insurer*. *Firms* should take this into consideration when determining when to make an application to the FSA relevant regulator.  
[FCA/  
PRA]

6.3.42 G (1) *Firms* should be aware that the FSA appropriate regulator may exercise its *own-initiative variation* power to vary or cancel their ~~Part IV permission~~ Part 4A permission if they do not (see EG 8 section 55J of the Act (Variation and or cancellation on initiative of regulator of permission on the FSA's own initiative and intervention against incoming firms)):  
[FCA/  
PRA]

- (a) commence a *regulated activity* for which they have ~~Part IV permission~~ Part 4A permission within a period of at least 12 months from the date of being given; or
- (b) carry on a *regulated activity* for which they have ~~Part IV permission~~ Part 4A permission for a period of at least 12 months (irrespective of the date of grant).

- (1A) The ~~FSA~~ appropriate regulator may exercise its own-initiative variation power to cancel an investment firm's Part IV permission Part 4A permission if the investment firm has provided or performed no investment services and activities at any time during the period of six months ending with the day on which the warning notice under section ~~54(1)~~ 55Z(1) of the Act is given (see EG 8).

[**Note:** article 8(a) of MiFID]

- (2) If the ~~FSA~~ appropriate regulator considers that such a variation or cancellation of the firm's Part IV permission Part 4A permission is appropriate, it will discuss the proposed action with the firm and its reasons for not commencing or carrying on the regulated activities concerned.

- 6.3.43 G When a firm commences new regulated activities following a variation of a Part IV permission Part 4A permission, it should have particular regard to the requirements of Principle 11 (Relations with regulators) (see SUP 15.3.8G(1)(c)).
- [FCA/  
PRA]

## 6.4 Applications for cancellation of permission

- 6.4.1 G ~~Under section 44(2) of the Act (Variation etc. at request of authorised person), if an authorised person with a Part IV permission applies to the FSA, the FSA may cancel that permission. Cancellation applies to a firm's entire Part IV permission, that is to every activity and every specified investment and not to the individual elements such as specified investments. Changes to the individual elements of a permission would require a variation. [deleted]~~

- 6.4.1A G Under section 55H(3) of the Act (Variation by FCA at request of authorised person), if an FCA-~~authorised~~ person applies to the FCA, the FCA may cancel its Part 4A permission. Cancellation applies to a firm's entire Part 4A permission, that is to every activity and every specified investment and not to the individual elements such as specified investments. Changes to the individual elements of a permission would require a variation.
- [FCA]

- 6.4.1B G Under section 55I(2) of the Act (Variation by PRA at request of authorised person), if a PRA-~~authorised~~ person applies to the PRA, the PRA may cancel its Part 4A permission. Cancellation applies to a firm's entire Part 4A permission, that is to every activity and every specified investment and not to the individual elements such as specified investments. Changes to the individual elements of a permission would require a variation.
- [PRA]

- 6.4.2 G ~~Under section 44(3) of the Act, the FSA may refuse an application from a firm to cancel its Part IV permission if it appears that it is desirable for the application to be refused in order to meet any of the FSA's regulatory objectives.~~

(1) ~~[deleted]~~

(2) ~~[deleted]~~

6.4.2A G Under section 55H(4) of the Act, the FCA may refuse an application from a firm to cancel its Part 4A permission if it considers that it is desirable to do so in order to advance any of its operational objectives.  
[FCA]

6.4.2B G Under section 55I(4) of the Act, the PRA may refuse an application from a firm to cancel its Part 4A permission if it appears that it is desirable to do so in order to advance any of its objectives.  
[PRA]

6.4.3 G (1) A firm may apply to the ~~FSA~~ relevant regulator to cancel its ~~Part IV 4A~~ permission before it has ceased carrying on all *regulated activities*. However, where a firm makes a formal application for cancellation of its *permission* when it has not yet ceased carrying on *regulated activities*, the ~~FSA~~ relevant regulator will expect the firm:  
[FCA/  
PRA]

...

(2) *Firms* should note, however, that the ~~FSA~~ relevant regulator will not grant an application for cancellation of ~~Part IV permission~~ Part 4A permission until the firm can demonstrate that it has ceased carrying on all *regulated activities* (SUP 6.4.19G).

(3) The ~~FSA~~ relevant regulator may apply additional procedures or require additional information, as if the firm had entered into a long term wind down of business (see SUP 6 Annex 4), if it considers it appropriate to the circumstances of the firm.

6.4.4 G Additional guidance for a firm carrying on *insurance business, accepting deposits, operating a dormant account fund* or which holds *client money* or *customer's assets* is given in SUP 6 Annex 4. As noted in SUP 6.2.9G, it will usually be appropriate for a firm to apply for variation of its ~~Part IV permission~~ Part 4A permission and/or the imposition, variation or cancellation of a requirement while winding down (running off) its *regulated activities* and before applying to cancel its ~~Part IV permission~~ Part 4A permission.  
[FCA/  
PRA]

The application for cancellation of permission

6.4.5 D (1) A firm other than a *credit union* wishing to cancel its ~~Part IV 4A~~ permission, must apply online at ~~www.fsa.gov.uk~~ the *appropriate regulator's* website using the form specified on the ~~FSA's~~ ONA system.  
[FCA/  
PRA]

(2) ~~A credit union wishing to cancel its Part IV permission must apply using the form in SUP 6 Annex 6D and submit its application in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification). The application must be addressed for the attention of the Cancellations Team at the FSA.~~

- (a) ~~[deleted]~~
- (b) [deleted]
- (3) [deleted]
- (4) Until the application has been determined, a *firm* which submits an application for cancellation of ~~Part IV permission~~ Part 4A permission must inform the ~~FSA~~ relevant regulator of any significant change to the information given in the application immediately it becomes aware of the change.
- (5) Where a *firm* is obliged to submit any form, notice or application online under (1), if the ~~FSA's information technology~~ ONA systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored a *firm* must submit any form, notice or application by using the form in *SUP 6 Annex 6D* and submitting it in the way set out in *SUP 15.7.4R* to *SUP 15.7.9G* (Form and method of notification).
- 6.4.5A G (1) If the ~~FSA's information technology~~ ONA systems fail and online submission is unavailable for 24 hours or more, the ~~FSA~~ relevant regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in *SUP 6.4.5D(5)* and *SUP 15.7.4R* to *SUP 15.7.9G* (Form and method of notification) should be used.
- [FCA/  
PRA]
- ...
- 6.4.5B G A credit union wishing to cancel its Part 4A permission must apply using the form in SUP 6 Annex 6D and submit its application in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification). The application must be addressed for the attention of the Credit Union Supervision Team at the PRA.
- [PRA]
- 6.4.6 G (1) In addition to applying for cancellation of ~~Part IV permission~~ Part 4A permission in accordance with *SUP 6.4.5D*, a *firm* may discuss prospective cancellations with its ~~usual~~ supervisory contact ~~at the FSA~~ at the appropriate regulator. Alternatively a *firm* can contact the Firms Contact Centre on 0845 606 9966.
- [FCA/  
PRA]
- (2) To contact the Cancellations Team:
- (a) write to: Cancellations Team, The Financial ~~Services~~ Conduct Authority, 25 The North Colonnade, Canary Wharf, London, E14 5HS; or
- (b) email [cancellation.team@fsa.gov.uk](mailto:cancellation.team@fsa.gov.uk)  
[cancellation.team@fca.org.uk](mailto:cancellation.team@fca.org.uk)
- (3) If a *firm* which has applied for cancellation decides to remain

authorised it should inform the FSA relevant regulator immediately using one of the methods in *SUP* 6.4.6G(2).

- 6.4.7 G When an application is received, the FSA relevant regulator will send the *firm* a written acknowledgement. The *firm* will be required to provide information which, in the opinion of the FSA relevant regulator, is necessary for it to determine whether to grant or refuse the application for cancellation of *Part IV 4A permission*. ~~The Cancellations Team will work with the firm's usual supervisory contact at the FSA during this process.~~
- [FCA/  
PRA]

Information to be supplied to the FSA relevant regulator as part of the application for cancellation of permission

- 6.4.8 G The information which the FSA relevant regulator may request on the circumstances of the application for cancellation and the confirmations which the FSA relevant regulator may require a *firm* to provide will differ according to the nature of the *firm* and the activities it has ~~Part IV permission~~ Part 4A permission to carry on.
- [FCA/  
PRA]
- 6.4.9 G A *firm* will be expected to demonstrate to the FSA relevant regulator that it has ceased carrying on *regulated activities*. The FSA relevant regulator may require, as part of the application, a report from the *firm* that includes, but is not limited to, the confirmations referred to in *SUP* 6.4.12G (as appropriate to the *firm's* business). The FSA relevant regulator may also require additional information to be submitted with the report including, in some cases, confirmation or verification from a professional adviser on certain matters to supplement the report (see *SUP* 6.4.15G).
- [FCA/  
PRA]
- 6.4.10 G (1) If a *firm* is subject to the complaints rules in *DISP*, the FSA FCA may request confirmation from the *firm* that there are no unresolved, unsatisfied or undischarged complaints against the *firm* from a *customer* of the *firm*.
- [FCA]
- (2) If there are unresolved or undischarged complaints against a *firm* from a *customer* of the *firm*, the FSA FCA may request confirmation, as appropriate, of the steps (if any) which have been taken under the *firm's* complaints procedures and the amount of compensation claimed. The FSA FCA may also request an explanation of the arrangements made for the future consideration of such complaints.
- 6.4.11 G If the *firm* is carrying on *designated investment business* with *retail clients*, the FSA FCA may request confirmation that the *firm* has written, or intends to write, to all *retail clients* with, or for whom, the *firm* has conducted *regulated activities* within a certain period.
- [FCA]

Confirmations and resolutions

- 6.4.12 G The FSA relevant regulator will usually require the report in *SUP* 6.4.9G to be signed by a *director* or other officer with authority to bind the *firm*. It may include confirmations from the *firm* that, in relation to business carried on under its ~~Part IV permission~~ Part 4A permission, it has:
- [FCA/  
PRA]

...

- 6.4.13 G The FSA relevant regulator may also require a resolution from the *firm's governing body*, for example to support the application for cancellation of *permission*, expressed to be irrevocable, and to give the signatory the authority to sign the formal report to the FSA relevant regulator.  
[FCA/  
PRA]
- 6.4.14 G Under section ~~397~~ 398 of the *Act* (~~Misleading statements and practices~~ the FCA or PRA: residual cases), it is an *offence*, in purported compliance with a requirement imposed by or under the *Act* (including the directions in *SUP* 6.4.5D), for a *person* to knowingly or recklessly give the FSA regulator information that is false or misleading. If necessary, a *firm* should take appropriate professional advice when supplying information required by the FSA regulator(s). An *insurer*, for example, may ask an *actuary* to check assumptions in respect of future *claims* made under *contracts of insurance*.  
[FCA/  
PRA]

#### Reports from professionals

- 6.4.15 G The FSA relevant regulator may require additional information, including professional advice, to supplement or support the report in *SUP* 6.4.9G where it considers this appropriate. Examples of reports that may be requested by the FSA relevant regulator include, but are not limited to those detailed in *SUP* 6.4.16G.  
[FCA/  
PRA]

...

- 6.4.17 G If a *firm* is transferring its business, the FSA relevant regulator may require a professional opinion in respect of certain aspects of the transfer. For example, the FSA relevant regulator may require a legal opinion on the validity of arrangements to transfer *regulated activities*, *client money*, *client deposits*, *custody assets* or any other property belonging to *clients*, to another *authorised person*. Alternatively, an auditor or *reporting accountant* may be requested to verify that a transfer has been properly accounted for in the *firm's* books and records. Transfers of *insurance* and *banking business* are subject to statutory requirements (see *SUP* 18).  
[FCA/  
PRA]

#### Approved persons

- 6.4.18 G A *firm* which is applying for cancellation of ~~*Part IV permission*~~ *Part 4A permission* and which is not otherwise *authorised* by, or under, the *Act* should, at the same time, comply with *SUP* 10.13.6R and notify the FSA appropriate regulator of persons ceasing to perform *controlled functions* specified by that regulator. These forms should give the effective date of withdrawal, if known (see *SUP* 10 (Approved persons)).  
[FCA/  
PRA]

When will the FSA relevant regulator grant an application for cancellation of permission?

- 6.4.19 G The FSA relevant regulator will usually not cancel a *firm's* ~~*Part IV permission*~~ *Part 4A permission* until the *firm* can demonstrate that, in relation to business carried on under that *permission*, it has, as appropriate:  
[FCA/

PRA]

...

6.4.20 G If it is not possible for a *firm* to demonstrate a relevant matter referred to in SUP 6.4.19G, for example, depositors are uncontactable, the *firm* will be expected to have satisfied the FSA relevant regulator that it has made adequate provisions for discharging any liabilities to *clients* which do not involve the *firm* carrying on *regulated activities*.

6.4.21 G Before the FSA relevant regulator cancels a *firm's Part IV permission Part 4A permission*, the *firm* will be expected to be able to demonstrate that it has ceased or transferred all *regulated activities* under that *permission*. For example, the *firm* may be asked to provide evidence that a transfer of business (including, where relevant, any *client money*, *customer assets* or *deposits* or insurance liabilities) is complete. As noted in SUP 6.4.9G, the FSA relevant regulator may require the *firm* to confirm this by providing a report, in a form specified by the FSA relevant regulator:

- (1) as part of the application for cancellation of *permission*, if the *firm* has ceased carrying on all *regulated activities* under its ~~Part IV permission~~ Part 4A permission at the time of application (see SUP 6.4.9G); or
- (2) after the application but before its determination, if the *firm* has not ceased carrying on *regulated activities* under its ~~Part IV permission~~ Part 4A permission at the time of application.

6.4.22 G In deciding whether to cancel a *firm's Part IV permission Part 4A permission*, the FSA relevant regulator will take into account all relevant factors in relation to business carried on under that *permission*, including whether:

...

- (2) the *firm* has complied with ~~CASS 4.3.99R~~, CASS 5.5.80R and CASS 7.2.15R (Client money: discharge of fiduciary duty) ~~and CASS 4.3.104R~~ and CASS 7.2.19R (Client money: allocated but unclaimed client money) if it has ceased to hold *client money*; these *rules* apply to both repayment and transfer to a third party;
- (3) the *firm* has ceased to hold or control *custody assets* in accordance with instructions received from *clients* ~~(including instructions set out in an agreement entered into in accordance CASS 2.3.2R (Custody: client agreement))~~ and COBS 6.1.7R (Information concerning safeguarding of designated investments belonging to clients and client money);

...

- (5) the FSA relevant regulator or another regulator has commenced an investigation against the *firm* or continuing enforcement action against the *firm*;

- (6) there are any matters affecting the *firm* which should be investigated before a decision on whether the *firm* should have its ~~Part IV permission~~ Part 4A permission cancelled by the ~~FSA~~ relevant regulator or be disciplined;

...

- (8) the *firm* has settled all its debts to the ~~FSA~~ appropriate regulator; and

...

The ~~FSA's~~ FCA and the PRA enforcement and investigation powers against a former authorised person

- 6.4.23 G If the ~~FSA has granted~~ an application for cancellation of a *firm's* ~~Part IV permission~~ Part 4A permission has been granted and ~~withdrawn~~ a *firm's* status as an *authorised person* has been withdrawn (see SUP 6.5) it will ~~retain~~ remain subject to certain investigative and enforcement powers ~~in relation to the firm~~ as a former *authorised person*. These include:

[FCA/  
PRA]

...

- 6.4.24 G However, the ~~FSA will not be able to use~~ the following powers may not be used against former *authorised persons*:

[FCA/  
PRA]

...

- (2) the power to require *firms* to make restitution under section 384 of the *Act* (Power of the ~~FSA~~ FCA or PRA to require restitution).

- 6.4.25 G Consequently, the ~~FSA~~ relevant regulator considers that it will have good reason not to grant a *firm's* application for cancellation of *permission* where:

[FCA/  
PRA]

- (1) ~~if~~ the FCA and/or the PRA proposes to exercise any of the powers described in SUP 6.4.24G; or
- (2) ~~if~~ the FCA and/or the PRA has already begun disciplinary and/or restitution proceedings against the *firm* by exercising either or both of these powers against the *firm*.

- 6.4.26 G The ~~FSA's~~ FCA's use of those powers is outlined in DEPP 6 (Penalties).

[FCA]

How long will an application take?

- 6.4.27 G (1) Under section ~~52(1)~~ 55V(1) of the *Act* (Determination of applications), the ~~FSA~~ relevant regulator has six months to consider a completed application.

[FCA/  
PRA]

- (2) If the ~~FSA~~ relevant regulator receives an application which is incomplete, that is, where information or a *document* required as part

of the application is not provided, section ~~52(2)~~ 55V(2) of the *Act* requires the *FSA* relevant regulator to determine the incomplete application within 12 months of the initial receipt of the application.

- (3) Within these time limits, however, the length of the process will relate directly to the complexity of ~~variation~~ cancellation requested and whether the *firm* has fully wound down (run off) its activities at the time it applies. ~~The *FSA* publishes standard response times on its website setting out how long the application process is expected to take in practice. From time to time, the *FSA* also publishes its performance against these times.~~

6.4.27 G The *FCA* publishes standard response times on its website setting out how long the application process is expected to take in practice. From time to time, the *FCA* also publishes its performance against these times.  
A  
[FCA]

How will the ~~*FSA*~~ relevant regulator make the decision?

6.4.28 G A decision to grant an application for cancellation of *permission* will be taken by appropriately experienced *FSA* staff at the relevant regulator. Where, however, the *FSA* staff dealing with the application recommend that a *firm's* application for cancellation of ~~*Part IV permission*~~ *Part 4A permission* be refused, the decision will ~~be taken by the *RDC* if the applicant makes representations to the *FSA*. If there are no representations, the decision will be made under *executive procedures*~~ be subject to the regulator's formal decision making process.  
[FCA/  
PRA]

6.4.29 G See *DEPP* for *guidance* on the *FSA's* *FCA's* decision making procedures, including the procedures it will follow if it proposes to refuse an application for cancellation of ~~*Part IV permission*~~ *Part 4A permission*.  
[FCA]

## 6.5 Ending authorisation

6.5.1 G Under section 33(2) of the *Act* (Withdrawal of authorisation ~~by the *FSA*~~), if the *FSA* appropriate regulator cancels a *firm's* ~~*Part IV permission*~~ *Part 4A permission*, and as a result there is no *regulated activity* for which the *firm* has *permission*, the *FSA* regulator authorising that *firm* is required to give a *direction* withdrawing the *firm's* status as an *authorised person*.  
[FCA/  
PRA]

6.5.2 G ~~If the *FSA* concludes that it should grant a *firm's* application for cancellation of *permission* and end its *authorisation*, the *FSA* will:~~

- ~~(1) cancel the *firm's* *Part IV permission* under section 44(2) of the *Act*;~~
- ~~(2) withdraw the *firm's* *authorised* status under section 33(2) of the *Act* by giving the *firm* a *direction* in writing; and~~
- ~~(3) update the *firm's* entry in the *FSA* register to show it has ceased to be *authorised*. [deleted]~~

- 6.5.2A G If the FCA concludes that it should grant an FCA-*authorised person's* application for cancellation of *permission* and end its *authorisation*, the FCA will:  
[FCA]
- (1) cancel the *firm's Part 4A permission* under section 55H(3) of the Act;
  - (2) withdraw the *firm's authorised* status under section 33(2) of the Act by giving the *firm* a direction in writing; and
  - (3) update the *firm's* entry in the Financial Services Register to show it has ceased to be *authorised*.

- 6.5.2B G If the PRA concludes that it should grant a PRA-*authorised person's* application for cancellation of *permission* and end its *authorisation*, the PRA will:  
[PRA]
- (1) cancel the *firm's Part 4A permission* under section 55I(2) of the Act;
  - (2) withdraw the *firm's authorised* status under section 33(2) of the Act by giving the *firm* a direction in writing; and
  - (3) contact the FCA and request that it update the *firm's* entry in the Financial Services Register to show it has ceased to be *authorised*.

SUP 6 Annex 1, 2 and 3 are deleted in their entirety. The deleted text is not shown.

Amend the following as shown.

**6 Annex 4 Additional guidance for a firm winding down (running off) its business**

**6 Annex 4.1G**  
[FCA/  
PRA]

1.	If a <i>firm</i> has <del>Part IV 4A</del> <i>permission</i> which enables it to hold <i>client money</i> or to carry on <i>regulated activities</i> including:
...	
it may require a long period (usually in excess of six months) in which to wind down (run off) its business. In these circumstances, it will usually be appropriate for the <i>firm</i> to apply for a variation of <del>Part IV permission</del> <i>Part 4A permission</i> before commencing the wind down.	
2.	A <i>firm</i> that believes that it may need to apply for a variation of <del>Part IV permission</del> <i>Part 4A permission</i> as a first step towards cancellation of its <i>permission</i> should discuss its plans with its <del>usual</del> supervisory contact at <del>the FSA</del> <u>at the relevant regulator</u> .
3.	If appropriate, in the interests of its <del>regulatory</del> <i>statutory objectives</i> (limited to the operational objectives in the case of <del>the FCA</del> ), the <del>FSA</del> <u>appropriate regulator</u> will require details of the <i>firm's</i> plans and will discuss them with the <i>firm</i> and monitor the winding down or transfer of

	the <i>firm's</i> business. During the period in which it is winding down, a <i>firm</i> will also be required to notify <del>the FSA</del> of any material changes to the information provided such as, for example, receipt of new complaints and changes to plans.
4.	If, after its <del>Part IV permission</del> <u>Part 4A permission</u> has been varied, a <i>firm</i> has wound down its business, complied with any <i>requirements</i> imposed <del>by the FSA</del> and ceased to carry on <i>regulated activities</i> (or expects to do so within the next six months), it should then make an application for cancellation of its <del>Part IV permission</del> <u>Part 4A permission</u> (see SUP 6.4 (Applications for cancellation of permission)).

**Use of own-initiative powers**

5.	If, for example, the <del>FSA</del> <u>FCA</u> or the <del>PRA</del> has concerns relating to any of the <del>regulatory</del> <u>statutory objectives</u> (limited to the operational objectives in the case of the <del>FCA</del> ), it may, <del>however,</del> use its <del>own-initiative power</del> <u>own-initiative variation power</u> under section 45 of the <del>Act</del> (Variation etc. on the Authority's own initiative) (see SUP 7 (Individual requirements) and EG 8 (Variation and cancellation of permission on the <del>FSA's</del> <u>FCA's</u> own initiative and intervention against incoming firms)), to vary the <del>Part IV permission</del> <u>Part 4A permission</u> of a <i>firm</i> which is winding down or transferring its <i>regulated activities</i> .
5A.	If, for example, the <i>appropriate regulator</i> has concerns relating to any of its <u>statutory objectives</u> (limited to the operational objectives in the case of the <del>FCA</del> ), it may use its <u>own-initiative requirements power</u> to <u>impose on a <i>firm</i> that is winding down or transferring its <i>regulated activities</i>, any <i>requirement</i>, or vary or cancel a <i>requirement</i> imposed by it on that <i>firm</i>.</u>

**Reporting requirements: general**

6.	If a <i>firm</i> is winding down (running-off) its business, the routine reporting requirements in SUP 16 (Reporting requirements) will apply unless the <i>firm</i> is granted a waiver. In addition, a <i>firm</i> may be asked to submit additional reports, for example, to enable the <del>FSA</del> <u>appropriate regulator</u> to monitor the wind down.
----	--

6  
Annex  
4.2G  
[FCA/  
PRA]

1.	If a <i>firm</i> makes an application <u>in accordance with SUP 6</u> to <del>vary its Part IV permission</del> to effect the winding down of <i>regulated activities</i> which it is carrying on including the repayment of <i>client money</i> , or the return of <i>client deposits</i> , <i>custody assets</i> or any other property belonging to <i>clients</i> , the <del>FSA</del> <u>appropriate regulator</u> will expect it to have formal plans to ensure that:
...	
2.	<del>A <i>firm</i> must comply with CASS 4.3.99R, CASS 5.5.80R and CASS 7.2.15R (Client money: discharge of fiduciary duty) and CASS</del>

	<p><del>4.3.104R and CASS 7.2.19R (Allocated but unclaimed client money) if it is ceasing to hold <i>client money</i>. A <i>firm</i> must also cease to hold or control <i>custody assets</i> in accordance with instructions received from <i>clients</i> (including instructions set out in an agreement entered into in accordance with CASS 2.3.2R (Custody: <i>client agreement</i>) and COBS 6.1.7R (Information concerning safeguarding of designated investments belonging to clients and client money). These <i>rules</i> apply to both repayment and transfer to a third party. [deleted]</del></p>
--	--

**6**  
**Annex**  
**4.2AG**  
[FCA]

1.	<p><u>A <i>firm</i> must comply with CASS 5.5.80R and CASS 7.2.15R (Client money: discharge of fiduciary duty) and CASS 7.2.19R (Allocated but unclaimed client money) if it is ceasing to hold <i>client money</i>. A <i>firm</i> must also cease to hold or control <i>custody assets</i> in accordance with instructions received from <i>clients</i> and COBS 6.1.7R (Information concerning safeguarding of designated investments belonging to clients and client money). These <i>rules</i> apply to both repayment and transfer to a third party.</u></p>
----	---

**6**  
**Annex**  
**4.3G**  
[FCA/  
PRA]

1.	<p>A <i>firm</i> carrying on <i>insurance business</i> which, ultimately, intends to cease <i>insurance business</i> completely, will first need to apply for a variation of its <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> while it is running off its business. The <i>firm</i> should apply for a variation of <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> to remove the activity of <i>effecting contracts of insurance</i> from its <i>permission</i>, thus restricting its activities to <i>carrying out insurance contracts</i> to enable it to run off its remaining insurance liabilities (see SUP 6.2.9G).</p>
2.	<p>Examples of variations of <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> which may be appropriate in the context of winding down <i>insurance business</i> include:</p>
	<p>(1) removing one or more <i>regulated activities</i> (for example, when a <i>firm</i> which has <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> to carry on <i>insurance business</i> enters into run-off, its <del><i>Part IV permission</i></del> <u><i>Part 4A permission</i></u> will need to be varied to remove the activity of <i>effecting contracts of insurance</i> in relation to new <i>contracts of insurance</i>); a new <i>contract of insurance</i> excludes contracts effected under a term of a subsisting <i>contract of insurance</i>. Thus the <i>firm's permission</i> will be restricted to <i>carrying out contracts of insurance</i> to enable it to run off its existing liabilities; or</p>
	<p>(2) imposing a <i>limitation on regulated activities</i> in a <i>firm's Part IV permission</i> or imposing a <i>requirement on the type of investments a firm holds to support its insurance liabilities</i> <u><i>Part 4A permission</i></u></p>
2A.	<p><u>A <i>firm</i> may also have imposed on it a new <i>requirement</i>, or any existing <i>requirement</i> imposed on a <i>firm</i> may be varied or cancelled. In the</u></p>

	context of winding down <i>insurance business</i> , it may for example be appropriate to impose a <i>requirement</i> on the type of investments a <i>firm</i> holds to support its insurance liabilities.
3.	An <i>insurer</i> ceasing to <i>effect contracts of insurance</i> is required to submit a <i>scheme of operations</i> in accordance with SUP App 2 (Insurers: <i>scheme of operations</i> ). The <i>FSA PRA</i> may require other information depending on the circumstances, for example an actuarial assessment of the <i>firm's</i> run-off.
...	
5.	An <i>insurer</i> should note that the <i>FSA PRA</i> will not cancel a <i>firm's permission</i> until all the <del>firm's</del> <i>firm's</i> insurance liabilities have been discharged, including any potential insurance liabilities. A <i>firm</i> is, therefore, advised to submit an application for cancellation of its <del>Part IV permission</del> <i>Part 4A permission</i> when its run-off is completed.

6  
Annex  
4.4G  
[FCA/  
PRA]

1.	A <i>firm</i> making an application to <del>vary or cancel its Part IV permission</del> in accordance with SUP 6 which requires any approval from the <i>Society of Lloyd's</i> should apply to the <i>Society</i> for this in addition to applying to the <del>FSA for the variation or cancellation</del> <u>relevant regulator</u> .	
2.	Where a <i>firm</i> has <del>Part IV permission</del> <i>Part 4A permission</i> to manage the underwriting capacity of a <i>Lloyd's</i> syndicate as a managing agent at <i>Lloyd's</i> then, if it wishes to vary its <del>Part IV permission</del> <i>Part 4A permission</i> to remove this regulated activity or to cancel its <del>Part IV permission</del> <i>Part 4A permission</i> completely, special procedures will apply.	
3.	(1)	As a first step, the <i>firm</i> should apply to the <i>FSA</i> <u>relevant regulator</u> for a variation of its <del>Part IV permission</del> <i>Part 4A permission</i> to limit the <i>regulated activity</i> , after the <i>Lloyd's</i> syndicates have been closed, to permit no new business. Once the <i>syndicates</i> have been closed, the <i>firm's</i> consent from the <i>Society</i> to manage <i>syndicates</i> will also lapse
	(2)	After a period of one year from the date of closure of the <i>Lloyd's</i> syndicates the <i>firm</i> may apply to the <del>FSA</del> to vary its <del>Part IV permission</del> <i>Part 4A permission</i> , to remove the <i>regulated activity</i> or to cancel its <del>Part IV permission</del> <i>Part 4A permission</i> entirely, as appropriate. At this time, a <i>firm's</i> approval from the <i>Society of Lloyd's</i> as a managing agent will cease.
4.	<i>Firms</i> which wish to discuss these procedures in more detail should contact their <del>usual</del> <u>appropriate</u> supervisory contact at the <del>FSA</del> and the <i>Society of Lloyd's</i> , as appropriate.	

6

1. As stated in SUP 6.2.9G, where a <i>bank</i> , or other <i>firm</i> with permission that
---

Annex  
4.5G  
[FCA/  
PRA]

includes *accepting deposits*, wishes to cancel its ~~*Part IV permission*~~ *Part 4A permission*, it will generally need to apply for a variation of that *permission* while it winds down its business.

2. When a firm is winding down its business activities, it may be appropriate to vary its ~~*Part IV permission*~~ by imposing:

- (1) vary its *Part 4A permission* by imposing a limitation that no new *deposits* will be accepted; or
- (2) vary its *Part 4A permission* by imposing a limitation on the purchasing of *investments* for its own account; or
- (3) impose on it requirements concerning solvency.

3. After a *bank* has discussed with the ~~*FSA*~~ *appropriate regulator* the type of variation of ~~*Part IV permission*~~ *Part 4A permission* and/or *requirement* the *bank* requires to wind down its business, it should make an application ~~for variation of *Part IV permission*~~ as directed in SUP 6.3.15D and follow the *guidance* and procedures in SUP 6 as well as the additional procedures set out in this annex.

4. The ~~*FSA*~~ may vary the ~~*firm's Part IV permission*~~ to impose one or more of As appropriate, one or more of the following may be imposed on a *firm*:

...

5. The information concerning the circumstances of ~~the application for variation of *Part IV permission*~~ these applications and the confirmations a *firm* is required to give to the ~~*FSA*~~ regulator(s) concerned will differ according to the nature of the *bank* and its ~~*Part IV permission*~~ *Part 4A permission*. If appropriate, it may include, but will not necessarily be limited to:

...

**Dealing with residual deposits: general**

6. Where a *firm* has residual *deposits* which, for whatever reason, cannot be repaid, they may be protected by a number of different methods. The precise applicability of the courses to be followed depends upon the particular circumstances of the individual *firm*. The ~~*FSA's*~~ *appropriate regulator's* supervisory approach will be determined by the course of action taken.

**Holding funds on trust**

7. In some circumstances, it may be appropriate for the *firm* to make an irrevocable transfer of funds, at least equal to the total of its *deposits*, to an independent *trustee* to be held on *trust* for the benefit of the depositors. Any such proposal should be discussed in advance with the ~~*FSA*~~ *appropriate regulator*. The amount of funds held on trust should at all times exceed the total of all *deposits*, in order to provide for contingencies. Trust account arrangements are appropriate only in respect of solvent institutions. The *guidance* in paragraph 13 of this section applies in most cases.

8. ....

(2) The *trustee* should be an independent and appropriately qualified third party, nominated by the institution and acceptable to the ~~*FSA*~~ *appropriate regulator*.

...

(b) The ~~*FSA*~~ *appropriate regulator* should be consulted about, or pre-notified of,

<p>a potential change of trustee. (c) Trustees are responsible for fulfilling their obligations under the trust deed. In practice, the <i>FSA appropriate regulator</i> may wish to point out that certain factors need to be given consideration by the trustees and the institution (for example, the procedures for paying out to depositors).</p>
<p>9. The <i>FSA appropriate regulator</i> would require to see an opinion by the <i>firm's</i> legal advisers, confirming the validity and enforceability of the <i>trust</i> and in particular specifying the extent (if any) to which the trust arrangements may be set aside in future. The <i>FSA appropriate regulator</i> reserves the right to request sight of the proposed trust documentation itself.</p>
<p>...</p>
<p>11. The trustee should not deposit, or otherwise invest, trust funds except in segregated accounts with third-party authorised institutions.</p>
<p>...</p> <p>(2) Auditors' reports, from the trust's auditors, should subsequently be obtained at intervals to demonstrate that funds in the trust continue to be at least equal to the remaining liabilities to depositors and that repayments have been properly made. The <i>firm</i> retains the ultimate responsibility to provide information to the <i>FSA appropriate regulator</i>.</p> <p>(3) The <i>FSA appropriate regulator</i> may, however, require the inclusion of a clause in the trust deed requiring the trustee to provide such information as may be requested.</p>
<p>...</p>

## 6 Variation of permission application form

### Annex 5D

[FCA/  
PRA]

- D This annex consists only of one or more forms. Forms are to be found through the following address:

*Supervision forms - FSA/form\_links.jsp#supAnnex* [\[web address to be inserted\]](#)

## 6 Cancellation of permission application form

### Annex 6D

[FCA/  
PRA]

- D This annex consists only of one or more forms. Forms are to be found through the following address:

*Cancellation of permission application form - FSA/docs/sup/cancellation\_form.doc* [\[web address to be inserted\]](#)

Annex C

Designations & Regulator making new provision

Handbook Provision	Made, designated or not in force after legal cutover	Relevant regulator
SUP 6.1.1 G	Designated	FCA/PRA
SUP 6.1.2 G	Designated	FCA/PRA
SUP 6.1.3 G	Designated	FCA/PRA
SUP 6.1.3A G	Made	FCA/PRA
SUP 6.1.4 G	Designated	FCA/PRA
SUP 6.1.5 G	Designated	FCA/PRA
SUP 6.1.6 G	Made	FCA
SUP 6.2.1 G	Designated	FCA/PRA
SUP 6.2.2 G	Designated	FCA/PRA
SUP 6.2.3 G	Not in force after legal cutover	
SUP 6.2.3A G	Made	FCA
SUP 6.2.3B G	Made	FCA/PRA
SUP 6.2.3C G	Made	FCA
SUP 6.2.3D G	Made	PRA
SUP 6.2.3E G	Made	PRA
SUP 6.2.4 G	Designated	FCA/PRA
SUP 6.2.4A G	Designated	FCA/PRA
SUP 6.2.4B G	Made	FCA/PRA
SUP 6.2.5 G	Designated	FCA/PRA
SUP 6.2.6 G	Designated	FCA/PRA
SUP 6.2.7 G	Designated	FCA/PRA

SUP 6.2.8 G	Designated	FCA/PRA
SUP 6.2.9 G	Designated	FCA/PRA
SUP 6.2.10 G	Designated	FCA/PRA
SUP 6.2.10A G	Made	FCA/PRA
SUP 6.2.11 G	Designated	FCA/PRA
SUP 6.2.12 G	Designated	FCA/PRA
SUP 6.2.13 G	Designated	FCA/PRA
SUP 6.2.14 G	Designated	FCA/PRA
SUP 6.3.1 G	Not in force after legal cutover	
SUP 6.3.1A G	Made	FCA
SUP 6.3.1B G	Made	FCA/PRA
SUP 6.3.1C G	Made	PRA
SUP 6.3.2 G	Not in force after legal cutover	
SUP 6.3.2A G	Made	FCA
SUP 6.3.2B G	Made	PRA
SUP 6.3.2C G	Made	FCA
SUP 6.3.2D G	Made	PRA
SUP 6.3.3 G	Designated	FCA/PRA
SUP 6.3.4 G	Designated	FCA/PRA
SUP 6.3.5 G	Designated	FCA/PRA
SUP 6.3.6 G	Designated	FCA/PRA
SUP 6.3.7 G	Designated	FCA/PRA
SUP 6.3.8 G	Designated	FCA/PRA
SUP 6.3.9 G	Not in force after legal cutover	

SUP 6.3.10 G	Not in force after legal cutover	
SUP 6.3.11 G	Designated	FCA/PRA
SUP 6.3.12 G	Designated	FCA/PRA
SUP 6.3.13 G	Designated	FCA/PRA
SUP 6.3.14 G	Designated	PRA
SUP 6.3.15 D	Designated	FCA/PRA
SUP 6.3.15A G	Designated	FCA/PRA
SUP 6.3.15B G	Made	PRA
SUP 6.3.16 G	Designated	FCA/PRA
SUP 6.3.17 G	Designated	FCA/PRA
SUP 6.3.18 G	Designated	FCA/PRA
SUP 6.3.19 G	Designated	FCA/PRA
SUP 6.3.20 G	Designated	FCA/PRA
SUP 6.3.21 G	Designated	FCA/PRA
SUP 6.3.22 G	Designated	FCA/PRA
SUP 6.3.23 G	Designated	FCA/PRA
SUP 6.3.24 G	Designated	FCA/PRA
SUP 6.3.25 G	Designated	FCA/PRA
SUP 6.3.26 G	Designated	FCA/PRA
SUP 6.3.27 G	Designated	FCA/PRA
SUP 6.3.28 G	Designated	FCA/PRA
SUP 6.3.28A G	Made	FCA
SUP 6.3.28B G	Made	FCA
SUP 6.3.28C G	Made	PRA
SUP 6.3.29 G	Designated	FCA/PRA

SUP 6.3.30 G	Designated	FCA/PRA
SUP 6.3.31 G	Designated	FCA/PRA
SUP 6.3.32 G	Not in force after legal cutover	
SUP 6.3.32A G	Made	FCA
SUP 6.3.32B G	Made	FCA
SUP 6.3.32C G	Made	FCA/PRA
SUP 6.3.33 G	Not in force after legal cutover	
SUP 6.3.33A G	Made	PRA
SUP 6.3.33B G	Made	PRA
SUP 6.3.33C G	Made	PRA
SUP 6.3.34 G	Designated	FCA/PRA
SUP 6.3.34A G	Made	FCA/PRA
SUP 6.3.35 G	Designated	FCA/PRA
SUP 6.3.36 G	Designated	FCA/PRA
SUP 6.3.36A G	Made	FCA/PRA
SUP 6.3.37 G	Designated	FCA/PRA
SUP 6.3.37A G	Made	FCA/PRA
SUP 6.3.38 G	Designated	FCA/PRA
SUP 6.3.39 G	Designated	FCA/PRA
SUP 6.3.40 G	Designated	FCA
SUP 6.3.41 G	Designated	FCA/PRA
SUP 6.3.42 G	Designated	FCA/PRA
SUP 6.3.43 G	Designated	FCA/PRA
SUP 6.4.1 G	Not in force after legal cutover	

SUP 6.4.1A G	Made	FCA
SUP 6.4.1B G	Made	PRA
SUP 6.4.2 G	Not in force after legal cutover	
SUP 6.4.2A G	Made	FCA
SUP 6.4.2B G	Made	PRA
SUP 6.4.3 G	Designated	FCA/PRA
SUP 6.4.4 G	Designated	FCA/PRA
SUP 6.4.5 D	Designated	FCA/PRA
SUP 6.4.5A G	Designated	FCA/PRA
SUP 6.4.5B G	Made	PRA
SUP 6.4.6 G	Designated	FCA/PRA
SUP 6.4.7 G	Designated	FCA/PRA
SUP 6.4.8 G	Designated	FCA/PRA
SUP 6.4.9 G	Designated	FCA/PRA
SUP 6.4.10 G	Designated	FCA
SUP 6.4.11 G	Designated	FCA
SUP 6.4.12 G	Designated	FCA/PRA
SUP 6.4.13 G	Designated	FCA/PRA
SUP 6.4.14 G	Designated	FCA/PRA
SUP 6.4.15 G	Designated	FCA/PRA
SUP 6.4.16 G	Designated	FCA/PRA
SUP 6.4.17 G	Designated	FCA/PRA
SUP 6.4.18 G	Designated	FCA/PRA
SUP 6.4.19 G	Designated	FCA/PRA
SUP 6.4.20 G	Designated	FCA/PRA

SUP 6.4.21 G	Designated	FCA/PRA
SUP 6.4.22 G	Designated	FCA/PRA
SUP 6.4.23 G	Designated	FCA/PRA
SUP 6.4.24 G	Designated	FCA/PRA
SUP 6.4.25 G	Designated	FCA/PRA
SUP 6.4.26 G	Designated	FCA
SUP 6.4.27 G	Designated	FCA/PRA
SUP 6.4.27A G	Made	FCA
SUP 6.4.28 G	Designated	FCA/PRA
SUP 6.4.29 G	Designated	FCA
SUP 6.5.1 G	Designated	FCA/PRA
SUP 6.5.2 G	Not in force after legal cutover	
SUP 6.5.2A G	Made	FCA
SUP 6.5.2B G	Made	PRA
SUP 6 Annex 1 G	Not in force after legal cutover	
SUP 6 Annex 2 G	Not in force after legal cutover	
SUP 6 Annex 3 G	Not in force after legal cutover	
SUP 6 Annex 4.1 G	Designated	FCA/PRA
SUP 6 Annex 4.2 G	Designated	FCA/PRA
SUP 6 Annex 4.3 G	Designated	FCA/PRA
SUP 6 Annex 4.4 G	Designated	FCA/PRA
SUP 6 Annex 4.5 G	Designated	FCA/PRA
SUP 6 Annex 5 D	Designated	FCA/PRA
SUP 6 Annex 6 D	Designated	FCA/PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph	Schedule 1ZB, Paragraph

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
	23.	31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification	Section 138A(3)	Section 138A(3)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as	Section 226	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))		
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory	Section 300B	Section 300B

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
provision)		
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>	<p>(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>	<p>(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>
<p>Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)</p>	<p>Section 137A(1)</p>	<p>Section 137G(1)</p>
<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>None</p>
<p>Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the</p>	<p>Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the</p>	<p>None.</p>

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Mesothelioma Claims) Regulations 2006 (SI 2006/3259)		(Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53	Section 210	Section 210

Column 1	Column 2	Column 3
<p><b>Provisions of the 2000 Act under which the Authority issued statements</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>(6) of the Electronic Money Regulations 2011 (SI 2011/99).)</p>		
<p>Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)</p>	<p>Section 395</p>	<p>Section 395</p>

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**LEGAL CUTOVER (WAIVER AND MODIFICATION OF RULES)  
INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order..
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 7; and
  - (2) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 8 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers);
  - (3) section 138A(3) (Modification or waiver of rules);
  - (4) section 139A (Power of the FCA to give guidance);
  - (5) section 250 (Modification or waiver of rules); and
  - (6) section 294 (Modification or waiver of rules).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013..
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
- (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

- 18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 20; and
  - (2) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.
- 20 The conditions referred to in paragraph 19(1) are that a provision is:

- (1) identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 21 The conditions referred to in paragraph 19(2) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers);
  - (3) section 138A(3) (Modification or waiver of rules); and
  - (4) section 294 (Modification or waiver of rules).
- 23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex A to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is marked with a G in Column 1 of Annex B to this Instrument; and
  - (2) each provision listed in Annex B to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is (a) marked with a G in Column 1 of Annex B to this Instrument and (b) not in Annex A to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The Supervision manual (SUP) of the FCA’s and PRA’s Handbooks of rules and guidance is amended in accordance with Annex A to this Instrument.

**Citation**

29 This Instrument may be cited as the Legal Cutover (Waiver and Modification of Rules) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 8 Waiver and modification of rules

##### 8.1 Application and purpose

8.1.1 R ~~This chapter applies to every:~~

- (1) ~~*firm or person* who is subject to *FSA rules* that wishes to apply for, consent to, or has been given a modification of or waiver of the *FSA's rules*;~~
- (2) ~~*person*, as respects a particular *AUT* or *ICVC*, who wishes to apply for, consent to, or has been given a modification of or waiver of the *rules in COLL*. [deleted]~~

8.1.1-A R This chapter applies to every:  
[FCA]

- (1) *firm or person* who is subject to *FCA rules* that wishes to apply for, consent to, or has been given a modification of or waiver of the *FCA's rules*;
- (2) *person*, as respects a particular *AUT* or *ICVC*, who wishes to apply for, consent to, or has been given a modification of or waiver of the *rules in COLL*.

8.1.1-B R This chapter applies to every *firm or person* who is subject to *PRA rules* that wishes to apply for, consent to, or has been given a modification of or waiver of the *PRA's rules*.  
[PRA]

8.1.1A G This chapter is relevant to an applicant for a ~~*Part IV permission*~~ *Part 4A permission*, as if that applicant were a *firm*. Where the chapter refers to ~~usual~~ appropriate supervisory contact, the applicant should read this as being the usual supervisory contact in at the ~~Permissions Department~~ appropriate regulator. Further, this chapter is relevant to a *person* who is subject to rules made by the ~~*FSA*~~ *appropriate regulator* and where the chapter refers to a *firm*, this includes that person.

...

8.1.3 G This chapter is not relevant to the functions of the ~~*FSA*~~ *FCA* acting in its capacity as the *competent authority* for the purposes of Part VI of the *Act* (Official Listing).  
[FCA]

...

## 8.2 Introduction

Waivers under section ~~148~~ 138A of the Act

8.2.1 [FCA/  
PRA] G Under section ~~148~~ 138A of the *Act* (Modification or waiver of rules), the ~~FSA~~ appropriate regulator may, on the application or with the consent of a *firm*, direct that its *rules*:

- (1) are not to apply to the *firm*; or
- (2) are to apply to the *firm* with such modifications as may be specified.

8.2.1A [FCA/  
PRA] G SUP 8.2.1G does not apply to:

- (1) rules made by either regulator under section 137O of the Act;
- (2) rules made by the FCA under sections 247 or 248 of the Act.

...

Waivers of rules in COLL

8.2.3 [FCA] G Section 250 of the *Act* and regulation 7 of the *OEIC Regulations* allow the ~~FSA~~ FCA to *wave* the application of certain *rules* in *COLL* to:

...

...

8.2.5 [FCA] G Section 250 of the *Act* and regulation 7 of the *OEIC Regulations* work by giving effect to section ~~148~~ 138A of the *Act* in respect of *waivers* given under section 250(2) and (3) and regulation 7(1) and (2) of the *OEIC Regulations*.

...

## 8.3 Applying for a waiver

Conditions for giving a waiver

8.3.1 [FCA/  
PRA] G Under section ~~148(4)~~ 138A(4) of the *Act*, the ~~FSA~~ appropriate regulator may not give a *waiver* unless it is satisfied that:

- (1) compliance by the *firm* with the *rules*, or with the *rules* as

unmodified, would be unduly burdensome, or would not achieve the purpose for which the *rules* were made; and

- (2) ~~the *waiver* would not result in undue risk to *persons* whose interests the *rules* are intended to protect~~ adversely affect the advancement of, in the case of the *PRA*, any of its objectives and, in the case of the *FCA*, any of its operational objectives.

8.3.1A  
[FCA/  
PRA]

- G Even if the conditions in section ~~148(4)~~ 138A(4) of the *Act* are satisfied, the ~~*FSA*~~ *appropriate regulator* will consider other relevant factors before giving a *waiver*, such as whether the *waiver* would be compatible with European law, including relevant EC Directives.

#### Publication of waivers

8.3.2  
[FCA/  
PRA]

- G The ~~*FSA*~~ *appropriate regulator* is required by section ~~148(6)~~ 138B of the *Act* to publish a *waiver* unless it is satisfied that it is inappropriate or unnecessary to do so (see *SUP* 8.6).

8.3.2A  
[FCA]

- G The *FCA* must consult the *PRA* before publishing or deciding not to publish a *waiver* which relates to:

- (1) a *PRA-authorised person*; or
- (2) an *authorised person* who has as a member of its *immediate group* a *PRA-authorised person*;

unless the *waiver* relates to rules made by the *FCA* under sections 247 or 248 of the *Act*.

#### Form and method of application

8.3.3  
[FCA/  
PRA]

- D A firm wishing to apply for a *waiver* must complete the application form in *SUP* 8 Annex 2D and submit it in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification).

- (1) ~~A *firm* other than a *credit union* wishing to apply for a *waiver* must apply online at [www.fsa.gov.uk](http://www.fsa.gov.uk) using the form specified on the *FSA*'s ONA system. [deleted]~~
- (2) ~~A *credit union* wishing to apply for a *waiver* must complete the application form in *SUP* 8 Annex 2D and submit it in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification). [deleted]~~
- (3) ~~Where a *firm* is obliged to submit an application online under (1), if the *FSA*'s information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored a *firm* must use the form in *SUP* 8 Annex 2D and submit it in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification). [deleted]~~

...

- 8.3.3A [FCA/PRA] G (1) ~~If the *FSA's* information technology systems fail and online submission is unavailable for 24 hours or more, the *FSA* will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in *SUP* 8.3.3D(3) and *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification) should be used. The appropriate regulator's preferred method of submission for waiver applications is by e-mail.~~
- (2) ~~Where *SUP* 8.3.3D(3) applies to a *firm*, *GEN* 1.3.2R (Emergency) does not apply. The form is available on the appropriate regulator's website.~~
- 8.3.4 [FCA/PRA] G Before sending in a *waiver* application, a *firm* may find it helpful to discuss the application with its ~~usual~~ appropriate supervisory contact ~~at the *FSA*.~~ However, the *firm* should still ensure that all relevant information is included in the application.
- 8.3.4A FCA G *Firms* or *persons* other than *PRA-authorized persons* should send applications for *waivers* or applications for variations of *waivers* to the *FCA*.
- 8.3.4B [FCA/PRA] G *PRA-authorized persons* should send applications for *waivers* or applications for variations of *waivers* to:
- (1) the *FCA* in respect of rules in the *FCA Handbook* applicable to that *PRA-authorized person*; and
- (2) the *PRA* in respect of rules in the *PRA Handbook*.

#### Procedure on receipt of an application

- 8.3.5 [FCA] G The ~~*FSA*~~ appropriate regulator will acknowledge an application promptly and if necessary will seek further information from the *firm*. The time taken to determine an application will depend on the issues it raises. However, the ~~*FSA*~~ appropriate regulator will aim to give *waiver* decisions within 20 *business days* of receiving an application which includes sufficient information. If the ~~*FSA*~~ appropriate regulator expects to take longer, it will tell the *firm* and give an estimated decision date. A *firm* should make it clear in the application if it needs a decision within a specific time.
- 8.3.5A [FCA/PRA] G The ~~*FSA*~~ appropriate regulator will treat a *firm's* application for a *waiver* as withdrawn if it does not hear from the *firm* within 20 *business days* of sending a communication which requests or requires a response from the *firm*. The ~~*FSA*~~ appropriate regulator will not do this if the *firm* has made it clear to the ~~*FSA*~~ appropriate regulator in some other way that it intends to pursue the application.
- 8.3.6 G In some cases, the ~~*FSA*~~ appropriate regulator may give a modification of a

[FCA/  
PRA] *rule* rather than direct that the *rule* is not to apply. The *FSA appropriate regulator* may also impose conditions on a *waiver*, for example additional reporting requirements. A *waiver* may be given for a specified period of time only, after which time it will cease to apply. A *firm* wishing to extend the duration of a *waiver* should follow the procedure in SUP 8.3.3D. A *waiver* will not apply retrospectively.

8.3.7 G If the *FSA appropriate regulator* decides not to give a *waiver*, it will give reasons for the decision.  
[FCA/  
PRA]

8.3.8 G A *firm* may withdraw its application at any time up to the giving of the *waiver*. In doing so, a *firm* should give the *FSA appropriate regulator* its reasons for withdrawing the application.  
[FCA/  
PRA]

8.3.9 G If the *FSA appropriate regulator* believes that a particular *waiver* given to a *firm* may have relevance to other *firms*, it may publish general details about the possible availability of the *waiver*. For example, IPRU(INV) 3-80(10)G explains that a *firm* that wishes to use its own internal model to calculate its position risk requirement (PRR) will need to apply for a *waiver* of the relevant *rules*.  
[FCA/  
PRA]

#### Giving a waiver with consent rather than on an application

8.3.10 G Under section ~~148(2)~~ 138A(1) of the *Act* the *FSA appropriate regulator* may give a *waiver* with the consent of a *firm*. This power may be used by the *FSA appropriate regulator* in exceptional circumstances where the *FSA appropriate regulator* considers that a *waiver* should apply to a number of *firms* (for example, where a *rule* unmodified may not meet the particular circumstances of a particular category of *firm*). In such cases the *FSA appropriate regulator* will inform the *firms* concerned that the *waiver* is available, either by contacting *firms* individually or by publishing details of the availability of the *waiver* on the *FSA's appropriate regulator's* website provided that the *FCA* must comply with SUP 8.3.2AG. The *firms* concerned will not have to make a formal application but will have to give their written consent for the *waiver* to apply.  
[FCA/  
PRA]

#### Waiver of an evidential provision

8.3.11 G An application for a *waiver* of an *evidential provision* will normally be granted only if a breach of the underlying binding *rule* is actionable under section ~~150~~ 138D of the *Act*. Individual *guidance* would normally be a more appropriate response (see SUP 9 (Individual Guidance)) if there is no right of action.  
[FCA/  
PRA]

...

8.3.13 G For an application for a *waiver* of the presumption of contravention of a binding *rule*, which is actionable under section ~~150~~ 138D of the *Act*, the *FSA appropriate regulator* would normally wish to be satisfied that the evidential *rule* is itself unduly burdensome or does not achieve the purpose of the *rule*.  
[FCA/  
PRA]

8.3.13A G In accordance with section 138C(4) of the Act, in SUP 8.3.11G to 8.3.13G, a  
[FCA/  
PRA]

(1) section 137O of the Act; or

(2) section 192J of the Act.

...

## 8.4 Reliance on waivers

Application of waived rules

8.4.1 G If the ~~FSA~~ appropriate regulator gives a *firm* a *waiver*, then the relevant *rule*  
[FCA/  
PRA] no longer applies to the *firm*. But:

(1) if a *waiver* directs that a *rule* is to apply to a *firm* with modifications, then contravention of the modified *rule* could lead to ~~FSA~~ appropriate regulator enforcement action and (if applicable) a right of action under section ~~450~~ 138D of the *Act* (Actions for damages); and

(2) if a *waiver* is given subject to a condition, it will not apply to activities conducted in breach of the condition, and those activities, if in breach of the original *rule*, could lead to ~~FSA~~ appropriate regulator enforcement action or such a right of action.

The effect of rule changes on waivers

8.4.2 G Substantive changes to the *rules* (this would not include simple editorial  
[FCA/  
PRA] changes) in the *Handbook* may affect existing *waivers*, changing their practical effect and creating a need for a change to the original *waiver*. The ~~FSA~~ appropriate regulator will consult on proposed *rule* changes. A *firm* should note proposed *rule* changes and discuss the impact on a *waiver* with its usual appropriate supervisory contact ~~at the FSA~~.

## 8.5 Notification of altered circumstances relating to waivers

8.5.1 R A *firm* which has applied for or has been granted a *waiver* must notify the  
[FCA/  
PRA] ~~FSA~~ appropriate regulator immediately if it becomes aware of any matter which could affect the continuing relevance or appropriateness of the application or the *waiver*.

8.5.2 G *Firms* are also referred to SUP 15.6 (Inaccurate, false or misleading  
[FCA/  
PRA] information). This requires, in SUP 15.6.4R, a *firm* to notify the ~~FSA~~ appropriate regulator if false, misleading, incomplete or inaccurate

PRA] information has been provided. This would apply in relation to information provided in an application for a *waiver*.

## 8.6 Publication of waivers

### Requirement to publish

8.6.1 G The *FSA appropriate regulator* is required by ~~section 148(6)~~ sections 138B(1) and (2) of the *Act* to publish a *waiver* unless it is satisfied that it is inappropriate or unnecessary to do so. If the *FSA appropriate regulator* publishes a *waiver*, it will not publish details of why a *waiver* was required or any of the supporting information given in a *waiver* application.

8.6.1A G The FCA must consult the PRA before publishing or deciding not to publish a waiver which relates to:

(1) a PRA-authorised person; or

(2) an authorised person who has as a member of its immediate group a PRA-authorised person;

unless the waiver relates to rules made by the FCA under sections 247 or 248 of the Act.

### Matters for consideration

8.6.2 G When considering whether it is satisfied under section ~~148(6)~~ 138B(2), the *FSA appropriate regulator* is required by section ~~148(7)~~ 138B(3) of the *Act*:

(1) to take into account whether the *waiver* relates to a *rule* contravention of which is actionable under section ~~150~~ 138D of the *Act* (Actions for damages); Schedule 5 identifies such *rules*;

(2) to consider whether its publication would prejudice, to an unreasonable degree, the commercial interests of the *firm* concerned, or any other member of its *immediate group*; ~~and~~

(3) to consider whether its publication would be contrary to an international obligation of the *United Kingdom* (for example, the confidentiality obligations in the *Single Market Directives*); ~~and~~

(4) to consider whether the publication of the waiver would be detrimental to the stability of the UK financial system.

8.6.3 G *Waivers* can affect the legal rights of third parties, including *consumers*. In the *FSA's appropriate regulator's* view it is important that the fact and effect of such *waivers* should be transparent. So the fact that a *waiver* relates to a *rule* that is actionable under section ~~150~~ 138D of the *Act* (see SUP 8.6.2G (1)) will tend to argue in favour of publication.

...

8.6.5 [FCA/  
PRA] G In considering whether commercial interests would be prejudiced to an unreasonable degree (see SUP 8.6.2G(2)), the *FSA appropriate regulator* will weigh the prejudice to *firms'* commercial interests against the interests of *consumers*, markets and other third parties in disclosure. In doing so the *FSA appropriate regulator* will consider factors such as the extent to which publication of the *waiver* would involve the premature release of proprietary information to commercial rivals, for example relating to a product innovation, or reveal information which could reasonably be regarded as the *firm's* own intellectual property. In line with section 148(8)-138B(5) of the *Act*, the *FSA appropriate regulator* will also consider whether prejudice to a *firm's* commercial interests could be avoided or mitigated by publication of the *waiver* without disclosing the identity of the *firm*.

8.6.6 [FCA/  
PRA] G The *FSA appropriate regulator* may consider publication unnecessary where, for example, the *waiver* relates to a minor matter that does not affect any third party and is unlikely to be of relevance or interest to other *firms*.

#### Firm's objection to publication

8.6.7 [FCA/  
PRA] G If, after taking into account the matters in SUP 8.3.3D to SUP 8.6.6G, a *firm* believes there are good grounds for the *FSA appropriate regulator* either to withhold publication or to publish the *waiver* without disclosing the identity of the *firm*, it should make this clear in its application (see SUP 8.3.3D(7)). If the *FSA appropriate regulator* proposes to publish a *waiver* against the wishes of the *firm*, the *FSA appropriate regulator* will give the *firm* the opportunity to withdraw its application before the *waiver* is given.

#### Withholding publication for a limited period

8.6.8 [FCA/  
PRA] G A decision to withhold a *waiver* or identity of a *firm* from publication may be for a limited period only, usually as long as the duration of the relevant grounds for non-publication. If the *FSA appropriate regulator* proposes to publish information about a *waiver* that had previously been withheld, it will first give the *firm* an opportunity to make representations.

#### Means of publication

8.6.9 [FCA/  
PRA] G The principal means of publication of *waiver* information will be the *FSA's appropriate regulator's* website ([www.fsa.gov.uk](http://www.fsa.gov.uk)).

## 8.7 Varying waivers

8.7.1 [FCA/  
PRA] G Once the *FSA appropriate regulator* has given a *waiver*, it may vary it with the *firm's* consent, or on the *firm's* application. If a *firm* wishes the *FSA appropriate regulator* to vary a *waiver*, it should follow the procedures in SUP 8.3.3D, giving reasons for the application. In a case where a *waiver* has

been given to a number of *firms* (see SUP 8.3.10G ), if the *FSA appropriate regulator* wishes to vary such *waivers* with the consent of those *firms*, it will follow the procedures in SUP 8.3.10G.

- 8.7.2 [FCA/  
PRA] G If the *waiver* that has been varied has previously been published, the *FSA appropriate regulator* will publish the variation unless it is satisfied that it is inappropriate or unnecessary to do so, having regard to any representation made by the *firm*.

## 8.8 Revoking waivers

- 8.8.1 [FCA/  
PRA] G The *FSA appropriate regulator* may revoke a *waiver* at any time. In deciding whether to revoke a *waiver*, the *FSA appropriate regulator* will consider whether the conditions in section ~~148(4)~~138A(4) of the *Act* are no longer satisfied (see SUP 8.3.1G), and whether the *waiver* is otherwise no longer appropriate. ~~The *FSA* may revoke a *waiver* with immediate effect, if it considers that this is necessary, for example, in order to prevent undue risk to consumers.~~

- 8.8.2 [FCA/  
PRA] G If the *FSA appropriate regulator* proposes to revoke a *waiver*, or revokes a *waiver* with immediate effect, it will:

...

- (2) state in the notice a reasonable period (usually 28 *days*) within which the *firm* can make representations about the proposal or action; if a *firm* wants to make oral representations, it should inform the *FSA appropriate regulator* as quickly as possible, specify who will make the representations and which matters will be covered; the *FSA appropriate regulator* will inform the *firm* of the time and place for hearing the representations and may request a written summary;

...

- 8.8.3 [FCA/  
PRA] G If the *waiver* that has been revoked has previously been published, the *FSA appropriate regulator* will publish the revocation unless it is satisfied that it is inappropriate or unnecessary to do so, having regard to any representations made by the *firm*.

## 8.9 Decision making

...

- 8.9.2 [FCA/  
PRA] G If the *FSA appropriate regulator*, in the course of carrying on supplementary supervision of a *financial conglomerate*, is considering exercising its powers under section ~~148~~ 138A of the *Act* (Modification or waiver of rules), regulation 4 of the *Financial Groups Directive Regulations* contains special

provisions. The *FSA appropriate regulator* must, in broad terms, do two things. Where required by those regulations, it must obtain the consent of the relevant competent authorities of the group. And, where required by those Regulations, it must consult those competent authorities.

SUP 8 Annex 1G is deleted in its entirety. The deleted text is not shown.

Amend the following as shown.

**8 Annex Application form for a waiver or modification of rules**

**2**

[FCA/  
PRA]

- D This annex consists only of one or more forms. Forms are to be found through the following address:

*Waiver Application form - ~~FSA/does/sup/w\_form.doc~~ [web address tbc]*

**Annex B**

**Designations & Regulator making new provision**

<b>Handbook Provision</b>	<b>Made, designated or not in force after legal cutover</b>	<b>Relevant regulator</b>
8.1.1 R	Designated	FCA/PRA
8.1.1XA R	Made	FCA
8.1.1XB R	Made	PRA
8.1.1A G	Designated	FCA/PRA
8.1.2 G	Designated	FCA
8.1.3 G	Designated	FCA
8.1.4 G	Designated	FCA/PRA
8.2.1 G	Designated	FCA/PRA
8.2.1A G	Made	FCA/PRA
8.2.2 G	Designated	FCA/PRA
8.2.3 G	Designated	FCA
8.2.4 G	Designated	FCA
8.2.5 G	Designated	FCA
8.2.6 G	Not in force after legal cutover	
8.2.7 G	Not in force after legal cutover	
8.2.8 G	Not in force after legal cutover	
8.3.1 G	Designated	FCA/PRA
8.3.1A G	Designated	FCA/PRA
8.3.2 G	Designated	FCA/PRA
8.3.2A G	Made	FCA

8.3.3 D	Designated	FCA/PRA
8.3.3A G	Designated	FCA/PRA
8.3.4 G	Designated	FCA/PRA
8.3.4A G	Made	FCA
8.3.4B G	Made	FCA/PRA
8.3.5 G	Designated	FCA
8.3.5A G	Designated	FCA/PRA
8.3.6 G	Designated	FCA/PRA
8.3.7 G	Designated	FCA/PRA
8.3.8 G	Designated	FCA/PRA
8.3.9 G	Designated	FCA/PRA
8.3.10 G	Designated	FCA/PRA
8.3.11 G	Designated	FCA/PRA
8.3.12 G	Designated	FCA/PRA
8.3.13 G	Designated	FCA/PRA
8.3.13A G	Made	FCA/PRA
8.3.14 G	Designated	FCA/PRA
8.4.1 G	Designated	FCA/PRA
8.4.2 G	Designated	FCA/PRA
8.5.1 R	Designated	FCA/PRA
8.5.2 G	Designated	FCA/PRA
8.6.1 G	Designated	FCA/PRA
8.6.1A G	Made	FCA
8.6.2 G	Designated	FCA/PRA
8.6.3 G	Designated	FCA/PRA
8.6.4 G	Designated	FCA

8.6.5 G	Designated	FCA/PRA
8.6.6 G	Designated	FCA/PRA
8.6.7 G	Designated	FCA/PRA
8.6.8 G	Designated	FCA/PRA
8.6.9 G	Designated	FCA/PRA
8.7.1 G	Designated	FCA/PRA
8.7.2 G	Designated	FCA/PRA
8.8.1 G	Designated	FCA/PRA
8.8.2 G	Designated	FCA/PRA
8.8.3 G	Designated	FCA/PRA
8.9.1 G	Designated	FCA/PRA
8.9.2 G	Designated	FCA/PRA
8 Annex 1 G	Not in force after legal cutover	
8 Annex 2 D	Designated	FCA/PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory	Section 226	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))		
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify)	Section 300B	Section 300B

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
proposal to make regulatory provision)		
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)</p>		<p>Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).</p>
<p>Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)</p>	<p>Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).</p>	<p>None</p>

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53	Section 210	Section 210

Column 1	Column 2	Column 3
<p><b>Provisions of the 2000 Act under which the Authority issued statements</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>(6) of the Electronic Money Regulations 2011 (SI 2011/99).)</p>		
<p>Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)</p>	<p>Section 395</p>	<p>Section 395</p>

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of	Section 318	Section 318

Column 1	Column 2	Column 3
<p><b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>powers through Council)</p>		
<p>Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)</p>	<p>Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)</p>	<p>Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)</p>

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

## LEGAL CUTOVER (CONTROLLERS AND CLOSE LINKS) INSTRUMENT 2013

### WHEREAS:

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

### Interpretation

#### 1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;
- (13) “Commencement date” means 1 April 2013 provided that Her Majesty’s Treasury makes the Financial Services and Markets Act 2000 (PRA-Regulated Activities) Order in the form of the draft laid before Parliament on 24 January 2013.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
  - (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 7; and
  - (2) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
  - (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 8 The conditions referred to in paragraph 6(2) are that a provision is:
  - (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
  - (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
- (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

- 18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 20; and
  - (2) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.
- 20 The conditions referred to in paragraph 19(1) are that a provision is:

- (1) identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 21 The conditions referred to in paragraph 19(2) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- 23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex A to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is marked with a G in Column 1 of Annex B to this Instrument; and
  - (2) each provision listed in Annex B to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is (a) marked with a G in Column 1 of Annex B to this Instrument and (b) not in Annex A to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The Supervision manual (SUP) of the FCA’s and PRA’s Handbooks of rules and guidance is amended in accordance with Annex A to this Instrument.

**Citation**

29 This Instrument may be cited as the Legal Cutover (Controllers and Close Links) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

**Annex A**

**Amendments to the Supervision manual (SUP)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**11 Controllers and close links**

Application to firms

...

11.1.2 R Applicable sections (see SUP 11.1.1R)

[FCA/  
PRA]

	Category of firm	Applicable sections
(1)	<i>A UK domestic firm other than a building society, a non-directive friendly society or a non-directive firm</i>	All except SUP 11.3, SUP 11.4.2AR and SUP 11.4.4R
(1A)	<i>A building society</i>	(a) In the case of an exempt change in <i>control</i> (see Note), SUP 11.1, SUP 11.2 and SUP 11.9 (b) In any other case, all except SUP 11.3, <del>R</del> and SUP 11.4.4R
(2)	<i>A non-directive friendly society</i>	SUP 11.1, SUP 11.2, and SUP 11.9
(2A)	<i>A non-directive firm</i>	all except SUP 11.3, SUP 11.4.2R, and SUP 11.4.4R
(3)	<i>An overseas firm</i>	All except SUP 11.3, SUP 11.4.2R, SUP 11.4.2AR, <del>;</del> SUP 11.4.9G, SUP 11.5.8G to SUP 11.5.10G, SUP 11.6.2R, SUP 11.6.3R, <del>;</del> SUP 11.7
Note	In row (1A), a change in <i>control</i> is exempt if the <i>controller</i> or proposed <i>controller</i> is exempt from any obligation to notify the <del>FSA</del> <u>appropriate regulator</u> under Part XII of the Act ( <del>Notices of acquisitions of control over UK authorised persons</del> ) ( <u>Control Over Authorised Persons</u> ) because of The Financial Services and Markets Act 2000 (Controllers) (Exemption) Order 2009 (SI 2009/774). (See SUP 11.3.2AG).	

...

## 11.2 Purpose

- 11.2.1 G Part XII of the *Act* (~~Notices of acquisitions of control over UK authorised persons~~) (Control Over Authorised Persons) places an obligation on the *controllers* and proposed *controllers* of those *UK domestic firms* not listed in SUP 11.1.1R(1) to SUP 11.1.1R(6) to notify the ~~FSA~~ appropriate regulator of changes in *control*, including acquiring, increasing or reducing *control* or ceasing to have *control* over a *firm*. Furthermore, those *persons* are required to obtain the ~~FSA's~~ appropriate regulator's approval approval before becoming a *controller* or increasing their *control* over a *firm*. SUP 11.3 is intended to assist those *persons* in complying with their obligations under Part XII of the *Act*.
- 11.2.2 G The *rules* in SUP 11.4 to SUP 11.6 are aimed at ensuring that the ~~FSA receives information it needs to assist the FSA with~~ appropriate regulator receives the information that it needs to fulfil its responsibility to monitor and, in some cases, give prior approval to *firms' controllers*.
- ...
- 11.2.3 G As the approval of the ~~FSA~~ appropriate regulator is not required under the *Act* for a new *controller* of an *overseas firm*, the *notification rules* on such *firms* are less prescriptive than they are for *UK domestic firms*. Nevertheless, the ~~FSA~~ appropriate regulator still needs to monitor such an *overseas firm's* continuing satisfaction of the *threshold conditions*, which normally includes consideration of a *firm's* connection with any *person*, including its *controllers* and *parent undertakings* (see ~~COND~~ the threshold conditions set out in paragraphs 3B, 4F and 5F of Schedule 6 to the *Act*). The ~~FSA~~ appropriate regulator therefore needs to be notified of *controllers* and *parent undertakings* of *overseas firms*.
- 11.2.4 G As part of the ~~FSA's~~ appropriate regulator's function of monitoring a *firm's* continuing satisfaction of the *threshold conditions*, the ~~FSA~~ appropriate regulator needs to consider the impact of any significant change in the circumstances of one or more of its *controllers*, for example, in their financial standing and, in respect of corporate *controllers*, in their *governing bodies*. Consequently, the ~~FSA~~ appropriate regulator needs to know if there are any such changes. SUP 11.8 therefore requires a *firm* to tell the ~~FSA~~ appropriate regulator if it becomes aware of particular matters relating to a *controller*.
- 11.2.5 G Similarly, the ~~FSA~~ appropriate regulator needs to monitor a *firm's* continuing satisfaction of the threshold conditions condition 3 (Close links) set out in paragraphs 3B, 4F and 5F of Schedule 6 to the *Act* (as applicable) (in relation to *threshold conditions* for which the *FCA* is responsible, see COND 2.3), which requires that a *firm's* *close links* are not likely to prevent the ~~FSA's~~ appropriate regulator's effective supervision of that *firm*. Accordingly the ~~FSA~~ appropriate regulator needs to be notified of any

changes in a *firm's close links*. This requirement is contained in SUP 11.9.

...

### 11.3 Requirements on controllers or proposed controllers under the Act

...

11.3.1B G SUP 11 Annex 6G provides *guidance* on when one *person's* holding of shares or voting power must be aggregated with that of another *person* for the purpose of determining whether an acquisition or increase of control will take place as contemplated by section 181 or 182 of the *Act* such that notice must be given to the ~~FSA~~ appropriate regulator in accordance with section 178 of the *Act* before making the acquisition or increase. This will be:

- (1) where those *persons* are acting in concert, as contemplated by section 178(2) (Obligation to notify ~~the Authority~~ appropriate regulator: acquisitions of control) of the *Act*; or

...

Requirement to notify a proposed change in control

11.3.2 G Sections 178(1) and 191D(1) of the *Act* require a *person* (whether or not he is an *authorised person*) to notify the ~~FSA~~ appropriate regulator in writing if he decides to acquire, increase or reduce *control* or to cease to have *control* over a *UK domestic firm*. Failure to notify is an offence under section 191F of the *Act* (Offences under this Part).

...

Approval required before acquiring or increasing control

11.3.4 G If a *person* decides to acquire *control* or increase *control* over a *UK domestic firm* in a way described in SUP 11.4.2R or acquire *control* in a way described in SUP 11.4.2AR(1), he must obtain the ~~FSA's~~ appropriate regulator's approval before doing so. Making an acquisition before the ~~FSA~~ appropriate regulator has approved of it is an offence under section 191F of the *Act* (Offences under this Part).

11.3.5 G The ~~FSA's~~ appropriate regulator's approval is not required before a *controller* reduces *control* or ceases to have *control* over a *UK domestic firm*.

Pre-notification and approval for fund managers

11.3.5A G The ~~FSA~~ appropriate regulator recognises that *firms* acting as *investment managers* may have difficulties in complying with the prior notification requirements in sections 178 and 191D of the *Act* as a result of acquiring or disposing of listed *shares* in the course of that fund management activity. To

ameliorate these difficulties, the *FSA appropriate regulator* may accept pre-notification of proposed changes in *control*, made in accordance with SUP 11.3.5BD, and may grant approval of such changes for a period lasting up to a year.

11.3.5B D The *FSA appropriate regulator* may treat as notice given in accordance with [FCA/ PRA] sections 178 and ~~190(1)~~ 191D of the *Act* a written notification from a *firm* which contains the following statements:

...

11.3.5C G Where the *FSA appropriate regulator* approves changes in *control* proposed [FCA/ PRA] in a notice given under SUP 11.3.5BD:

- (1) the *controller* remains subject to the requirement to notify the *FSA appropriate regulator* when a change in *control* actually occurs; and
- (2) the notification of change in *control* should be made no later than five *business days* after the end of each *month* and set out all changes in the *controller's* control position for each *UK domestic firm* for the *month* in question.

At that stage, the *FSA appropriate regulator* may seek from the *controller* further information.

...

#### Forms of notifications when acquiring or increasing control

11.3.7 D A *section 178 notice* given to the *FSA appropriate regulator* by a person [FCA/ PRA] who is acquiring *control* or increasing his *control* over a *UK domestic firm*, in a way described in SUP 11.4.2R(1) to (4), or acquiring *control* in a way described in SUP 11.4.2AR, must contain the information and be accompanied by such documents as are required by the *controllers form* approved by the *FSA appropriate regulator* for the relevant application.

11.3.7A G The *controllers forms* approved by the *FSA appropriate regulator* may be [FCA/ PRA] found at the *FSA's appropriate regulator's* website ([www.fsa.gov.uk/Pages/Doing/Regulated/Notify/Control/index.shtml](http://www.fsa.gov.uk/Pages/Doing/Regulated/Notify/Control/index.shtml)) [web address tbc].

...

11.3.10 D (1) A *person* who has submitted a *section 178 notice* under SUP [FCA/ PRA] 11.3.7D must notify the *FSA appropriate regulator* immediately if he becomes aware, or has information that reasonably suggests, that he has or may have provided the *FSA appropriate regulator* with information which was or may have been false, misleading, incomplete or inaccurate, or has or may have changed, in a material particular. The notification must include:

...

...

- 11.3.11 G The *FSA appropriate regulator* will inform a *section 178 notice* giver as soon as reasonably practicable if it considers the *section 178 notice* to be incomplete.  
[FCA/  
PRA]
- 11.3.12 G The *FSA appropriate regulator* has power, under section 179(3) of the Act (Requirements for ~~*section 178 notices*~~ *section 178 notices*), to vary or waive these requirements in relation to a *section 178 notice* in particular cases if it considers it appropriate to do so.  
[FCA/  
PRA]
- 11.3.13 G A Where a *controller* or proposed *controller* which is an *authorised person* is required to submit less information under SUP 11.3.7D than other *persons*, and consequently the *FSA appropriate regulator* may ask for confirmation of details already held by it or any additional information required under SUP 11.5.1R.  
[FCA/  
PRA]
- 11.3.14 G Pursuant to section 188 of the Act (Assessment: consultation with ~~EU~~ EC competent authorities), the *FSA appropriate regulator* is obliged to consult any appropriate *Home State regulator* before making a determination under section 185 of the Act (Assessment: general).  
[FCA/  
PRA]

#### Notification when reducing control

...

- 11.3.15 D A notice given to the *FSA appropriate regulator* by a *person* who is reducing or ceasing to have *control* over a *UK domestic firm*, as set out in SUP 11.4.2R or SUP 11.4.2AR must:  
A  
[FCA/  
PRA]

...

...

#### Joint notifications

- 11.3.17 G Notifications to the *FSA appropriate regulator* by proposed *controllers* and *controllers* under Part XII of the Act may be made on a joint basis outlined in SUP 11.5.8G to SUP 11.5.10G.  
[FCA/  
PRA]

## 11.4 Requirements on firms

...

#### Requirement to notify a change in control

11.4.2 R A *UK domestic firm*, other than a *non-directive firm*, must notify the ~~FSA~~  
[FCA/appropriate regulator of any of the following events concerning the *firm*:  
PRA]

...

11.4.2A R A *non-directive firm* must notify the ~~FSA~~ appropriate regulator of any of  
[FCA/  
PRA] the following events concerning the *firm*:

...

...

11.4.4 R An *overseas firm* must notify the ~~FSA~~ appropriate regulator if a *person*  
[FCA/  
PRA] becomes a *controller* of the *firm*, increases or reduces *control* over the *firm*  
or ceases to have *control* over the *firm*.

...

11.4.6 G If a *firm* is required to obtain approval from the *Society of Lloyd's* for any  
[PRA] changes in its *controllers*, it should apply for this approval as well as  
notifying the ~~FSA~~ PRA.

#### Content and timing of notification

11.4.7 R The notification by a *firm* under ~~SUP 11.4.2R~~,~~R~~ or ~~SUP 11.4.4R~~ must:  
[FCA/  
PRA]

...

11.4.8 G *Principle 11* requires *firms* to be open and cooperative with the ~~FSA~~  
[FCA/appropriate regulator. A *firm* should discuss with the ~~FSA~~ appropriate  
PRA] regulator, at the earliest opportunity, any prospective changes of which it is  
aware, in a *controller's* or proposed *controller's* shareholdings or *voting*  
*power* (if the change is material). These discussions may take place before  
the formal notification requirement in ~~SUP 11.4.2R~~,~~R~~ or ~~SUP 11.4.4R~~  
arises. (See also ~~SUP 11.3.2G~~). As a minimum, the ~~FSA~~ appropriate  
regulator considers that such discussions should take place before a *person*:

- (1) enters into any formal agreement in respect of the purchase of shares  
or a proposed acquisition or merger which would result in a change  
in *control* (whether or not the agreement is conditional upon any  
matter, including the ~~FSA's~~ appropriate regulator's approval); or

...

...

#### Identity of controllers

...

- 11.4.11 G The steps that the *FSA appropriate regulator* expects a *firm* to take to  
[FCA/  
PRA] comply with SUP 11.4.10R include, if applicable:

...

## 11.5 Notifications by firms

- 11.5.1 R Information to be submitted by the firm (see SUP 11.4.7R(2)(a))  
[FCA/  
PRA]

(1)	The name of the <i>firm</i> ;
(2)	the name of the <i>controller</i> or proposed <i>controller</i> and, if it is a <i>body corporate</i> and is not an <i>authorised person</i> , the names of its <i>directors</i> and its <i>controllers</i> ;
(3)	a description of the proposed event including the shareholding and <i>voting power</i> of the <i>person</i> concerned, both before and after the change in control; and
(4)	any other information of which the <i>FSA appropriate regulator</i> would reasonably expect notice.

...

- 11.5.4 G *Firms* are reminded that a change in *control* may give rise to a change in the  
[FCA/  
PRA] *group companies* to which the *FSA's appropriate regulator's* consolidated financial supervision requirements apply. Also, the *firm* may for the first time become subject to the *FSA's appropriate regulator's* requirements on consolidated financial supervision (or equivalent requirements imposed by another *EEA State*). This may apply, for example, if the *controller* is itself an *authorised undertaking*. The *FSA appropriate regulator* may therefore request such a *firm, controller* or proposed *controller* to provide evidence that, following the change in *control*, the *firm* will meet the requirements of these *rules*, if appropriate.

...

### Joint notifications

- 11.5.8 G A *firm* and its *controller* or proposed *controller* may discharge an obligation  
[FCA/  
PRA] to notify the *FSA appropriate regulator* by submitting a single *section 178 notice* containing the information required from the *firm* and the *controller* or proposed *controller*. In this case, the *section 178 notice* may be used on behalf of both the *firm* and the *controller* or proposed *controller*.

11.5.9 G If a *person* is proposing a change in *control* over more than one *firm* within  
[FCA/ a *group*, then the *controller* or proposed *controller* may submit a single  
PRA] *section 178 notice to the PRA* in respect of all those *firms* which are PRA-  
*authorised persons* and a single *section 178 notice to the FCA* in respect of  
all those *firms* which are not PRA-*authorised persons*. The *section 178*  
*notice* should contain all the required information as if separate notifications  
had been made, but information and documentation need not be duplicated  
within the set of information sent to each regulator.

11.5.10 G When an event occurs (for example, a *group* restructuring or a merger) as a  
[FCA/ result of which:  
PRA]

(1) more than one *firm* in a *group* would undergo a change in *control*; or

(2) a single *firm* would experience more than one change in *control*;

then, to avoid duplication of documentation, all the *firms* and their  
*controllers* or proposed *controllers* may discharge their respective  
obligations to notify the ~~FSA~~ *appropriate regulator* by submitting a single  
*section 178 notice to the PRA* containing one set of information in relation  
to all the *firms* which are PRA-*authorised persons* and a single *section 178*  
*notice to the FCA* containing one set of information in relation to all the  
*firms* which are not PRA-*authorised persons*.

## 11.6 Subsequent notification requirements by firms

Changes in the information provided to the ~~FSA~~ *appropriate regulator*

11.6.1 G *Firms* are reminded that SUP 15.6.4R requires them to notify the ~~FSA~~  
[FCA/ *appropriate regulator* if information notified under SUP 11.4.2R, ~~R~~ or SUP  
PRA] 11.4.4R was false, misleading, inaccurate, incomplete, or changes, in a  
material particular. This would include a *firm* becoming aware of  
information that it would have been required to provide under SUP 11.5.1R  
if it had been aware of it.

11.6.2 R After submitting a *section 178 notice* under SUP 11.4.2R or SUP 11.4.2AR  
[FCA/ and until the change in *control* occurs (or is no longer to take place), SUP  
PRA] 15.6.4R and SUP 15.6.5R apply to a *UK domestic firm* in relation to any  
information its *controller* or proposed *controller* provided to the ~~FSA~~  
*appropriate regulator* under SUP 11.5.1R or SUP 11.3.7D.

...

Notification that the change in control has taken place

11.6.4 R A *firm* must notify the ~~FSA~~ *appropriate regulator*:  
[FCA/ ...  
PRA]

...

## 11.7 Acquisition or increase of control: assessment process and criteria

...

- 11.7.2 G Section 191A deals with the procedure the *FSA appropriate regulator* must follow where ~~there has been a failure to notify or a default.~~ the appropriate regulator reasonably believes that:
- [FCA/  
PRA]
- (1) there has been a failure to give notice under section 178(1) of the Act in circumstances where notice was required;
  - (2) there has been a breach of a condition imposed under section 187 of the Act; or
  - (3) there are grounds for objecting to control on the basis of the matters in section 186 of the Act.

- 11.7.3 G The *FSA appropriate regulator* may serve *restriction notices* in certain circumstances in accordance with section 191B of the Act.
- [FCA/  
PRA]

- 11.7.4 G The *FSA appropriate regulator* may apply to the court for an order for the sale of *shares* in accordance with section 191C of the Act.
- [FCA/  
PRA]

...

- 11.7.13 G Before making a determination under section 185 or giving a *warning notice* under section 191A, the *FSA appropriate regulator* must comply with the requirements as to consultation with EC competent authorities set out in section 188 of the Act and with the other regulator set out in sections 187A, 187B and 191A of the Act, as applicable.
- [FCA/  
PRA]

...

## 11.8 Changes in the circumstances of existing controllers

- 11.8.1 R A *firm* must notify the *FSA appropriate regulator* immediately it becomes aware of any of the following matters in respect of one or more of its *controllers*:
- [FCA/  
PRA]

...

- 11.8.2 G In assessing whether a matter should be notified to the *FSA appropriate regulator* under SUP 11.8.1R(1), SUP 11.8.1R(2) or SUP 11.8.1R(3), a *firm* should have regard to the *guidance* on satisfying the threshold condition~~5~~
- [FCA]

~~(Suitability)~~ *conditions* set out in paragraphs 2E and 3D of Schedule 6 to the *Act* contained in *COND 2.5*.

- 11.8.3 [FCA/PRA] G In respect of *SUP 11.8.1R(3)*, the *FSA appropriate regulator* considers that, in particular, the removal or replacement of a majority of the members of a *governing body* (in a single event or a series of connected events) is a substantial change and should be notified.
- 11.8.4 [FCA/PRA] G If a matter has already been notified to the *FSA appropriate regulator* (for example, as part of the *firm's* application for a *Part IV 4A permission*), the *firm* need only inform the *FSA appropriate regulator* of any significant developments.
- 11.8.5 [FCA/PRA] G The level of a *firm's* awareness of its *controller's* circumstances will depend on its relationship with that *controller*. The *FSA appropriate regulator* does not expect *firms* to implement systems or procedures so as to be certain of any changes in its *controllers'* circumstances. However, the *FSA appropriate regulator* does expect *firms* to notify it of such matters if the *firm* becomes aware of them, and it expects *firms* to make enquiries of its *controllers* if it becomes aware that one of the events in *SUP 11.8.1R* may occur or has occurred.
- 11.8.6 [FCA/PRA] G The *FSA appropriate regulator* may ask the *firm* for additional information following a notification under *SUP 11.8.1R* in order to satisfy itself that the *controller* continues to be suitable (see *SUP 2: Information gathering by the FSA appropriate regulator* on its own initiative).

## 11.9 Changes in close links

Requirement to notify changes in close links

- 11.9.1 R (1) ~~A *firm* must notify the *FSA* that it has become or ceased to be *closely linked* with any *person*. The notification must be made by completing the Close Links Notification Form (see *SUP 11.9.3AG*) and must include the information set out in *SUP 16.5.4R(4)*.  
[deleted]~~
- (2) ~~If a *group* includes more than one *firm*, a single close links notification may be made by completing the Close Links Notification Form and so satisfy the notification requirement for all *firms* in the *group*. Nevertheless, the requirement to notify, and the responsibility for notifying, remains with each *firm* in the *group*.  
[deleted]~~
- 11.9.1A [FCA] R (1) A *firm* must notify the *FCA* that it has become or ceased to be *closely linked* with any *person*. The notification must be made by completing the Close Links Notification Form (see *SUP 11.9.3BG*) and must include the information set out in *SUP 16.5.4R(4)*.

(2) If a *group* includes more than one *firm*, a single close links notification may be made by completing the Close Links Notification Form and so satisfy the notification requirement for all *firms* in the *group*. Nevertheless, the requirement to notify, and the responsibility for notifying, remains with each *firm* in the *group*.

11.9.1B [PRA] R (1) A *firm* must notify the *PRA* that it has become or ceased to be *closely linked* with any *person*. The notification must be made by completing the Close Links Notification Form (see *SUP* 11.9.3CG) and must include the information set out in *SUP* 16.5.4R(4).

(2) If a *group* includes more than one *firm*, a single close links notification may be made by completing the Close Links Notification Form and so satisfy the notification requirement for all *firms* in the *group*. Nevertheless, the requirement to notify, and the responsibility for notifying, remains with each *firm* in the *group*.

...

11.9.3 G ~~The *FSA* may ask the *firm* for additional information following a notification under *SUP* 11.9.1R in order to satisfy itself that the *firm* continues to satisfy the *threshold conditions* (see *SUP* 2: Information gathering by the *FSA* on its own initiative). [deleted]~~

11.9.3-A [FCA] G The *FCA* may ask the *firm* for additional information following a notification under *SUP* 11.9.1AR in order to satisfy itself that the *firm* continues to satisfy the *threshold conditions* (see *SUP* 2: Information gathering by the *FCA* and *PRA* on their own initiative).

11.9.3-B [PRA] G The *PRA* may ask the *firm* for additional information following a notification under *SUP* 11.9.1BR in order to satisfy itself that the *firm* continues to satisfy the *threshold conditions* (see *SUP* 2: Information gathering by the *FCA* and *PRA* on their own initiative).

#### Form of notification

11.9.3A G ~~The Close Links Notification Form approved by the *FSA* for notifications under *SUP* 11.9.1R, *SUP* 11.9.5R and *SUP* 16.5.4R(1), may be found at the *FSA* website [www.fsa.gov.uk/Pages/Doing/Regulated/Notify/index.shtml](http://www.fsa.gov.uk/Pages/Doing/Regulated/Notify/index.shtml). [deleted]~~

11.9.3B [FCA] G The Close Links Notification Form approved by the *FCA* for notifications under *SUP* 11.9.1AR, *SUP* 11.9.5AR and *SUP* 16.5.4R(1), may be found at the *FCA* website.

11.9.3C [PRA] G The Close Links Notification Form approved by the *PRA* for notifications under *SUP* 11.9.1BR, *SUP* 11.9.5BR and *SUP* 16.5.4R(1), may be found at the *PRA* website.

#### Timing of notification requirement

- 11.9.4 R ~~The *firm* must make a notification to the *FSA* under *SUP* 11.9.1R:~~
- ~~(1) as soon as reasonably practicable and no later than one *month* after it becomes aware that it has become or ceased to be closely linked with any *person*; or~~
  - ~~(2) where a *firm* has elected to report on a *monthly* basis, within fifteen *business days* of the end of each *month* by completing the Close Links Notification Form, including the information set out in *SUP* 16.5.4R(4) for that *month* and must submit the *group* organisation chart on a quarterly basis unless there have been no changes since the submission of the previous organisation chart to the *FSA*, in which case the *group* organisation chart is not required. [deleted]~~

- 11.9.4A R The *firm* must make a notification to the *FCA* under *SUP* 11.9.1AR:  
[FCA]
- (1) as soon as reasonably practicable and no later than one *month* after it becomes aware that it has become or ceased to be closely linked with any *person*; or
  - (2) where a *firm* has elected to report on a *monthly* basis, within fifteen *business days* of the end of each *month* by completing the Close Links Notification Form, including the information set out in *SUP* 16.5.4R(4) for that *month* and must submit the *group* organisation chart on a quarterly basis unless there have been no changes since the submission of the previous organisation chart to the *FCA*, in which case the *group* organisation chart is not required.

- 11.9.4B R The *firm* must make a notification to the *PRA* under *SUP* 11.9.1BR:  
[PRA]
- (1) as soon as reasonably practicable and no later than one *month* after it becomes aware that it has become or ceased to be closely linked with any *person*; or
  - (2) where a *firm* has elected to report on a *monthly* basis, within fifteen *business days* of the end of each *month* by completing the Close Links Notification Form, including the information set out in *SUP* 16.5.4R(4) for that *month* and must submit the *group* organisation chart on a quarterly basis unless there have been no changes since the submission of the previous organisation chart to the *PRA*, in which case the *group* organisation chart is not required.

Electing to notify changes in close links monthly

- 11.9.5 R (1) ~~A *firm* elects to report changes in *close links* on a *monthly* basis by sending a written notice of election to the *firm's* usual supervisory contact at the *FSA*. [deleted]~~
- (2) ~~An election to report changes in *close links* on a *monthly* basis will stand until such time as the *firm* gives its usual supervisory contact at the *FSA* at least one *month's* written notice of its intention to cease~~

~~reporting changes in close links on a monthly basis. [deleted]~~

- 11.9.5A R (1) A firm elects to report changes in close links on a monthly basis by sending a written notice of election to the firm's usual-supervisory contact at the FCA.
- (2) An election to report changes in close links on a monthly basis will stand until such time as the firm gives its usual supervisory contact at the FCA at least one month's written notice of its intention to cease reporting changes in close links on a monthly basis.

- 11.9.5B R (1) A firm elects to report changes in close links on a monthly basis by sending a written notice of election to the firm's usual supervisory contacts at both the PRA and FCA.
- (2) An election to report changes in close links on a monthly basis will stand until such time as the firm gives its usual supervisory contacts at both the PRA and FCA at least one month's written notice of its intention to cease reporting changes in close links on a monthly basis.

11.9.6 G ~~The FSA considers that monthly reporting of changes in close links will ordinarily only be appropriate for firms forming part of large groups. [deleted]~~

11.9.6A G The FCA considers that monthly reporting of changes in close links will ordinarily only be appropriate for firms forming part of large groups.

11.9.6B G The PRA considers that monthly reporting of changes in close links will ordinarily only be appropriate for firms forming part of large groups.

...

## **Annex 6G** **[FCA/PRA]** **Aggregation of holdings for the purpose of prudential assessment of controllers**

### **Q1: What is this guidance about?**

**A:** This guidance considers when one *person's* holding of shares or voting power must be aggregated with that of another *person* for the purpose of determining whether those persons have decided to acquire or increase control over a UK authorised person, as contemplated by section 181 or 182 of the *Act*, such that notice must be given to the ~~FSA~~ appropriate regulator in accordance with section 178 (Obligation to notify the Authority: acquisitions of control) of the *Act* before making the acquisition or deciding to increase their control.

### **Acting in Concert**

...

**Q5: What types of arrangement amount to acting in concert in acquiring or holding shares or voting power for the purposes of these Sections of the Act?**

**A:** Although the term 'acting in concert' has a potentially wide meaning, not all common actions taken by shareholders in relation to shares or voting power will require the aggregation of holdings of shares or voting power for the purposes of section 178 of the *Act*. In particular, there are many circumstances in which *persons*, who between them hold 10% or more of the shares or voting power in a *firm* or its *parent undertaking*, may engage in a concerted exercise of voting power, without this amounting to 'acting in concert' in a manner requiring aggregation of their holdings under section 178(2) of the *Act*. An agreement by one shareholder to vote with other shareholders on a specific issue, for example, rather than on an ongoing or sustained basis, would not generally be regarded by the *FSA appropriate regulator* as acting in concert so as to require a section 178 notice to be given by that group of shareholders, even where the group collectively holds 10% or more of the voting power in the *firm*. However, see further on this point in the response to Question 9.

**Deemed voting power**

....

**Q7: Where X holds 10% of the voting power in a firm and X is the subsidiary of H, which itself has no holding at all directly in the firm, is H a controller?**

**A:** Yes. This follows from section 422(5)(a)(v) of the *Act*, which provides that voting power includes, in relation to a *person* (H), voting power held by a subsidiary of H. The voting power held by X is attributed to H, making H a *controller*.

For the purposes of section 178 of the *Act*, both H and its subsidiary, would be required to notify and obtain the *FSA's appropriate regulator's* approval prior to acquiring or increasing control.

**Practical application of aggregation of holdings**

...

**Q9: Do the aggregation provisions apply to shareholders agreeing how they will vote on a particular issue, for example, for reasons of good corporate governance?**

**A:** We would not generally regard shareholders as acting in concert for the purposes of section 178(2) of the *Act* or as having deemed voting power requiring aggregation pursuant to section 422(5)(a)(i) of the *Act* simply

because they have agreed to vote together on a particular issue, for example:

- rejection of a proposal for the remuneration of directors;
- appointment/removal of a particular director; or
- approval/rejection of an acquisition or disposal proposed by the *firm's* board of directors.

However, there may be circumstances in which voting together on a specific issue would amount to acting in concert for these purposes. Where, for example, shareholders who have no previous agreement in relation to the exercise of their voting rights agree to act together for the purpose of voting through the resolution(s) required to enable them to obtain control of the board of a *firm*, that is likely to constitute acting in concert for these purposes, although it may not fall within section 422(5)(a)(i) of the *Act*, if those shareholders have no 'lasting common policy' towards the *firm's* management.

Those circumstances are likely to be exceptional and, while it is not possible in this guidance to give a definitive list of how they might arise, the *FSA appropriate regulator* remains willing to provide *firms* with individual guidance on the point in cases of uncertainty.

...

**Q12: Are multiple purchasers of shares, who are each party to a share purchase agreement and whose combined shareholding will fall within section 181(2) of the Act, required to give notice pursuant to section 178(1) of the Act, on the basis that the existence of the agreement means they are acting in concert?**

**A:** If it is clear that the only 'agreement' between one or more persons consists in their being parties to the same share purchase agreement, the terms of which pertain strictly to the purchase of shares and do not govern or otherwise seek to regulate the purchasers' relationship with each other following completion of the share purchase, those purchasers would not be regarded by the *FSA appropriate regulator* as acting in concert for the purpose of requiring notification under section 178 of the *Act*. If, however, the share purchase agreement contains provisions governing or otherwise regulating the exercise of the rights linked to the shares to be acquired by the purchasers (or the purchasers have entered into or propose to enter into a shareholders' or other agreement with similar effect), the proposed acquirers may be regarded by the *FSA appropriate regulator* to be acting in concert for the purpose of requiring notification under section 178 of the *Act*, depending on the terms of the relevant agreement(s). Further guidance on the effect of some of the typical provisions included in shareholders' agreements is contained in the response to Question 14. Prospective shareholders who are uncertain as to the effect of any of the provisions of their agreement(s) in these circumstances may wish to seek (either formally or informally) individual guidance at an early stage from the *FSA appropriate regulator*.

Where there is evidence to suggest that the parties do in fact intend to cooperate in relation to the exercise of voting or other rights relating to the shares they are acquiring, notwithstanding that no provisions to that effect appear in the share purchase or other written agreement, this may warrant the conclusion that there is an implicit agreement between them by virtue of which they are acting in concert.

**Q13: What about agreements that are conditional on any necessary approval by the FSA appropriate regulator?**

**A:** Notice must be given under section 178(1) of the *Act* before control is acquired. The point in time at which this occurs may depend on a number of circumstances. In the context of a share purchase agreement that provides for *FSA appropriate regulator* approval of the purchaser to be obtained before the acquisition is completed, the purchaser will not usually be required to give a section 178 notice prior to entering into the agreement. However, there may be circumstances in which control is actually acquired at the time the agreement is entered into, for example, where the parties have agreed that the purchaser will be entitled (whether by virtue of a power of attorney contained in the agreement or otherwise) to exercise the voting rights attached to the shares being acquired in the period between signing and completion. In that case, the purchaser will need to consider whether to give notice under section 178(1) prior to entering into the agreement.

....

**Annex B**

**Designations & Regulator making new provision**

<b>Handbook Provision</b>	<b>Made, designated or not in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 11.1.1 R	Designated	FCA/PRA
SUP 11.1.2 R	Designated	FCA/PRA
SUP 11.1.3 G	Designated	PRA
SUP 11.1.4 D	Designated	FCA/PRA
SUP 11.1.5 G	Designated	PRA
SUP 11.2.1 G	Designated	FCA/PRA
SUP 11.2.2 G	Designated	FCA/PRA
SUP 11.2.2A G	Not in force after legal cutover	
SUP 11.2.3 G	Designated	FCA/PRA
SUP 11.2.4 G	Designated	FCA/PRA
SUP 11.2.5 G	Designated	FCA/PRA
SUP 11.2.6 G	Designated	FCA/PRA
SUP 11.2.7 G	Designated	FCA/PRA
SUP 11.2.8 G	Designated	FCA/PRA
SUP 11.3.1 G	Designated	FCA/PRA
SUP 11.3.1A G	Designated	FCA/PRA
SUP 11.3.1B G	Designated	FCA/PRA
SUP 11.3.2 G	Designated	FCA/PRA
SUP 11.3.2A G	Designated	FCA/PRA
SUP 11.3.3 G	Designated	FCA/PRA
SUP 11.3.4 G	Designated	FCA/PRA
SUP 11.3.5 G	Designated	FCA/PRA
SUP 11.3.5A G	Designated	FCA/PRA
SUP 11.3.5B D	Designated	FCA/PRA
SUP 11.3.5C G	Designated	FCA/PRA

SUP 11.3.6 G	Designated	FCA/PRA
SUP 11.3.6A G	Designated	FCA/PRA
SUP 11.3.6B G	Designated	FCA/PRA
SUP 11.3.6C G	Designated	FCA/PRA
SUP 11.3.7 D	Designated	FCA/PRA
SUP 11.3.7A G	Designated	FCA/PRA
SUP 11.3.8 D	Designated	FCA/PRA
SUP 11.3.9 D	Designated	FCA/PRA
SUP 11.3.10 D	Designated	FCA/PRA
SUP 11.3.11 G	Designated	FCA/PRA
SUP 11.3.12 G	Designated	FCA/PRA
SUP 11.3.13 G	Designated	FCA/PRA
SUP 11.3.14 G	Designated	FCA/PRA
SUP 11.3.15 G	Designated	FCA/PRA
SUP 11.3.15A D	Designated	FCA/PRA
SUP 11.3.16 G	Designated	FCA/PRA
SUP 11.3.17 G	Designated	FCA/PRA
SUP 11.4.1 G	Designated	FCA/PRA
SUP 11.4.2 R	Designated	FCA/PRA
SUP 11.4.2A R	Designated	FCA/PRA
SUP 11.4.3 G	Designated	FCA/PRA
SUP 11.4.4 R	Designated	FCA/PRA
SUP 11.4.5 G	Designated	FCA/PRA
SUP 11.4.6 G	Designated	PRA
SUP 11.4.7 R	Designated	FCA/PRA
SUP 11.4.8 G	Designated	FCA/PRA
SUP 11.4.9 G	Designated	FCA/PRA
SUP 11.4.10 R	Designated	FCA/PRA
SUP 11.4.11 G	Designated	FCA/PRA

SUP 11.5.1 R	Designated	FCA/PRA
SUP 11.5.2 R	Designated	FCA/PRA
SUP 11.5.3 G	Designated	FCA/PRA
SUP 11.5.4 G	Designated	FCA/PRA
SUP 11.5.4A G	Designated	FCA/PRA
SUP 11.5.5 G	Designated	FCA/PRA
SUP 11.5.6 G	Designated	FCA/PRA
SUP 11.5.7 R	Designated	FCA/PRA
SUP 11.5.8 G	Designated	FCA/PRA
SUP 11.5.9 G	Designated	FCA/PRA
SUP 11.5.10 G	Designated	FCA/PRA
SUP 11.6.1 G	Designated	FCA/PRA
SUP 11.6.2 R	Designated	FCA/PRA
SUP 11.6.3 R	Designated	FCA/PRA
SUP 11.6.4 R	Designated	FCA/PRA
SUP 11.6.5 R	Designated	FCA/PRA
SUP 11.6.6 G	Designated	FCA/PRA
SUP 11.7.1 G	Designated	FCA/PRA
SUP 11.7.2 G	Designated	FCA/PRA
SUP 11.7.3 G	Designated	FCA/PRA
SUP 11.7.4 G	Designated	FCA/PRA
SUP 11.7.5 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.6 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.7 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.8 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.9 G	No longer in force after legal cutover	FCA/PRA

SUP 11.7.10 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.11 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.12 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.13 G	Designated	FCA/PRA
SUP 11.7.14 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.15 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.16 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.17 G	No longer in force after legal cutover	FCA/PRA
SUP 11.7.18 G	No longer in force after legal cutover	FCA/PRA
SUP 11.8.1 R	Designated	FCA/PRA
SUP 11.8.2 G	Designated	FCA/PRA
SUP 11.8.3 G	Designated	FCA/PRA
SUP 11.8.4 G	Designated	FCA/PRA
SUP 11.8.5 G	Designated	FCA/PRA
SUP 11.8.6 G	Designated	FCA/PRA
SUP 11.9.1 R	Not in force after legal cutover	
SUP 11.9.1A R	Made	FCA
SUP 11.9.1B R	Made	PRA
SUP 11.9.2 G	Designated	FCA/PRA
SUP 11.9.2A G	Designated	FCA/PRA
SUP 11.9.3 G	Not in force after legal cutover	
SUP 11.9.3-A G	Made	FCA
SUP 11.9.3-B G	Made	PRA
SUP 11.9.3A G	Not in force after legal cutover	
SUP 11.9.3B G	Made	FCA

SUP 11.9.3C G	Made	PRA
SUP 11.9.4 R	Not in force after legal cutover	
SUP 11.9.4A R	Made	FCA
SUP 11.9.4B R	Made	PRA
SUP 11.9.5 R	Not in force after legal cutover	
SUP 11.9.5A R	Made	FCA
SUP 11.9.5B R	Made	PRA
SUP 11.9.6 G	Not in force after legal cutover	
SUP 11.9.6A G	Made	FCA
SUP 11.9.6B G	Made	PRA
SUP 11 Annex 1 G	Designated	FCA/PRA
SUP 11 Annex 2	Not in force after legal cutover	
SUP 11 Annex 3	Not in force after legal cutover	
SUP 11 Annex 4	Not in force after legal cutover	
SUP 11 Annex 5	Not in force after legal cutover	
SUP 11 Annex 6	Designated	FCA/PRA

SCHEDULE A

Part 1

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory)	Section 300B	Section 300B

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
provision)		
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

SCHEDULE A

Part 2

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	None.
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2009/209)	2009/209).	
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

SCHEDULE A

Part 4

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395

SCHEDULE A

Part 5

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 6

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

SCHEDULE A

Part 7

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

SCHEDULE A

Part 9

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

SCHEDULE A

Part 10

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None



**LEGAL CUTOVER (PASSPORTING) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2; and
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 13 and excludes any Relevant Instrument falling within paragraph 14.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, amends, issues, gives, or imposes:

- (1) Each provision in Annex B to this Instrument;
  - (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) Any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex D to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex D to this Instrument,
- 9 The Financial Conduct Authority makes, amends, issues, gives or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) Section 137A (The FCA’s general rules);
  - (2) Section 137T (General supplementary powers);
  - (3) Section 139A (Power of the FCA to give guidance); and
  - (4) paragraph 5(4) of Schedule 4 (Treaty Rights: Notice to UK regulator).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**. Designation of rules etc. by the Prudential Regulation Authority**

- 13 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 14 The designation by the Prudential Regulation Authority in paragraph 13 excludes any provision designated as guidance in an FSA Instrument.
- 15 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 16 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

- 17 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex C to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 18 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 21, the Prudential Regulation Authority makes, amends, issues, gives, or imposes:
- (1) Each provision in Annex B to this Instrument; and
  - (2) Each provision in Annex C to this Instrument that meets all of the conditions in paragraph 19; and
  - (3) any amendment that is not a modification made in accordance with paragraph 16 specified in a provision in Annex C to this Instrument that meets all of the conditions in paragraph 20.
- 19 The conditions referred to in paragraph 18(2) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex A to this Instrument.

- 20 The conditions referred to in paragraph 18(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex A to this Instrument,
- 21 The Prudential Regulation Authority makes, amends, gives, issues or imposes the provisions in paragraph 18 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) Section 137G (The PRA’s general rules);
  - (2) Section 137T (General supplementary powers); and
  - (3) paragraph 5(4) of Schedule 4 (Treaty Rights: Notice to UK regulator).
- 22 The rule-making powers in paragraph 21 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
23. The Prudential Regulation Authority gives each provision in Annex C to this Instrument identified as “PRA” or “FCA/PRA” that is marked (in that Annex) with a G as guidance.

**Commencement: Prudential Regulation Authority**

24. As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designations (in paragraph 13) and the modifications (in paragraph 17) of each PRA Relevant Instrument comes into effect on 1 April 2013.
25. The Prudential Regulation Authority directs that the provisions of paragraph 18 of this Instrument come into force on 1 April 2013.
26. The Prudential Regulation Authority directs that paragraph 18 this Instrument come into force immediately after the coming into force of the designations in paragraph 13 and the modifications in paragraph 17.

**Amendments to the Handbooks**

27. The modules of the FCA’s and PRA’s Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex B
Supervision manual (SUP)	Annex C

**Citation**

28. This Instrument may be cited as the Legal Cutover (Passporting) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

19 March 2013

**Annex A**

**Designation of the Supervision Manual (SUP)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 13.1.1	designated	FCA and PRA
SUP 13.1.2	designated	FCA and PRA
SUP 13.1.3	designated	FCA and PRA
SUP 13.1.3A	designated	FCA
SUP 13.1.4	designated	FCA and PRA
SUP 13.1.5	designated	FCA and PRA
SUP 13.1.6	designated	FCA and PRA
SUP 13.2.1	designated	FCA and PRA
SUP 13.2.2	designated	FCA and PRA
SUP 13.2.3	designated	FCA and PRA
SUP 13.2.4	made	FCA and PRA
SUP 13.3.1	designated	FCA and PRA
SUP 13.3.2	designated	FCA and PRA
SUP 13.3.2A	designated	FCA and PRA
SUP 13.3.2B	designated	FCA and PRA
SUP 13.3.2C	designated	FCA
SUP 13.3.2D	designated	FCA and PRA
SUP 13.3.2E	designated	PRA

SUP 13.3.3	designated	PRA
SUP 13.3.3A	designated	PRA
SUP 13.3.4	no longer in force	
SUP 13.3.4A	no longer in force	
SUP 13.3.5	designated	FCA and PRA
SUP 13.3.5A	made	FCA and PRA
SUP 13.3.6	designated	FCA and PRA
SUP 13.3.7	designated	FCA and PRA
SUP 13.3.7A	made	FCA
SUP 13.3.8	designated	FCA
SUP 13.4.1	designated	FCA and PRA
SUP 13.4.2	designated	FCA and PRA
SUP 13.4.2A	designated	FCA and PRA
SUP 13.4.2B	designated	FCA
SUP 13.4.2C	designated	FCA and PRA
SUP 13.4.2D	designated	FCA and PRA
SUP 13.4.2E	designated	PRA
SUP 13.4.3	no longer in force	
SUP 13.4.3A	no longer in force	
SUP 13.4.4	designated	FCA and PRA
SUP 13.4.4A	made	FCA and PRA
SUP 13.4.5	designated	FCA and PRA
SUP 13.4.6	designated	PRA
SUP 13.4.7	designated	FCA
SUP 13.5.1	designated	FCA and PRA
SUP 13.5.1A	designated	PRA

SUP 13.5.1AA	designated	FCA
SUP 13.5.1B	designated	FCA and PRA
SUP 13.5.2	designated	FCA and PRA
SUP 13.5.2A	designated	FCA
SUP 13.5.3	designated	FCA and PRA
SUP 13.5.3A	made	PRA
SUP 13.5.4	designated	FCA and PRA
SUP 13.5.4A	no longer in force	
SUP 13.5.5	designated	FCA and PRA
SUP 13.5.6	designated	PRA
SUP 13.5.7	designated	FCA and PRA
SUP 13.6.1	designated	FCA and PRA
SUP 13.6.2	designated	FCA and PRA
SUP 13.6.3	designated	FCA and PRA
SUP 13.6.4	designated	FCA and PRA
SUP 13.6.5	designated	FCA and PRA
SUP 13.6.5A	designated	FCA and PRA
SUP 13.6.5B	designated	FCA and PRA
SUP 13.6.6	designated	PRA
SUP 13.6.7	designated	PRA
SUP 13.6.8	designated	PRA
SUP 13.6.9	designated	PRA
SUP 13.6.9A	designated	FCA and PRA
SUP 13.6.9B	designated	PRA
SUP 13.6.10	designated	FCA and PRA
SUP 13.6.11	designated	FCA and PRA

SUP 13.6.12	designated	FCA and PRA
SUP 13.6.12A	made	FCA and PRA
SUP 13.6.13	designated	PRA
SUP 13.6.14	designated	PRA
SUP 13.6.15	designated	FCA and PRA
SUP 13.6.16	designated	FCA and PRA
SUP 13.6.17	designated	FCA and PRA
SUP 13.7.1	designated	FCA and PRA
SUP 13.7.2	designated	FCA and PRA
SUP 13.7.3	designated	FCA
SUP 13.7.3A	designated	FCA and PRA
SUP 13.7.3B	designated	FCA and PRA
SUP 13.7.4	designated	PRA
SUP 13.7.5	designated	PRA
SUP 13.7.6	designated	PRA
SUP 13.7.6A	designated	FCA and PRA
SUP 13.7.7	designated	PRA
SUP 13.7.7A	made	FCA and PRA
SUP 13.7.8	designated	PRA
SUP 13.7.9	designated	PRA
SUP 13.7.10	designated	PRA
SUP 13.7.11	designated	FCA and PRA
SUP 13.7.12	designated	PRA
SUP 13.7.13A	made	FCA and PRA
SUP 13.8.1	designated	FCA and PRA
SUP 13.8.1A	designated	FCA and PRA

SUP 13.8.1B	made	PRA
SUP 13.8.2	designated	PRA
SUP 13.10.1	designated	FCA and PRA
SUP 13.10.2	designated	PRA
SUP 13.10.3	designated	FCA and PRA
SUP 13.11.1	designated	FCA and PRA
SUP 13.11.2	designated	FCA and PRA
SUP 13.11.3	designated	FCA and PRA
SUP 13.12.1	designated	FCA and PRA
SUP 13.12.2	designated	FCA and PRA
SUP 13 Annex 1	designated	FCA and PRA
SUP 13 Annex 2	designated	FCA and PRA
SUP 13 Annex 3	designated	PRA
SUP 13 Annex 4	designated	PRA
SUP 13 Annex 5	designated	FCA and PRA
SUP 13 Annex 6	designated	FCA and PRA
SUP 13 Annex 7	designated	FCA
SUP 13A.1.1	designated	FCA and PRA
SUP 13A .1.2	designated	FCA and PRA
SUP 13A.1.3	designated	FCA and PRA
SUP 13A.1.4	designated	FCA and PRA
SUP 13A.1.5	designated	FCA and PRA
SUP 13A.2.1	designated	FCA and PRA
SUP 13A.2.2	designated	FCA and PRA
SUP 13A.3.1	designated	FCA and PRA
SUP 13A.3.1A	designated	FCA and PRA

SUP 13A.3.1B	designated	PRA
SUP 13A.3.1C	designated	FCA
SUP 13A.3.1D	made	FCA
SUP 13A.3.2	designated	FCA and PRA
SUP 13A.3.3	designated	FCA and PRA
SUP 13A.3.4	designated	FCA and PRA
SUP 13A.3.5	designated	FCA and PRA
SUP 13A.3.6	designated	FCA and PRA
SUP 13A.3.6A	made	FCA and PRA
SUP 13A.3.7	designated	FCA and PRA
SUP 13A.3.8	designated	FCA and PRA
SUP 13A.3.9	designated	FCA and PRA
SUP 13A.3.10	designated	FCA and PRA
SUP 13A.3.11	designated	PRA
SUP 13A.3.12	designated	FCA
SUP 13A.3.13	designated	FCA
SUP 13A.3.14	designated	FCA
SUP 13A.4.1	designated	FCA and PRA
SUP 13A.4.1A	designated	FCA
SUP 13A.4.2	designated	FCA
SUP 13A.4.3	designated	FCA and PRA
SUP 13A.4.3A	designated	FCA and PRA
SUP 13A.4.4	designated	FCA and PRA
SUP 13A.4.4A	made	FCA and PRA
SUP 13A.4.5	designated	FCA
SUP 13A.4.6	designated	FCA

SUP 13A.5.1	designated	FCA and PRA
SUP 13A.5.2	designated	FCA and PRA
SUP 13A.5.3	designated	FCA and PRA
SUP 13A.5.4	designated	FCA and PRA
SUP 13A.5.4A	made	FCA and PRA
SUP 13A.5.5	designated	FCA and PRA
SUP 13A.6.1	designated	FCA and PRA
SUP 13A.6.2	designated	FCA and PRA
SUP 13A.6.3	designated	FCA and PRA
SUP 13A.6.4	designated	FCA and PRA
SUP 13A.6.5	designated	FCA and PRA
SUP 13A.7.1	designated	FCA and PRA
SUP 13A.7.2	designated	FCA and PRA
SUP 13A.7.3	no longer in force	
SUP 13A.7.4	designated	FCA and PRA
SUP 13A.8.1	designated	FCA and PRA
SUP 13A.9	no longer in force	
SUP 13A Annex 1	designated	FCA and PRA
SUP 13A Annex 2	designated	FCA and PRA
SUP 13A Annex 3R	designated	FCA
SUP 13A Annex 4R	designated	FCA
SUP 14.1.1	designated	FCA and PRA
SUP 14.1.2	designated	FCA and PRA
SUP 14.1.3	designated	FCA and PRA
SUP 14.1.4	designated	FCA and PRA
SUP 14.1.5	designated	FCA and PRA

SUP 14.1.6	designated	FCA and PRA
SUP 14.1.7	designated	FCA and PRA
SUP 14.1.8	made	FCA and PRA
SUP 14.1.9	designated	FCA and PRA
SUP 14.2.1	designated	FCA and PRA
SUP 14.2.2	designated	FCA and PRA
SUP 14.2.3	designated	FCA and PRA
SUP 14.2.4	designated	FCA and PRA
SUP 14.2.5	designated	PRA
SUP 14.2.6	designated	PRA
SUP 14.2.7	designated	PRA
SUP 14.2.8	designated	FCA and PRA
SUP 14.2.9	designated	FCA and PRA
SUP 14.2.10	designated	FCA and PRA
SUP 14.2.11	designated	FCA and PRA
SUP 14.2.12	designated	FCA and PRA
SUP 14.2.13	designated	FCA and PRA
SUP 14.3.1	designated	FCA and PRA
SUP 14.3.2	designated	FCA and PRA
SUP 14.3.3	designated	FCA
SUP 14.3.3A	no longer in force	
SUP 14.3.4	designated	FCA and PRA
SUP 14.3.4A	designated	FCA
SUP 14.3.4B	designated	FCA
SUP 14.3.4C	designated	FCA
SUP 14.3.4D	designated	FCA and PRA

SUP 14.3.5	designated	PRA
SUP 14.3.6	designated	PRA
SUP 14.3.7	designated	PRA
SUP 14.4.1	designated	FCA and PRA
SUP 14.4.1A	made	FCA
SUP 14.4.1B	made	PRA
SUP 14.5.1	designated	FCA and PRA
SUP 14.5.2	designated	FCA and PRA
SUP 14.6.1	designated	FCA and PRA
SUP 14.6.2	designated	FCA and PRA
SUP 14.6.3	designated	FCA and PRA
SUP 14.6.3A	designated	FCA
SUP 14.6.3B	designated	FCA
SUP 14.6.4	designated	PRA
SUP 14.6.5	designated	PRA
SUP 14.6.6	designated	PRA
SUP 14.6.7	designated	PRA
SUP 14.6.8	designated	PRA
SUP 14.6.9	designated	FCA and PRA
SUP 14.6.10	designated	FCA and PRA
SUP 14.6.11	designated	FCA
SUP 14.7.1	designated	FCA and PRA
SUP 14.8.1	designated	FCA and PRA

## Annex B

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text..

- appropriate UK regulator
- (1) in relation to an EEA firm (in accordance with Schedule 3 paragraph 13(4) and 14(4) to the Act), whichever of the FCA or PRA is the competent authority for the purposes of the relevant Single Market Directive;
  - (2) in relation to a UK firm (in accordance with Schedule 3 paragraph 18A to the Act),
    - (a) the PRA, where the firm is a PRA-authorised person; and
    - (b) in any other case, the FCA;
  - (3) in relation to a Treaty firm (in accordance with section 35(2A) of the Act),
    - (a) in the case of a PRA-authorised person, the PRA; and
    - (b) in any other case, the FCA.
- service conditions
- in accordance with paragraph 14 of Schedule 3 to the Act (EEA Passport Rights)) the conditions that:
- ...
- (b) if the firm falls within paragraph (a), (d), (e) or (f) in the definition of "EEA firm", the ~~FSA~~ appropriate UK regulator has received notice from the firm's Home State regulator containing such information as may be prescribed;
  - (c) if the firm falls within paragraph (d) of that definition, its Home State regulator has informed it that the regulator's notice has been sent to the ~~FSA~~ PRA; and
  - (d) if the firm falls within paragraph (e) of that definition, one month has elapsed beginning with the date on which the firm's Home State regulator informed the firm that it had sent the regulator's notice to the ~~FSA~~ appropriate UK regulator.

## Annex C

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 13 Exercise of passport rights by UK firms

...

##### 13.2 Introduction

...

13.2.3 G In some circumstances, a *UK firm* that is carrying on business which is outside the scope of the *Single Market Directives* has a right under the *Treaty* to carry on that business. For example, for an *insurer* carrying on both direct insurance and *reinsurance* business, the ~~authorisation~~ authorisation of *reinsurance* business is not covered by the *Insurance Directives*. The *firm* may, however, have rights under the *Treaty* in respect of its *reinsurance* business. Such *UK firms* may wish to consult with the ~~FSA~~ appropriate UK regulator on their particular circumstances (see *SUP* 13.12.2G).  
[FCA/  
PRA]

13.2.4 G In *SUP* 13 the “appropriate UK regulator” amounts to whichever of the *FCA* and the *PRA* is the competent authority for *authorising* the relevant *UK firm*.  
[FCA/  
PRA]

##### 13.3 Establishing a branch in another EEA State

...

The conditions for establishing a branch

13.3.2 G A *UK firm* other than a *UK pure reinsurer* cannot establish a *branch* in another *EEA State* for the first time under an *EEA right* unless the conditions in paragraphs 19(2), (4) and (5) of Part III of Schedule 3 to the *Act* are satisfied. It is an offence for a *UK firm* which is not an *authorised person* to contravene this prohibition (paragraph 21 of Part III of Schedule 3 to the *Act*). These conditions are that:  
[FCA/  
PRA]

(1) the *UK firm* has given the ~~FSA~~ appropriate UK regulator, in accordance with the ~~FSA~~ appropriate UK regulator’s rules (see *SUP* 13.5.1R), notice of its intention to establish a *branch* (known as a *notice of intention*) which :

(a) identifies the activities which it seeks to carry on through the

*branch*; and

- (b) includes such other information as may be specified by the *FSA appropriate UK regulator* (see *SUP 13.5.1R*);
- (2) the *FSA appropriate UK regulator* has given notice (known as a *consent notice*) to the *Host State regulator*;
- (2A) if the *UK firm's EEA right* relates to providing *collective portfolio management services*, the *FSA FCA* has provided to the *Host State regulator*:
  - ...
- (3) (a) if the *UK firm's EEA right* derives from the *Insurance Mediation Directive* one *month* has elapsed beginning on the date on which the *UK firm* received notice that the *FSA appropriate UK regulator* had given a *consent notice* as described in *SUP 13.3.6G(1)* (see *SUP 13.3.2AG*);
  - (b) in any other case:
    - (i) the *Host State regulator* has notified the *UK firm* (or, where the *UK firm* is passporting under the *Insurance Directives*, the *FSA PRA*) of the *applicable provisions* or, in the case of a *UK firm* passporting under *MiFID* or the *UCITS Directive*, that the *branch* may be established; or
    - (ii) two *months* have elapsed beginning with the date on which the *FSA appropriate UK regulator* gave the *consent notice*.

- 13.3.2A G If the *UK firm* is passporting under the *Insurance Mediation Directive* and the *EEA State* in which the *UK firm* is seeking to establish a *branch* has not notified the European Commission of its wish to be informed of the intention of *persons* to establish a *branch* in its territory in accordance with article 6(2) of that directive, *SUP 13.3.2G(2)* and *SUP 13.3.2G(3)* do not apply. Accordingly, the *UK firm* may establish the *branch* to which its *notice of intention* relates as soon as the conditions referred to in *SUP 13.3.2G(1)* are satisfied. The list of *EEA States* that have notified the European Commission of their wish to be informed in accordance with article 6(2) of the *Insurance Mediation Directive* is published on the *FSA's FCA's* website at [www.fca.org.uk](http://www.fca.org.uk).  
[FCA/  
PRA]
- 13.3.2B G An *appointed representative* appointed by a *firm* to carry on *insurance mediation activity* on its behalf may establish a *branch* in another *EEA State* under the *Insurance Mediation Directive*. In this case, the *notice of intention* in *SUP 13.3.2G(1)* should be given to the *FSA appropriate UK regulator* by the *firm* on behalf of the *appointed representative*.  
[FCA/  
PRA]
- 13.3.2C G An *exempt professional firm* which is included in the record of *unauthorised persons* carrying on *insurance mediation activity* maintained by the *FSA*

[FCA] *FCA* under article 93 of the *Regulated Activities Order* may establish a *branch* in another *EEA State* under the *Insurance Mediation Directive* (see *PROF 7.2*).

...

13.3.3 G Where the *UK firm* is passporting under the *Insurance Directives* and the  
[PRA] *Host State regulator* has notified the *FSA PRA* of the *applicable provisions*, then under paragraph 19(9) of Part III of Schedule 3 to the *Act*, the *FSA PRA* is required to inform the *firm* of these provisions.

13.3.3A G (1) ...  
[PRA]

(2) Under section 3 of Part III of the *General Protocol*, *Home State regulators* have agreed to inform *Host State regulators* if a *pure reinsurer* for which the *Home State* is responsible carries on business through a *branch* in the *Host State*. Therefore *SUP 13.5.1AR* requires a *UK firm* passporting under the *Reinsurance Directive* to notify the *FSA PRA* of certain information relating to the *branch*.

...

#### Issue of a consent notice to the Host State regulator

13.3.5 G (1) If the *UK firm's EEA right* derives from the *Banking Consolidation Directive* or *MiFID*, the *FSA appropriate UK regulator* will give the  
[FCA/ *Host State regulator* a *consent notice* within three *months* unless it  
PRA] has reason to doubt the adequacy of a *UK firm's* resources or its administrative structure. The *Host State regulator* then has a further two *months* to notify the *applicable provisions* (if any) and prepare for the supervision, as appropriate, of the *UK firm*, or in the case of a *MiFID investment firm*, to inform the *UK firm* that a *branch* can be established.

(1A) If the *UK firm's EEA right* derives from the *UCITS Directive*, the *FSA FCA* will give the *Host State regulator* a *consent notice* within two *months* unless it has reason to doubt the adequacy of the *UK firm's* resources or its administrative structure. The *Host State regulator* then has a further two *months* to prepare for the supervision of the *UK firm*.

(2) (a) If the *UK firm's EEA right* derives from the *Insurance Directives*, the *FSA PRA* will give the *Host State regulator* a *consent notice* within three *months* unless it has reason to:

...

(b) In assessing the matters in (2)(a), the *FSA PRA* may, in particular, seek further information from the *firm* or require a report from a *skilled person* (see *SUP 5* (skilled persons)).

- (c) If the FSA PRA has required a financial recovery plan of a *UK firm* of the kind mentioned in paragraph 1 of article 38 of the *Consolidated Life Directive* or paragraph 1 of article 20a of the *First Non-Life Directive*, the FSA PRA will not give a *consent notice* for so long as it considers that *policyholders* are threatened within the meaning of those provisions.
- (d) If the *UK firm's EEA right* derives from the *Insurance Mediation Directive* and *SUP 13.3.2G(2)* applies, the FSA appropriate UK regulator will give the *Host State regulator* a *consent notice* within one *month* of the date on which it received the *UK firm's notice of intention*. In cases where *SUP 13.3.2G(2)* does not apply (see *SUP 13.3.2AG*), the *UK firm* may establish a *branch* as soon as it satisfies the conditions referred to in *SUP 13.3.2G*.

13.3.5A G Where the PRA is the appropriate UK regulator, it will consult the FCA before deciding whether to give a consent notice, except where paragraph 19(7A) of Part III of Schedule 3 to the Act applies. Where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give a consent notice in relation to a UK firm whose immediate group includes a PRA-authorised person.  
[FCA/  
PRA]

13.3.6 G (1) If the FSA appropriate UK regulator gives a *consent notice*, it will inform the *UK firm* in writing that it has done so.  
[FCA/  
PRA]

...

(3) Where a *consent notice* is given under the *UCITS Directive*, the FSA FCA will at the same time:

...

13.3.7 G (1) If the FSA appropriate UK regulator proposes to refuse to give a *consent notice*, then paragraph 19(8) of Part III of Schedule 3 to the *Act* requires the FSA appropriate UK regulator to give the *UK firm* a *warning notice*.  
[FCA/  
PRA]

(2) If the FSA appropriate UK regulator decides to refuse to give a *consent notice*, then paragraph 19(12) of Part III of Schedule 3 to the *Act* requires the FSA appropriate UK regulator to give the *UK firm* a *decision notice* within three *months* of the date on which it received the *UK firm's notice of intention* (two *months* in the case of a *UK firm* which is a *UCITS management company*). The *UK firm* may refer the matter to the *Tribunal*.

(3) ~~For details of the FSA's procedures for the giving of warning notices or decision notices see DEPP 2 (Statutory notices and the allocation of decision-making). [deleted]~~

13.3.7A G For details of the *FCA's* procedures for the giving of *warning notices* or  
[FCA] decision notices see *DEPP 2* (Statutory notices and the allocation of decision  
making).

...

#### 13.4 Providing cross border services into another EEA State

...

The conditions for providing cross border services into another EEA State

13.4.2 G A *UK firm*, other than a *UK pure reinsurer*, cannot start providing *cross*  
[FCA / *border services* into another *EEA State* under an *EEA right* unless it satisfies  
PRA] the conditions in paragraphs 20(1) of Part III of Schedule 3 to the *Act* and, if  
it derives its *EEA right* from the *Insurance Directives*, paragraph 20(4B) of  
Part III of Schedule 3 to the *Act*. It is an offence for a *UK firm* which is not  
an *authorised person* to breach this prohibition (paragraph 21 of Part III of  
Schedule 3 to the *Act*). The conditions are that:

- (1) the *UK firm* has given the *FSA appropriate UK regulator*, in the way specified by *FSA the appropriate UK regulator's rules* (see *SUP 13.5.2R*), notice of its intention to provide *cross border services* (known as a *notice of intention*) which:
  - (a) identifies the activities which it seeks to carry on by way of provision of *cross border services*; and
  - (b) includes such other information as may be specified by the *FSA appropriate UK regulator* (see *SUP 13.5.2R*); and
- (2) if the *UK firm* is passporting under the *Insurance Directives*, the *firm* has received written notice from the *FSA PRA* as described in *SUP 13.4.6G*; or
- (3) if the *UK firm* is passporting under the *Insurance Mediation Directive* and the *EEA State* in which the *UK firm* is seeking to provide services has notified the European Commission of its wish to be informed of the intention of *persons* to provide *cross border services* in its territory in accordance with article 6(2) of that directive, one *month* has elapsed beginning with the date on which the *UK firm* received written notice from the *FSA appropriate UK regulator* as described in *SUP 13.4.5G* (paragraph 20 (3B)(c) of Schedule 3 to the *Act*).

13.4.2A G An *appointed representative* appointed by a *firm* to carry on *insurance*  
[FCA / *mediation activity* on its behalf may provide *cross border services* in another  
PRA] *EEA State* under the *Insurance Mediation Directive*. In this case, the *notice of intention* in *SUP 13.4.2G*(1) should be given to the *FSA appropriate UK regulator* by the *firm* on behalf of the *appointed representative*.

13.4.2B G An *exempt professional firm* which is included in the record of *unauthorised*  
[FCA] *persons* carrying on *insurance mediation activity* maintained by the *FSA*  
*FCA* under article 93 of the *Regulated Activities Order* may provide *cross*  
*border services* in another *EEA State* under the *Insurance Mediation*  
*Directive* (see *PROF 7.2*).

...

#### Issuing a consent notice or notifying the Host State regulator

13.4.4 G (1) If the *UK firm's EEA right* derives from *MiFID*, the *Banking*  
[FCA/  
PRA] *Consolidation Directive* or the *UCITS Directive*, paragraph 20(3) of  
Part III of Schedule 3 to the *Act* requires the *FSA appropriate UK*  
*regulator* to send a copy of the *notice of intention* to the *Host State*  
*Regulator* within one *month* of receipt. A *UK firm* passporting under  
the *Banking Consolidation Directive* may start providing *cross*  
*border services* as soon as it satisfies the relevant conditions (see  
*SUP 13.4.2G*).

(2) (a) If the *UK firm's EEA right* derives from the *Insurance*  
*Directives*, paragraph 20(3A) of Part III of Schedule 3 to the  
*Act* requires the *FSA PRA*, within one *month* of receiving the  
*notice of intention*, to:

...

(b) The issue or refusal of a *consent notice* under paragraph  
20(3A) of Part III of Schedule 3 to the *Act* is the consequence  
of a regulatory decision, and this *consent notice* (unlike the  
*consent notice* for establishment of a *branch*) is not a *statutory*  
*notice* as set out in section 395 of the *Act*. A *UK firm* that  
receives notice that the *FSA PRA* refuses to give a *consent*  
*notice* may refer the matter to the *Tribunal* under paragraph  
20(4A) of Part III of Schedule 3 to the *Act*.

(c) If the *FSA PRA* has required of a *UK firm* a financial recovery  
plan of the kind mentioned in paragraph 1 of article 38 of the  
*Consolidated Life Directive* or paragraph 1 of article 20a of  
the *First Non-Life Directive*, the *FSA PRA* will not give a  
*consent notice* for so long as it considers that *policyholders'*  
rights are threatened within the meaning of those provisions.

(2A) (a) If the *UK firm's EEA right* derives from the *Insurance*  
*Mediation Directive*, and the *EEA State* in which the *UK firm*  
is seeking to provide services has notified the European  
Commission of its wish to be informed of the intention of  
*persons* to provide *cross border services* in its territory in  
accordance with article 6(2) of that directive, paragraph  
20(3B)(a) of Part III of Schedule 3 to the *Act* requires the *FSA*  
*appropriate UK regulator* to send a copy of the *notice of*  
*intention* to the *Host State regulator* within one *month* of

receipt. Otherwise, the *UK firm* may start providing *cross border services* as soon as it satisfies the relevant conditions (see *SUP* 13.4.2G).

- (b) The list of the *EEA States* that have notified the European Commission of their wish to be informed in accordance with article 6(2) of the *Insurance Mediation Directive* is published on the ~~FSA~~ FCA's website at [www.fca.org.uk](http://www.fca.org.uk).

- (2B) Where a *consent notice* is given under the *UCITS Directive*, the ~~FSA~~ FCA will at the same time:

...

13.4.4A G Where the *PRA* is the *appropriate UK regulator*, it will consult the *FCA* before deciding whether to give a consent notice and where the *FCA* is the *appropriate UK regulator*, it will consult the *PRA* before deciding whether to give a consent notice in relation to a *UK firm* whose immediate group includes a *PRA-authorised person*.  
[FCA/  
PRA]

13.4.5 G When the ~~FSA~~ *appropriate UK regulator* sends a copy of a *notice of intention*, or if it gives a *consent notice* to the *Host State regulator*, it must inform the *UK firm* in writing that it has done so (paragraphs 20(3B)(b) and (4) of Schedule 3 to the *Act*).  
[FCA/  
PRA]

Applicable provisions for cross border services

13.4.6 G ...  
[PRA]

- (2) If the *UK firm* is passporting under the *Insurance Directives*, then the *Host State regulator* may notify the ~~FSA~~ PRA if there are any ~~applicable provisions~~ *applicable provisions*. If so, the ~~FSA~~ PRA will inform the *UK firm* of the *applicable provisions*.

...

## 13.5 Notices of intention

...

Specified contents: notice of intention to provide cross border services

...

13.5.2- R (1) A *UK firm* wishing to provide a service into a particular *EEA State* for the first time under the *auction regulation* must inform the ~~FSA~~ *appropriate UK regulator* of the information in (2) by email to ~~emissionstrading@fsa.gov.uk~~ emissionstrading@fca.org.uk prior to its provision of that service or whenever possible thereafter.  
A  
[FCA]

- (2) The information required by (1) is:
- (a) name of the *firm* and the *FSA firm* reference number;

...

...

#### Method of submission of notices

13.5.3 R (1) A *UK firm*, other than a *credit union*, must submit any notice under [FCA/ PRA] SUP 13.5.1R (1), SUP 13.5.1AR or SUP 13.5.2R online at ~~www.fsa.gov.uk~~ www.fca.org.uk using the *FSA's* ONA system.

...

- (2) ~~A *credit union* must submit any notice under SUP 13.5.1R(1), SUP 13.5.1AR or SUP 13.5.2R in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).~~ [deleted]

...

- (3) Where a *firm* is obliged to submit a notice in accordance with (1), if the *FSA's* information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit that notice in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).

...

13.5.3A G A *credit union* must submit any notice under SUP 13.5.1R(1), SUP 13.5.1AR [PRA] or SUP 13.5.2R in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).

13.5.4 G (1) If the *FSA's* information technology systems fail and online [FCA/ PRA] submission is unavailable for 24 hours or more, the *FSA* appropriate UK regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.

...

...

#### Translations

13.5.6 G (1) A *UK firm* passporting under the *Banking Consolidation Directive*, [PRA] the *Insurance Directives* or the *Reinsurance Directive* may have to submit the *requisite details* or relevant details in the language of the

*Host State* as well as in English. For a *UK firm* passporting under the *Insurance Directives* this translated document will not include the relevant UK details. Further information is available from the ~~Passport Notifications Unit~~ PRA authorisations team.

- (2) A *UK firm* may wish to discuss with the ~~Passport Notifications Unit~~ PRA authorisations team the appropriate time for providing the translations in (1), given that further information or clarification of the details provided may be required by the ~~FSA~~ PRA.

...

## 13.6 Changes to branches

...

- 13.6.3 G *UK firms* should also note that changes to the details of *branches* may lead to changes to the *applicable provisions* to which the *UK firm* is subject. These changes should be communicated to the *UK firm* either by the *Host State regulator*, or, if the *firm* is passporting under *Insurance Directives*, via the ~~FSA~~ PRA.

Firms passporting under the Banking Consolidation Directive and the UCITS Directive.

...

- 13.6.5 G Where the change arises from circumstances within the control of the *UK firm*, the requirements in regulation 11(2) are that:

- (1) the *UK firm* has given notice to the ~~FSA~~ appropriate UK regulator and to the *Host State regulator* stating the details of the proposed change;
- (2) the ~~FSA~~ appropriate UK regulator has given the *Host State regulator* a notice informing it of the details of the change; and

...

Firms passporting under MiFID

...

- 13.6.5B G The requirements of regulation 11A(2) are that:

- (1) the *UK firm* has given a notice to the ~~FSA~~ appropriate UK regulator stating the details of the proposed change; and

...

#### Firms passporting under the Insurance Directives

...

- 13.6.7 [PRA] G Where the change arises from circumstances within the control of the *UK firm*, the requirements in regulation 13(2) are that:
- (1) the *UK firm* has given notice to the *FSA PRA* and to the *Host State regulator* stating the details of the proposed change;
  - (2) the *FSA PRA* has given the *Host State regulator* a notice informing it of the details of the proposed change;
  - (3) the period of at least one *month* beginning on the day on which the *UK firm* gave the *FSA PRA* the notice in (1) has elapsed; and
  - (4) either:
    - (a) a further period of one *month* has elapsed; or
    - (b) the *FSA PRA* has informed the *UK firm* of any consequential changes in the ~~applicable provisions~~ *applicable provisions* of which the *FSA PRA* has been notified by the *Host State regulator*.
- 13.6.8 [PRA] G If a *UK firm* has exercised an *EEA right* under the *Insurance Directives* and established a *branch* in another *EEA State*, regulation 15(1) states that the *UK firm* cannot make a change in any of the *relevant UK details* unless the *UK firm* has given a notice to the *FSA PRA* stating the details of the proposed change at least one *month* before the change is effected.
- 13.6.9 [PRA] G Where a *UK firm* with ~~*Part IV permission*~~ *Part 4A permission* to carry on both *long-term* and *general insurance business*, is passporting under the *Insurance Directives* and wishes to extend its *general insurance business* to include *long term insurance business* (or vice versa), it should complete a new *notice of intention* and not a change to details notice .

...

#### Firms passporting under the Reinsurance Directive

- 13.6.9B [PRA] R A *UK firm* exercising its *EEA right* under the *Reinsurance Directive* to establish a *branch* in another *EEA State* must notify the *FSA PRA* of any changes in the information specified in *SUP 13 Annex 1R*. Whenever possible, this notification must be made as soon as the change in information is known by the *firm*.

#### Changes arising from circumstances beyond the control of a UK firm

- 13.6.10 G (1) If the change arises from circumstances beyond the *UK firm's* control, [FCA/ PRA] the *UK firm*:
- (a) is required by regulation 11(3) or regulation 13(3) to give a notice to the *FSA appropriate UK regulator* and to the *Host State regulator* stating the details of the change as soon as reasonably practicable;
  - (b) may, if it is passporting under the *Insurance Directives*, make a change to its *relevant UK details* under regulation 15(1) if it has, as soon as practicable (whether before or after the change), given notice to the *FSA PRA* stating the details of the change.
- (2) The *FSA appropriate UK regulator* believes that for a change to arise from circumstances beyond the control of a *UK firm*, the circumstances should be outside the control of the *firm* as a whole and not just the *branch* in the *EEA State*.

...

#### The process

- 13.6.11 G When the *FSA appropriate UK regulator* receives a notice from a *UK firm* [FCA/ PRA] other than a *MiFID investment firm* (see *SUP* 13.6.5G(1) and *SUP* 13.6.7G(1)) or a *pure reinsurer* (see *SUP* 13.6.9BR) it is required by regulations 11(4) and 13(4) to either refuse, or consent to the change within a period of one *month* from the day on which it received the notice.

- 13.6.12 G If the *FSA appropriate UK regulator* consents to the change, then under [FCA/ PRA] regulations 11(5) and 13(5) it will:

...

- 13.6.12 G Where the *PRA* is the *appropriate UK regulator*, it will consult the *FCA* [FCA/ PRA] *A* before deciding whether to give consent to a change (or proposed change) and where the *FCA* is the *appropriate UK regulator*, it will consult the *PRA* before deciding whether to give consent in relation to a *UK firm* whose immediate group includes a *PRA-authorised person*.

- 13.6.13 G If a *UK firm* is passporting under the *Banking Consolidation Directive*, then [PRA] regulation 11(7) states provides that the *FSA PRA* may not refuse to consent to a change unless, having regard to the change and to the EEA activities the *UK firm* is seeking to carry on, it doubts the adequacy of the administrative structure or the financial situation of the *UK firm*. In reaching its determination, the *FSA PRA* may have regard to the adequacy of management, systems and the presence of relevant skills needed for the EEA activities to be carried on.

- 13.6.14 G If a *UK firm* is passporting under the *Insurance Directives*, then regulation

[PRA] 13(7) ~~states~~ provides that the ~~FSA~~ PRA may not refuse to consent to a change unless, having regard to the change, the ~~FSA~~ PRA has reason:

...

13.6.15 G If the ~~FSA~~ appropriate UK regulator refuses to consent to a change, then  
[FCA/  
PRA] under regulations 11(6) and 13(6):

(1) the ~~FSA~~ appropriate UK regulator will give notice of the refusal to the *UK firm*, stating its reasons and giving an indication of the *UK firm's* right to refer the matter to the *Tribunal* and the procedures on such a reference; and

(2) the *UK firm* may refer the matter to the *Tribunal*.

13.6.16 G ~~UK firms may wish to submit the standard form~~ Standard forms are available  
[FCA/  
PRA] from the ~~Passport Notifications Unit~~ FCA and PRA authorisations teams (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ appropriate UK regulator described in SUP 13.6.5G(1), SUP 13.6.5BG, SUP 13.6.7G(1), SUP 13.6.8G and SUP 13.6.10G(1).

The process: MiFID investment firms

13.6.17 G When the ~~FSA~~ appropriate UK regulator receives a notice from a *UK MiFID investment firm* (see SUP 13.6.5BG(1)), it is required by regulation 11A(3) to inform the relevant *Host State regulator* of the proposed change as soon as reasonably practicable. The *firm* in question may make the change once the period of one *month* beginning with the day on which it gave notice has elapsed.  
[FCA/  
PRA]

## 13.7 Changes to cross border services

...

Firms passporting under the UCITS Directive

13.7.3 G If a *UK firm* is passporting under the *UCITS Directive*, regulation 12(1)  
[FCA] states that the *UK firm* must not make a change in its programme of operations, or the activities to be carried on under its *EEA right*, unless the relevant requirements in regulation 12(2) have been complied with. These requirements are:

(1) the *UK firm* has given a notice to the ~~FSA~~ FCA and to the *Host State regulator* stating the details of the proposed change; or

(2) if the change arises as a result of circumstances beyond the *UK firm's* control, the *UK firm* has as soon as practicable (whether before or after the change) given a notice to the ~~FSA~~ FCA and to the *Host State*

*regulator*, stating the details of the change.

~~UK firms may wish to submit the standard form~~ Standard forms are available from the ~~Passport Notifications Unit~~ FCA authorisations team (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ FCA required by referred to in SUP 13.7.3G(1) and SUP 13.7.3AG.

#### Firms passporting under MiFID

...

13.7.3B G The requirements of regulation 12A(2) are that:  
[FCA/  
PRA]

- (1) the *UK firm* has given notice to the ~~FSA~~ appropriate UK regulator stating the details of the proposed change; and

...

#### Firms passporting under the Insurance Directives

...

13.7.5 G Regulation 16(3) provides that:  
[PRA]

- (1) the *UK firm* has given a notice to the ~~FSA~~ PRA stating the details of the proposed change; and
- (2) the ~~FSA~~ PRA has given the *Host State regulator* a notice informing it of the details of the proposed change.

13.7.6 G If the change arises from circumstances beyond the *UK firm's* control, the *UK firm* is required by regulation 16(4) to give a notice to the ~~FSA~~ PRA stating the details of the change as soon as reasonably practicable (whether before or after the change). See also SUP 13.6.10G(2), as relevant to *cross border services*.  
[PRA]

13.7.6A G For further details on giving the notices to the *appropriate UK regulator*, as described in SUP 13.7.3G(1), SUP 13.7.3AG, SUP 13.7.3BG, SUP 13.7.5G(1) and SUP 13.7.6G, UK firms may wish to refer to the standard electronic form available from the ~~Passport Notifications Unit~~ FCA and PRA authorisations teams (see SUP 13.12 (Sources of further information)) to give the notices to the ~~FSA~~ as described in SUP 13.7.3G(1), SUP 13.7.3AG, SUP 13.7.3BG, SUP 13.7.5G(1) and SUP 13.7.6G.  
[FCA/  
PRA]

13.7.7 G When the ~~FSA~~ appropriate UK regulator receives a notice from a *UK firm* (see SUP 13.7.5G(1) and SUP 13.7.6G), it is required by regulations 16(5) to (6) either to refuse or consent to the change within one *month* of receipt.  
[PRA]

13.7.7A G Where the PRA is the *appropriate UK regulator*, it will consult the FCA

[FCA/  
PRA] before deciding whether to give consent to a change (or proposed change) and where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give consent in relation to a UK firm whose immediate group includes a PRA-authorised person.

13.7.8 G If the ~~FSA~~ appropriate UK regulator consents to the change it will:  
[PRA]

...

13.7.9 G If the ~~FSA~~ appropriate UK regulator refuses to consent to a change it is  
[PRA] required by regulation 16(7) to give notice of the refusal to the UK firm, stating its reasons and giving an indication of the UK firm's right to refer the matter to the Tribunal and the procedures that apply to such a reference.

13.7.10 G Where a UK firm with ~~Part IV permission~~ Part 4A permission to carry on  
[PRA] both long-term and general insurance business is passporting under the Insurance Directives and wishes to extend its general insurance business to include long term insurance business (or vice versa), it should complete a new notice of intention and not a change to details notice.

...

#### Liaison between regulators

13.7.13 G Where the PRA is the appropriate UK regulator, it will consult the FCA  
A before deciding whether to give consent to a change (or proposed change)  
[FCA/  
PRA] and, where the FCA is the appropriate UK regulator, it will consult the PRA before deciding whether to give consent in relation to a UK firm whose immediate group includes a PRA-authorised person.

### **13.8 Changes of details: provision of notices to the ~~FSA~~ appropriate UK regulator**

...

13.8.1A G The effect of SUP 13.8.1R(1) is that a firm should submit any form, notice or  
[FCA/  
PRA] application under SUP 13.8.1R(1) in the following ways:

- (1) A UK firm, other than a credit union, should submit it online at ~~www.fsa.gov.uk~~ www.fca.org.uk using the ~~FSA's~~ ONA system.
- (2) If the ~~FSA's~~ information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a firm should submit it in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification). GEN 1.3.2R (Emergency) does not apply in these circumstances.

- (3) If the ~~FSA's~~ information technology systems fail and online submission is unavailable for 24 hours or more, the ~~FSA~~ appropriate UK regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission should be used.
- (4) ~~A credit union should submit it in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).~~  
[deleted]

13.8.1B G A credit union should submit any form, notice or application under SUP  
[PRA] 13.8.1R(1) in the way set out in SUP 13.5.3R(3) and SUP 15.7.4R to SUP  
15.7.9G (Form and method of notification).

...

### 13.10 Applicable provisions

...

13.10.2 G *UK firms* passporting under the *Banking Consolidation Directive* should note  
[PRA] that, under the Directive, the *Host State* is responsible, together with the ~~FSA~~  
PRA, for monitoring the liquidity of a *branch* established by a *UK firm* in  
another *EEA State*.

...

### 13.12 Sources of further information

13.12.1 G (1) Given the complexity of issues raised by passporting, *UK firms* are  
[FCA/  
PRA] advised to consult legislation and also to obtain legal advice at  
earliest opportunity. Firms are encouraged to contact their usual  
supervisory contact at the ~~FSA~~ appropriate UK regulator to discuss  
their proposals. However, a *UK firm* which is seeking *guidance* on  
procedural or notification issues relating to passporting should  
contact the ~~Passport Notifications Unit~~ FCA and PRA authorisations  
teams, as and where appropriate.

- (2) An applicant for ~~Part IV permission~~ Part 4A permission which is  
submitting a *notice of intention* with its application for such  
*permission* should contact the ~~Permissions department (020 7066~~  
~~3954) in the first instance~~ FCA and PRA authorisations teams, as and  
where appropriate.

13.12.2 G To contact the ~~Passport Notifications Unit~~ FCA and/or PRA authorisations  
[FCA/  
PRA] teams, please see the details provided on that regulator's website.

- (1) ~~telephone on 020 7066 1000; fax on 020 7066 9798 ; or~~
- (2) ~~write to: The Passport Notifications Unit, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS; or~~
- (3) ~~Email: [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk)~~

...

## 13A Qualifying for authorisation under the Act

### 13A.1 Application and purpose

...

13A.1.2 G This chapter does not apply to:  
[FCA/  
PRA]

- (1) an *EEA firm* that wishes to carry on in the *United Kingdom* activities which are outside the scope of its *EEA right* and the scope of a *permission* granted under Schedule 4 to the *Act*; in this case the *EEA firm* requires a "*top-up permission*" under Part ~~IV~~ 4A of the *Act* (see the *FSA appropriate UK regulator's* website "How do I get authorised": <http://www.fca.org.uk/firms/about-authorisation/getting-authorised> for the *FCA* and [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) for the *PRA*); or

...

- (4) a *market operator* that operates a *regulated market* or an *MTF* in an *EEA State* other than the *UK* and wishes to make appropriate arrangements so as to facilitate access to and use of its system by remote users or participants in the *UK*. See *SUP* App 3.6.25G for guidancee guidance.

...

Purpose

...

13A.1.5 G (1) *EEA firms* should note that this chapter only addresses the procedures which the *FSA appropriate UK regulator* will follow under the *Act*. So, an *EEA firm* should consider this *guidance* in conjunction with the requirements with which it will have to comply in its *Home State*.

- (2) The *guidance* in this chapter represents the ~~FSA's~~ appropriate UK regulator's interpretation of the *Single Market Directives*, the *auction regulation*, the *Act* and the secondary legislation made under the *Act*. The *guidance* is not exhaustive and should not be seen as a substitute for a *person* consulting the legislation or taking legal advice.

...

### 13A.3 Qualifications for authorisation under the Act

EEA firms

...

- 13A.3.1C [FCA] G (1) Under paragraph 15A(1) of Part II of Schedule 3 to the Act, an *EEA UCITS management company* intending to exercise an *EEA right* to provide *collective portfolio management* services for a *UCITS scheme* must, before it undertakes that activity, obtain the ~~FSA's~~ FCA's approval to manage that *UCITS scheme*. *Firms* should use the application form set out in SUP 13A Annex 3R (EEA UCITS management companies: application for approval to manage a UCITS scheme established in the United Kingdom) for this purpose.
- (1A) If the firm's immediate group includes a PRA-authorised person, the FCA will give the PRA a copy of the application referred to in (1).
- (2) If the ~~FSA~~ FCA refuses the application referred to in (1), it will give a notice to the *firm* and the *firm's Home State regulator* in accordance with paragraph 15A of Part II of Schedule 3 to the *Act*. Before refusing an application, the ~~FSA~~ FCA will consult with the *firm's Home State regulator*.
- (3) Under paragraph 15B(1) of Part II of Schedule 3 to the *Act*, if any representations are made to the ~~FSA~~ FCA by a *firm* to which the notice referred to in (2) has been given, the ~~FSA~~ FCA is required to decide whether to withdraw that notice. If the ~~FSA~~ FCA decides not to withdraw that notice it must give the *firm* a *decision notice*.
- (4) ~~For details of the FSA's procedures for the giving of notices see DEPP 2 (Statutory notices and allocation of decision making).~~  
[deleted]
- 13A.3.1D [FCA] G For details of the FCA's procedures for the giving of notices see DEPP 2 (Statutory notices and allocation of decision making).

...

Treaty firms

...

13A.3.6 G The effect of paragraph 5(1) and 5(2) of Schedule 4 to the *Act* is that a  
[FCA/ *Treaty firm* which qualifies for *authorisation* under that Schedule must, at  
PRA] least seven *days* before it carries on any of the *regulated activities* covered  
by its *permission*, give the *FSA appropriate UK regulator* written notice  
of its intention to do so. Failure to do so is a criminal offence under  
paragraph 6(1) of that Schedule.

13A.3.6A G Where the *PRA* receives a notification, it will give a copy to the *FCA*, and  
[FCA/ where the *FCA* receives a notification, it will give a copy to the *PRA*  
PRA] where relevant.

13A.3.7 D (1) A written notice from a *Treaty firm* under paragraph 5(2) of  
[FCA/ Schedule 4 to the *Act* must be:  
PRA]

(a) ~~given to a member of, or~~ addressed for the attention of, the  
~~Authorisation Department~~ authorisations team in the *PRA*  
or *FCA*, as appropriate; and

(b) delivered to the *FSA appropriate UK regulator* by one of  
the methods in (2).

(2) The written notice may be delivered by:

(a) ~~post to the address in SUP 13A.3.9G below~~ either of the  
following addresses, as appropriate:

(i) the address for notices to the *FCA*: The Financial  
Conduct Authority, 25 The North Colonnade,  
Canary Wharf, London, E14 5HS; or

(ii) the address for notices to the *PRA*: The Prudential  
Regulation Authority, 20 Moorgate, London, EC2R  
6DA; or

(b) leaving the application at the address in SUP 13A.3.9G  
below and obtaining a time-stamped receipt; or

(c) hand delivery to a member of the ~~Authorisation Department~~  
authorisations team in the *PRA* or *FCA*, as appropriate.

...

13A.3.9 G (1) For further information, a *Treaty firm* ~~may contact the~~  
[FCA/ ~~Authorisation Department~~; should contact the *FCA* and/or *PRA*  
PRA] authorisations teams using the details provided on that regulator's

website.

- (a) ~~telephone on +4420 7066 3954; or~~
- (b) ~~write to the Authorisations Department, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London, E14 5HS; or~~
- (c) ~~email [corporate.authorisation@fsa.gov.uk](mailto:corporate.authorisation@fsa.gov.uk).~~

...

13A.3.11 G ...  
[PRA]

- (2) An insurance company with its head office in an *EEA State* other than the *United Kingdom* that is carrying on pure *reinsurance* business in that State, and which wishes to carry on such business in the *United Kingdom* and is authorised by its *Home State* but not yet under the *Reinsurance Directive*, is advised to discuss its particular requirements with the ~~Authorisation Department~~ authorisations team in the PRA. It may be entitled to exercise a *Treaty right* provided it satisfies the conditions in paragraph 3(1) of Schedule 4 to the Act (see *SUP* 13A.3.4G). Otherwise, it will have to seek a ~~Part IV permission~~ Part 4A permission (see the ~~FSA website "How do I get authorised":~~ [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx)).

...

#### 13A.4 EEA firms establishing a branch in the United Kingdom

The conditions for establishing a branch

...

13A.4.1A G An *EEA UCITS management company* may not exercise an *EEA right* to provide *collective portfolio management services* for a *UCITS scheme* from a *branch* in the *United Kingdom* until approved by the ~~FSA~~ FCA to do so (see *SUP* 13A.3.1CG).  
[FCA]

...

13A.4.3 G For the purposes of paragraph 13(2)(b) of Part II of Schedule 3 to the Act, the *applicable provisions* may include ~~FSA~~ the appropriate UK regulator's rules. The *EEA firm* is required to comply with relevant *rules* when carrying on a *passported activity* through a *branch* in the *United Kingdom* as well as with relevant *UK legislation*.  
[FCA/  
PRA]

...

The notification procedure

13A.4.4 G (1) When the *FSA appropriate regulator* receives a consent notice  
[FCA/ from the *EEA firm's Home State regulator*, it will, under  
PRA] paragraphs 13(2)(b), (c) and 13(3) of Part II of Schedule 3 to the  
*Act*, notify the *applicable provisions* (if any) to:

...

- (1A) The notice date is:
- (a) for a *MiFID investment firm*, the date on which the *Home State* gave the consent notice; and
  - (b) in any other case, the date on which the *FSA appropriate UK regulator* received the consent notice.
- (2) Although the *FSA appropriate UK regulator* is not required to notify the *applicable provisions* to an *EEA firm* passporting under the *Insurance Mediation Directive* or *MiFID*, these provisions are set out in *SUP 13A Annex 1G* (Application of the Handbook to Incoming EEA Firms).

13A.4.4A G (1) Where the *PRA* receives a consent notice, it will give a copy to the  
[FCA/ *FCA* without delay, and where the *FCA* receives a consent notice it  
PRA] will give a copy to the *PRA*, where relevant, without delay.

- (2) In a case where the *FCA* is the *appropriate UK regulator*, the consent of the *PRA* is required for any notification by the *FCA* which relates to:
- (a) a *PRA-regulated activity*;
  - (b) a *PRA-authorised person*; or
  - (c) a *person* whose immediate group includes a *PRA-authorised person*.

...

## 13A.5 EEA firms providing cross border services in the United Kingdom

...

The conditions for providing cross border services into the United Kingdom

13A.5.3 G ...  
[FCA/

PRA]

- (3) An EEA UCITS management company may not exercise an EEA right to provide collective portfolio management services for a UCITS scheme on a cross border services basis until approved by the ~~FSA~~ FCA to do so (see SUP 13A.3.1CG).
- (4) An EEA firm that has received authorisation under article 18 of the auction regulation is not subject to the service conditions in its exercise of an EEA right under the auction regulation to provide services in the United Kingdom. The notification procedure in SUP 13A.5.4 G does not apply to it and it does not need to notify the ~~FSA~~ FCA prior to providing services into the United Kingdom because there are presently no applicable provisions that apply in these circumstances. Instead, its provision of these services is supervised by its Home State regulator

The notification procedure

- 13A.5.4 [FCA/PRA] G (1) Unless the EEA firm (other than an EEA pure reinsurer or an EEA firm that received authorisation under article 18 of the auction regulation) is passporting under the Insurance Mediation Directive, if the ~~FSA~~ appropriate UK regulator receives a regulator's notice or, where no notice is required (in the case of an EEA firm passporting under the Banking Consolidation Directive), is informed of the EEA firm's intention to provide cross border services into the United Kingdom, the ~~FSA~~ appropriate UK regulator will, under paragraphs 14(2)(b) and 14(3) of Part II of Schedule 3 to the Act, notify the EEA firm of the applicable provisions (if any) within two months of the day on which the ~~FSA~~ appropriate UK regulator received the regulator's notice or was informed of the EEA firm's intention.
- (2) Although the ~~FSA~~ appropriate UK regulator is not required to notify the applicable provisions to an EEA Firm passporting under the Insurance Mediation Directive or MiFID, these provisions are set out in SUP 13A Annex 1G (Application of the Handbook to Incoming EEA Firms).
- 13A.5.4A [FCA/PRA] G Where the PRA receives a notice, it will give a copy to the FCA without delay and where the FCA receives a notice, it will give a copy to the PRA without delay, where relevant.
- 13A.5.5 [FCA/PRA] G An EEA firm (other than an EEA UCITS management company) that has satisfied the service conditions in paragraph 14 of Part II of Schedule 3 to the Act is entitled to start providing cross border services into the United Kingdom. In the case of an EEA UCITS management company, ~~FSA~~ FCA approval must first be obtained, as explained in SUP 13A.5.3G (see also SUP 13A.3.1CG). However, an EEA firm that wishes to start providing cross border services but has not yet received notification of the applicable provisions may wish to contact the ~~FSA's~~ Passport

~~Notifications Unit~~ authorisations team in the *FCA* or *PRA*, as appropriate (see *SUP* 13A.8.1G(2)).

### 13A.6 Which rules will an incoming EEA firm be subject to?

...

13A.6.4 G Under the *EEA Passport Rights Regulations*, references in section 60 of [FCA/ PRA] the Act (applications for approval for persons to perform controlled functions) to "the authorised person concerned" include:

...

- (2) any other *EEA firm* with respect to which the *FSA appropriate UK regulator* has received a consent notice or regulator's notice under paragraph 13 of Schedule 3 to the Act (see *SUP* 13A.4.1G(1) and *SUP* 13A.4.2G) or a regulator's notice under paragraph 14 of that Schedule (see *SUP* 13A.5.3G(1)), and which will be the *authorised person* concerned if the *EEA firm* qualifies for *authorisation* under that Schedule.

...

### 13A.7 Top-up permission

13A.7.1 G If a person established in the *EEA*: [FCA/ PRA]

...

to carry on a particular *regulated activity* in the *United Kingdom*, it must seek ~~Part IV permission~~ Part 4A permission from the *FSA appropriate UK regulator* to do so (see the *FSA appropriate UK regulator's* website "How do I get authorised": [http://www.fca.org.uk/firms/about-authorisation/getting-authorised for the FCA and www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.fca.org.uk/firms/about-authorisation/getting-authorised-for-the-FCA-and-www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) for the *PRA*). This might arise if the activity itself is outside the scope of the *Single Market Directives*, or where the activity is included in the scope of a *Single Market Directive* but is not covered by the *EEA firm's Home State authorisation*. If a person also qualifies for *authorisation* under Schedules 3, 4 or 5 of the Act as a result of its other activities, the ~~Part IV permission~~ Part 4A permission is referred to in the *Handbook* as a *top-up permission*.

13A.7.2 G Where the ~~FSA~~ appropriate UK regulator grants a *top-up permission* to an  
[FCA/ incoming EEA firm to carry on regulated activities for which it has neither  
PRA] an EEA right nor a Treaty right, the ~~FSA~~ appropriate UK regulator is responsible for the prudential supervision of the *incoming EEA firm*, to the extent that the responsibility is not reserved to the *incoming EEA firm's Home State regulator*.

...

13A.7.4 G For ~~guidance on how to apply for Part IV permission~~ Part 4A permission  
[FCA/ under the Act, see the ~~FSA~~ appropriate UK regulator's website "~~How do I~~  
PRA] ~~get authorised~~": [http://www.fca.org.uk/firms/about-authorisation/getting-authorised for the FCA and www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.fca.org.uk/firms/about-authorisation/getting-authorised-for-the-FCA-and-www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) for the PRA. If an EEA firm or Treaty firm wishes to make any subsequent changes to its *top-up permission*, it can make an application for variation of that *permission* (see SUP 6 (Applications to vary and cancel Part IV ~~4A~~ permission)).

## 13A.8 Sources of further information

13A.8.1 G For further information on UK regulation, an EEA firm, a Treaty firm or a  
[FCA/ UCITS qualifier should contact the ~~Perimeter Guidance team at the FSA.~~  
PRA] ~~Questions about the passporting notification procedures can be addressed to the Passport Notifications Unit.~~ authorisations team in the FCA or PRA, if and when appropriate. To contact the FCA and/or PRA authorisations teams, please see the details provided on that regulator's website.

(1) ~~To contact the Perimeter Guidance team:~~

(a) ~~telephone on +44 20 7066 0082 or fax on +44 20 7066 9719;~~

(b) ~~write to: Perimeter Guidance Team, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS.~~

(2) ~~To contact the Passport Notifications Unit:~~

(a) ~~telephone on +44 20 7066 1000 or fax on +44 20 7066 9798;~~

(b) ~~write to: Passport Notifications Unit, The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS;~~

(c) ~~email: [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk).~~

SUP 13A.9 is deleted in its entirety. The deleted text is not shown.

...

13A  
Annex 1  
[FCA/  
PRA]

**G Application of the Handbook to Incoming EEA Firms**

...		
<p>4. An <i>EEA firm</i> that exercises an <i>EEA right</i> under the <i>auction regulation</i> to establish a branch in the <i>United Kingdom</i> to provide <i>auction regulation bidding</i> is subject to a limited set of requirements in the <i>Handbook</i> that apply to that activity. These are the <i>rules</i> listed in paragraph 2.6A of <i>SYSC 1 Annex 1</i>, <i>GEN 4</i> and <i>SUP</i> (in particular, the <i>money laundering reporting function</i> in <i>SUP 10A</i> and requirements to notify the <del><i>FSA</i></del> <i>FCA</i>). Aside from this note, the table does not apply to those firms.</p>		
<p>5. An <i>EEA firm</i> that exercises an <i>EEA right</i> under <i>MiFID</i> to carry on <i>MiFID business bidding</i> is subject to the <i>applicable provisions</i> relating to its carrying on of <i>MiFID business</i>.</p>		
<b>(1) Module of Handbook</b>	<b>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</b>	<b>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</b>
...		
<i>SYSC</i>	<p>...</p> <p>(3) <i>SYSC 3</i> applies, but only in so far as responsibility for the matter in question is not reserved by an <i>EU instrument</i> to the <i>firm's Home State regulator</i>. <del><i>SYSC 1.1.7R</i></del> <i>SYSC 1 Annex 1, Part 1, 1.8R</i> (Where?) further restricts the territorial application of <i>SYSC 1</i> to <i>SYSC 3</i> for an</p>	...

	<i>incoming EEA firm...</i>	
<i>COND</i>	<p><i>COND</i> does not apply if the <i>firm</i> does not have, or apply for, a <i>top-up permission</i>.  Otherwise, <del>only the</del> <u>threshold conditions 1,3,4 and 5</u> apply in a limited way and only in so far as relevant to:  (1) <del>an application for in the case of a top-up permission under Part IV</del> <u>Part 4A</u> of the <i>Act</i> (that is, a <i>permission</i> to carry on <i>regulated activities</i> in addition to those permitted through its <i>authorisation</i> under Schedule 3 to the <i>Act</i> (EEA Passport Rights)); and  (2) the exercise of the <del>FSA's own initiative power</del> <u>FCA's powers under sections 55J and 55L of the Act</u> in relation to the <i>top-up permission</i>. (<del>COND 1.1.1G</del> <u>COND 1.1.A.4G</u>)</p>	...
...		
<i>GEN</i>	<p><i>GEN</i> applies (<i>GEN</i> 1.1, <i>GEN</i> 2.1, <del><i>GEN</i> 3.1</del>, <i>GEN</i> 4.1, <i>GEN</i> 5.1 and <i>GEN</i> 6.1). However, (a) <i>GEN</i> 4 does not apply to the extent that the <i>firm</i> is subject to equivalent <i>rules</i> imposed by its <i>Home State</i> (<i>GEN</i> 4.1.1R(3)), and (b) <i>GEN</i> 6 only applies to business that can be regulated under <del>section 138</del> <u>sections 137A and 137G</u> of the <i>Act</i> (<del>General rule making power</del>) (<u>The FCA's General rules</u>) and (<u>The PRA's General rules</u>), respectively. It does not therefore apply if, or to the extent that, responsibility has been</p>	<p><i>GEN</i> 4 does not apply if the <i>firm</i> has <i>permission</i> only for <i>cross-border services</i> and does not carry on <i>regulated activities</i> in the <i>United Kingdom</i> (see <i>GEN</i> 4.1.1R).  The general licence to use <del>or reproduce the FSA logo in GEN 5 Annex 1G</del> does not apply (see 3.1(1) of <del>GEN 5 Annex 1G</del>).  Otherwise, as column (2).</p>

	reserved to an <i>incoming firm's Home State regulator</i> by an <i>EU instrument</i> .  ...	
<u>FEES</u>	<u>Applies to the extent a firm is required to pay a fee in regards to carrying out any regulated activity in the UK, normally this would be the case when the firm holds a top-up permission</u>	<u>As column (2)</u>
...		
<i>IPRU(BANK)</i>	Only the following apply, and only if the <i>firm</i> is a <i>credit institution</i> ( <i>IPRU(BANK) 3.2.1R</i> ): (1) <i>IPRU(BANK) 3.5.1R</i> ; and (2) <i>IPRU(BANK)</i> chapters LM and LS.	Does not apply. But if the <i>firm</i> is a <i>credit institution</i> whose notification to the <i>FSA</i> of its intention to provide services in the <i>United Kingdom</i> covers services provided through a <i>branch</i> , see column (2).
<i>IPRU(BSOC)</i>	Does not apply because an <i>incoming EEA firm</i> cannot be a <i>building society</i> ( <i>IPRU(BSOC) X.2.1R</i> ).	Does not apply because an <i>incoming EEA firm</i> cannot be a <i>building society</i> ( <i>IPRU(BSOC) X.2.1R</i> ).
...		
<i>IPRU(INS)</i>	{deleted}	{deleted}
...		
<i>MAR</i>	...	
	<b><u>MAR 8 (Benchmarks)</u></b>  <u>Applies only to firms whose top-up permission includes providing information in relation to a regulated benchmark.</u>	<b><u>MAR 8 (Benchmarks)</u></b>  <u>As column (2)</u>
...		

<i>SUP</i>	<p><b>SUP 1 (The FSA's <u>SUP 1A</u> (The FCA's approach to supervision))</b> Applies, but contains only <i>guidance</i>.</p>	<p><b>SUP 1 (The FSA's <u>SUP 1A</u> (The FCA's approach to supervision))</b> As column (2).</p>
	<p><b>SUP 2 (Information gathering by the FSA [FCA &amp; PRA] on its own initiative)</b> The application of this chapter is the same as for <i>Principle 11</i> (see under <i>PRIN</i> above).</p>	<p><b>SUP 2 (Information gathering by the FSA [FCA &amp; PRA] on its own initiative).</b> As column (2)</p>
	...	
	<p><b>SUP 5 (Skilled persons)</b> Applies only if the <i>firm</i> is required by the <del>FSA</del> <u>FCA or PRA</u> to provide a report under section 166 of the <i>Act</i> (Reports by skilled persons).</p>	<p><b>SUP 5 (Skilled persons)</b> As column (2).</p>
	<p><b>SUP 6 (Applications to vary and cancel <u>Part IV Part 4A</u> permission)</b> Applies only if the <i>firm</i> has a <i>top-up permission</i></p>	<p><b>SUP 6 (Applications to vary and cancel <u>Part IV Part 4A</u> permission)</b> As column (2).</p>
	<p><b>SUP 7 (Individual requirements)</b> Applies only if the <i>firm</i> has a <i>top-up permission</i>. It contains only <i>guidance</i> on the exercise of the <del>FSA's own initiative power to vary that permission</del> <u>FCA's powers under sections 55J and 55L of the Act</u>. The <del>FSA</del> <u>FCA</u> has similar, but more limited, powers of intervention under <b>Part XIII Part 13</b> of the <i>Act</i> in relation to the <i>permission</i> of the <i>firm</i> under Schedule 3 to the <i>Act</i> (see <del>ENF 4</del>) (see EG 8).</p>	<p><b>SUP 7 (Individual requirements)</b> As column (2).</p>

<p><b>SUP 8 (Waiver and modification of rules)</b> Applies only if the <i>firm</i> wishes to apply for, or consent to, or has been given, a <i>waiver</i> of the <i>FSA's appropriate regulator's</i> rules (SUP 8.1.1R).</p>	<p><b>SUP 8 (Waiver and modification of rules)</b> As column (2).</p>
<p><b>SUP 9 (Individual guidance)</b> Applies only if the <i>firm</i> wishes to obtain individual <i>guidance</i> from the <i>FSA FCA</i> or if the <i>FSA FCA</i> gives the <i>firm</i> individual <i>guidance</i> on its own initiative (SUP 9.1.1G).</p>	<p><b>SUP 9 (Individual guidance)</b> As column (2).</p>
<p><b><del>SUP 10</del> SUP 10A (Approved persons)</b> Applies, but the applicable <i>controlled functions</i> are limited. See <del>SUP 10.1</del> SUP 10A.1 (Application) for more detailed <i>guidance</i>.</p>	<p><b><del>SUP 10</del> SUP 10A (Approved persons)</b> Does not apply (<del>SUP 10.1.6 R</del> SUP 10A.1.6R).</p>
<p><b><u>SUP 10B (Approved Persons)</u></b>  <u>Does not apply</u></p>	<p><b><u>SUP 10B (Approved Persons)</u></b>  <u>As column (2)</u></p>
<p>...</p>	
<p><b>SUP 13A (Qualifying for authorisation under the Act)</b> SUP 13A applies to the <i>firm</i> if it: (1) is considering carrying on activities in the <i>United Kingdom</i> which may fall within the scope of the <i>Act</i> and is seeking <i>guidance</i> on whether it needs a <i>top-up permission</i>; or (2) is, or is considering, applying to the <i>FSA appropriate regulator</i> to carry on <i>regulated activities</i></p>	<p><b>SUP 13A (Qualifying for authorisation under the Act)</b> As column (2).</p>

	<p>in the <i>United Kingdom</i> under a <i>top-up permission</i>; or (3) is, or is considering, establishing a <i>branch</i> or providing <i>cross-border services</i> into the <i>United Kingdom</i> using <i>EEA rights</i>.</p>	
	...	
	<p><b>SUP 15 (Notifications to the FSA <u>FCA</u> or <u>PRA</u>)</b> Applies in full if the <i>firm</i> has a <i>top-up permission</i>. Otherwise, the application is modified as set out in <i>SUP 15 Annex 1R</i>.</p>	<p><b>SUP 15 (Notifications to the FSA <u>FCA</u> or <u>PRA</u>)</b> Does not apply if the <i>firm</i> has <i>permission</i> only for <i>cross border services</i> and does not carry on <i>regulated activities</i> in the <i>United Kingdom</i> (<i>SUP 15 Annex 1R</i>). Otherwise, as column (2).</p>
	...	
	<p><b>SUP 20 (Fees Rules)</b> Applies (<i>SUP 20.1.1R</i>) but modified (<i>SUP 20.4.7G</i> to <i>SUP 20.4.10R</i>).</p>	<p><b>SUP 20 (Fees Rules)</b> As column (2).</p>
	<p><b>SUP App 1 (Prudential categories)</b> Applies and provides <i>guidance</i> on the prudential categories used in the <i>Handbook</i>.</p>	<p><b>SUP App 1 (Prudential categories)</b> As column (2).</p>
	...	
DEPP	<p><i>DEPP</i> applies and contains a description of the <i>FSA's FCA's</i> procedures for taking statutory notice decisions, the <i>FSA's FCA's</i> policy on the imposition and amount of penalties and the conduct of interviews to which a direction under section 169(7) of the <del>Act</del> <i>Act</i> has been given or the <i>FSA-FCA</i></p>	<p><i>DEPP</i> applies and contains a description of the <i>FSA's FCA's</i> procedures for taking statutory notice decisions, the <i>FSA's FCA's</i> policy on the imposition and amount of penalties and the conduct of interviews to which a direction under section 169(7) of the <del>Act</del> <i>Act</i> has been given or the</p>

	is considering giving.	<del>FSA-FCA</del> is considering giving.
...		
<i>COMP</i>	<p>Applies, except in relation to the <i>passport activities</i> of <del>an</del> a <i>MiFID investment firm</i> <del>or</del> a <i>BCD credit institution</i> (see the definition of "<i>participant firm</i>") (other than an electronic money institution within the meaning of article 1(3)(a) of the <i>E-Money Directive</i> that has the right to benefit from the mutual recognition arrangements under the <i>Banking Consolidation Directive</i>), <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> acting in that capacity other than in relation to a <i>UCITS scheme</i> (see the definition of "<i>participant firm</i>").</u></p> <p>However, <del>an</del> a <i>MiFID investment firm</i>, <del>or</del> <i>BCD credit institution</i>, <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> (when carrying on permitted <i>MiFID business</i>)</u> may be able to apply for <i>top-up cover</i> in relation to its <i>passport activities</i> (see <i>COMP 14</i> (Participation by EEA Firms)).</p>	<p>Does not apply in relation to the <i>passport activities</i> of an <i>MiFID investment firm</i>, or a <i>BCD credit institution</i>, <u>an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> acting in that capacity other than in relation to a <i>UCITS scheme</i> (see the definition of "<i>participant firm</i>").</u> Otherwise, <i>COMP</i> may apply, but the coverage of the <i>compensation scheme</i> is limited for non-UK activities (see <i>COMP 5</i>).</p>
<i>COAF</i>	<p>Applies if the <i>firm</i> wishes to bring a <i>complaint</i> under the <i>complaints scheme</i>, <del>provided the <i>complaint</i> meets the requirements of the <i>complaints scheme</i> (<i>COAF 1.2</i>).</del></p>	As column (2).

...		
{deleted}	{deleted}	{deleted}
...		
<u>EG</u>	<i>EG</i> describes the <i>FSA's FCA's</i> approach to exercising the main enforcement powers given to it by FSMA and by regulation 12 of the <i>Unfair Terms Regulations</i> . <i>EG</i> is a Regulatory Guide and as such does not form part of the Handbook.	<u>EG (Enforcement Guide)</u> As column (2).
<u>CONRED</u>	Applies to a <i>firm</i> which made a <i>personal recommendation</i> in relation to an Arch cru fund, after which a <i>consumer</i> made an investment in the Arch cru fund, and to which the suitability requirements (specified at paragraph 5.1R of the instructions in <i>CONRED 2 Annex 13</i> ) applied ( <i>CONRED 2.1.1R</i> ).	Does not apply

**Notes to Annex 1**

Note 1: The following modules or chapters are relevant to *firms* in both the *PRA Handbook* and the *FCA Handbook*: *PRIN, SYSC, APER, FIT, GEN, FEES, GENPRU, BIPRU, MIPRU, IPRU (INV), SUP 2 to 6, 8, 11, 13 to 16, 18 & Appendix 2 and COMP*.

Note 2: The following modules or chapters are relevant in the *FCA Handbook* only: *COND, INSPRU, COBS, ICOBS, MCOB, CASS, MAR, TC, SUP 1A, 7, 9, 10A, 12 & 17, DEPP, DISP, COLL, PROF, LR, PR, DTR and EG*.

13A  
Annex 2

**G Matters reserved to a Home State regulator**

[FCA/

PRA]

Introduction	
1. [FCA/ PRA]	The application of certain provisions in the <i>Handbook</i> to an <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> depends on whether responsibility for the matter in question is reserved to the <i>firm's Home State regulator</i> . This annex contains <i>guidance</i> designed to assist such <i>firms</i> in understanding the application of those provisions. This annex is not concerned with the <del>FSA's</del> <i>FCA</i> or the <i>PRA's</i> rights to take enforcement action against an <i>incoming EEA firm</i> or an <i>incoming Treaty firm</i> , which, <u>in the case of the FCA</u> , are covered in the Enforcement Guide ( <i>EG</i> ), or with the position of a <i>firm</i> with a <i>top-up permission</i>
Requirements in the interest of the general good	
2. [FCA/ PRA]	The <i>Single Market Directives</i> , and the <i>Treaty</i> (as interpreted by the European Court of Justice) adopt broadly similar approaches to reserving responsibility to the <i>Home State regulator</i> . To summarise, the <del>FSA</del> <i>FCA</i> or <i>PRA</i> , as <i>Host State regulator</i> , is entitled to impose requirements with respect to activities carried on within the <i>United Kingdom</i> if these can be justified in the interests of the "general good" and are imposed in a non-discriminatory way. This general proposition is subject to the following in relation to activities passported under the <i>Single Market Directives</i> :
	(1) the <i>Single Market Directives</i> expressly reserve responsibility for the prudential supervision of a <i>MiFID investment firm</i> , <i>BCD credit institution</i> , <i>UCITS management company</i> or passporting <i>insurance undertaking</i> to the <i>Firm's Home State regulator</i> . The <i>Insurance Mediation Directive</i> reaches the same position without expressly referring to the concept of prudential supervision. Accordingly, the <del>FSA</del> <i>FCA</i> , as <i>Host State regulator</i> , is entitled to regulate only the conduct of the firm's business within the <i>United Kingdom</i> ;
	...
	(3) for a <i>BCD credit institution</i> , the <del>FSA</del> <i>PRA</i> or <i>FCA</i> , as <i>Host State regulator</i> , is jointly responsible with the <i>Home State regulator</i> under article 41 of the <i>Banking Consolidation Directive</i> for supervision of the liquidity of a <i>branch</i> in the <i>United Kingdom</i> ;
	...
3. [FCA/ PRA]	...
Application of SYSC 2 and SYSC 3	

4. [FCA/ PRA]	SYSC 2 and SYSC 3 only apply to an <i>insurer</i> , a <i>managing agent</i> and the <i>Society</i> . See paragraph 8 below for a discussion of how the <i>common platform requirements</i> apply. SYSC 2.1.1R and SYSC 2.1.2G do not apply for a relevant <i>incoming Treaty firm</i> . The <del>FSA considers</del> <u>FCA and PRA consider that it is they are</u> entitled, in the interests of the general good, to impose the requirements in SYSC 2.1.3 R to SYSC 2.2.3G (in relation to the allocation of the function in SYSC 2.1.3R(2)) and SYSC 3 on an <i>incoming EEA firm</i> and an <i>incoming Treaty firm</i> ; but only in so far as they relate to those categories of matter responsibility for which is not reserved to the <i>firm's Home State regulator</i> .
5. [FCA/ PRA]	Should the <del>FSA</del> <u>FCA or PRA</u> become aware of anything relating to an <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> (whether or not relevant to a matter for which responsibility is reserved to the <i>Home State regulator</i> ), the <del>FSA</del> <u>PRA or FCA</u> may disclose it to the <i>Home State regulator</i> in accordance with any directive and the applicable restrictions in Part 23 <del>XXIII</del> of the <i>Act</i> (Public Record, Disclosure of Information and Co-operation).
6. [FCA/ PRA]	This Annex represents the <del>FSA's</del> <u>FCA's</u> and <u>PRA's</u> views, but a <i>firm</i> is also advised to consult the relevant <i>EU</i> instrument and, where necessary, seek legal advice. The views of the European Commission in the banking and insurance sectors are contained in two Commission Interpretative Communications (Nos. 97/C209/04 and C(1999)5046).
7.	[deleted]
Application of the common platform requirements in SYSC to EEA MiFID investment firms	
8. [FCA/ PRA]	
Application of SYSC to EEA UCITS management companies	
8A. [FCA]	...
Requirements under MiFID	
9. [FCA/ PRA]	...
10. [FCA/ PRA]	...

11. [FCA/ PRA]	... The <i>FSA</i> has made certain requirements that fall within the scope of Article 4. These requirements apply to an <i>EEA MiFID investment firm</i> with an establishment in the <i>United Kingdom</i> as they apply to a <i>UK MiFID investment firm</i> , <u>in the circumstances contemplated by article 32(7) MiFID.</u>
Requirements under the UCITS Directive	
11A [FCA]	...
11B [FCA]	A <i>management company</i> which provides <i>collective portfolio management</i> services on a cross-border basis by establishing a <i>branch</i> in another <i>EEA State</i> or under the freedom to provide services must comply with the <i>rules</i> of the <i>UCITS Home State</i> which relate to the constitution and functioning of the <i>UCITS</i> . Where the <i>UCITS Home State</i> is the <i>United Kingdom</i> , the applicable <i>rules</i> that the <i>EEA UCITS management company</i> must comply with are as follows:
	(1) <i>COLL 12.3.4R</i> (Provision of documentation to the <del>FSA</del> <u>FCA</u> : <i>EEA UCITS management companies</i> );
	...
	(3) <i>COLL 12.3.6R</i> (Requirement to make information available to the public or the <del>FSA</del> <u>FCA</u> ).
11C [FCA]	...
11D [FCA]	...
	Territorial application of the <i>Handbook</i>
The auction regulation	
11E [FCA]	Where an <i>incoming EEA firm</i> exercises an <i>EEA right</i> under the <i>auction regulation</i> to provide services or establish a branch in the <i>United Kingdom</i> , it is carrying on <i>auction regulation bidding</i> . Authorisation and supervision of a <i>firm</i> under the <i>auction regulation</i> are almost exclusively matters reserved to the <i>Home State regulator</i> . The only requirements which the <del>FSA</del> <u>FCA</u> has applied as <i>Host State regulator</i> under the <i>auction regulation</i> in respect of <i>auction regulation bidding</i> is on a <i>UK branch</i> in relation to safeguards against money laundering and financial crime as well as a statutory status disclosure obligation and requirements to notify the <del>FSA</del> <u>FCA</u> (see Note 4 of <i>SUP 13A Annex 1G</i> ).

11F [FCA]	...
12. [FCA/ PRA]	...
13. [FCA/ PRA]	...

**13A EEA UCITS management companies: application for approval to manage  
Annex 3R a UCITS scheme established in the United Kingdom**

[FCA] Under paragraph 15A(1) of Part II of Schedule 3 to the *Act*, an *EEA UCITS management company* intending to exercise an *EEA right* to provide *collective portfolio management services* for a *UCITS scheme* must, before it undertakes that activity, obtain the ~~FSA~~ FCA's approval to manage that *UCITS scheme*. *Firms* should use the application form below for this purpose. *Firms* may cross refer to other sources where the information has already been provided to the ~~FSA~~ FCA.

**Application by an EEA UCITS management company to manage one or more UCITS schemes established in the United Kingdom (paragraph 15A(1) of Part II of Schedule 3 to the Financial Services and Markets Act 2000).**

...	
Has the <i>management company</i> submitted the information required by COLL 12.3.4R (Provision of documentation to the <del>FSA</del> <u>FCA</u> : EEA UCITS management companies), including the depositary agreement and information on delegation arrangements? Provide details:	
...	
<p>When completed send this form to:  <del>CIS Authorisations</del> <u>Investment Funds Team</u>  The Financial <del>Services</del> <u>Conduct</u> Authority  25 the North Colonnade  London. E14 5HS</p> <p>Or electronically to: <del>eis@fsa.gov.uk</del> <u>recognisedcis@fca.org.uk</u></p>	

**13A Annex 4R**      **Passporting: Emissions Trading. Notice of intention to exercise the right of establishment in the United Kingdom**

[FCA]      This annex consists of only one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml>  
[www.fca.org.uk](http://www.fca.org.uk)

The forms are also to be found through the following address: *Passporting: Emissions Trading. Notice of intention to exercise the right of establishment in the United Kingdom - SUP 13A Annex 4R*

**14**      **Incoming EEA firms changing details, and cancelling qualification for authorisation**

**14.1**      **Application and purpose**

...

Purpose

...

14.1.8      G      The FCA and PRA will share with each other relevant information received, as necessary, in order to perform their respective functions.  
[FCA/  
PRA]

**14.2**      **Changes to branch details**

...

Firms passporting under the Banking Consolidation Directive and the UCITS Directive

...

14.2.3      G      Where the change arises from circumstances within the control of the  
[FCA/  
PRA]      *incoming EEA firm*, the requirements in regulation 4(4) are that:

- (1) the *incoming EEA firm* has given notice to the *FSA appropriate UK regulator* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) the *FSA appropriate UK regulator* has received a notice stating those details; and
- (3) either:

- (a) the *FSA appropriate UK regulator* has informed the firm that it may make the change; or
- (b) the period of one month beginning with the date on which the *incoming EEA firm* gave the *FSA appropriate UK regulator* the notice mentioned in (1) has elapsed.

14.2.4 [FCA/  
PRA] G Changes to the *requisite details* may lead to changes to the *applicable provisions* to which the *incoming EEA firm* is subject. The *FSA appropriate UK regulator* will, as soon as practicable after receiving a notice in SUP 14.2.3G or SUP 14.2.8G, inform the *incoming EEA firm* of any consequential changes in the *applicable provisions* (regulation 4(6)).

#### Firms passporting under the Insurance Directives

...

14.2.6 PRA G Where the change arises from circumstances within the control of the *incoming EEA firm*, the relevant requirements in regulation 6(4) are that:

- (1) the *incoming EEA firm* has given a notice to the *FSA PRA* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) the *FSA PRA* has received from the *Home State regulator* a notice stating that it has approved the proposed change;
- (3) the period of at least one month beginning with the day on which the *incoming EEA firm* gave the *FSA PRA* the notice in (1) has elapsed; and
- (4) either:
  - (a) a further period of one month has elapsed; or
  - (b) the *FSA PRA* has informed the *Home State regulator* of any consequential changes in the *applicable provisions*.

...

Changes arising from circumstances beyond the control of an *incoming EEA firm* passporting under the Banking Consolidation Directive, UCITS Directive or Insurance Directive

14.2.8 [FCA/  
PRA] G If the change arises from circumstances beyond the *incoming EEA firm's* control, the *firm* is required by regulation 4(5) (see SUP 14.2.2G) or regulation 6(5) (see SUP 14.2.5G(2)) to give a notice to the *FSA appropriate UK regulator* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the change as soon as reasonably practicable.

14.2.9 [FCA/ PRA] G The *FSA appropriate UK regulator* believes that for a change to arise from circumstances beyond the control of an *incoming EEA firm*, the

PRA] circumstances should be outside the control of the *firm* as a whole and not just its UK branch. For example, the *FSA appropriate UK regulator* considers that this provision would be unlikely to apply to circumstances in which lack of planning at the *incoming EEA firm's* head office resulted in a problem arising in a *UK branch* which was outside its control. In practice, therefore, use of this provision is likely to be rare.

#### Firms passporting under MiFID

...

14.2.12 G Changes to the *requisite details* may lead to changes to the applicable [FCA/ provisions to which the *EEA MiFID investment firm* is subject. The *FSA PRA] appropriate UK regulator* will, as soon as practicable after receiving a notice in SUP 14.2.11G inform the *EEA MiFID investment firm* of any consequential changes in the applicable provisions.

...

### 14.3 Changes to cross border services

...

#### Firms passporting under the UCITS Directive

...

14.3.3 G The relevant requirements in regulation 5(3) are that: [FCA]

- (1) the *incoming EEA firm* has given a notice to the *FSA FCA* (see SUP 14.4.1G) and to its *Home State regulator* stating the details of the proposed change;
- (2) if the change arises from circumstances beyond the *incoming EEA firm's* control, that firm has, as soon as practicable, given to the *FSA appropriate UK regulator* and to its *Home State regulator* the notice in (1).

14.3.3A G [deleted]

14.3.4 G Under regulation 5(4), the *FSA FCA* is required, as soon as practicable after [FCA/ receiving the notice in SUP 14.3.3G, to inform the *incoming EEA firm* of PRA] any consequential changes in the *applicable provisions*.

#### Firms passporting under MiFID

...

14.3.4C G Under regulation 5(4), the *FSA FCA* is required, as soon as practicable after

[FCA] receiving the notice in SUP 14.3.4BG, to inform the *incoming EEA firm* of any consequential changes in the applicable provisions.

...

Firms passporting under the Insurance Directives

...

14.3.6 G The relevant provisions are those set out in regulation 7(4), namely that:  
PRA

...

(2) the *Home State regulator* has passed on to the ~~FSA~~ PRA the information contained in that notice.

...

#### 14.4 Notices of proposed changes: form and delivery

14.4.1 G (1) Regulation 7 to 9 of the Financial Services and Markets Act 2000  
[FCA/ (Services of Notices) Regulations 2001 (SI 2001/1420) govern the  
PRA] manner in which notices may be submitted to the ~~FSA~~ regulators  
under the *EEA Passport Rights Regulations*. In summary, they should  
be delivered or posted to the ~~FSA's~~ appropriate UK regulator's  
address (See ~~(2)~~ below) and will be treated as given when received by  
the ~~FSA~~ appropriate UK regulator. They should not be sent by fax or  
electronic mail.

(2) ~~The address for notices is: The Passport Notifications Unit, The  
Financial Services Authority, 25 The North Colonnade, Canary  
Wharf, London, E14 5HS [deleted]~~

14.4.1A G The address for FCA notices is: The Passport Notifications Unit, The  
FCA Financial Conduct Authority, 25 The North Colonnade, Canary Wharf,  
London, E14 5HS.

14.4.1B G The address for PRA notices is: PRA authorisations team, The Prudential  
PRA Regulation Authority, 20 Moorgate, London, EC2R 6DA.

#### 14.5 Variation of a top-up permission to carry on regulated activities outside the scope of the Single Market Directives or the auction regulation

14.5.1 G Where an *incoming EEA firm* has been granted *top-up permission* by the  
[FCA/ ~~FSA~~ appropriate UK regulator and wishes to vary that *permission*, the *Act*  
PRA] requires it to apply to the ~~FSA~~ appropriate UK regulator for a variation of  
the *top-up permission*.

14.5.2 G ~~Guidance~~ Guidance on the procedures for applying for a variation of a  
[FCA/ *permission* granted under Part IV 4A of the Act, including a *top-up*  
PRA] *permission*, is given in SUP 6 (Applications to vary and cancel Part IV 4A  
Permission).

## 14.6 Cancelling qualification for authorisation

Incoming EEA firms

...

14.6.2 G In addition, under section 34(2) an *incoming EEA firm* may ask the ~~FSA~~  
[FCA/ appropriate UK regulator to give a direction cancelling its *authorisation*  
PRA] under Schedule 3 to the Act.

...

14.6.3 G Regulation 8 states that where an *incoming EEA firm* which qualifies for  
[FCA/ *authorisation* under Schedule 3:  
PRA]

(1) has ceased, or is to cease, to carry on *regulated activities* in the *United Kingdom*; and

(2) gives notice of that fact to the ~~FSA~~ appropriate UK regulator;

the notice is treated under regulation 8 as a request for cancellation of the *incoming EEA firm's* qualification for *authorisation* under Schedule 3 to the Act and so as a request under section 34(2) of the Act.

Auction regulation bidding: notification rule

14.6.3A R An *EEA firm* that has exercised an *EEA right* under the *auction regulation*  
[FCA] to establish a branch in the *United Kingdom* must notify the ~~FSA~~ FCA by  
email to ~~emissionstrading@fsa.gov.uk~~ emissionstrading@fca.org.uk when  
it ceases to carry on *regulated activities* through a branch passport in the  
*United Kingdom* or whenever possible thereafter.

14.6.3B G The sole purpose of the notification in SUP 14.6.3AR is to inform the ~~FSA~~  
[FCA] FCA that it may discontinue its supervision of the *UK branch* of the  
*incoming EEA firm's* compliance with the *applicable provisions*. The  
*applicable provisions* that apply to that branch are set out in SUP 13A  
Annex 1G (Application of the Handbook to Incoming EEA Firms).

14.6.4 G Where a *financial institution* (that is, a subsidiary of a *credit institution*) is  
PRA] passporting under the *Banking Consolidation Directive* (see SUP  
14.6.1G(2)), regulation 9(1) states that the *incoming EEA firm* may request  
the ~~FSA~~ PRA to direct that its qualification for *authorisation* under Schedule  
3 to the Act is cancelled from such date as may be specified in the direction.

- 14.6.5 PRA G The *FSA PRA* may not, however, give a direction referred to in *SUP* 14.6.4G unless:
- ...
- (2) the *FSA PRA* has agreed with the *Home State regulator* that the direction should be given.
- 14.6.6 PRA G Regulation 9(3) requires that the date specified by the *FSA PRA* in a direction referred to in *SUP* 14.6.4G:
- ...
- (2) subject to (1), is as agreed between the *FSA PRA* and the *incoming EEA firm's Home State regulator*.
- 14.6.7 PRA G The *FSA PRA* is required to send, as soon as practicable, a copy of the direction to the *incoming EEA firm* and to its *Home State regulator* (regulation 9(4)).
- 14.6.8 PRA G Where the *FSA PRA* gives a direction referred to in *SUP* 14.6.4G, the *incoming EEA firm* may apply for *Part IV permission Part 4A permission* (see the *FSA PRA* website "[How do I get authorised](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx)": [www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx](http://www.bankofengland.co.uk/pr/Pages/authorisations/newfirm/default.aspx) to take effect not earlier than the date that its qualification for *authorisation* is cancelled (as specified in the direction).

#### Incoming Treaty firms

- 14.6.9 [FCA/PRA] G ...
- 14.6.10 [FCA/PRA] G In addition, under section 35(2) an *incoming Treaty firm* may ask the *FSA appropriate UK regulator* to give a direction cancelling its *authorisation* under Schedule 4 to the *Act*.

#### UCITS qualifiers

- 14.6.11 FCA G Section 36 of the *Act* states that a *UCITS qualifier* may ask the *FSA FCA* to give a direction cancelling its *authorisation* under paragraph 1(1) of Schedule 5 to the *Act*. *UCITS qualifiers* should also refer to *COLLG* 3.1.11G (Revocation of recognition of overseas schemes (section 279)).

### 14.7 Cancellation of a top-up permission to carry on regulated activities outside the scope of the Single Market Directives or the auction regulation

- 14.7.1 [FCA/ G Where an *incoming EEA firm*, an *incoming Treaty firm* or a *UCITS qualifier* wishes to cancel its *top-up permission*, either with or without cancellation of its qualification for *authorisation* under Schedule 3, 4, or 5 to the *Act*, it

PRA] should make an application following the procedures set out in *SUP 6* (Applications to vary and cancel Part ~~IV~~ 4A Permission).

## 14.8 Further guidance

14.8.1 G For further *guidance* on passporting procedures, an *incoming EEA firm*  
[FCA/ ~~should~~ may contact the ~~FSA's Passport Notifications Unit~~ FCA or PRA  
PRA] ~~authorisations team~~, or their usual supervisory contact at the ~~FSA~~  
appropriate UK regulator. *Incoming Treaty firms* and *UCITS qualifiers*  
~~should~~ may speak to their ~~usual~~ supervisory contact at the ~~FSA~~ appropriate  
UK regulator in the first instance.

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business: regulations supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Education Body)	Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(SI 2009/209)	(SI 2009/209).	
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2008 (SI 2008/346)	legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None



**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**LEGAL CUTOVER (NOTIFICATIONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (4) "the 2012 Act" means the Financial Services Act 2012;
  - (5) "the Authority" means the Financial Services Authority;
  - (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
  - (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
  - (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
  - (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;
  - (10) "FSA Instrument" means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
  - (11) "FCA Relevant Instrument" means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;

- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

**Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
- (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
- (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

**Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 7; and
  - (2) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 8 The conditions referred to in paragraph 6(2) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
  - (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
  - (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 20; and
- (2) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.

20 The conditions referred to in paragraph 19(1) are that a provision is:

- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
- (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.

21 The conditions referred to in paragraph 19(2) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
- (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.

22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:

- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers).

23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

24 The Prudential Regulation Authority gives as guidance:

- (1) each provision in Annex A to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is marked with a G in Column 1 of Annex B to this Instrument; and
- (2) each provision listed in Annex B to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is (a) marked with a G in Column 1 of Annex B to this Instrument and (b) not in Annex A to this Instrument.

**Commencement: Prudential Regulation Authority**

25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013

- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The Supervision manual (SUP) of the FCA's and PRA's Handbooks of rules and guidance is amended in accordance with Annex A to this Instrument.

**Citation**

- 29 This Instrument may be cited as the Legal Cutover (Notifications) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 15 Notifications to the ~~FSA~~ FCA or PRA

...

#### 15.2 Purpose

15.2.1 G A *firm* is required to provide the ~~FSA~~ appropriate regulator with a wide range of information to enable the ~~FSA~~ appropriate regulator to meet its responsibilities for monitoring the *firm's* compliance with requirements imposed by or under the *Act*. Some of this information is provided through regular reports, including those set out in *SUP* 16 (Reporting requirements) and *SUP* 17 (Transaction reporting). In addition, other chapters in the *Handbook* set out specific notification and reporting requirements. *Principle* 11 includes a requirement for a *firm* to disclose to the ~~FSA~~ appropriate regulator appropriately anything relating to the *firm* of which the ~~FSA~~ appropriate regulator would reasonably expect notice.

15.2.2 G This chapter sets out:

[FCA/  
PRA]

- (1) ...
- (2) *rules* on events and changes in condition that a *firm* must notify; these are the types of event that the ~~FSA~~ appropriate regulator must be informed about, usually as soon as possible, if it is to be able to carry out its monitoring function effectively and react in good time to developments that may require a regulatory response;
- (3) *rules* on the core information that a *firm* must provide to the ~~FSA~~ appropriate regulator, for example its name and address and the names of its other regulators, so that the ~~FSA~~ appropriate regulator is able to maintain a relationship with the *firm* and with those regulators;
- (4) *rules* requiring a *firm* to ensure that information provided to the ~~FSA~~ appropriate regulator is accurate and complete; section 398 of the *Act* makes it an offence knowingly or recklessly to provide the ~~FSA~~ appropriate regulator with information which is false or misleading in a material particular, in purported compliance with any requirement imposed by or under the *Act*; the purpose of the *rules* in *SUP* 15.6 is to ensure that *firms* take due care to ensure the accuracy of information and to require them to ensure that information is not

only accurate but also complete; and

- (5) material (in *SUP* 15.10 (Notification of suspicious transactions (market abuse))) to implement the provisions of the *Market Abuse Directive* for the reporting of transactions about which there is reasonable suspicion of *market abuse*.

15.2.3 G *Rules and guidance* have also been included to set out how *firms* should  
[FCA/ make a notification and to determine when it may be appropriate to discuss  
PRA] matters with their usual supervisory contact at the *appropriate regulator* by  
telephone (*SUP* 15.7).

...

15.2.5 G Where a *PRA-authorised person* is required to notify (a) the *appropriate*  
[PRA] *regulator* by a *PRA Handbook* provision and (b) the *FCA* by the equivalent  
provision in the *FCA Handbook*, the *PRA-authorised person* is expected to  
comply with both provisions.

### 15.3 General notification requirements

Matters having a serious regulatory impact

15.3.1 R *A firm* must notify the *FSA appropriate regulator* immediately it becomes  
[FCA/ aware, or has information which reasonably suggests, that any of the  
PRA] following has occurred, may have occurred or may occur in the foreseeable  
future:

...

15.3.2 G The circumstances which may give rise to any of the events in *SUP* 15.3.1R  
[FCA/ are wide-ranging and the probability of any matter resulting in such an  
PRA] outcome, and the severity of the outcome, may be difficult to determine.  
However, the *FSA appropriate regulator* expects *firms* to consider properly  
all potential consequences of events.

15.3.3 G In determining whether the *appropriate regulator* should be notified of an  
[FCA/ event that may occur in the foreseeable future ~~should be notified to the *FSA*,~~  
PRA] a *firm* should consider both the probability of the event happening and the  
severity of the outcome should it happen.

...

15.3.5 G *A firm* making a notification in accordance with *SUP* 15.3.1R should  
[FCA/ consider the *guidance* in *SUP* 15.7.2G and notify the *FSA appropriate*  
PRA] *regulator* by telephone if appropriate.

15.3.6 G An *insurer* or *friendly society* making a notification under SUP 15.3.1R(1) [PRA] relating to satisfaction of the threshold condition 4 (Adequate resources) set out in paragraph 4D of Schedule 6 to the Act should be aware of the requirements in SUP App 2 (Scheme of operations).

Communication with the FSA appropriate regulator in accordance with Principle 11

15.3.7 G *Principle 11* requires a *firm* to deal with its regulators in an open and [FCA/ cooperative way and to disclose to the FSA appropriate regulator PRA] appropriately anything relating to the *firm* of which the FSA appropriate regulator would reasonably expect notice. *Principle 11* applies to *unregulated activities* as well as *regulated activities* and takes into account the activities of other members of a *group*.

15.3.7A G Although *PRIN* does not apply to a *firm* in relation to its carrying on of [FCA] *auction regulation bidding*, the FSA FCA expects to be given notice of events that are material to the FSA's FCA's supervision of that business and so *firms* carrying on that business should have regard to the *guidance* in SUP 15.3.8G to SUP 15.3.10G.

15.3.8 G Compliance with *Principle 11* includes, but is not limited to, giving the FSA [FCA/ appropriate regulator notice of: PRA]

(1) ...

...

(i) in relation to a *dormant account fund operator*, notify the FSA appropriate regulator when the operator intends to rely on a third party for the performance of operational functions which are critical or important for the performance of relevant services and activities in connection with *operating a dormant account fund* on a continuous and satisfactory basis;

...

15.3.9 G The period of notice given to the FSA appropriate regulator will depend on [FCA/ the event, although the FSA appropriate regulator expects a *firm* to discuss PRA] relevant matters with it at an early stage, before making any internal or external commitments.

15.3.10 G A notification under *Principle 11* may be given orally or in writing (as set [FCA/ out in SUP 15.7.1R and SUP 15.7.2G), although the FSA appropriate PRA] regulator may request written confirmation of a matter. However, it is the responsibility of a *firm* to ensure that matters are properly and clearly communicated to the FSA appropriate regulator. A *firm* should provide a written notification if a matter either is complex or may be such as to make it necessary for the FSA appropriate regulator to take action. A *firm* should also have regard to *Principle 11* and the *guidance* in SUP 15.7.2G in respect

of providing important information promptly.

Breaches of rules and other requirements in or under the Act

15.3.11 R (1) A *firm* must notify the *FSA appropriate regulator* of:  
[FCA/  
PRA] ...

...

15.3.13 G In assessing whether an event that may occur in the foreseeable future  
[FCA/  
PRA] should be notified to the *FSA appropriate regulator*, a *firm* should consider the *guidance* in SUP 15.3.3G.

...

Civil, criminal or disciplinary proceedings against a firm

15.3.15 R A *firm* must notify the *FSA appropriate regulator* immediately if:  
[FCA/  
PRA] ...

(3) disciplinary measures or sanctions have been imposed on the *firm* by any statutory or regulatory authority, professional organisation or trade body (other than the *FSA appropriate regulator*) or the *firm* becomes aware that one of those bodies has started an investigation into its affairs; or

...

...

Fraud, errors and other irregularities

15.3.17 R A *firm* must notify the *FSA appropriate regulator* immediately if one of the  
[FCA/  
PRA] following events arises and the event is significant:

...

15.3.19 G The notifications under SUP 15.3.17R are required as the *FSA appropriate  
[FCA/  
PRA] regulator* needs to be aware of the types of fraudulent and irregular activity which are being attempted or undertaken, and to act, if necessary, to prevent effects on *consumers* or other *firms*. A notification under SUP 15.7.3G should provide all relevant and significant details of the incident or suspected incident of which the *firm* is aware.

15.3.20 G In addition, the *firm* may have suffered significant financial losses as a result  
[FCA/  
PRA] of the incident, or may suffer reputational loss, and the *FSA appropriate regulator* will wish to consider this and whether the incident suggests weaknesses in the *firm's internal controls*.

Insolvency, bankruptcy and winding up

15.3.21 R A *firm* must notify the ~~FSA~~ appropriate regulator immediately of any of the  
[FCA/ following events:  
PRA]

...

Lloyd's of London

15.3.22 D SUP 15.3.23D to SUP 15.3.25D are given in relation to the exercise of the  
[FCA/ powers of the *Society* and of the *Council* generally, with a view to achieving  
PRA] the objective of enabling the ~~FSA~~ appropriate regulator to:

(1) comply with its general duty under section 314 of the *Act* (~~Authority's~~  
Regulators' general duty);

...

(3) enforce the provisions of the *Act*, or requirements made under the *Act*,  
by enabling the ~~FSA~~ appropriate regulator to consider, where  
appropriate, whether it should use its powers, for example, to:

(a) vary or cancel the *permission* of an *underwriting agent*, under  
section ~~45~~ 55J of the *Act* (~~Variation etc on the Authority's own~~  
or cancellation on initiative of regulator);

...

(d) require an *underwriting agent* to make restitution, under section  
384 of the *Act* (Power of ~~Authority~~ FCA or PRA to require  
restitution) (see *EG 11*);

...

(g) prosecute any criminal offence that the ~~FSA~~ appropriate  
regulator has power to prosecute under the *Act* (see *EG 12*).

15.3.23 D The *Society* must immediately inform the ~~FSA~~ appropriate regulator in  
[FCA/ writing if it becomes aware that any matter likely to be of material concern  
PRA] to the ~~FSA~~ appropriate regulator may have arisen in relation to:

...

15.3.24 D The *Society* must inform the ~~FSA~~ appropriate regulator if it commences  
[FCA/ investigations or disciplinary proceedings relating to apparent breaches:  
PRA]

...

15.3.25 D The *Society* must inform the ~~FSA~~ appropriate regulator if it commences  
[FCA/ investigations or disciplinary proceedings which do not fall within the scope

PRA] of SUP 15.3.24D but which:

...

#### 15.4 Notified persons

15.4.1 R (1) An *overseas firm*, which is not an *incoming firm*, must notify the ~~FSA~~  
[FCA/appropriate regulator within 30 *business days* of any *person* taking  
PRA] up or ceasing to hold the following positions:

...

(b) the *person* within the *overseas firm* with a purely strategic responsibility for *UK* operations (see SUP 10.7.4G);

...

(2) The notification in (1) must be submitted in the form set out in Form F (SUP 15 Ann 2R). However, if the *person* is an *approved person*, notification giving details of his name, the *approved person's* ~~FSA~~ individual reference number and the position to which the notification relates, is sufficient.

15.4.2 G SUP 15.4.1R is not made under the powers conferred on the ~~FSA~~  
[FCA/appropriate regulator by Part V of the *Act* (Performance of Regulated  
PRA] Activities). A *person* notified to the ~~FSA~~ appropriate regulator under SUP 15.4.1R is not subject to the *Statements of Principle* or *Code of Practice for Approved Persons*, unless he is also an *approved person*.

15.4.3 R (1) A *firm* other than a *credit union* must submit the form in SUP 15 Ann  
[FCA/appropriate regulator's ONA system.  
PRA] online at [www.fsa.gov.uk](http://www.fsa.gov.uk) using the ~~FSA's~~ appropriate regulator's

...

(3) Where a *firm* is obliged to submit an application online under (1), if the ~~FSA~~ appropriate regulator's information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit the form in SUP 15 Ann 2R, in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).

15.4.3A G (1) If the ~~FSA's~~ appropriate regulator's information technology systems  
[FCA/appropriate regulator will endeavour to publish a notice on its  
PRA] website confirming that online submission is unavailable and that the alternative methods of submission set out in SUP 15.4.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.

...

- 15.4.4 [FCA/PRA] G If adverse information is revealed about a *person* notified to the ~~FSA~~ appropriate regulator under SUP 15.4.1R, the ~~FSA~~ appropriate regulator may exercise its *own-initiative power* against the *firm* (see SUP 7 (Individual requirements)).

## 15.5 Core information requirements

### Change in name

- 15.5.1 [FCA/PRA] R A *firm* must give the ~~FSA~~ appropriate regulator reasonable advance notice of a change in:

...

...

- 15.5.3 [FCA/PRA] G *Firms* are reminded that certain name changes (for example, to include 'Limited') may also require a notification under SUP ~~15.5.5R~~ 5.5.1R.

### Change in address

- 15.5.4 [FCA/PRA] R A *firm* must give the ~~FSA~~ appropriate regulator reasonable advance notice of a change in any of the following addresses, and give details of the new address and the date of the change:

...

### Change in telephone numbers

- 15.5.5 [FCA/PRA] R A *firm* must give the ~~FSA~~ appropriate regulator reasonable advance notice of a change in any of the following telephone numbers, and give details of the new telephone number and the date of the change:

...

- 15.5.6 [FCA/PRA] G SUP 15.5.4R and SUP 15.5.5R mean that a *firm* should notify the ~~FSA~~ appropriate regulator of a change in telephone number even if the address of the office is not changing.

### Other regulators

- 15.5.7 [FCA/PRA] R A *firm* must notify the ~~FSA~~ appropriate regulator immediately if it becomes subject to or ceases to be subject to the supervision of any *overseas regulator* (including a *Home State regulator*).

- 15.5.8 G The ~~FSA's~~ appropriate regulator's approach to the supervision of a *firm* is

[FCA/  
PRA] influenced by the regulatory regime and any legislative or foreign provisions to which that *firm*, including its branches, is subject.

Submitting notifications to the ~~FSA~~ appropriate regulator

- 15.5.9 [FCA/  
PRA] R (1) A *firm* other than a *credit union* must submit any notice under *SUP* 15.5.1R, *SUP* 15.5.4R, ~~and~~ *SUP* 15.5.5R ~~and~~ *SUP* 15.5.7R by submitting the form in *SUP* 15 Ann 3R online at ~~www.fsa.gov.uk~~ the appropriate regulator's website.
- (2) ...
- (3) Where a *firm* is obliged to submit a notice online under (1), if the ~~FSA's~~ appropriate regulator's information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit any notice under *SUP* 15.5.1R, *SUP* 15.5.4R, ~~and~~ *SUP* 15.5.5R ~~and~~ *SUP* 15.5.7R in the form in *SUP* 15 Ann 3R and in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification).
- (4) A *firm* must submit any notice required under *SUP* 15.5.7R by submitting the form in *SUP* 15 Annex 4R in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification).
- 15.5.10 [FCA/  
PRA] G (1) If the ~~FSA's~~ appropriate regulator's information technology systems fail and online submission is unavailable for 24 hours or more, the ~~FSA~~ appropriate regulator will endeavour to publish a notice on its website confirming that online submission is unavailable and that the alternative methods of submission set out in *SUP* 15.5.9R(3) and *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification) should be used.
- (2) Where *SUP* 15.5.9R(~~3~~)(2) applies to a *firm*, *GEN* 1.3.2R (Emergency) does not apply.

**15.6 Inaccurate, false or misleading information**

- 15.6.1 [FCA/  
PRA] R A *firm* must take reasonable steps to ensure that all information it gives to the ~~FSA~~ appropriate regulator in accordance with a *rule* in any part of the *Handbook* (including *Principle* 11) is:
- (1) ...
- (2) complete, in that it should include anything of which the ~~FSA~~ appropriate regulator would reasonably expect notice.
- 15.6.2 G ...

- [FCA/  
PRA]
- (1) *Principle 11*, and the guidance on *Principle 11* in *SUP 2* (Information gathering by the ~~FSA~~ FCA and PRA on ~~its~~ their own initiative);
- (2) *SUP 15* (Notifications to the ~~FSA~~ appropriate regulator);
- ...
- 15.6.3 G If a *firm* is unable to obtain the information required in *SUP 15.6.1R(2)*, then it should inform the ~~FSA~~ appropriate regulator that the scope of the information provided is, or may be, limited.
- [FCA/  
PRA]
- 15.6.4 R If a *firm* becomes aware, or has information that reasonably suggests that it has or may have provided the ~~FSA~~ appropriate regulator with information which was or may have been false, misleading, incomplete or inaccurate, or has or may have changed in a material particular, it must notify the ~~FSA~~ appropriate regulator immediately. Subject to *SUP 15.6.5R*, the notification must include:
- [FCA/  
PRA]
- ...
- ...
- 15.6.6 G The ~~FSA~~ appropriate regulator may request the *firm* to provide revised documentation containing the correct information, if appropriate.
- [FCA/  
PRA]
- 15.6.7 G *Firms* are reminded that section 398 of the *Act* (Misleading the Authority ~~FCA or PRA~~: residual cases) makes it an *offence* for a *firm* knowingly or recklessly to provide the ~~FSA~~ appropriate regulator with information which is false or misleading in a material particular in purported compliance with the ~~FSA's~~ appropriate regulator's rules or any other requirement imposed by or under the *Act*. An offence by a *body corporate, partnership* or unincorporated association may be attributed to an *officer* or certain other *persons* (section 400 of the *Act* (Offences by bodies corporate etc)).
- [FCA/  
PRA]

## 15.7 Form and method of notification

Form of notification: oral or written

- 15.7.1 R A notification required from a *firm* under any *notification rule* must be given in writing, and in English, and must be submitted on the form specified for that *notification rule*, or if no form is specified, on the form in *SUP 15 Ann 4R* (Notification form), and must give the *firm's* ~~FSA~~ Firm Reference Number unless:
- [FCA/  
PRA]
- ...
- 15.7.2 G A *firm* should have regard to the urgency and significance of a matter and, if appropriate, should also notify its usual supervisory contact at the ~~FSA~~
- [FCA/

PRA] *appropriate regulator* by telephone or by other prompt means of communication, before submitting a written notification. Oral notifications should be given directly to the *firm's* usual supervisory contact at the *appropriate regulator*. An oral notification left with another person or left on a voicemail or other automatic messaging service is unlikely to have been given appropriately.

15.7.3 [FCA/PRA] G The *FSA appropriate regulator* is entitled to rely on any information it receives from a *firm* and to consider any notification received as being made by a *person* authorised by the *firm* to do so. A *firm* should therefore consider whether it needs to put procedures in place to ensure that only appropriate *employees* make notifications to the *FSA appropriate regulator* on its behalf.

Method of notification

15.7.4 [FCA/PRA] R Unless stated in the *notification rule*, or on the relevant form (if specified), a written notification required from a *firm* under any *notification rule* must be:

- (1) given to or addressed for the attention of the *firm's* usual supervisory contact at the *FSA appropriate regulator*; and
- (2) delivered to the *FSA appropriate regulator* by one of the methods in *SUP 15.7.5AR* or *SUP 15.7.5BR* as applicable:

15.7.5 R ~~Methods of notification [deleted]~~

Method of delivery	
1.	<del>Post to the appropriate address in SUP 15.7.6G</del>
2.	<del>Leaving the notification at the appropriate address in SUP 15.7.6G and obtaining a time-stamped receipt</del>
3.	<del>Electronic mail to an address for the <i>firm's</i> usual supervisory contact at the <i>FSA</i> and obtaining an electronic confirmation of receipt</del>
4.	<del>Hand delivery to the <i>firm's</i> usual supervisory contact at the <i>FSA</i></del>
5.	<del>Fax to a fax number for the <i>firm's</i> usual supervisory contact at the <i>FSA</i> and receiving a successful transmission report for all pages of the notification.</del>
6.	<del>Online submission via the <i>FSA's</i> website at <a href="http://www.fsa.gov.uk">www.fsa.gov.uk</a>.</del>

15.7.5A [FCA] R Methods of notification

---

<u>Method of delivery</u>	
<u>1.</u>	<u>Post to the appropriate address in SUP 15.7.6AG</u>
<u>2.</u>	<u>Leaving the notification at the appropriate address in SUP 15.7.6AG and obtaining a time-stamped receipt</u>
<u>3.</u>	<u>Electronic mail to an address for the <i>firm's</i> usual supervisory contact at the <i>FCA</i> and obtaining an electronic confirmation of receipt</u>
<u>4.</u>	<u>Hand delivery to the <i>firm's</i> usual supervisory contact at the <i>FCA</i></u>
<u>5.</u>	<u>Fax to a fax number for the <i>firm's</i> usual supervisory contact at the <i>FCA</i> and receiving a successful transmission report for all pages of the notification.</u>
<u>6.</u>	<u>Online submission via the <i>FCA's</i> website at <a href="http://www.fca.org.uk">www.fca.org.uk</a>.</u>

15.7.5B R Methods of notification  
[PRA]

<u>Method of delivery</u>	
<u>1.</u>	<u>Post to the appropriate address in SUP 15.7.6BG</u>
<u>2.</u>	<u>Leaving the notification at the appropriate address in SUP 15.7.6BG and obtaining a time-stamped receipt</u>
<u>3.</u>	<u>Electronic mail to an address for the <i>firm's</i> usual supervisory contact at the <i>PRA</i> and obtaining an electronic confirmation of receipt</u>
<u>4.</u>	<u>Hand delivery to the <i>firm's</i> usual supervisory contact at the <i>PRA</i></u>
<u>5.</u>	<u>Fax to a fax number for the <i>firm's</i> usual supervisory contact at the <i>PRA</i> and receiving a successful transmission report for all pages of the notification.</u>
<u>6.</u>	<u>Online submission via the <i>PRA's</i> website at <a href="http://www.bankofengland.co.uk/pr">www.bankofengland.co.uk/pr</a>.</u>

15.7.6 G ~~The current published address of the FSA for postal submission or hand delivery of notifications is: [deleted]~~

(1) The Financial Services Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS

if the *firm's* usual supervisory contact at the *FSA* is based in London,  
or

(2) The Financial Services Authority  
Quayside House  
127 Fountainbridge  
Edinburgh EH3 8DJ

if the *firm's* usual supervisory contact at the *FSA* is based in  
Edinburgh.

15.7.6A G The current published address of the *FCA* for postal submission or hand  
[FCA] delivery of notifications is:

(1) The Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS

if the *firm's* usual supervisory contact at the *FCA* is based in London,  
or

(2) The Financial Conduct Authority  
Quayside House  
127 Fountainbridge  
Edinburgh EH3 8DJ

if the *firm's* usual supervisory contact at the *FCA* is based in  
Edinburgh.

15.7.6B G The current published address of the *PRA* for postal submission or hand  
[PRA] delivery of notifications is:

The Prudential Regulation Authority  
20 Moorgate  
London EC2R 6DA

15.7.7 G If the *firm* or its *group* is subject to lead supervision arrangements by the  
[FCA/ *FSA appropriate regulator*, the *firm* or *group* may give or address a notice  
PRA] *regulator*, designated as lead supervisor, if the *firm* has chosen to make use  
of the lead supervisor as a central point of contact (see *SUP* 1.5).

15.7.8 G If a *firm* is a member of a *group* which includes more than one *firm*, any one  
[FCA/ *undertaking* in the *group* may notify the *FSA appropriate regulator* on  
behalf of all *firms* in the *group* to which the notification applies. In this way,

PRA] that *undertaking* may satisfy the obligation of all relevant *firms* in the *group* to notify the *FSA appropriate regulator*. Nevertheless, the obligation to make the notification remains the responsibility of the individual *firm* itself. See also SUP 15.7.3G.

15.7.9 G *Firms* wishing to communicate with the *FSA appropriate regulator* by  
[FCA/ electronic mail or fax should obtain the appropriate address or number from  
PRA] the *FSA appropriate regulator*.

#### Timely notification

15.7.10 R If a *notification rule* requires notification within a specified period:  
[FCA/ (1) the *firm* must give the notification so as to be received by the *FSA*  
PRA] *appropriate regulator* no later than the end of that period; and  
(2) if the end of that period falls on a *day* which is not a *business day*, the notification must be given so as to be received by the *FSA appropriate regulator* no later than the first *business day* after the end of that period.

...

#### Underwriting agents: notification to the Society of Lloyd's

15.7.12 R (1) ~~Paragraph (2) applies in relation to notifications required under this chapter within the scope of any arrangements made by the FSA with the Society of Lloyd's under paragraph 6(2) of Schedule 1 to the Act. [deleted]~~  
(2) ~~An underwriting agent must submit the notifications in (1) to the Society of Lloyd's rather than to the FSA. [deleted]~~

15.7.13 G ~~Paragraph 6(2) of Schedule 1 to the Act enables the FSA to make arrangements which provide for monitoring functions to be performed by any body or person who, in its opinion, is competent to perform them. Arrangements made under this provision are published by the FSA. [deleted]~~

15.7.14 G The *FSA appropriate regulator* has made arrangements with the *Society of Lloyd's* with respect to the monitoring of *underwriting agents*. *Underwriting agents* should check whether these arrangements provide for any notifications required under this chapter to be sent to the *Society* instead of to the *FSA appropriate regulator*. For further details see the *FSA appropriate regulator's* website.  
[FCA/  
PRA]

...

#### Service of Notices Regulations

15.7.16 G The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001 (SI 2001/1420) contain provisions relating to the service of documents on the *FSA appropriate regulator*. They do not apply to  
[FCA/

PRA] notifications required under *notification rules* because of the specific *rules* in this section.

## 15.8 Notification in respect of particular products and services

### Management of occupational pension scheme assets

15.8.1 R A *firm* which manages the assets of an *occupational pension scheme* must  
[FCA] notify the ~~FSA~~ FCA as soon as reasonably practicable if it receives any request or instruction from a trustee which it:

...

### Individual Pension Accounts

15.8.2 R If a *firm* begins or ceases to administer *individual pension accounts*, it must  
[FCA] notify the ~~FSA~~ FCA as soon as reasonably practicable that it has done so.

### Insurers' commission clawback

15.8.3 R (1) An *insurer* must notify the ~~FSA~~ FCA in respect of any *firm* (the  
[FCA] "intermediary") as soon as reasonably practicable if:

...

...

### Money service business and trust or company service providers

15.8.4 G (1) In accordance with article 31 of the *Money Laundering Regulations*,  
[FCA] with effect from 15 December 2007, a *firm* is required to notify the ~~FSA~~ FCA:

...

...

15.8.5 G A *firm* which is already operating a money service business or a trust or  
[FCA] company service provider as at 15 December 2007 is required by the *Money Laundering Regulations* to notify the ~~FSA~~ FCA of that fact and should do so in the manner specified in SUP 15.8.4G(2) before 15 January 2008.

### Delegation by UK UCITS management companies

15.8.6 R If a *UK UCITS management company* intends to delegate to a third party any  
[FCA] one or more of its functions for the more efficient conduct of its business, it must first inform the ~~FSA~~ FCA in an appropriate manner.

[Note: article 13(1)(a) of the *UCITS Directive*]

...

CTF providers

- 15.8.8 R (1) If a *firm* begins or ceases to hold itself out as acting as a *CTF provider*, it must notify the ~~FSA~~ FCA as soon as reasonably practicable that it has done so.
- [FCA]
- (2) A *firm* that acts as a *CTF provider* must provide the ~~FSA~~ FCA, as soon as reasonably practicable, with details of:

...

- 15.8.9 R A *BIPRU firm* must report to the ~~FSA~~ appropriate regulator immediately any case in which its counterparty in a *repurchase agreement* or *reverse repurchase agreement* or *securities or commodities lending or borrowing transaction* defaults on its obligations.
- [FCA/  
PRA]

## 15.9 Notifications by members of financial conglomerates

- 15.9.1 R A *firm* that is a *regulated entity* must notify the ~~FSA~~ appropriate regulator immediately it becomes aware that any *consolidation group* of which it is a member:
- [FCA/  
PRA]

...

...

- 15.9.4 R A *firm* does not have to give notice to the ~~FSA~~ appropriate regulator under *SUP 15.9.1R* if it or another member of the *consolidation group* has already given notice of the relevant fact to:
- [FCA/  
PRA]

- (1) the ~~FSA~~ appropriate regulator; or

...

## 15.10 Reporting suspicious transactions (market abuse)

...

Notification of suspicious transactions: general

- 15.10.2 R A *firm* which *arranges* or *executes* a transaction with or for a client in a *qualifying investment* admitted to trading on a *prescribed market* and which has reasonable grounds to suspect that the transaction might constitute *market abuse* must notify the ~~FSA~~ FCA without delay.
- [FCA]

[Note: Article 6(9) *Market Abuse Directive*]

Notification of suspicious transactions: investment firms and credit institutions

...

- 15.10.4 G (1) Notification of suspicious transactions to the ~~FSA~~ FCA requires sufficient indications (which may not be apparent until after the transaction has taken place) that the transaction might constitute *market abuse*. In particular a *firm* will need to be able to explain the basis for its suspicion when notifying the ~~FSA~~ FCA (see *SUP* 15.10.4). Certain transactions by themselves may seem completely devoid of anything suspicious, but might deliver such indications of possible *market abuse*, when seen in perspective with other transactions, certain behaviour or other information (though *firms* are not expected to breach effective information barriers put in place to prevent and avoid conflicts of interest so as actively to seek to detect suspicious transactions). [**Note:** Recital 9 2004/72/EC]

...

...

Content of notification: investment firms and credit institutions

- 15.10.6 R (1) If an *investment firm* or a *credit institution* is obliged to make a notification to the ~~FSA~~ FCA under this section, it must transmit to the ~~FSA~~ FCA the following information:

...

- (2) In addition the following information must be provided to the ~~FSA~~ FCA as soon as it becomes available:

...

Means of notification: investment firms and credit institutions

- 15.10.7 R An *investment firm* or a *credit institution* making a notification to the ~~FSA~~ FCA under this section may do so:

[FCA]

- (1) by mail to:  
Market Conduct Team  
25 The North Colonnade  
Canary Wharf  
London E14 5HS; or
- (2) by electronic mail to ~~market.abuse@fsa.gov.uk~~  
market.abuse@fca.org.uk;
- (3) by facsimile to the Market Conduct Team on 020 7066 ~~4099~~ 4091; or
- (4) by telephone to the market abuse helpline 020 7066 4900. [**Note:**

Article 10 2004/72/EC]

- 15.10.8 G (1) If a notification is made by telephone, the ~~FSA~~ FCA may subsequently request confirmation of the notification in writing. [FCA] [Note: Article 10 2004/72/EC]
- (2) When making a notification in writing it may be convenient to use the form for suspicious transaction reports provided on the ~~FSA's~~ FCA's website. This form follows the common standard approved by ESMA (formerly known as CESR).

Liability and professional secrecy: investment firms and credit institutions

- 15.10.9 R (1) An *investment firm* or a *credit institution* which notifies the ~~FSA~~ FCA under this section must not inform any other *person*, in particular the *persons* on behalf of whom the transaction has been carried out or parties related to those persons, of this notification, except in accordance with an obligation imposed by or under statute. [FCA]
- (2) Notwithstanding any other provision of the *Handbook* a notification in good faith under this section to the ~~FSA~~ FCA does not constitute a breach of any restriction on disclosure of information imposed by the *Handbook*. [Note: Article 11 2004/72/EC]

**Note:** Section 131A of the *Act* sets out additional protections from liability for a *person* who makes a notification to the ~~FSA~~ FCA under this section (or who passes the relevant information to someone designated by his employer to do so).

**15 Annex 1R**  
[FCA/ PRA]

**Application of SUP 15 to incoming EEA firms and incoming Treaty firms**

1 .	<i>SUP 15</i> applies in full to an <i>incoming EEA firm</i> , or <i>incoming Treaty firm</i> , which has a <i>top-up permission</i> .
2 .	<del><i>SUP 15</i> does not apply to an <i>incoming EEA firm</i> which has <i>permission for cross border services only</i> and which does not carry on <i>regulated activities in the United Kingdom</i>. [deleted]</del>
2 A	<del><i>SUP 15</i> does not apply to an <i>EEA pure reinsurer</i> which does not have a <i>top-up permission</i>. [deleted]</del>
3 .	For any other <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> , <i>SUP 15</i> applies as set out in the following table.

Applicable sections	Application
---------------------	-------------

...		
SUP 15.3.7G to SUP 15.3.10G	Communication with the FSA <u>appropriate regulator</u> in accordance with Principle 11	Apply in so far as responsibility for the matter in question is not reserved by an EU instrument to the firm's Home State regulator
...		

15  
Annex 1A R  
[FCA]

1. SUP 15 does not apply to an incoming EEA firm which has permission for cross border services only and which does not carry on regulated activities in the United Kingdom.
2. SUP 15 does not apply to an EEA pure reinsurer which does not have a top-up permission.

**15 Annex  
2R**  
[FCA/PRA]

**Form F: Changes in notified persons**

- R This annex consists only of one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml> the appropriate regulator's website.

The forms are also to be found through the following address:

*Supervision forms - SUP 15 Annex 2*

**15 Annex 3**  
[FCA/PRA]

**Standing data form**

- R This annex consists only of one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml> the appropriate regulator's website.

The forms are also to be found through the following address:

*Standing Data - SUP 15 Annex 3*

...

**Annex B**

**Designations & Regulator making new provision**

<b>Handbook Provision</b>	<b>Made, designated or not in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 15.1.1 R	Designated	FCA/PRA
SUP 15.1.2 R	Designated	FCA/PRA
SUP 15.1.3 G	Designated	FCA/PRA
SUP 15.1.4 R	Designated	FCA/PRA
SUP 15.1.5 G	Designated	FCA/PRA
SUP 15.1.6 R	Designated	FCA
SUP 15.2.1 G	Designated	FCA/PRA
SUP 15.2.2 G	Designated	FCA/PRA
SUP 15.2.3 G	Designated	FCA/PRA
SUP 15.2.4 G	Designated	FCA/PRA
SUP 15.2.5 G	Made	PRA
SUP 15.3.1 R	Designated	FCA/PRA
SUP 15.3.2 G	Designated	FCA/PRA
SUP 15.3.3 G	Designated	FCA/PRA
SUP 15.3.4 G	Designated	FCA
SUP 15.3.5 G	Designated	FCA/PRA
SUP 15.3.6 G	Designated	PRA
SUP 15.3.7 G	Designated	FCA/PRA
SUP 15.3.8 G	Designated	FCA/PRA
SUP 15.3.9 G	Designated	FCA/PRA
SUP 15.3.10 G	Designated	FCA/PRA
SUP 15.3.11 R	Designated	FCA/PRA
SUP 15.3.11A G	Designated	FCA/PRA
SUP 15.3.12 G	Designated	FCA/PRA
SUP 15.3.13 G	Designated	FCA/PRA

SUP 15.3.14 G	Designated	FCA/PRA
SUP 15.3.15 R	Designated	FCA/PRA
SUP 15.3.16 G	Designated	FCA/PRA
SUP 15.3.17 R	Designated	FCA/PRA
SUP 15.3.18 G	Designated	FCA/PRA
SUP 15.3.19 G	Designated	FCA/PRA
SUP 15.3.20 G	Designated	FCA/PRA
SUP 15.3.21 R	Designated	FCA/PRA
SUP 15.3.22 D	Designated	FCA/PRA
SUP 15.3.23 D	Designated	FCA/PRA
SUP 15.3.24 D	Designated	FCA/PRA
SUP 15.3.25 D	Designated	FCA/PRA
SUP 15.4.1 R	Designated	FCA/PRA
SUP 15.4.2 G	Designated	FCA/PRA
SUP 15.4.3 R	Designated	FCA/PRA
SUP 15.4.3A G	Designated	FCA/PRA
SUP 15.4.4 G	Designated	FCA/PRA
SUP 15.5.1 R	Designated	FCA/PRA
SUP 15.5.2 G	Designated	FCA/PRA
SUP 15.5.3 G	Designated	FCA/PRA
SUP 15.5.4 R	Designated	FCA/PRA
SUP 15.5.5 R	Designated	FCA/PRA
SUP 15.5.6 G	Designated	FCA/PRA
SUP 15.5.7 R	Designated	FCA/PRA
SUP 15.5.8 G	Designated	FCA/PRA
SUP 15.5.9 R	Designated	FCA/PRA
SUP 15.5.10 G	Designated	FCA/PRA
SUP 15.6.1 R	Designated	FCA/PRA
SUP 15.6.2 G	Designated	FCA/PRA

SUP 15.6.3 G	Designated	FCA/PRA
SUP 15.6.4 R	Designated	FCA/PRA
SUP 15.6.5 R	Designated	FCA/PRA
SUP 15.6.6 G	Designated	FCA/PRA
SUP 15.6.7 G	Designated	FCA/PRA
SUP 15.7.1 R	Designated	FCA/PRA
SUP 15.7.2 G	Designated	FCA/PRA
SUP 15.7.3 G	Designated	FCA/PRA
SUP 15.7.4 R	Designated	FCA/PRA
SUP 15.7.5 R	Not in force after legal cutover	
SUP 15.7.5A R	Made	FCA
SUP 15.7.5B R	Made	PRA
SUP 15.7.6 G	Not in force after legal cutover	
SUP 15.7.6A G	Made	FCA
SUP 15.7.6B G	Made	PRA
SUP 15.7.7 G	Designated	FCA/PRA
SUP 15.7.8 G	Designated	FCA/PRA
SUP 15.7.9 G	Designated	FCA/PRA
SUP 15.7.10 R	Designated	FCA/PRA
SUP 15.7.11 G	Designated	FCA/PRA
SUP 15.7.12 R	Not in force after legal cutover	
SUP 15.7.13 G	Not in force after legal cutover	
SUP 15.7.14 G	Designated	FCA/PRA
SUP 15.7.15 G	Designated	FCA/PRA
SUP 15.7.16 G	Designated	FCA/PRA
SUP 15.8.1 R	Designated	FCA
SUP 15.8.2 R	Designated	FCA
SUP 15.8.3 R	Designated	FCA
SUP 15.8.4 G	Designated	FCA

SUP 15.8.5 G	Designated	FCA
SUP 15.8.6 R	Designated	FCA
SUP 15.8.7 G	Designated	FCA
SUP 15.8.8 R	Designated	FCA
SUP 15.8.9 R	Designated	FCA/PRA
SUP 15.9.1 R	Designated	FCA/PRA
SUP 15.9.2 R	Designated	FCA/PRA
SUP 15.9.3 G	Designated	FCA/PRA
SUP 15.9.4 R	Designated	FCA/PRA
SUP 15.10.1 R	Designated	FCA
SUP 15.10.2 R	Designated	FCA
SUP 15.10.3 R	Designated	FCA
SUP 15.10.4 G	Designated	FCA
SUP 15.10.5 R	Designated	FCA
SUP 15.10.6 R	Designated	FCA
SUP 15.10.7 R	Designated	FCA
SUP 15.10.8 G	Designated	FCA
SUP 15.10.9 R	Designated	FCA
SUP 15 Annex 1 R	Designated	FCA/PRA
SUP 15 Annex 1A R	Made	FCA
SUP 15 Annex 2 R	Designated	FCA/PRA
SUP 15 Annex 3 R	Designated	FCA/PRA
SUP 15 Annex 4 R	Designated	FCA/PRA
SUP 15 Annex 5 G	Designated	FCA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory	Section 300B	Section 300B

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
provision)		
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

SCHEDULE A

Part 2

Column 1	Column 2	Column 3
Provisions of other enactments under which the Authority made rules	Corresponding provisions: Financial Conduct Authority	Corresponding provisions: Prudential Regulation Authority
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement)	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	None.
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2009/209)	2009/209).	
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 6

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

SCHEDULE A

Part 10

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000(Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

## LEGAL CUTOVER (REPORTING REQUIREMENTS) INSTRUMENT 2013

### WHEREAS:

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

### Interpretation

#### 1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;

- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 7; and
  - (2) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 8 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

### **Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

### **Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

- 18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex B to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 20; and
  - (2) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.
- 20 The conditions referred to in paragraph 19(1) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 21 The conditions referred to in paragraph 19(2) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- 23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex A to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is marked with a G in Column 1 of Annex B to this Instrument; and
  - (2) each provision listed in Annex B to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is (a) marked with a G in Column 1 of Annex B to this Instrument and (b) not in Annex A to this Instrument.

#### **Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

#### **Amendments to the Handbooks**

- 28 The Supervision manual (SUP) of the FCA’s and PRA’s Handbooks of rules and guidance is amended in accordance with Annex A to this Instrument.

#### **Citation**

- 29 This Instrument may be cited as the Legal Cutover (Reporting Requirements) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

**Annex A**

**Amendments to the Supervision manual (SUP)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

**16 Reporting requirements**

**16.1 Application**

...

16.1.3 R Application of different sections of SUP 16 (excluding SUP 16.13 ~~and~~ SUP 16.15, SUP 16.16 and SUP 16.17)  
[FCA/  
PRA]

(1) Section(s)	(2) Categories of firm to which section applies		(3) Applicable rules and guidance
SUP 16.1, SUP 16.2 and SUP 16.3	All categories of <i>firm</i> except:		Entire sections
	(a)	an <i>ICVC</i> ;	
	(b)	an <i>incoming EEA firm</i> or <i>incoming Treaty firm</i> , which is not:	
		(i)	a <i>firm</i> of a type to which SUP 16.6 or SUP 16.12 applies; or
		(ii)	an <i>insurer</i> with <i>permission to effect or carry out life policies</i> ; or
		(iii)	a <i>firm</i> with <i>permission to establish, operate or wind up a personal pension scheme</i> or a <i>stakeholder pension scheme</i> ;
	(c)	a <i>UCITS</i> <i>qualifier</i> .	

<i>SUP 16.4 and SUP 16.5</i>	All categories of <i>firm</i> except:	Entire sections
	(-a) a <i>credit union</i> ;	
	(a) an <i>ICVC</i> ;	
	(b) an <i>incoming EEA firm</i> ;	
	(c) an <i>incoming Treaty firm</i> ;	
	(d) a <i>non-directive friendly society</i> ;	
	(e) [deleted]	
	(f) a <i>sole trader</i> ;	
	(g) a <i>service company</i> ;	
	(h) a <i>UCITS qualifier</i> ;	
	(i) a <i>firm with permission to carry on only retail investment activities</i> ;	
	(j) a <i>firm with permission to carry on only insurance mediation activity, home finance mediation activity, or both</i> ;	
	(k) a <i>firm falling within both (i) and (j)</i>	
<i>SUP 16.6</i>	<i>Bank</i>	<i>SUP 16.6.4R to SUP 16.6.5R</i>
	<i>Depositary of an ICVC</i>	<i>SUP 16.6.6R to SUP 16.6.9G</i>
	<i>OPS firm</i>	<i>SUP 16.6.6R to SUP 16.6.8R</i>
	<i>Trustee of an AUT</i>	<i>SUP 16.6.6R to SUP 16.6.9G</i>
<i>SUP 16.8</i>	<i>Insurer with permission to effect or carry out life policies, unless it is a non-directive friendly society</i>	Entire section

	<i>Firm with permission to establish, operate or wind up a personal pension scheme or a stakeholder pension scheme</i>	Entire section
<i>SUP 16.9</i>	<i>Firm with permission to advise on investments; arrange (bring about) deals in investments; make arrangements with a view to transactions in investments; or arrange safeguarding and administration of assets</i>	Entire section
<i>SUP 16.10</i>	All categories of <i>firm</i> except:	Entire section
	(a) an <i>ICVC</i> ;	
	(b) a <i>UCITS</i> <i>qualifier</i> ;	
	(c) a <i>credit union</i> ; and	
	(d) a <i>dormant account fund operator</i> .	
<i>SUP 16.11</i>	A <i>firm</i> , other than a <i>managing agent</i> , which is:	Entire section
	(1) a <i>home finance provider</i> ; or	
	(2) an <i>insurer</i> ; or	
	(3) the operator of a <i>regulated collective investment scheme</i> or an <i>investment trust savings scheme</i> ; or	
	(4) a <i>person</i> who issues or manages the relevant assets of the issuer of a <i>structured capital-at-risk product</i> .	
<i>SUP 16.12</i>	A <i>firm</i> undertaking the <i>regulated activities</i> as listed in <i>SUP 16.12.4R</i> , unless exempted in <i>SUP 16.12.1G</i>	Sections as relevant to <i>regulated activities</i> as listed in <i>SUP 16.12.4R</i>
<i>SUP 16.14</i>	A <i>CASS large firm</i> and a <i>CASS medium firm</i>	Entire section
Note 1 [deleted]		

Note 2 = The application of *SUP* 16.13 is set out under *SUP* 16.13.1G and; the application of *SUP* 16.15 is set out under *SUP* 16.15.1G-; the application of *SUP* 16.16 is set out *SUP* 16.16.1R and *SUP* 16.16.2R and the application of *SUP* 16.17 is set out in *SUP* 16.17.3R and *SUP* 16.17.4R.

- 16.1.4 [FCA/PRA] G (1) This chapter contains requirements to report to the *FSA appropriate regulator* on a regular basis. These requirements include reports relating to a *firm's* financial condition, and to its compliance with other *rules* and requirements which apply to the *firm*. Where the relevant requirements are set out in another section of the *Handbook*, this chapter contains cross references. An example of this is financial reporting for *insurers* and *friendly societies*.
- (2) Where such requirements already apply to a *firm* under legislation other than the *Act*, they are not referred to in this chapter. An example of this is reporting to the *FSA appropriate regulator* by *building societies* under those parts of the Building Societies Act 1986 which have not been repealed.
- (3) ...

...

- 16.1.7 [FCA/PRA] G Where a *PRA-authorised person* is required to notify or provide any information to (a) the *appropriate regulator* by a *PRA Handbook* provision and (b) the *FCA* by the equivalent provision in the *FCA Handbook*, the *PRA-authorised person* is expected to comply with both provisions.

## 16.2 Purpose

- 16.2.1 [FCA/PRA] G (1) In order to discharge its functions under the *Act*, the *FSA appropriate regulator* needs timely and accurate information about *firms*. The provision of this information on a regular basis enables the *FSA appropriate regulator* to build up over time a picture of *firms'* circumstances and behaviour.
- (2) *Principle 11* requires a *firm* to deal with its regulators in an open and cooperative way, and to ~~to~~ disclose to the *FSA appropriate regulator* appropriately anything relating to the *firm* of which the *FSA appropriate regulator* would reasonably expect notice. The reporting requirements are part of the *FSA's appropriate regulator's* approach to amplifying *Principle 11* by setting out in more detail the information that the *FSA appropriate regulator* requires. They supplement the provisions of *SUP* 2 (Information gathering by the *FSA appropriate regulator* on its own initiative) and *SUP* 15 (Notifications to the *FSA FCA* or *PRA*). The reports required under these *rules* help the *FSA appropriate regulator* to monitor *firms'* compliance with *Principles* governing relationships between *firms* and their *customers*, with *Principle 4*, which requires *firms* to

maintain adequate financial resources, and with other requirements and standards under the *regulatory system*.

...

### 16.3 General provisions on reporting

...

Structure of the chapter

16.3.2  
[FCA/  
PRA]

G This chapter has been split into the following sections, covering:

...

- (10) reporting under the *Payment Services Regulations (SUP 16.13)*;
- (11) ...
- (12) reporting under the *Electronic Money Regulations (SUP 16.15)*;
- (13) prudent valuation reporting (SUP 16.16);
- (14) remuneration reporting (SUP 16.17).

...

16.3.7  
[FCA/  
PRA]

R A report or *data item* must:

- (1) give the ~~*firm's FSA*~~ firm reference number (or all the ~~*firms' FSA*~~ firm reference numbers in those cases where a report is submitted on behalf of a number of *firms*, as set out in *SUP 16.3.25G*); and
- (2) if submitted in paper form, be submitted with the cover sheet contained in *SUP 16 Annex 13R* fully completed.

16.3.8  
[FCA/  
PRA]

R A written report must be delivered to the ~~*FSA*~~ appropriate regulator by one of the methods listed in *SUP 16.3.9R*.

16.3.9  
[FCA/  
PRA]

R Method of submission of reports (see *SUP 16.3.8R*)

Method of delivery	
1.	<i>Post</i> to the published address of the <del><i>FSA</i></del> <u><i>FCA</i></u> for postal submission of reports
2.	Leaving the report marked for the attention of "Central Reporting" at the published address of the <del><i>FSA</i></del> <u><i>FCA</i></u> for hand delivery of reports and obtaining a dated receipt

3.	Electronic mail or fax to the published e-mail address or fax number of the <del>FSA's</del> <u>FCA's</u> Central Reporting team
4.	Online submission via the appropriate systems accessible from the <del>FSA's</del> <u>appropriate regulator's</u> website at <del>www.fsa.gov.uk</del> .

16.3.10  
[FCA/  
PRA]

- G (1) The current published address of the ~~FSA~~ FCA for postal submission of reports is:

Central Reporting  
The Financial ~~Services~~ Conduct Authority  
PO BOX 35747  
London E14 5WP

- (2) The current published address of the ~~FSA~~ FCA for hand delivery of reports is:

(a) Central Reporting  
The Financial ~~Services~~ Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS

if the *firm's* usual supervisory contact at the ~~FSA~~ appropriate regulator is based in London, or:

(b) The Financial ~~Services~~ Conduct Authority  
Quayside House  
127 Fountainbridge  
Edinburgh EH3 8DJ

if the *firm's* usual supervisory contact at the ~~FSA~~ FCA is based in Edinburgh.

- (3) The current published email address and fax number for the ~~FSA's~~ FCA's Central Reporting team is ~~regulatory.reports@fsa.gov.uk~~ regulatory.reports@fca.org.uk and 020 7066 3905. The Central Reporting team does not handle general correspondence between *firms* and the ~~FSA~~ appropriate regulator. Accordingly, *firms* should not make submissions to the Central Reporting team's email address or fax number other than as directed in SUP 16.3.8R.

#### Complete reporting

16.3.11  
[FCA/  
PRA]

- R A *firm* must submit reports required under this chapter to the ~~FSA~~ appropriate regulator containing all the information required.

16.3.12  
[FCA/

- G SUP 15.6 refers to and contains requirements regarding the steps that *firms* must take to ensure that information provided to the ~~FSA~~ appropriate regulator is accurate and complete. Those requirements apply to reports

PRA] required to be submitted under this chapter.

Timely reporting

- 16.3.13 [FCA/  
PRA] R (1) A *firm* must submit a report required by this chapter in the frequency, and so as to be received by the *FSA appropriate regulator* no later than the due date, specified for that report.
- (2) If the due date for submission of a report required by this chapter falls on a day which is not a *business day*, the report must be submitted so as to be received by the *FSA appropriate regulator* no later than the first *business day* after the due date.

...

Failure to submit reports

- 16.3.14 [FCA/  
PRA] R (1) If a *firm* does not submit a complete report by the date on which it is due in accordance with the *rules* in, or referred to in, this chapter or the provisions of relevant legislation and any prescribed submission procedures, the *firm* must pay an administrative fee of £250.
- (2) The administrative fee in (1) does not apply in respect of quarterly reports required to be submitted by *credit unions* whose liability to pay a periodic fee under *FEES 4.2.1R* in respect of the A.1 activity group in ~~*FEES 4 Annex 1R*~~ *FEES 4 Annex 1AR* or *FEES 4 Annex 1BR*, for the financial year prior to the due date for submission of the report, was limited to the payment of the minimum fee.

16.3.14A [FCA/  
PRA] G Failure to submit a report in accordance with the *rules* in, or referred to in, this chapter or the provisions of relevant legislation may also lead to the imposition of a financial penalty and other disciplinary sanctions (see ~~*DEPP 6.6.1G*~~ *DEPP 6.6.5G*). A *firm* may be subject to reporting requirements under relevant legislation other than the *Act*, not referred to in this chapter. An example of this is reporting to the *FSA appropriate regulator* by *building societies* under those parts of the Building Societies Act 1986 which have not been repealed (see *SUP 16.1.4G*). If it appears to the *FSA appropriate regulator* that, in the exceptional circumstances of a particular case, the payment of any fee would be inequitable, the *FSA appropriate regulator* may reduce or remit all or part of the fee in question which would otherwise be payable (see *FEES 2.3*).

16.3.15 [FCA/  
PRA] G The *FSA appropriate regulator* may from time to time send reminders to *firms* when reports are overdue. *Firms* should not, however, assume that the *FSA appropriate regulator* has received a report merely because they have not received a reminder.

16.3.16 [FCA/  
PRA] G The *firm* is responsible for ensuring delivery of the required report ~~at the *FSA's* offices~~ by the due date. If a report is received by the *FSA appropriate regulator* after the due date and the *firm* believes its delivery arrangements were adequate, it may be required to provide proof of those

arrangements. Examples of such proof would be:

- (1) "proof of posting" receipts from a *UK* post office or overseas equivalent which demonstrates that the report was posted early enough to allow delivery by the due date in accordance with the delivery service standards prescribed by the relevant postal authority; or
- (2) recorded postal delivery receipts showing delivery on the required day; or
- (3) records of a courier service provider showing delivery on the required day.

Change of accounting reference date

- |                          |   |  |
|--------------------------|---|--|
| 16.3.17<br>[FCA/<br>PRA] | R | <p>(1) <i>A firm</i> must notify the <i>FSA appropriate regulator</i> if it changes its <i>accounting reference date</i>.</p> <p>...</p> <p>(4) <i>SUP 16.10.4AR to SUP 16.10.4CG (Method of reporting Requirement to check the accuracy of standing data and to report changes to the FSA appropriate regulator changes in standing data)</i> apply to any notification made under (1).</p>   |
| 16.3.18<br>[FCA/<br>PRA] | G | <p><i>SUP 16.2.1G</i> emphasises the importance to the <i>FSA appropriate regulator</i> of timely and accurate information. The extension of a <i>firm's</i> accounting period to more than 15 months may hinder the timely provision of relevant and important information to the <i>FSA appropriate regulator</i>. This is because many due dates for reporting to the <i>FSA appropriate regulator</i> are linked to <i>firms' accounting reference dates</i>. Indeed, for some categories of <i>firm</i>, the only reports required by the <i>FSA appropriate regulator</i> have due dates for submission which are linked to the <i>firm's accounting reference date</i>. If the extension of a <i>firm's</i> accounting period appears likely to impair the effectiveness of the <i>FSA's appropriate regulator's</i> supervisory work, the <i>FSA appropriate regulator</i> may take action to ensure that it continues to receive the information it requires on a timely basis. This may include the use of any of the tools of supervision set out in <i>SUP 1.4.5G</i>.</p> |
| 16.3.19<br>[FCA/<br>PRA] | G | <p>If more than one <i>firm</i> in a <i>group</i> intends to change its <i>accounting reference date</i> at the same time, a single notification may be given to the <i>FSA appropriate regulator</i>, as described in <i>SUP 15.7.8G</i>.</p>   |

~~Underwriting agents: submission to the Society of Lloyd's~~

- |         |   |  |
|---------|---|--|
| 16.3.20 | R | <p>(1) <del>Paragraph (2) applies in relation to reports required under this chapter within the scope of any arrangements made by the FSA with the Society of Lloyd's under paragraph 6(2) of Schedule 1 to the Act. [deleted]</del></p> |
|---------|---|--|

- (2) ~~An underwriting agent must submit the reports in (1) to the Society of Lloyd's rather than to the FSA. [deleted]~~

- 16.3.21 G ~~See SUP 15.7.13G and SUP 15.7.14G for guidance on arrangements in SUP 16.3.20R. [deleted]~~

#### Service of Notices Regulations

- 16.3.22 G The Financial Services and Markets Act 2000 (Service of Notices) [FCA/ PRA] Regulations 2001 (SI 2001/1420) contain provisions relating to the service of documents on the *FSA appropriate regulator*. They do not apply to reports required under SUP 16, because of the specific *rules* in this section.

#### Confidentiality and sharing of information

- 16.3.23 G When the *FSA appropriate regulator* receives a report which contains [FCA/ PRA] confidential information and whose submission is required under this chapter, it is obliged under Part ~~XXIII~~ 23 of the Act (Public Record, Disclosure of Information and Co-operation) to treat that information as confidential. (See SUP 2.2.4G for the *FCA* and SUP 2.2.4AG for the *PRA*)

- 16.3.24 G ~~SUP 2.3.12G states~~ SUP 2.3.12AG and SUP 2.3.12BG state that the *FSA* [FCA/ PRA] *appropriate regulator* may pass to other regulators information which it has in its possession. Such information includes information contained in reports submitted under this chapter. The *FSA's appropriate regulator's* disclosure of information to other regulators is subject to SUP 2.2.4G or SUP 2.2.4AG (Confidentiality of information).

#### Reports from groups

...

- 16.3.26 G Examples of reports covering a *group* are: [FCA/ PRA]

- (1) ...  
(2) annual controllers reports required under ~~SUP 16.5.4R~~ 16.4.5R;  
...

## 16.4 Annual controllers report

...

#### Purpose

- 16.4.4 G A *firm* and its *controllers* are required to notify certain changes in *control* [FCA/ PRA] (see SUP 11 (Controllers and close links)). The purpose of the *rules* and

PRA] *guidance* in this section is:

- (1) to ensure that, in addition to such notifications, the *FSA appropriate regulator* receives regular and comprehensive information about the identities of all of the *controllers* of a *firm*, which is relevant to a *firm's* continuing to satisfy the effective supervision threshold conditions (see *COND 2.3*);
- (2) ...
- (3) to support the *FSA's* regulatory functions under Part ~~XII~~ 12 of the *Act* (Notices of acquisitions of control over UK authorised persons) (see *SUP 11* (Controllers and close links)).

Reporting requirement

16.4.5  
[FCA/  
PRA]

- R
- (1) A *firm* must submit a report to the *FSA appropriate regulator* annually, containing the information in (3) or (4) (as applicable).
  - (2) A *firm* must submit the report in (1) to the *FSA appropriate regulator* within four months of the *firm's* accounting reference date.
  - ...
  - (4A) A *firm* that is a *regulated entity* must include in its report to the *FSA appropriate regulator* under (1) whether any *consolidation group* of which it is a member is a *third-country banking and investment group*.
  - (4B) A *firm* does not have to give notice to the *FSA appropriate regulator* under (4A) if it, or another member of the *third-country banking and investment group*, has already given notice to the *FSA appropriate regulator* of the relevant fact.
  - ...

...

16.4.7  
[FCA/  
PRA]

- G
- If a *group* includes more than one *firm*, a single annual controllers report may be submitted, and so satisfy the requirements of all *firms* in the *group*. Such a report should contain the information required from all of them, meet all relevant due dates, indicate all the *firms* on whose behalf it is submitted and give their *FSA* firm reference numbers. Nevertheless, the requirement to provide a report, and the responsibility for the report, remain with each *firm* in the *group*.

...

Exception: insurers

16.4.12 [FCA/PRA] R An *insurer* need not submit a report under SUP 16.4.5R to the extent that the information has already been provided to the *FSA appropriate regulator* under IPRU(INS) 9.30R (Additional information on controllers).

## 16.5 Annual Close Links Reports

...

### Purpose

16.5.2 [FCA/PRA] G A *firm* is required to notify the *FSA appropriate regulator* of changes to its *close links* (see SUP 11.9). ~~Threshold condition 3 (Close links) provides~~ The effective supervision threshold conditions provide that, if a *firm* has *close links* with another *person*, the *FSA* must be satisfied that the matters which are relevant in determining whether a *firm* satisfies the condition of being capable of being effectively supervised include:

- (1) ~~those *close links* are not likely to prevent the *FSA's* effective supervision of the *firm*; and~~ the nature of the relationship between the *firm* and that *person*;
- (2) ~~where it appears to the *FSA* that the *person* is subject to the laws, regulations or administrative provisions of a territory which is not an *EEA State*, neither the foreign provisions, nor any deficiency in their enforcement, would prevent the *FSA's* effective supervision of the *firm*. whether those links or that relationship are likely to prevent the *appropriate regulator's* effective supervision of the *firm*; and~~
- (3) if the *person* is subject to the laws, regulations or administrative provisions of a territory which is not an *EEA State*, whether those foreign provisions, or any deficiency in their enforcement, would prevent the *appropriate regulator's* effective supervision of the *firm*.

16.5.3 [FCA/PRA] G The purposes of the *rules* and *guidance* in this section are:

- (1) to ensure that, in addition to such notifications, the *FSA appropriate regulator* receives regular and comprehensive information about the identities of all persons with whom a *firm* has *close links*, which is relevant to a *firm's* continuing to satisfy the ~~effective supervision threshold conditions condition 3 (Close links) (see SUP 2.3)~~ and to the protection of *consumers*; and
- (2) to implement certain requirements relating to the provision of information on *close links* which must be imposed on *firms* under the '*Post-BCCI Directive*'.

### Report

- 16.5.4 [FCA/PRA] R (1) A *firm* must submit a report to the *FSA appropriate regulator* annually by completing the Close Links Notification Form (see ~~SUP 11.9.3AG~~ *SUP 11.9.3BG* for the *FCA* and *SUP 11.9.3CG* for the *PRA*) and must include the information in (3) or (4) (as applicable) and (5).
- (2) A *firm* must submit the report in (1) to the *FSA appropriate regulator* within four months of the ~~firm's~~ *firm's* *accounting reference date*.

...

- 16.5.6 [FCA/PRA] G If a *group* includes more than one *firm*, a single annual close links report may be submitted and so satisfy the requirements of all *firms* in the *group*. Such a report should contain the information required from all of them, meet all relevant due dates, indicate all the *firms* on whose behalf it is submitted and give their ~~FSA~~ firm reference numbers. Nevertheless, the requirement to provide a report, and the responsibility for the report, remain with each *firm* in the *group*.

...

## 16.6 Compliance reports

...

### Purpose

- 16.6.3 G ~~The *FSA* performs part of its supervision work by reviewing and analysing information about *firms'* records of compliance with the requirements and standards under the *regulatory system*. The type of report the *FSA* requires will vary, depending on the type of business a *firm* undertakes. The requirements in *SUP 16.6* represent an interim approach to compliance reporting, based mainly on the reporting requirements, which *previous regulators* applied to *firms*. This information helps the *FSA* to determine whether a *firm* is complying with the requirements applicable to its business, and what procedures it is operating to ensure its compliance.~~  
[deleted]

- 16.6.3A [FCA] G The *FCA* performs part of its supervision work by reviewing and analysing information about *firms'* records of compliance with the requirements and standards under the *regulatory system*. The type of report the *FCA* requires will vary, depending on the type of business a *firm* undertakes. This information helps the *FCA* to determine whether a *firm* is complying with the requirements applicable to its business, and what procedures it is operating to ensure its compliance.

- 16.6.3B [PRA] G The *PRA* performs part of its supervision work by reviewing and analysing information about *firms'* records of compliance with prudential

requirements and standards. The type of report the PRA requires will vary, depending on the type of business a firm undertakes. This information helps the PRA to determine whether a firm is complying with the requirements applicable to its business, and what procedures it is operating to ensure its compliance.

Banks

16.6.4 [FCA/PRA] R A bank must submit compliance reports to the *FSA appropriate regulator* in accordance with SUP 16.6.5R.

16.6.5 [FCA/PRA] R Compliance reports from a bank (see SUP 16.6.4R)

Report	Frequency	Due date
List of all <i>overseas regulators</i> for each legal entity in the <i>firm's group</i>	Annually	6 months after the <i>firm's accounting reference date</i> <i>firm's accounting reference date</i>
Organogram showing the <i>authorised</i> entities in the <i>firm's group</i>	Annually	6 months after the <i>firm's accounting reference date</i> <i>firm's accounting reference date</i>

...

16.6.7 [FCA] R Compliance reports from trustees of AUTs, depositaries of ICVCs, and OPS firms (see SUP 16.6.6R)

Report	Frequency	Due date
Report from a <i>trustee</i> of an <i>AUT</i> on <i>manager's</i> failures as set out in SUP 16.6.8R(1)	Quarterly	1 month after quarter end (Note)
Report from a <i>depository</i> of an <i>ICVC</i> on failures by the <i>authorised corporate director</i> as set out in SUP 16.6.8R(2)	Quarterly	1 month after quarter end (Note)
<i>OPS firms</i> only: Annual accounts of each <i>occupational pension scheme</i> in respect of which the <i>firm</i> is acting	Annually	7 months after end of the scheme year
<i>OPS firms</i> only:	Annually	7 months after end

Audited annual accounts of each <i>OPS collective investment scheme</i> in respect of which the <i>firm</i> is acting		of the scheme year
Note = The quarter ends are 31 March, 30 June, 30 September, 31 December.		

16.6.8  
[FCA]

- R (1) The report from a *trustee* of an *AUT* to the ~~FSA~~ FCA must state, in relation to the *manager* of each *AUT* for which it is a *trustee*, the number of times during the quarter in which facts came to the *firm's* knowledge from which it appeared, or might have appeared, that the *manager* had failed (materially or otherwise) to:
- (a) give correct instructions ... and the error:
    - ...
    - (ii) was not corrected in accordance with the ~~FSA's~~ FCA's guidance as set out in *COLL 6.2.12G*;
    - ...
- (2) The report from a *depository* of an *ICVC* to the ~~FSA~~ FCA must state, in relation to the *authorised corporate director* of each *ICVC* for which the *firm* is a *depository*, the number of times during the quarter in which facts came to the *firm's* knowledge from which it appeared, or might have appeared, that the *authorised corporate director* had failed (materially or otherwise) to:
- (a) ... and the error:
    - ...
    - (ii) was not corrected in accordance with the ~~FSA's~~ FCA's guidance as set out in *COLL 6.2.12G*;
    - ...
- (3) An *OPS firm* must notify the ~~FSA~~ FCA of any change in the date of commencement of the scheme year of an *OPS* or *OPS collective investment scheme*, in respect of which the *firm* is acting, not less than 15 *business days* before the date on which such a change is to become effective.

...

## 16.8 Persistency reports from insurers and data reports on stakeholder pensions

...

Purpose

- 16.8.2 [FCA] G The purpose of this section is to enable information on the persistency of life policies and data on stakeholder pensions to be prepared and provided to the ~~FSA~~ FCA in a standard format. This information is used in the monitoring of *firms* both individually and collectively.

Requirement to submit persistency and data reports

- 16.8.3 [FCA] R (1) *An insurer with permission to effect or ~~carry out~~ life policies* carry out life policies must submit to the ~~FSA~~ FCA a persistency report in respect of *life policies* by 30 April each year in accordance with this section.
- (2) *A firm with permission to establish, operate or wind up a stakeholder pension scheme* must submit to the ~~FSA~~ FCA:

...

...

- 16.8.9 [FCA] G *Life policies* and stakeholder pensions falling within SUP 16.8.8R(2)(c) are those which have been transferred from another *firm*, for example under an insurance business transfer scheme under Part ~~VII~~ 7 of the *Act* (Control of Business Transfers).

...

- 16.8.20 [FCA] R If, in relation to any Form, a *firm* has no *life policies* or stakeholder pensions to report on in a copy of that Form, the *firm* need not submit that copy provided that it confirms in writing to the ~~FSA~~ FCA, as part of the persistency or data report, that it is not doing so and the reason for not doing so.

...

- 16.8.23 [FCA] R A *firm* must make and retain such records as will enable it to:
- (1) ...
- (2) make persistency reports or data reports to the ~~FSA~~ FCA in accordance with SUP 16.8.3R.

...

## 16.9 Appointed representatives annual report

Application

16.9.1 [FCA] G The effect of SUP 16.1.1R is that this section applies to every *firm* with a ~~Part 4A~~ permission to advise on investments, arrange (bring about) deals in investments, making arrangements with a view to transactions in investments, or arrange safeguarding and administration of assets.

Purpose

16.9.2 [FCA] G The purpose of the *rules* and *guidance* in this section is to ensure that, in addition to the notifications made under SUP 12.7 (Appointed representatives; notification requirements), the ~~FSA~~ FCA receives regular and comprehensive information about the *appointed representatives* engaged by a *firm*, so that the ~~FSA~~ FCA is in a better position to pursue the ~~regulatory objective~~ statutory objective of the protection of *consumers*.

16.9.3 [FCA] R (1) A *firm* must:

- (a) submit a report to the ~~FSA~~ FCA annually, in the form of an amended copy of the relevant extract from the ~~FSA Register~~ Financial Services Register, containing the information in (2);
- (b) submit the report in (1) to the ~~FSA~~ FCA within four *months* of the ~~firm's accounting~~ firm's accounting reference date.

(2) The report in (1) must contain a list of all the current *appointed representatives* of the *firm* as at the ~~firm's accounting~~ firm's accounting reference date.

(3) The report in (1) is not required if:

- (a) ...
- (b) this is reflected in the relevant extract from the ~~FSA Register~~ Financial Services Register.

16.9.4 [FCA] G The ~~FSA Register~~ Financial Services Register is maintained under section 347 of the *Act* (The record of authorised persons, etc.) and may be viewed at the ~~FSA's website at www.fsa.gov.uk/register/~~ FCA's website.

...

16.9.6 [FCA] G If a group includes more than one *firm*, a single annual *appointed representatives* report may be submitted on behalf of all *firms* in the *group*. Such a report should contain the information required from all the *firms*, meet all relevant due dates, indicate all the *firms* on whose behalf it is submitted and give their ~~FSA~~ Financial Services Register firm reference numbers. The requirement to provide a report, and the responsibility for the report remains with each *firm* in the *group*.

**16.10 Verification of standing data**

...

Purpose

- 16.10.2 [FCA/  
PRA] G *Standing data* is used by the ~~FSA~~ appropriate regulator:
- (1) to ensure that a *firm* is presented with the correct regulatory return when it seeks to report electronically;
  - (2) in order to communicate with a *firm*;
  - (3) as the basis for some sections of the ~~FSA Register~~ Financial Services Register; and
  - (4) in order to carry out thematic analysis across sectors and groups of *firms*.

...

Requirement to check the accuracy of standing data and to report changes to the ~~FSA~~ appropriate regulator

- 16.10.4 [FCA/  
PRA] R (1) Within 30 *business days* of its *accounting reference date*, a *firm* must check the accuracy of its *standing data* through the relevant section of the ~~FSA~~ appropriate regulator's website.
- (2) ...
- (3) If any *standing data* is incorrect, the *firm* must submit the corrected *standing data* to the ~~FSA~~ appropriate regulator, using the appropriate form set out in SUP 15 Ann 3R and in accordance with SUP 16.10.4AR.
- 16.10.4A [FCA/  
PRA] R (1) A *firm* other than a *credit union* must submit any corrected *standing data* under SUP 16.10.4R(3) online at ~~www.fsa.gov.uk~~ the appropriate regulator's website using the ~~FSA's~~ ONA ONA system.
- (2) A *credit union* must submit any corrected *standing data* under SUP 16.10.4R(3) ~~in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification)~~ to [static.data@fca.org.uk](mailto:static.data@fca.org.uk) or via post or hand delivery to the FCA marked for the attention of the 'Static Data team'.
- (3) Where a *firm* is obliged to submit corrected *standing data* online under (1), if the ~~FSA's~~ FCA's information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit its corrected *standing data* ~~in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification)~~ to

[static.data@fca.org.uk](mailto:static.data@fca.org.uk) or via post or hand delivery to the FCA marked for the attention of the 'Static Data team'.

16.10.4B G If the ~~FSA's~~ FCA's information technology systems fail and online  
[FCA/ submission is unavailable for 24 hours or more, the ~~FSA~~ FCA will  
PRA] endeavour to publish a notice on its website confirming that online  
submission is unavailable and that the alternative methods of submission  
set out in ~~SUP 16.10.4AR(3) and SUP 15.7.4R to SUP 15.7.9G (Form and  
method of notification)~~ SUP 16.3.9R should be used.

...

16.10.5 G The *standing data* is made available to the *firm* when the *firm* logs into the  
[FCA/ appropriate section of the ~~FSA~~ appropriate regulator's website. The *firm*  
PRA] should check the *standing data* and send any corrections to the ~~FSA~~  
appropriate regulator. The ~~FSA's~~ appropriate regulator's preferred  
method of receiving corrections to *standing data* is by the online forms  
available at the ~~FSA's~~ appropriate regulator's website.

...

## 16.11 Product Sales Data Reporting

...

### Purpose

16.11.2 G (1) The purpose of this section is to set out the requirements for *firms*  
[FCA] in the retail mortgage, investment, and *pure protection contract*  
markets specified in SUP 16.11.1R to report individual product  
sales data to the ~~FSA~~ FCA. In the case of *firms* in the sale and rent  
back market, there is a requirement to record, but not to submit,  
the data. These requirements apply whether the *regulated activity*  
has been carried out by the *firm*, or through an intermediary which  
has dealt directly with the *firm*.

(2) The purpose of collecting this data is to assist the ~~FSA~~ FCA in the  
ongoing supervision of *firms* engaged in retail activities and to  
enable the ~~FSA~~ FCA to gain a wider understanding of market  
trends in the interests of protecting *consumers*.

...

16.11.4 G (1) ...  
[FCA] (2) If it is easier and more practical for a *firm* to submit additional  
data relating to products other than those specified in SUP  
16.11.5R, it may submit that additional data to the ~~FSA~~ FCA in a  
data report.

...

- 16.11.9 R A *firm* must provide the data report to the ~~FSA~~ FCA electronically in a  
[FCA] standard format provided by the ~~FSA~~ FCA.
- 16.11.10 G A data report will have been provided to the ~~FSA~~ FCA in accordance with  
[FCA] *SUP* 16.11.9R only if all mandatory data reporting fields (as set out in *SUP*  
16 Annex 21RR) have been completed correctly and the report has been  
accepted by the relevant ~~FSA~~ FCA reporting system.

Use of reporting agents

- 16.11.11 R (1) A *firm* may appoint another *person* to provide the data report on  
[FCA] the *firm's* behalf if the *firm* has informed the ~~FSA~~ FCA of that  
appointment in writing.

...

## 16.12 Integrated Regulatory Reporting

...

Purpose

- 16.12.2 G (1) *Principle 4* requires *firms* to maintain adequate financial  
[FCA/  
PRA] resources. The Interim Prudential sourcebooks, *PRU*, *BIPRU* and  
*GENPRU* set out the ~~FSA's~~ appropriate regulator's detailed  
capital adequacy requirements. By submitting regular data, *firms*  
enable the ~~FSA~~ appropriate regulator to monitor their compliance  
with *Principle 4* and their prudential requirements in the ~~FSA~~  
~~Handbook~~ Handbook.
- (2) The *data items* submitted help the ~~FSA~~ appropriate regulator  
analyse *firms'* financial and other conditions and performance and  
to understand their business. By means of further collation and  
review of the data which the *data items* provide, the ~~FSA~~  
appropriate regulator also uses the *data items* to identify  
developments across the financial services industry and its  
constituent sectors.
- (3) The requirements in this section differ according to a *firm's*  
*regulated activity group (RAG)*, as different information is  
required to reflect different types of business. Standard formats are  
used for reporting, to assist compatibility between *firms* which  
carry on similar types of business. Timely submission is important  
to ensure the ~~FSA~~ appropriate regulator has up-to-date  
information.

Reporting requirement

- 16.12.3 R (1) Any *firm* permitted to carry on any of the activities within each of

[FCA/  
PRA]

the RAGs set out in column (1) of the table in SUP 16.12.4R must:

- (a) (i) unless (ii) or (iii) applies, submit to the *FSA appropriate regulator* the duly completed *data items* or other items applicable to the *firm* as set out in the provision referred to in column (2) of that table;
- (ii) unless (iii) applies, where a *firm* is required to submit completed *data items* for more than one RAG, that *firm* must only submit the *data item* of the same name and purpose in respect of the lowest numbered RAG applicable to it, RAG 1 being the lowest and RAG 10 the highest;
- (iii) where a *firm* is, but for this rule, required to submit *data items* for more than one RAG and this includes the submission of *data items* in respect of *FSA* fees, the *FOS* or *FSCS* levy, or threshold conditions, that *firm* must only submit these *data items* if they belong to the lowest numbered of the RAGs applicable to it;
- (iv) in the case of a *non-EEA bank*, or an *EEA bank* (whether or not it has *permission* for *accepting deposits*) other than one with *permission* for *cross border services* only, any *data items* submitted should, unless indicated otherwise, only cover the activities of the branch operation in the *United Kingdom*;

in the format specified as applicable to the *firm* in the provision referred to in column (2);

...

- (2) Unless (3) applies, any *data item* in (1) must be submitted by electronic means made available by the *FSA*; *appropriate regulator*.
- (3) Paragraph (2) does not apply to:
  - (a) *credit unions* solely in relation to the reporting requirement for RAG 1 activities, ~~where SUP 16.3.6R to SUP 16.3.10G will apply;~~ where the following submission methods apply:
    - (i) Post to the Bank of England for postal submission:  
Regulatory Data Group  
Statistics and Regulatory Data Division (HO5 A-B)  
Bank of England  
Threadneedle Street  
London

EC2R 8AH

- (ii) Leaving the report marked for the attention of “Regulatory Data Group, Statistics and Regulatory Data Division (HO 5 A-B) at the Bank of England, Threadneedle Street, London, EC2R 8AH, and obtaining a dated receipt
  - (iii) Electronic mail (CreditUnionReporting@BankofEngland.co.uk) or fax (020 7601 3334) to the Regulatory Data Group of the Bank of England
  - (iv) Online submission via the appropriate systems accessible from the appropriate regulator’s website;
- (b) *firms* in RAG 2 in relation to the reporting requirements for RAG 2 activities; and
- (c) those data items specified as "No standard format", where SUP 16.3.6R to SUP 16.3.10G will apply.
- (4) A *firm* that is a member of a *financial conglomerate* must also submit financial reports as required by SUP 16.12.32R.

...

16.12.4 R Table of applicable rules containing *data items*, frequency and submission periods  
[FCA/  
PRA]

(1)		(2)	(3)	(4)
RAG number	Regulated Activities	Provisions containing		
		applicable <i>data items</i>	reporting frequency/ period	due date
...				
RAG 10	• the activities of an <del>RIE/RCH</del> <u>RIE</u>	SUP 16.12.29G	SUP 16.12.29G	SUP 16.12.29G
...				

...

16.12.9 R ...  
[FCA]

	<i>Member's adviser</i> (note 3)	the <i>Society</i> (note 1)
--	----------------------------------	-----------------------------

...		
...		
Note 3	<del>A member's adviser must prepare its reports in accordance with, and in the format set out in, SUP 16 Annex 10R and as required by section 6 of that annex. Guidance notes for the completion of the reports is contained in SUP 16 Annex 11G. [deleted]</del>	
...		

...

16.12.29 G *Recognised bodies (RIEs and RCHs)* RIEs have separate reporting requirements agreed between the *recognised body* and the *FSA* as set out in REC.  
[FCA]

...

16.12.30 R ...  
[FCA]

(3) An authorised professional firm must also, where applicable, submit the other report to the ~~FSA~~ FCA in accordance with SUP 16.12.31R in respect of the other regulated activities it undertakes under (1)(a) .

...

16.12.32 R (1) A firm that is a member of a financial conglomerate must submit financial reports to the ~~FSA~~ appropriate regulator in accordance with the table in SUP 16.12.33R if:  
[FCA/  
PRA]

(a) it is at the head of an ~~FSA-regulated EEA financial conglomerate~~ a UK-regulated EEA financial conglomerate;  
or

(b) its ~~Part IV 4A~~ permission contains a relevant requirement.

(2) ...

16.12.33 R Financial reports from a member of a financial conglomerate (see SUP 16.12.32R)  
[FCA/  
PRA]

...			
...			
Note 2	If Part 1 of GENPRU 3 Annex 1R (method 1), Part 2 of GENPRU 3 Annex 1R (method 2), or Part 3 of GENPRU 3 Annex 1R (method 3) applies, there is no specific form. Adequate		

	<p>information must be provided, and each <i>financial conglomerate</i> for which the <i>FSA appropriate regulator</i> is the <i>co-ordinator</i> must discuss with the <i>FSA appropriate regulator</i> how to do this.</p> <p>...</p>
Note 3	<p>Rather than specifying a standard format for each <i>financial conglomerate</i> to use, each <i>financial conglomerate</i> for which the <i>FSA appropriate regulator</i> is the <i>co-ordinator</i> must discuss with the <i>FSA appropriate regulator</i> the form of the information to be reported. This should mean that usual information management systems of the <i>financial conglomerate</i> can be used to the extent possible to generate and analyse the information required. When reviewing the <i>risk concentration</i> levels, the <i>FSA appropriate regulator</i> will in particular monitor the possible risk of contagion in the <i>financial conglomerate</i>, the risk of a conflict of interests, the risk of circumvention of sectoral <i>rules</i>, and the level or volume of risks.</p>
Note 4	<p>For the purposes of this reporting requirement, an <i>intra-group transaction</i> will be presumed to be significant if its amount exceeds 5% of the total amount of capital adequacy requirements at the level of the <i>financial conglomerate</i>.</p> <p>Rather than specifying a standard format for each <i>financial conglomerate</i> to use, each <i>financial conglomerate</i> for which the <i>FSA appropriate regulator</i> is the <i>co-ordinator</i> must discuss with the <i>FSA appropriate regulator</i> the form of the information to be reported. This should mean that usual information management systems of the <i>financial conglomerate</i> can be used to the extent possible to generate and analyse the information required. When reviewing the <i>intra-group transactions</i>, the <i>FSA appropriate regulator</i> will in particular monitor the possible risk of contagion in the <i>financial conglomerate</i>, the risk of a conflict of interest, the risk of circumvention of <i>sectoral rules</i>, and the level or volume of risks.</p>
...	

## 16.13 Reporting under the Payment Services Regulations

...

### Purpose

16.13.2 [FCA] G The purpose of this section is to give directions to *authorised payment institutions* and *small payment institutions* under regulation 82 (Reporting requirements) of the *Payment Services Regulations* in relation to:

- (1) the information in respect of their provision of *payment services*

and their compliance with requirements imposed by or under Parts 2 to 6 of the *Payment Services Regulations* that they must provide to the ~~FSA~~ FCA; and

(2) ...

...

#### Reporting requirement

16.13.3 [FCA] D (1) An *authorised payment institution* or a *small payment institution* must submit to the ~~FSA~~ FCA the duly completed return applicable to it as set out in column (2) of the table in *SUP* 16.13.4D.

(2) An *authorised payment institution* or a *small payment institution* must submit the return referred to in (1):

...

(d) by electronic means made available by the ~~FSA~~ FCA.

...

### 16.14 Client money and asset return

...

#### Purpose

16.14.2 [FCA] G The purpose of the *rules* and *guidance* in this section is to ensure that the ~~FSA~~ FCA receives regular and comprehensive information from a *firm* which is able to hold *client money* and *safe custody assets* on behalf of its *clients*.

#### Report

16.14.3 [FCA] R (1) Subject to (3), a *firm* must submit a completed *CMAR* to the ~~FSA~~ FCA within 15 *business days* of the end of each month.

...

(3) A *firm* which changes its 'CASS firm type' and notifies the ~~FSA~~ FCA that it is a *CASS medium firm* or a *CASS large firm* in accordance with *CASS* 1A.2.9R is not required to submit a *CMAR* in respect of the month in which the change to its 'CASS firm type' takes effect in accordance with *CASS* 1A.2.12R, unless it was a *firm* to which the requirement in (1) applied immediately prior to that change taking effect.

...

Method of submission

- 16.14.6 [FCA] R A *CMAR* must be submitted by electronic means made available by the ~~FSA~~ FCA.

**16.15 Reporting under the Electronic Money Regulations**

...

Purpose

- 16.15.2 [FCA] G The purpose of this section is to give directions to the *electronic money issuers* referred to in *SUP* 16.1.1BD under regulation 49 (Reporting requirements) of the *Electronic Money Regulations* in relation to:
- (1) the information in respect of their issuance of *electronic money* and provision of *payment services* and their compliance with requirements imposed by or under Parts 2 to 5 of the *Electronic Money Regulations* that they must provide to the ~~FSA~~ FCA; and
  - (2) ...

...

Reporting requirement

- 16.15.4 [FCA] D An *electronic money issuer* that is not a *credit institution* must submit to the ~~FSA~~ FCA:
- (1) the duly completed return applicable to it ...;
  - (2) the return referred to in (1):  
...  
(d) by electronic means made available by the ~~FSA~~ FCA where necessary.

...

**16.16 Prudent valuation reporting**

...

Purpose

- 16.16.3 [FCA/ G (1) The purpose of this section is to set out the requirements for a *firm* specified in *SUP* 16.16.1R to report the outcomes of its prudent

PRA] valuation assessments under the prudent valuation rules, in *GENPRU* 1.3.4R and *GENPRU* 1.3.14R to *GENPRU* 1.3.34R, to the *FSA appropriate regulator* and to do so in a standard format.

- (2) The purpose of collecting this data on the prudent valuation assessments made by a *firm* under *GENPRU* 1.3.4R and *GENPRU* 1.3.14R to *GENPRU* 1.3.34R is to assist the *FSA appropriate regulator* in assessing the capital resources of *firms*, to enable the *FSA appropriate regulator* to gain a wider understanding of the nature and sources of measurement uncertainty in fair-valued financial instruments, and to enable comparison of the nature and level of that measurement uncertainty across *firms* and over time.

#### Reporting requirement

16.16.4 R (1) A *firm* to which this section applies must submit to the *FSA appropriate regulator* quarterly (on a calendar year basis and not from a *firm's accounting reference date*), within six weeks of each quarter end, a Prudent Valuation Return in respect of its fair-value assessments under *GENPRU* 1.3.4R and *GENPRU* 1.3.14R to *GENPRU* 1.3.34R in the format set out in *SUP* 16 Annex 31AR.

[FCA/  
PRA]

- (2) A PRA-authorised person to which this section applies must submit the report via electronic mail to [prudentvaluationreturns@bankofengland.co.uk](mailto:prudentvaluationreturns@bankofengland.co.uk) or via post or hand delivery to Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London EC2R 8AH; or via fax to the Regulatory Data Group of the Bank of England (020 7601 3334)

...

## 16.17 Remuneration reporting

### Purpose

16.17.1 G The purpose of this section is to ensure that the *FSA appropriate regulator* receives regular and comprehensive information about *remuneration* in a standard format to assist it to benchmark *remuneration* trends and practices and to collect *remuneration* information on *high earners*. It also takes account of the Capital Requirements (Amendment) Regulations 2012 (SI 2012/917) together with the European Banking Authority's Guidelines to article 22(3) and (5) of the *Banking Consolidation Directive*.

[FCA/  
PRA]

...

16.17.3 R (1) A *firm* to which this *rule* applies must submit a Remuneration Benchmarking Information Report to the *FSA PRA* annually.

[PRA]

...

- (3) The *firm* must submit that report to the ~~FSA~~ PRA within four months of the *firm's accounting reference date*.

...

#### High Earners Reporting Requirements

- 16.17.4 [FCA/  
PRA] R (1) A *firm* to which this *rule* applies must submit a High Earners Report to the ~~FSA~~ appropriate regulator annually.
- (2) The *firm* must submit that report to the ~~FSA~~ appropriate regulator within four months of the end of the *firm's accounting reference date*.

...

...

Delete the following two Annexes in their entirety. The deleted text is not shown.

**16 Annex 10R Securities and Futures firms' reporting forms and requirements applying to their completion** [deleted]

**16 Annex 11G Guidance Notes on Completion of Securities and Futures Firms Reporting Forms** [deleted]

Amend the following as shown.

**16 Annex 16A Standing data (See SUP 16.10.4 R)**  
[FCA/PRA]

16 Annex R A: Communications with a *firm*  
16A.1

1. Name of the *firm*
  2. Trading name(s) of the *firm*
  - 3.
  4. Registered office
  5. Principal place of business
  6. Website address
  7. Complaints contact and complaints officer
  8. The name and email address of the primary compliance contact
- B: Information about a *firm* on the ~~FSA Register~~ Financial Services Register
- 9.
  - 10.

- 11.
- C: Other information about a *firm*
- 12.
- 13.
- 14. Name and address of *firm's* auditor
- 15.
- 16. *Accounting reference date*
- 17. Locum

...

**16 Annex 26G Guidance on designated liquidity groups in SUP 16.12**  
[PRA]

...		
8.	G	The definition applies automatically. It does not depend, for example, on the <i>firm</i> getting a <i>waiver</i> under BIPRU 12 (Liquidity). However, in practice it is likely that the <i>firm</i> and the <del>FSA</del> <u>PRA</u> will agree who is in the <i>firm's DLG by default</i> .
...		
13.	G	The <del>FSA</del> <u>PRA</u> recognises that a <i>firm</i> may be part of a wider <i>group</i> which manages its liquidity on a <i>group-wide</i> basis. This is recognised by an <i>intra-group liquidity modification</i> . A <i>DLG by modification</i> arises out of the <i>intra-group liquidity modification</i> .
...		

Annex B

Designations & Regulator making new provision

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
<b><u>Handbook Provision</u></b>	<b><u>Made, designated or no longer in force after legal cutover</u></b>	<b><u>Relevant regulator</u></b>
SUP 16.1.1R	Designated	FCA/PRA
SUP 16.1.1AD	Designated	FCA
SUP 16.1.1BD	Designated	FCA
SUP 16.1.2G	Designated	FCA/PRA
SUP 16.1.3R	Designated	FCA/PRA
SUP 16.1.4G	Designated	FCA/PRA
SUP 16.1.5G	Deleted	
SUP 16.1.6G	Deleted	
SUP 16.1.7G	Made	FCA/PRA
SUP 16.2.1G	Designated	FCA/PRA
SUP 16.3.1G	Designated	FCA/PRA
SUP 16.3.2G	Designated	FCA/PRA
SUP 16.3.3G	Designated	FCA/PRA
SUP 16.3.4G	Designated	FCA/PRA
SUP 16.3.5G	Designated	FCA/PRA
SUP 16.3.6R	Designated	FCA/PRA
SUP 16.3.7R	Designated	FCA/PRA
SUP 16.3.8R	Designated	FCA/PRA
SUP 16.3.9R	Designated	FCA/PRA
SUP 16.3.10G	Designated	FCA/PRA
SUP 16.3.11R	Designated	FCA/PRA
SUP 16.3.12G	Designated	FCA/PRA
SUP 16.3.13R	Designated	FCA/PRA
SUP 16.3.14R	Designated	FCA/PRA

SUP 16.3.14AG	Designated	FCA/PRA
SUP 16.3.15G	Designated	FCA/PRA
SUP 16.3.16G	Designated	FCA/PRA
SUP 16.3.17R	Designated	FCA/PRA
SUP 16.3.18G	Designated	FCA/PRA
SUP 16.3.19G	Designated	FCA/PRA
SUP 16.3.20G	No longer in force after LCO	
SUP 16.3.21G	No longer in force after LCO	
SUP 16.3.22G	Designated	FCA/PRA
SUP 16.3.23G	Designated	FCA/PRA
SUP 16.3.24G	Designated	FCA/PRA
SUP 16.3.25G	Designated	FCA/PRA
SUP 16.3.26G	Designated	FCA/PRA
SUP 16.4.1G	Designated	FCA/PRA
SUP 16.4.2G	Designated	FCA/PRA
SUP 16.4.2AG	Designated	FCA/PRA
SUP 16.4.3G	Designated	FCA/PRA
SUP 16.4.4G	Designated	FCA/PRA
SUP 16.4.5R	Designated	FCA/PRA
SUP 16.4.6G	Designated	FCA/PRA
SUP 16.4.7G	Designated	FCA/PRA
SUP 16.4.8G	Designated	FCA/PRA
SUP 16.4.9G	Designated	FCA/PRA
SUP 16.4.10R	Designated	FCA/PRA
SUP 16.4.11R	Designated	FCA/PRA
SUP 16.4.12R	Designated	FCA/PRA
SUP 16.5.1G	Designated	FCA/PRA
SUP 16.5.2G	Designated	FCA/PRA
SUP 16.5.3G	Designated	FCA/PRA

SUP 16.5.4R	Designated	FCA/PRA
SUP 16.5.5G	Deleted	
SUP 16.5.6G	Designated	FCA/PRA
SUP 16.5.7G	Designated	FCA/PRA
SUP 16.5.8R	Designated	FCA/PRA
SUP 16.6.1G	Designated	FCA/PRA
SUP 16.6.1AD	Designated	FCA
SUP 16.6.2G	Designated	FCA/PRA
SUP 16.6.3G	No longer in force after legal cutover	
SUP 16.6.3AG	Made	FCA
SUP 16.6.3BG	Made	PRA
SUP 16.6.4R	Designated	FCA/PRA
SUP 16.6.5R	Designated	FCA/PRA
SUP 16.6.6R	Designated	FCA
SUP 16.6.7R	Designated	FCA
SUP 16.6.8R	Designated	FCA
SUP 16.6.9R	Designated	FCA
SUP 16.7	not in force anymore	
SUP 16.8.1G	Designated	FCA
SUP 16.8.2G	Designated	FCA
SUP 16.8.3R	Designated	FCA
SUP 16.8.4R	Designated	FCA
SUP 16.8.5G	Designated	FCA
SUP 16.8.6G	Designated	FCA
SUP 16.8.7R	Designated	FCA
SUP 16.8.8R	Designated	FCA
SUP 16.8.9G	Designated	FCA
SUP 16.8.10R	Designated	FCA

SUP 16.8.11R	Designated	FCA
SUP 16.8.12G	Designated	FCA
SUP 16.8.13R	Designated	FCA
SUP 16.8.14R	Designated	FCA
SUP 16.8.15R	Designated	FCA
SUP 16.8.16R	Designated	FCA
SUP 16.8.17R	Designated	FCA
SUP 16.8.18R	Designated	FCA
SUP 16.8.19R	Designated	FCA
SUP 16.8.20R	Designated	FCA
SUP 16.8.21R	Designated	FCA
SUP 16.8.22G	Designated	FCA
SUP 16.8.23R	Designated	FCA
SUP 16.8.24G	Designated	FCA
SUP 16.9.1G	Designated	FCA
SUP 16.9.2G	Designated	FCA
SUP 16.9.3R	Designated	FCA
SUP 16.9.4G	Designated	FCA
SUP 16.9.5G	Deleted	
SUP 16.9.6G	Designated	FCA
SUP 16.10.1G	Designated	FCA/PRA
SUP 16.10.2G	Designated	FCA/PRA
SUP 16.10.3G	Designated	FCA/PRA
SUP 16.10.4R	Designated	FCA/PRA
SUP 16.10.4AR	Designated	FCA/PRA
SUP 16.10.4BG	Designated	FCA/PRA
SUP 16.10.4CG	Designated	FCA/PRA
SUP 16.10.5G	Designated	FCA/PRA
SUP 16.10.6G	Designated	FCA/PRA

SUP 16.10.7G	Deleted	
SUP 16.11.1R	Designated	FCA
SUP 16.11.2G	Designated	FCA
SUP 16.11.3R	Designated	FCA
SUP 16.11.4G	Designated	FCA
SUP 16.11.5R	Designated	FCA
SUP 16.11.6G	Designated	FCA
SUP 16.11.7R	Designated	FCA
SUP 16.11.8R	Designated	FCA
SUP 16.11.8AG	Designated	FCA
SUP 16.11.9R	Designated	FCA
SUP 16.11.10G	Designated	FCA
SUP 16.11.11R	Designated	FCA
SUP 16.12.1G	Designated	FCA/PRA
SUP 16.12.2G	Designated	FCA/PRA
SUP 16.12.3R	Designated	FCA/PRA
SUP 16.12.3AG	Designated	FCA/PRA
SUP 16.12.3BG	Designated	FCA/PRA
SUP 16.12.4R	Designated	FCA/PRA
SUP 16.12.4AG	Designated	PRA
SUP 16.12.4BG	Designated	FCA/PRA
SUP 16.12.5R	Designated	FCA/PRA
SUP 16.12.6R	Designated	FCA/PRA
SUP 16.12.7R	Designated	FCA/PRA
SUP 16.12.8R	Designated	PRA
SUP 16.12.9R	Designated	FCA/PRA
SUP 16.12.9AG	Designated	FCA
SUP 16.12.10R	Designated	FCA/PRA
SUP 16.12.11R	Designated	FCA/PRA

SUP 16.12.11AG	Designated	FCA/PRA
SUP 16.12.12R	Designated	FCA/PRA
SUP 16.12.13R	Designated	FCA/PRA
SUP 16.12.14R	Designated	FCA
SUP 16.12.15R	Designated	FCA/PRA
SUP 16.12.15AG	Designated	FCA/PRA
SUP 16.12.16R	Designated	FCA/PRA
SUP 16.12.17R	Designated	FCA/PRA
SUP 16.12.18R	Designated	FCA/PRA
SUP 16.12.18AR	Designated	FCA/PRA
SUP 16.12.19R	Designated	FCA
SUP 16.12.19AR	Designated	FCA
SUP 16.12.20R	Designated	FCA
SUP 16.12.21R	Designated	FCA
SUP 16.12.22R	Designated	FCA
SUP 16.12.22AR	Designated	FCA/PRA
SUP 16.12.22BG	Designated	FCA/PRA
SUP 16.12.23R	Designated	FCA/PRA
SUP 16.12.24R	Designated	FCA/PRA
SUP 16.12.25R	Designated	FCA
SUP 16.12.25AR	Designated	FCA/PRA
SUP 16.12.25BG	Designated	FCA/PRA
SUP 16.12.26R	Designated	FCA/PRA
SUP 16.12.27R	Designated	FCA/PRA
SUP 16.12.28R	Designated	FCA
SUP 16.12.28AR	Designated	FCA
SUP 16.12.29G	Designated	FCA
SUP 16.12.29AR	Designated	FCA/PRA
SUP 16.12.30AR	Designated	FCA

SUP 16.12.31R	Designated	FCA
SUP 16.12.32R	Designated	FCA/PRA
SUP 16.12.33R	Designated	FCA/PRA
SUP 16.13.1G	Designated	FCA
SUP 16.13.2G	Designated	FCA
SUP 16.13.2AG	Designated	FCA
SUP 16.13.3D	Designated	FCA
SUP 16.13.3AD	Designated	FCA
SUP 16.13.3BD	Designated	FCA
SUP 16.13.4D	Designated	FCA
SUP 16.14.1R	Designated	FCA
SUP 16.14.2G	Designated	FCA
SUP 16.14.3R	Designated	FCA
SUP 16.14.4R	Designated	FCA
SUP 16.14.5G	Designated	FCA
SUP 16.14.6R	Designated	FCA
SUP 16.15.1G	Designated	FCA
SUP 16.15.2G	Designated	FCA
SUP 16.15.3G	Designated	FCA
SUP 16.15.4D	Designated	FCA
SUP 16.15.5D	Designated	FCA
SUP 16.15.6D	Designated	FCA
SUP 16.15.7R	Designated	FCA
SUP 16.15.8D	Designated	FCA
SUP 16.16.1 R	Designated	FCA/PRA
SUP 16.16.2R	Designated	FCA/PRA
SUP 16.16.3G	Designated	FCA/PRA
SUP 16.16.4R	Designated	FCA/PRA
SUP 16.16.5R	Designated	FCA/PRA

SUP 16.17.1G	Designated	FCA/PRA
SUP 16.17.2R	Designated	FCA/PRA
SUP 16.17.3R	Designated	PRA
SUP 16.17.4R	Designated	FCA/PRA
SUP 16.17.5G	Designated	FCA/PRA
SUP 16 Annex 1R	Deleted	
SUP 16 Annex 2G	Deleted	
SUP 16 Annex 3R	deleted	
SUP 16 Annex 4G	deleted	
SUP 16 Annex 5R	deleted	
SUP 16 Annex 6R	Designated	FCA
SUP 16 Annex 7R	deleted	
SUP 16 Annex 8G	deleted	
SUP 16 Annex 9R	Designated	FCA
SUP 16 Annex 10R	Deleted at LCO	
SUP 16 Annex 11G	Deleted at LCO	
SUP 16 Annex 12G	Designated	FCA
SUP 16 Annex 13R	Designated	FCA/PRA
SUP 16 Annex 14R	Designated	PRA
SUP 16 Annex 15G	Made	PRA
SUP 16 Annex 16R	deleted	
SUP 16 Annex 16AR	Designated	FCA/PRA
SUP 16 Annex 16A.1R	Designated	FCA/PRA
SUP 16 Annex 17	Deleted	
SUP 16 Annex 18	deleted	
SUP 16 Annex 18AR	Designated	FCA
SUP 16 Annex 18BG	Designated	FCA
SUP 16 Annex 19R	deleted	
SUP 16 Annex 19AR	Designated	FCA/PRA

SUP 16 Annex 19BG	Designated	FCA/PRA
SUP 16 Annex 20G	Designated	FCA
SUP 16 Annex 21R	Designated	FCA
SUP 16 Annex 22R	deleted	
SUP 16 Annex 23G	deleted	
SUP 16 Annex 24R	Designated	FCA/PRA
SUP 16 Annex 25G	Designated	FCA/PRA
SUP 16 Annex 26G	Designated	PRA
SUP 16 Annex 27	deleted	
SUP 16 Annex 27AD	Designated	FCA
SUP 16 Annex 27BG	Designated	FCA
SUP 16 Annex 28	deleted	
SUP 16 Annex 28AD	Designated	FCA
SUP 16 Annex 28BG	Designated	FCA
SUP 16 Annex 29R	Designated	FCA
SUP 16 Annex 29AG	Designated	FCA
SUP 16 Annex 30	Designated	FCA
SUP 16 Annex 30AD	Designated	FCA
SUP 16 Annex 30BD	Designated	FCA
SUP 16 Annex 30CD	Designated	FCA
SUP 16 Annex 30DD	Designated	FCA
SUP 16 Annex 30ED	Designated	FCA
SUP 16 Annex 30FD	Designated	FCA
SUP 16 Annex 30G	Designated	FCA
SUP 16 Annex 31AR	Designated	FCA/PRA
SUP 16 Annex 31BG	Designated	FCA/PRA
SUP 16 Annex 32R	Designated	FCA/PRA
SUP 16 Annex 33AR	Designated	PRA
SUP 16 Annex 33BG	Made	PRA

SUP 16 Annex 34AR	Designated	FCA/PRA
SUP 16 Annex 34BG	Designated	FCA/PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory	Section 226	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))		
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify)	Section 300B	Section 300B

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
proposal to make regulatory provision)		
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of	Regulation 59 (Costs of	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by	Section 316	Section 316

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Authority)		
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**LEGAL CUTOVER (TRANSFER OF BUSINESS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act;
- (10) "FSA Instrument" means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) "FCA Relevant Instrument" means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2;

- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15;

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
- (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
- (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex A to this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 7; and
  - (2) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(1) are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
  - (2) Identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.

- 8 The conditions referred to in paragraph 6(2) are that a provision is:
  - (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
  - (1) section 137A (The FCA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument comes into effect on 1 April 2013..
- 12 The Financial Conduct Authority directs that paragraph 6 of this instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

**Designation of rules etc. by the Prudential Regulation Authority**

- 14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:
  - (1) “Designated” in Column 2 of Annex B to this Instrument; and
  - (2) “PRA” or “FCA/PRA” in Column 3 of Annex B to this Instrument.
- 15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.
- 16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:
  - (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex A to this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument that meets all of the conditions in paragraph 20; and
- (2) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B to this Instrument that meets all of the conditions in paragraph 21.

20 The conditions referred to in paragraph 19(1) are that a provision is:

- (1) Identified as “Made” in Column 2 of Annex B to this Instrument; and
- (2) Identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.

21 The conditions referred to in paragraph 19(2) are that a provision is:

- (1) identified as “Designated” in Column 2 of Annex B to this Instrument; and
- (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex B to this Instrument.

22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:

- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers).

23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

24 The Prudential Regulation Authority gives as guidance:

- (1) each provision in Annex A to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is marked with a G in Column 1 of Annex B to this Instrument; and
- (2) each provision listed in Annex B to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex B that is (a) marked with a G in Column 1 of Annex B to this Instrument and (b) not in Annex A to this Instrument.

**Commencement: Prudential Regulation Authority**

25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.

- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

**Amendments to the Handbooks**

- 28 The Supervision manual (SUP) of the FCA's and PRA's Handbooks of rules and guidance is amended in accordance with Annex A to this Instrument.

**Citation**

- 29 This Instrument may be cited as the Legal Cutover (Transfer of Business) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 18 Transfers of business

##### 18.1 Application

18.1.1 G This chapter provides *guidance* in relation to business transfers.

[FCA/  
PRA]

- (1) *SUP* 18.2 applies to any *firm* or to any *underwriting member* or any *former member* of Lloyd's proposing to transfer the whole or part of its business by an *insurance business transfer scheme* or to accept such a transfer. Some of the *guidance* in this chapter, for example, at *SUP* 18.2.31G to *SUP* 18.2.41G also ~~apply~~ applies to the *independent expert* making the *scheme report*.

...

- (3) *SUP* 18.4 applies to any *friendly societies* proposing to amalgamate under section 85 of the Friendly Societies Act 1992, to any *friendly society* proposing to transfer engagements under section 86 of that Act to another body and to any body (whether or not it is a *friendly society*) proposing to accept such a transfer. *SUP* 18.4 also provides *guidance* to those wishing to make representations to the ~~FSA~~ appropriate authority about an application for confirmation of an amalgamation or transfer.

##### Interpretation

18.1.1A G The 'appropriate authority' in this chapter means the regulator within the meaning of section 119 of the Friendly Societies Act 1992.

[FCA/  
PRA]

18.1.1B G References to the 'regulator' and 'regulators' in this chapter means the FCA and/or the PRA.

[FCA/  
PRA]

18.1.1C G References to the 'Memorandum of Understanding' in this chapter is to the memorandum of understanding in force between the regulators under section 3E of the Act.

[FCA/  
PRA]

18.1.2 G ~~*Guidance on building society transfers and mergers is given in the Building Societies Regulatory Guide. [deleted]*~~

##### Introduction

18.1.3 G *Insurance business transfers* are subject to Part VII of the *Act* and must be

[FCA/  
PRA]

approved by the court under section 111. ~~The Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001 (SI 2001/3625), also apply. These regulations set out minimum requirements for publicising schemes, notifying certain interested parties directly (subject to the discretion of the court), and giving information to anyone who requests it. The following statutory pieces of legislation also apply:~~

- (1) The Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001 (SI 2001/3625), as amended by the Financial Services and Markets Act 2000 (Control of Business Transfers)(Requirements on Applicants) (Amendment) Regulations 2008 (SI 2008/1467) and the Financial Services and Markets Act 2000 (Amendments to Part 7) Regulations 2008 (SI 2008/1468);
- (2) the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001(SI 2001/3626), as amended by The Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) (Amendment) Order (2008/1725); and
- (3) the Reinsurance Directive Regulations 2007 (SI 2007/3253) and the Financial Services and Markets Act 2000 (Reinsurance Directive) Regulations 2007 (SI 2007/3255),

These regulations set out minimum requirements for publicising schemes, notifying certain interested parties directly (subject to the discretion of the court), and giving information to anyone who requests it.

18.1.4  
[FCA/  
PRA]

G An *insurance business transfer scheme* is defined in section 105 of the Act and the definition has been extended to transfers from *underwriting members* and *former members* of Lloyd's, ~~to reflect the effect of the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) Order 2001(SI 2001/3626). With certain exclusions (relating to some schemes approved under foreign legislation, some novations of reinsurance or some captive *insurers*), it includes, in broad terms, any scheme to transfer *insurance business* from one *firm* (other than a *friendly society*) or *members* of Lloyd's to another body (which may be a *friendly society*), if:~~

- (1) [deleted]
  - (a) ~~the transferor is an "UK authorised person" and the business is being carried on in one or more *EEA States*; or [deleted]~~
  - (b) ~~the business is reinsurance carried on in the *United Kingdom*; or [deleted]~~
  - (c) ~~the business is carried on in the *United Kingdom* and the transferor is not an *EEA firm*; and [deleted]~~

- (2) ~~in each case, the transferred business will be carried on from an establishment in the EEA. [deleted]~~

The business transferred may include liabilities and potential liabilities on expired *policies*, liabilities on current *policies* and liabilities on contracts to be written in the period until the transfer takes effect. The parties to schemes approved under foreign legislation or involving novations of reinsurance or a captive *insurer* can apply to the court for an order sanctioning the scheme.

- 18.1.5 [FCA/  
PRA] G ~~In the opinion of the FSA, The regulators are likely to consider~~ a novation or a number of novations ~~would constitute as amounting to an insurance business transfer~~ only if their number or value were such that the novation was to be regarded as a transfer of part of the business. A novation is an agreement between the *policyholder* and two *insurers* whereby a contract with one *insurer* is replaced by a contract with the other. ~~In the opinion of the FSA, where~~ If an *insurer* agrees to meet the liabilities (this may include undertaking the administration of the *policies*) of another *insurer* by means of a reinsurance contract, including Lloyd's *reinsurance to close*, this would not constitute an *insurance business transfer* because the contractual liability remains with the original *insurer*; nor would an arrangement whereby an *insurer* offers to renew the *policies* of another *insurer* on their expiry date.

- 18.1.6 [FCA/  
PRA] G Under section 112 of the *Act*, the court has wide discretion to transfer property and liabilities to the transferee and to make orders in relation to incidental, consequential and supplementary matters. ~~In the opinion of the FSA, the court has the power in such cases and on such terms as may be appropriate, to transfer the benefit of reinsurance contracts protecting the transferred business and to make such amendments to the terms of those contracts as may be necessary to give effect to that transfer of benefit.~~

...

- 18.1.8 [FCA/  
PRA] G Legislation in respect of other transactions, for example, cross-border mergers, does not negate the requirements under Part VII of the *Act*. It is for the *firms* participating in such transactions to determine whether or not the proposed transfer gives rise to an *insurance business transfer*. The regulators expect *firms* proposing such transactions to discuss the proposal with them as soon as practicable.

## 18.2 Insurance business transfers

### Purpose

- 18.2.1 [FCA/  
PRA] G Transfers may enable *firms* to manage their affairs more effectively, ~~both for their own benefit and for that of their *customers*~~. However they represent an interference in the contracts between a *firm* and its *customers*, without the consent of each ~~unless *customers* customer consent~~, and may also affect the rights of third parties. An important protection is the requirement for the consent of the court. ~~Under section 110 of the *Act*, the FSA is entitled to be~~

~~heard by the court. In deciding whether it should appear, the FSA will consider the potential risk to its *regulatory objectives* of the scheme compared to not implementing the scheme.~~

The regulators

- 18.2.1A [FCA/  
PRA] G (1) Part VII of the Act prescribes certain statutory functions in relation to *insurance business transfer schemes* for both the PRA and the FCA. In accordance with the Act, the PRA and the FCA maintain a Memorandum of Understanding, which describes each regulator's role in relation to the exercise of its functions under the Act relating to matters of common regulatory interest and how each regulator intends to ensure the coordinated exercise of such functions. Under the Memorandum of Understanding, the PRA will lead the process for *insurance business transfers* and will be responsible for specific regulatory functions connected with Part VII applications, including the provision of certificates under section 111 of the Act. Further, the PRA will consult with the FCA both at the outset and throughout the *insurance business transfer* process. As such, the scheme promoters should first approach the PRA but should also consider whether any aspect of their proposals should be discussed with the FCA at an early stage. Scheme promoters should also consider SUP 18.2.13G.
- (2) By virtue of section 110 of the Act, both the PRA and the FCA are entitled to be heard in the proceedings. The Memorandum of Understanding confirms that both the PRA and the FCA may provide the court with written representations setting out their views on the proposed transfer scheme, for example, by way of a report to the court. Each regulator will decide in relation to each *insurance business transfer* whether it is necessary or appropriate to prepare a report bearing in mind its objectives and other relevant matters.
- (3) As set out in the Memorandum of Understanding, before nominating or approving an *independent expert* under section 109(2)(b) of the Act or approving the form of a *scheme report* under section 109(3) the PRA will first consult the FCA. Further, where the PRA is the *appropriate regulator* it will consult appropriately with the FCA before approving the notices required under the Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001(SI 2001/3625).
- 18.2.1B [FCA/  
PRA] G In exercising its functions under the Act, each regulator will, so far as is reasonably possible, act in a way which is compatible with, and most appropriate for advancing, its *statutory objectives* as set out in the Act and will have regard to the regulatory principles in section 3B of the Act.
- 18.2.2 G ~~The FSA's *regulatory objectives* include market confidence, financial stability and the protection of *consumers*. Any or all of these might be impaired if a transfer were approved that led to loss, or perceived loss, to *consumers* or other market participants. On the other hand a transfer that led to improved security or benefits for *consumers* would promote the FSA's~~

~~regulatory objectives. When considering a transfer, the FSA needs to take into account the interests of existing consumers of the transferee and of consumers remaining with the transferor as well as of those whose contracts are being transferred. The guidance in this section is intended to protect consumers. By so doing it promotes the market confidence objective.~~  
[deleted]

- 18.2.3 G Under section 5(2) of the Act, in considering what degree of protection may be appropriate for consumers, the FSA must have regard to their need for accurate information. Under Principle 7, a firm must pay due regard to the information needs of clients (the scope of the Principle is not precisely consumers). The extent and nature of the information provided to consumers about a proposed scheme will therefore be a factor for the FSA in determining its attitude to the scheme. For the court process to be an effective protection, consumers and others affected need to learn of the proposed transfer and receive sufficient information on the transfer and its effects in such a form as to enable them to decide if they are likely to be adversely affected, and whether they wish to be heard by the court. The information needed depends on the circumstances and cannot be precisely specified in advance but this chapter contains guidance aimed at ensuring that consumers, the FSA and the court receive adequate information. [deleted]
- 18.2.4 G Under Principle 11, a firm must deal with the FSA in an open and cooperative way and disclose to the FSA appropriately anything relating to the firm of which the FSA would reasonably expect notice. This chapter contains guidance on the information that the FSA expects to receive from firms and members of Lloyd's in the context of insurance business transfer schemes. [deleted]
- 18.2.5 [FCA/  
PRA] G Under Principle 6, a firm must treat customers fairly (the scope of the Principle is not precisely consumers) and, under Principle 8, manage conflicts of interest fairly. A criterion for the FSA in considering a proposed scheme would be whether it appears that either Principle is not being followed. Transfers may have positive and negative effects on individual consumers. In such circumstances it is for consumers to balance these effects and assess whether, the proposed scheme as a whole is in their interests and whether to make representations to the court about the scheme. The FSA's main A key concern then becomes to ensure that consumers have in this regard for each regulator will be to be satisfy itself that each consumer has appropriate adequate information and not set its judgement over theirs reasonable time within which to determine whether or not he is adversely affected and, if adversely affected, whether to make representations to the court.
- 18.2.6 G A scheme may have a material effect on the transferor or the transferee. The FSA will take any scheme into account in its future regulation of the firms, where it continues to regulate them. This could include, for instance, the exercise of own initiative powers under section 45 of the Act to vary a firm's Part IV permission, for instance, by requiring a scheme of operations (SUP 7 contains guidance on criteria for varying a firm's Part IV permission).

[deleted]

- 18.2.7 G For many transfers it is necessary to cooperate with *overseas regulators*. This section contains *guidance* on such cooperation. [deleted]
- 18.2.8 G Section ~~86(8)~~ of the Friendly Societies Act 1992 requires, where a transferee is a *friendly society*, that consent to accept the engagements is passed by special resolution in accordance with paragraph 7 of Schedule 12 to that Act. This section includes *guidance* about the information needed in these circumstances. [deleted]
- 18.2.9 G Under section 109 of the *Act*, an *insurance business transfer scheme* must be accompanied by a *scheme report* in a form approved by the *FSA*. This section contains *guidance* on the form of a *scheme report*. [deleted]
- 18.2.10 G Also under section 109 of the *Act*, the *scheme report* must be made by a *person* nominated or approved by the *FSA*. This section contains *guidance* on the procedures and general criteria that the *FSA* proposes to adopt for this purpose. [deleted]
- 18.2.11 G The *FSA* has a duty under section 2(3) of the *Act* "to have regard to the need to use its resources in the most efficient and economic way". The extent to which (if at all) it examines and considers the details of a scheme and the resources it devotes to such consideration will depend on the potential risk to its *regulatory objectives*. [deleted]

Procedure: initial steps

- 18.2.12 G When an *insurance business transfer scheme* is being considered, the scheme promoters (including the transferor and, except possibly if it is a new *company*, the transferee) should discuss the scheme with the *FSA* appropriate regulator as soon as reasonably practical, to enable the *FSA* regulators to consider what issues are likely to arise, and to enable a practical timetable for the scheme to be agreed established. The *FSA* will wish to consider material issues relating to *policyholder* rights (such as the reasonable expectations of *with-profits policyholders*) or *policyholder* security at the earliest opportunity. In any case the *FSA* will need time to:
- [FCA/  
PRA]
- (1) consider the application, if an application by the transferee for a *Part IV 4A permission* or a variation of *permission* is necessary (*SUP 6* provides *guidance* on this); [deleted]
  - (2) seek information or approvals from other supervisors (where this applies); [deleted]
  - (3) consider what skills are needed to make a proper report on the scheme and what criteria should therefore be applied to the choice of *independent expert*; [deleted]
  - (4) consider whether the promoters' nominee for *independent expert* is suitable for approval or, if the *FSA* proposes to nominate someone,

~~who the FSA should nominate; and [deleted]~~

- (5) ~~consider whether to object to the scheme in the light of the report and other circumstances. [deleted]~~

18.2.13 G The initial documentary information on the scheme ~~provided to the FSA~~  
[FCA/ under SUP 18.2.12G should be provided to the PRA, who will share it with  
PRA] the FCA, and should include its broad outline and its purpose. ~~The FSA will~~  
Each regulator may indicate to the promoters how closely it wishes to monitor the progress of the scheme, including the extent to which it wishes to see draft documentation.

Independent expert: qualifications

18.2.14 G Under section 109(2) of the Act a *scheme report* may only be made by a  
[FCA/ *person*:  
PRA]

- (1) appearing to the ~~FSA~~ appropriate regulator to have the skills necessary to enable him to make a proper report; and
- (2) nominated or approved for the purpose by the ~~FSA~~ appropriate regulator.

18.2.14 G The promoters should ensure that any relevant fees are paid before any  
A application will be considered.  
[FCA/  
PRA]

18.2.15 G The general principles set out in SUP 5.4.8G, for suitability of a *skilled*  
[FCA/ *person*, apply also to the *independent expert*. The ~~FSA regulators~~ expects  
PRA] expect the *independent expert* making the *scheme report* to be a natural person, who:

...

...

Independent expert: appointment

18.2.19 G The suitability of a *person* to act as an *independent expert* depends on the  
[FCA/ nature of the scheme and the *firms* concerned. On the basis of the preliminary  
PRA] information supplied by the scheme promoters (and any other knowledge it has of the circumstances and the *firms*), the ~~FSA~~ appropriate regulator will consider what skills are needed to make a proper report on the scheme and what criteria should therefore be applied to the choice of *independent expert*. The ~~FSA~~ appropriate regulator will inform the promoters of any such criteria it is minded to apply.

18.2.20 G Under section 107(2) of the Act, the application to the court may be made by  
[FCA/ the transferor or the transferee or both. As soon as reasonably practical, the  
PRA] intended applicant should choose their nominee for *independent expert* in the

PRA] light of any criteria advised by the ~~FSA~~ and advise the ~~FSA~~ of their choice, appropriate regulator. The intended applicant(s) should then advise the appropriate regulator of their choice, unless the ~~FSA~~ appropriate regulator wishes them to defer nomination or to make its own nomination. The notification should be accompanied by reasons why the party considers the nominee to be a suitable *person* to act as *independent expert*; ~~together with relevant details of his~~. Relevant details provided should usually include information about the nominee's experience and qualifications; the proposed terms and conditions of the nominee's appointment, including any remuneration arrangements; and any current or previous professional or commercial arrangements with the transferor or transferee or their associated companies, including the remuneration (direct or indirect) for those arrangements with the nominee and/or with any professional firm or company in which the nominee has or has had any interest.

18.2.21 G The ~~FSA~~ regulators may wish to have preliminary discussions with the nominee about the transfer to ~~help the FSA determine whether~~ before the appropriate regulator determines if he is suitably qualified to address issues arising from the transfer. The ~~FSA~~ regulators will consider the suitability of the nominee and the appropriate regulator will inform the *firm* that nominated him whether ~~it approves him~~ he has been approved. Since the nature of the scheme is a factor in determining the suitability of the nominee, the ~~FSA~~ appropriate regulator cannot approve a nominee before the broad outlines of the scheme have been determined. ~~If the FSA rejects a nominee, it will normally inform him and, with the agreement of the nominee, the applicant of the reasons for the rejection.~~

18.2.22 G The ~~FSA~~ appropriate regulator may itself nominate the *independent expert*, either where it indicates that a nomination is not required by the parties, or where it does not approve the parties' own nomination. In either case ~~it~~ the appropriate regulator will inform the promoters of its nominee.

...

#### Consultation with EEA regulators and/or other foreign regulators

18.2.23 G Under the terms of the Memorandum of Understanding, the PRA will lead when carrying out consultation with EEA regulators and/or other foreign regulators.  
A  
[FCA/  
PRA]

18.2.24 G The *guidance* set out in SUP 18.2.25G to SUP 18.2.30G derives from the requirements of the *Insurance Directives*, the *Reinsurance Directive* and the associated agreements between *EEA regulators*. Schedule 12 of the *Act* implements some of these requirements.

18.2.25 G (1) If the transferee is (or will be) an *EEA firm* (authorised in its *Home State* to carry on *insurance business* under the *Insurance Directives*) or a *Swiss general insurance company*, then the ~~FSA~~ appropriate regulator has to consult the transferee's *Home State regulator*, who has 3 months to respond. It will be necessary for the ~~FSA~~

appropriate regulator to obtain from the transferee's *Home State regulator* a certificate confirming that the transferee will meet the *Home State's* solvency margin requirements (if any) after the transfer.

- (1A) If the transferee is (or will be) an EEA firm (authorised in its Home State to carry on insurance business under the Reinsurance Directive) it will be necessary for the appropriate regulator to obtain from the transferee's Home State regulator a certificate confirming that the transferee will meet the Home State's solvency margin requirements (if any) after the transfer.
- (2) If the transferee is *authorised* in the *United Kingdom*, the ~~FSA~~ appropriate regulator will need to certify that the transferee will meet its solvency margin requirements after the transfer. If the ~~FSA~~ appropriate regulator has required of a *UK firm* a financial recovery plan of the kind mentioned in paragraph 1 of article 38 of the ~~Life Directive~~ Consolidated Life Directive (2002/83/EC) or paragraph 1 of article 20a of the *First Non-Life Directive*, or paragraphs 1 and 2 of article 43 of the Reinsurance Directive, the ~~FSA~~ appropriate regulator will not issue a certificate for so long as it considers that *policyholders'* rights are threatened within the meaning of ~~paragraph~~ these paragraphs.

18.2.26 [FCA/  
PRA] G The transferor will need to provide the ~~FSA~~ appropriate regulator with the information that the *Home State regulator* requires from ~~FSA~~ the appropriate regulator. This information includes:

...

- (4) details of any guarantees (including reinsurance arrangements), whether provided by the transferor or a third party, to protect the provisions for the business transferred against deterioration; and
- (5) the *states of the risks* or the *states of the commitments* of the business being transferred.

18.2.27 [FCA/  
PRA] G If the transferee is not (and will not be) *authorised* and will be neither an *EEA firm* nor a *Swiss general insurance company*, then the ~~FSA~~ appropriate regulator will need to consult ~~its~~ the transferee's insurance supervisor in the place where the business is to be transferred. The ~~FSA~~ appropriate regulator will need confirmation from this supervisor that the transferee will meet his solvency margin requirements there (if any) after the transfer.

18.2.28 [FCA/  
PRA] G If the transferor is ~~an~~ a UK insurer (other than a pure reinsurer) and the business to be transferred includes business carried on from a branch in another *EEA State*, then the ~~FSA~~ appropriate regulator has to consult the *Host State regulator*, who has 3 months to respond. The ~~FSA~~ appropriate regulator will need to be given the information that the *Host State regulator* requires from it. This information should identify the parties to the transfer and include the transfer agreement or draft transfer agreement or a summary

containing relevant information, and describe arrangements for settling *claims* if the branch is to be closed.

18.2.29 G If the transferor is ~~an~~ a *UK insurer* and the business to be transferred includes a long-term insurance contract (other than reinsurance) for which the *state of the commitment* is an *EEA state* other than the *United Kingdom*, then the ~~FSA~~ appropriate regulator has to consult the *Host State regulator*. If the transferor is ~~an~~ a *UK insurer* and the business to be transferred includes a general insurance contract (other than reinsurance) for which the *state of the risk* is an *EEA state* other than the *United Kingdom*, then the ~~FSA~~ appropriate regulator must consult the *Host State regulator*. The ~~FSA~~ appropriate regulator will need to be given the information that the *Host State regulator* requires from it. This information should identify the parties to the transfer and include the transfer agreement or draft transfer agreement or a summary containing relevant information. It would be helpful (especially for *long-term insurance business*) if a draft of the *scheme report* was also available. The appropriate regulator will also need to have sufficient information about the business proposed to be transferred to be satisfied that the applicants have undertaken sufficient steps to identify the state of the risk or the state of the commitment, as the case may be. The consent of the *Host State regulator* to the transfer is required, unless he does not respond within 3 months.

18.2.30 G Where the transferor is ~~an~~ a *UK-deposit insurer* and, following the transfer, it will no longer be carrying on *insurance business* in the *United Kingdom*, the ~~FSA~~ appropriate regulator will need to collaborate with *regulatory bodies* in the other *EEA States* in which it is carrying on business to ensure that effective supervision of the business carried on in the *EEA* continues. The transferor should cooperate with the ~~FSA~~ appropriate regulator and the other *regulatory bodies* in this process and demonstrate that it will meet the requirements of its regulators following the transfer.

#### Form of scheme report

18.2.31 G Under section 109 of the *Act*, a *scheme report* must accompany an application to the court to approve an *insurance business transfer scheme*. This report must be made in a form approved by the ~~FSA~~ appropriate regulator. The appropriate regulator would generally expect a scheme report to contain at least the information specified in SUP 18.2.33G before giving its approval ~~The FSA would not expect to approve the form of a scheme report that complies. SUP 18.2.32G and SUP 18.2.34G to SUP 18.2.41G provide additional guidance for the independent expert.~~

18.2.31  
A  
[FCA/  
PRA] G When the appropriate regulator has approved the form of a scheme report, the scheme promoter may expect to receive written confirmation to that effect from that regulator.

18.2.32 G There may be matters relating to the scheme or the parties to the transfer that the ~~FSA~~ wishes regulators wish to draw to the attention of the *independent expert*. The ~~FSA~~ regulators may also wish the report to address particular issues. The *independent expert* should therefore contact the ~~FSA~~ regulators at

an early stage to establish whether there are any such matters or issues. The *independent expert* should form his own opinion on any such issues, which may differ from the opinion of the *FSA regulators*.

- 18.2.33 G The *scheme report* should comply with the applicable rules on expert evidence and contain the following information:
- [FCA/  
PRA]
- ...
- (2) confirmation that the *independent expert* has been approved or nominated by the *FSA appropriate regulator*;
- (3) a statement of the *independent expert's* professional qualifications and (where appropriate) descriptions of the experience that fits him for the role;
- ...
- (11A) his opinion on the likely effects of the scheme on any *reinsurer* of a transferor, any of whose contracts of *reinsurance* are to be transferred by the scheme;
- ...
- 18.2.34 G The purpose of the *scheme report* is to inform the court and the *independent expert*, therefore, has a duty to the court. However reliance will also be placed on it by *policyholders*, by *reinsurers*, by others affected by the scheme and by the *FSA regulators*. The amount of detail that it is appropriate to include will depend on the complexity of the scheme, the materiality of the details themselves and the circumstances. ~~For instance where it is clear that no one will be adversely affected by the transfer, a simple explanation for this conclusion plus the details required by SUP 18.2.33G might be an adequate report.~~
- [FCA/  
PRA]
- ...
- 18.2.40 G Where the transfer forms part of a wider chain of events or corporate restructuring, it may not be appropriate to consider the transfer in isolation and the *independent expert* should seek sufficient explanations on corporate plans to enable him to understand the wider picture. Likewise he will need information on the operational plans of the transferee and, if only part of the business of the transferor is transferred, of the transferor. These will need to have sufficient detail to allow him to understand in broad terms how the business will be run. ~~He would not normally be expected to assess the adequacy of systems and controls in detail.~~
- [FCA/  
PRA]
- 18.2.41 G A transfer may provide for benefits to be reduced for some or all of the *policies* being transferred. This might happen if the transferor is in financial difficulties. If there is such a proposal, the *independent expert* should report on what reductions he considers ought to be made, unless either:
- [FCA/  
PRA]

...

Under such circumstances, the transfer might be urgent and it might be appropriate for the reduction in benefits to take place after the event, by means of an order under section 112 of the *Act*. ~~The FSA~~ Each regulator would wish to consider ~~the fairness of~~ any such reduction against its *statutory objectives* and section 113 of the *Act* allows the court, on the application of either regulator, to appoint an independent *actuary* to report ~~to the FSA~~ on any such post-transfer reduction in benefits.

#### Notice provisions

- 18.2.42 G Under the Financial Services and Markets Act 2000 (Control of Business Transfers) (Requirements on Applicants) Regulations 2001 (SI 2001/3625), [FCA/ unless the court directs otherwise, notice of the application must be sent to all PRA] *policyholders* of the parties and reinsurers (or a person acting on its behalf) any of whose contracts of reinsurance are proposed to be transferred as part of the *insurance business transfer scheme*.

It may also be appropriate to give notice to others affected, ~~in particular~~ for example, to:

- (1) ~~reinsurers of the transferor where it is proposed that benefits or liabilities under their contracts should pass to the transferee; and~~
- (2) anyone with an interest in the *policies* being transferred who has notified the transferor of their interest.

- 18.2.43 G The regulations referred to in SUP 18.2.42G require that notice of the [FCA/ application must be published in: PRA]

...

- (2) unless the court directs otherwise, in: accordance with requirements in those regulations.
  - (a) ~~two national newspapers in the *United Kingdom*; and~~
  - (b) ~~in two national newspapers in any other *EEA State* that is the *state of the risk* or the *state of the commitment*.~~

Wider publication may be appropriate in some circumstances (~~especially if not all *policyholders* are sent notices~~).

- 18.2.44 G The regulations referred to in SUP ~~18.2.44G~~ 18.2.42G require that the ~~FSA~~ [FCA/ *appropriate regulator* approves in advance the notices sent to *policyholders* PRA] and published in the press.

- 18.2.45 G Where a transfer involves *underwriting members* of Lloyd's as transferor or [FCA/ transferee, any notice requirements of the *Society* will also apply.

PRA]

- 18.2.46 [FCA/  
PRA] G The ~~FSA~~ regulators are entitled to be heard by the court on any application for a transfer. A consideration for the ~~FSA~~ regulators in determining whether to oppose a transfer would be ~~its~~ their view on whether adequate steps had been taken to tell policyholders and, as appropriate, other affected persons, about the transfer and whether they had adequate information and time to consider it. The ~~FSA~~ regulators would not normally consider adequate a period of less than six weeks between sending notices to policyholders and the date of the court hearing. Therefore it would be sensible, before requesting from the court ~~for~~ a waiver of the publication requirements or the requirement to send statements direct to policyholders, to consult the ~~FSA~~ regulators on ~~its~~ their views about what waivers might be appropriate and what substitute arrangements might be made. The ~~FSA~~ regulators will take into account the practicality and costs of sending notices to policyholders (especially for *firms* in financial difficulty), the likely benefits for policyholders of receiving notices and the efficacy of other arrangements proposed for informing policyholders (including additional advertising or, where appropriate, electronic communication). ~~For instance, the FSA would be unlikely to object to a transfer on the grounds that policyholders had not been sent notices, if cover for the policies concerned had expired and the probability of them making a claim was so small as to make the sending disproportionately expensive (particularly if there had been additional advertising). A firm may not be able to send notices to some or all of its policyholders, because it does not have their address, or may not even know their identity. This situation is not uncommon for business written through brokers or other agents. In such a case, alternative ways of informing policyholders need to be considered.~~

...

Statement to policyholders

...

- 18.2.49 [FCA/  
PRA] G Where the transferee is a *friendly society*, the notice should include information about the meeting at which a special resolution in accordance with paragraph 7 of Schedule 12 to the Friendly Societies Act 1992 is to be voted on, including the date of the meeting, how notice of the meeting is to be given to members and the terms of the special resolution. After the meeting the *friendly society* should inform the ~~FSA~~ appropriate regulator whether the special resolution has been passed. The court will also need to be informed, so ~~an appropriate one~~ way of informing the ~~FSA~~ appropriate regulator may be to include it in the affidavit to the court.
- 18.2.50 [FCA/  
PRA] G The ~~FSA~~ regulators should be given the opportunity to comment on the statement referred to in SUP 18.2.48G before it is sent, unless ~~the FSA has informed the promoters~~ have been informed in writing that ~~it does not wish to do so~~ this is not necessary.

~~FSA assessment~~ Assessment of scheme and the regulators' report(s) to the court

- 18.2.51 G The assessment is a continuing process, starting when the scheme promoters first approach the *FSA appropriate regulator* about a proposed scheme. Each regulator will have an interest in assessing the scheme. Among the considerations that may be relevant to both the depth of consideration ~~given~~ each gives to, and ~~the FSA's~~ each regulator's opinion on, a scheme are:
- (1) the potential risk posed by the transfer to ~~the regulatory objectives~~ its statutory objectives;
  - ...
  - (4) how the scheme compares with possible alternatives, particularly those that do not require approval (whether by the court or the *FSA appropriate regulator*);
  - ...
  - (6A) how any reinsurer of a transferor, any of whose contracts of reinsurance are to be transferred by the scheme may be affected;
  - (7) how for other *persons* (besides *policyholders* and *reinsurers*) who have an interest in *policies*, their rights and the security of those rights appear to be affected;
  - (8) the opportunity given to *policyholders* and other persons affected by the scheme to consider the scheme, that is whether they have been properly notified, whether they have had adequate information and whether they have had adequate time to consider that information;
  - ...
  - (10) for a transfer that involves *underwriting members* or *former members* of Lloyd's as transferor or transferee, the effect on the *Society*;
  - ...
  - (12) any views expressed by *policyholders*, *reinsurers* or any other affected parties.
- 18.2.52 G The *scheme report* will be an important factor in the view ~~the FSA~~ each of the regulators forms on a scheme. ~~The FSA will place considerable reliance~~ Considerable reliance will be placed on the opinions of the *independent expert* and the reasons for them. However ~~it~~ each regulator will form its own view taking into account other relevant information and having regard to its ~~regulatory~~ statutory objectives.
- 18.2.53 G The ~~FSA is~~ regulators are likely to object to a scheme if ~~it~~ they ~~concludes~~ conclude that it is unfair to a class of *policyholders*, unless the *policyholders* of that class have approved the scheme on the basis of information the *FSA* ~~considers~~ regulators consider to be adequate, clear and accurate. ~~Policyholders are not required to vote on a scheme but would, for instance,~~

~~normally vote on a demutualisation or on a scheme of arrangement under the Companies Act 2006. The FSA is also likely to object to a scheme if it concludes that it has a material adverse effect on *policyholders*' security. The FSA may wish to satisfy itself that questions of systems and controls are properly addressed. There may also be conduct of business issues, particularly if the market has not fully absorbed the impact of the scheme by its effective date. The FSA would seek to resolve such issues through discussion with the scheme promoters in advance of the application to the court for approval, giving them the opportunity to amend the scheme or documentation, or otherwise to allay the FSA's concerns. Scheme promoters should keep the FSA informed to allow this discussion.~~

- 18.2.53 A [FCA/PRA] G If at any time the regulators, or either of them, conclude that *policyholders* and/or, as appropriate, other relevant affected *persons* have not had adequate information and/or sufficient time to consider information, they will seek to resolve such issues with the scheme promoters. This may require further notification. If either regulator remains unsatisfied that such *policyholders* and/or other persons have received adequate information and sufficient time to consider it they are likely to object to a transfer.
- 18.2.54 [FCA/PRA] G ~~The FSA~~ Either regulator may exercise its other powers under the *Act*, if it considers this a more effective method of achieving its *regulatory objectives*.  
~~advancing its *statutory objectives*.~~
- 18.2.55 [FCA/PRA] G ~~The FSA~~ Neither regulator is ~~not~~ required under its *regulatory statutory objectives* to object to a scheme merely because some other scheme might have been in the better interests of *policyholders*, if the scheme itself is not adverse to their interests. However there may be circumstances where ~~treating *customers* fairly would~~ either regulator might require a *firm* to consider or to implement an alternative scheme.
- 18.2.56 [FCA/PRA] G Where a transfer involves *underwriting members* or *former members* of Lloyd's as transferor or transferee, the ~~FSA~~ appropriate regulator will consult the *Society*. Where the business of a *syndicate* is being transferred, the transfer involves all *members* participating in the relevant *syndicate years*.
- 18.2.57 [FCA/PRA] G Regulations require that copies of the application to the court, the *scheme report* and the statement for *policyholders* referred to in SUP 18.2.48G are also given to the ~~FSA~~ appropriate regulator. ~~This enables the FSA to consider these and determine whether it wishes to be heard by the court. It might assist the FSA if these items were given to the FSA in draft, in the first instance. This would enable:~~
- (1) ~~the FSA to seek clarification before the documents were finalised;~~  
and
  - (2) ~~if the promoters so choose, allow them to amend the scheme to meet any concerns of the FSA.~~
- 18.2.57 A G The provision of reports from one or other (or both) regulators to assist the court is common practice. In most cases, a first report will be provided to the

- [FCA/  
PRA] court in advance of the directions hearing and a second report will be provided to the court in advance of the final hearing. Where additional information needs to be given to the court by either regulator, this will be provided using the most appropriate format for the circumstances in each case, and may include the provision of one or more additional reports to the court.
- 18.2.57 G When assessing a proposed scheme under Part VII of the Act each regulator will, taking into account all relevant matters in each case, consider whether it should provide a report to the court. As it will lead the Part VII process for insurance business transfers, the PRA will usually provide such a report.  
B  
[FCA/  
PRA]
- 18.2.57 G In order to enable each of the regulators to assess the scheme and to facilitate the process, the parties to the proposed scheme will need to ensure timely provision of all relevant information to each regulator for its consideration of that scheme.  
C  
[FCA/  
PRA]
- 18.2.57 G In relation to the matters at SUP 18.2.57AG to SUP 18.2.57CG above and to facilitate the provision to the court of a first report in advance of a directions hearing, near final versions of relevant documents will need to be made available to each of the regulators as soon as practicable. Scheme promoters should be aware that where such documents are produced less than six weeks before the date set for the hearing the regulators will be less likely to be in a position to complete their assessment in advance of the hearing. Final versions of any such documents should be provided as soon as they are available.  
D  
[FCA/  
PRA]
- 18.2.57 G Relevant documents in SUP 18.2.57DG above will usually include:  
E  
[FCA/  
PRA]
- (1) the scheme report;
  - (2) if the business to be transferred includes long-term insurance business, copies of reports on the transfer by the actuarial function holder and (if the insurance business includes with-profits business) the with-profits actuary of both firms;
  - (3) draft notices under article 3 of the Financial Services and Markets Act 2000 (Control of Business Transfers)(Requirements on Applicants) Regulations 2001(SI 2001/3625), as amended by the Financial Services and Markets Act 2000 (Control of Business Transfers)(Requirements on Applicants) (Amendment) Regulations 2008 (SI 2008/1467) and the Financial Services and Markets Act 2000 (Amendments to Part 7) Regulations 2008 (SI 2008/1468);
  - (4) where a proposed transfer involves an underwriting member or former underwriting member of the Society as transferor or transferee, a copy of the resolution or certificate required by article 4 of the Financial Services and Markets Act 2000(Control of Transfers

of Business Done at Lloyd's) Order 2001 (SI 2001/3626), as amended by the Financial Services and Markets Act 2000 (Control of Transfers of Business Done at Lloyd's) (Amendment) Order 2008 (SI 2008/1725;

- (5) any witness statements or other evidence which the parties to the proposed transfer intend to submit to the court for the directions hearing;
- (6) the draft order.

18.2.57 G Matters included at *SUP* 18.2.57EG(5) should include sufficient information  
F to enable:  
[FCA/  
PRA]

- (1) the appropriate regulator to decide which other non-UK regulators must be consulted. This information should be provided to the appropriate regulator as soon as it is available;
- (2) the appropriate regulator to decide whether to approve the notices at *SUP* 18.2.57EG(3); and
- (3) each regulator to form an opinion on any matters arising in connection with press advertising and notifications, including in relation to any waivers the parties to the proposed transfer intend to seek from the court under article 4 of those regulations.

18.2.57 G A copy of any order made at the directions hearing should be provided by the  
G applicant to the *appropriate regulator* as soon as it is available.  
[FCA/  
PRA]

18.2.57 G In relation to the matters at *SUP* 18.2.57A to *SUP* 18.2.57CG and to facilitate  
H the provision to the court of a second or final report in advance of the final  
[FCA/  
PRA] hearing, near-final versions of relevant documents will need to be made available to each of the regulators as soon as practicable. Scheme promoters should be aware that where such documents are produced less than six weeks before the date set for that hearing, the regulators will be less likely to be in a position to complete their assessment in advance of the hearing. Final versions of any such documents should be provided as soon as they are available.

18.2.58 G ~~For long-term insurance business, the affidavit evidence to the court would normally include copies of reports on the transfer by the actuarial function holder and (if the insurance business includes with profits business) the with-profits actuary of both firms, which should be provided to the FSA at an early stage. *SUP* 4.3.17R (4) requires a firm to request the advice of its with-profits actuary about the likely effect of material changes in its business plans on the rights and reasonable expectations of the relevant classes of its with-profits policyholders. A transfer would be material unless the liabilities transferred~~

~~were not material relative to the total liabilities of the firm. The advice on a transfer would normally be in the form of a formal report by the *with profits actuary*. [deleted]~~

- 18.2.58 G Relevant documents in SUP 18.2.57HG will usually include:  
A  
[FCA/  
PRA]
- (1) any witness statements or other evidence which the parties to the proposed transfer intend to submit to the court for the final hearing;
  - (2) the notice or notices published and sent in accordance with the order of the court at SUP 18.2.57GG;
  - (3) proof of publication of the notice or notices at (2);
  - (4) any final and/or additional reports of the *independent expert*;
  - (5) any objections or other representations received from *policyholders* and/or other affected persons together with any responses to any such objections or representations;
  - (6) the draft final order.
- 18.2.59 G ~~The scheme promoters should advise the FSA about any material representations made to them in response to the transfer scheme. Where it is proposed that reinsurance arrangements should pass to the transferee under the scheme, the FSA should also be informed about the steps being taken to consult with, or seek the consent of, the reinsurers and the reactions received. [deleted]~~
- 18.2.59 G Provided that any necessary consents have been obtained in respect of confidential information, where either regulator has made a report it will give a copy of its report to the court and will give a copy of its report as filed with the court to each of the parties to the proposed transfer as soon as practicable after such filing.  
A  
[FCA/  
PRA]
- 18.2.59 G Provided that any necessary consents have been obtained in respect of confidential information, the parties to the proposed transfer should give a copy of any report at SUP 18.2.59AG to the *independent expert*.  
B  
[FCA/  
PRA]
- 18.2.59 G The parties to the proposed transfer should, in each case, consider whether it would facilitate the effective running of the process to give copies to any other person, including any person who alleges that he would be adversely affected by the carrying out of the scheme and intends to be heard in accordance with section 110 of the Act. Where any such provision is to be made, any necessary consents should first be obtained in respect of confidential information.  
C  
[FCA/  
PRA]

- 18.2.59 G The court is likely to wish to know the opinion of each of the regulators.  
D Each regulator will decide in each case, taking all relevant matters into  
[FCA/ account, the most effective method to make known to the court its opinion.  
PRA]
- 18.2.59 G Where either regulator has indicated to the parties to the proposed transfer  
E that it intends to appear at any hearing before the court in relation to a  
[FCA/ proposed scheme under Part VII of the Act a copy set of the bundle of  
PRA] documents filed with the court should be provided to it as soon as practicable.

#### Post-transfer advertising

- 18.2.60 G ~~The court is likely to wish to know the FSA's opinion on the scheme and, if  
the FSA does not intend to be heard, the affidavit may include a summary of  
the views expressed by the FSA. The applicants to the court should provide  
the FSA with a copy of all the affidavit evidence that they intend to submit to  
the court. [deleted]~~
- 18.2.61 G Under section 114 of the Act the court must direct that notice of the transfer  
[FCA/ be published by the transferee in any EEA State other than the United  
PRA] Kingdom which is the state of the commitment or the state of the risk as  
regards any policy included in the transfer which evidences a contract of  
insurance (other than a contract of reinsurance). The regulators would expect  
the transferee to publish notice in at least one national newspaper in each  
relevant EEA State. Such publication should include the notification of the  
transfer to the policyholders in the state of the commitment or the state of the  
risk. The parties should also be mindful of relevant provisions of the national  
laws of the relevant state of the commitment or the state of the risk.
- 18.2.62 G Under section 114A of the Act the court may direct that notice of a transfer  
[FCA/ be published by the transferee in any EEA State which is the state of the  
PRA] commitment or the state of the risk as regards any policy included in the  
transfer which evidences a contract of reinsurance.

### 18.3 Insurance business transfers outside the United Kingdom

#### Purpose

- 18.3.1 G Under section 115 of the Act, the ~~FSA~~ appropriate regulator has the power to  
[FCA/ give a certificate confirming that a firm possesses any required minimum  
PRA] margin, to facilitate an insurance business transfer to the firm under overseas  
legislation from a firm authorised in another EEA State or from a Swiss  
general insurance company. This section provides guidance on how the FSA  
appropriate regulator would exercise this power and on related matters.

#### ~~FSA~~ Appropriate regulator response to proposal

- 18.3.1A G Unless otherwise expressly stated by the appropriate regulator, all the  
[FCA/ procedural aspects for dealing with insurance business transfers outside the

- PRA] United Kingdom should be discussed by firms with the PRA in the first instance.
- 18.3.2 G Under cooperation agreements between *EEA regulators*, if it has serious  
[FCA/ concerns about the proposed transferee, the FSA appropriate regulator  
PRA] should inform the *regulatory body* of the transferor within 3 months of the original request from that *regulatory body*. The FSA appropriate regulator is not obliged to reply, but if it does not, its opinion is taken to be ~~favorable~~ favourable. Although the protocol does not apply to Switzerland, the FSA appropriate regulator is required to cooperate with the Swiss *regulatory body* and would apply similar principles to a proposed transfer from a *Swiss general insurance company*.
- 18.3.3 G The information that the *regulatory body* of the transferor is required to  
[FCA/ supply will normally be sufficient for the FSA appropriate regulator  
PRA] to determine whether the transfer is likely to have a material effect on the transferee.
- 18.3.4 G If the effect of the transfer is not likely to be material and the FSA  
[FCA/ appropriate regulator does not already have serious concerns about the  
PRA] transferee, the FSA appropriate regulator can reply ~~favorably~~ favourably.
- 18.3.5 G If the effect of the transfer may be material, the FSA appropriate regulator  
[FCA/ will need to consider whether to request a *scheme of operations* or other  
PRA] information from the proposed transferee to assist in determining whether the likely effect of the transfer is such that the FSA appropriate regulator should have serious concerns.
- 18.3.6 G If the effect of the transfer may have a material adverse effect on the  
[FCA/ transferee or the security of *policyholders*, the FSA appropriate regulator  
PRA] will consider whether it is appropriate to exercise its powers under the *Act* to achieve its ~~regulatory~~ statutory objectives.

## 18.4 Friendly Society transfers and amalgamations

...

### General considerations

- 18.4.1A G In general, although the legislation governing transfers of engagements  
[FCA/ involves friendly societies is the Friendly Societies Act 1992, similar issues  
PRA] arise in these transfers as in insurance business transfers under Part VII of the Act and so the regulators would expect firms to be subject to a similar process followed under the Act. Accordingly, firms should usually first discuss the procedural aspects for dealing with friendly society transfers and amalgamations with the PRA. The PRA will consult the FCA as required by the Friendly Societies Act 1992, or as may otherwise appear to be appropriate.

- 18.4.2 [FCA/PRA] G *Friendly societies* are encouraged to discuss a proposed transfer or amalgamation with the FSA appropriate authority, at an early stage to help ensure that a workable timetable is developed. This is particularly important where there are notification requirements for supervisory authorities in *EEA States* other than the *United Kingdom*, or for an amalgamation where additional procedures are required.
- 18.4.3 [FCA/PRA] G The FSA regulators will want to satisfy ~~itself~~ themselves that after an amalgamation or a transfer the business will be prudently managed and continue to comply with the *Principles*. ~~It may therefore require prudential information to be provided. It may request prudential information at an early stage to provide itself with adequate time to assess the information all~~ applicable requirements.
- 18.4.4 [FCA/PRA] G For a transfer to another *friendly society*, if the conditions of 87(1) and 87(2) of the Friendly Societies Act 1992 are met a report is required from the *appropriate actuary* of the transferee to confirm that it will meet the ~~required minimum margin~~ necessary margin of solvency. Where the conditions of 87(1) and 87(3) are met the FSA appropriate authority may require a report from the *appropriate actuary* of the transferee to confirm that it will have an excess of assets over liabilities.
- 18.4.5 [FCA/PRA] G For a transfer of *long-term insurance business*, the FSA appropriate authority may, under section 88 of the Friendly Societies Act 1992, require a report from an independent *actuary* on the terms of the proposed transfer and on his opinion of the likely effects of the transfer on long-term *policyholder* members of either the transferor or (if it is a *friendly society*) the transferee. A summary is included in the statement sent to members (see SUP 18.4.13G) and the full report is required to be made available to anyone on payment of a reasonable fee. The general principles in SUP 18.2.32G to SUP 18.2.40G apply to the independent *actuary's* report.
- 18.4.6 [FCA/PRA] G Under the Friendly Societies Act 1992 the FSA appropriate authority ~~may not~~ is required to confirm a proposed transfer of engagements, ~~unless it is~~ It will do so only where it is satisfied that the transfer is in the interests of the members of each *friendly society* participating in the transfer (see SUP 18.4.25G(2)(b)). ~~It~~ The appropriate authority will therefore ask that the participating societies' *actuaries* confirm that the transfer is in the interests of the members.
- 18.4.7 [FCA/PRA] G Under the Friendly Societies Act 1992, members will normally have the opportunity to vote on a proposed transfer or amalgamation (SUP 18.4.11G and SUP 18.4.12G describe exceptions). A *friendly society* has to ensure that, before casting their votes, its members are clearly and fully informed of the terms on which the amalgamation or transfer of engagements is to take place and that they have all the information needed to understand how their interests will be affected. If the society's rules permit, delegates can vote except on an "affected members' resolution" under section 86. The FSA appropriate authority may not confirm an amalgamation or a transfer if it considers that information material to the members' decision was not made

available to all the members eligible to vote.

- 18.4.8 [FCA/  
PRA] G Amendments to a *friendly society's* registered rules may be necessary to permit a transfer to it. The ~~FSA~~ FCA will need to be consulted in the usual way about registration of the appropriate rules. Similarly for an amalgamation, each of the amalgamating societies has to approve the memorandum and rules of the new society and the requirements of schedule 3 to the Friendly Societies Act 1992 have to be met. It will be necessary to allow adequate time for these processes.
- 18.4.9 [FCA/  
PRA] G For an amalgamation the successor society, and for a transfer the transferee, may need to apply for *permission*, or to vary its *permission*, under Part ~~IV~~ 4A of the *Act*. The ~~FSA~~ regulators will need sufficient time before ~~confirming~~ a transfer is confirmed to consider whether any necessary *permission* or variation should be given. If the transferee is an *EEA firm* or a *Swiss general insurance company*, then confirmation will be needed from its *Home State regulator* that it meets the *Home State's* solvency margin requirements (see *SUP* 18.4.25G(3)).
- 18.4.10 [FCA/  
PRA] G It is likely that the information sent to members will include a statement explaining the reasons for the amalgamation or transfer and the choice of partner. Although this is not a statutory statement and not subject to ~~FSA~~ either regulator's approval, the ~~FSA~~ regulator's views on the content of the statement will be a factor that the appropriate authority will take the statement into account when before considering whether to confirm the amalgamation or transfer. A *friendly society* will therefore find it helpful to consult the ~~FSA~~ regulators about the content of such a statement.

FSA Exercise of discretion by the appropriate authority

- 18.4.11 [FCA/  
PRA] G The ~~FSA~~ appropriate authority has discretion under section 86(3)(b) of the Friendly Societies Act 1992 to allow a transferee society to resolve to undertake to fulfil the engagements of a transferor society by resolution of the committee of management, rather than by special resolution. Among the issues on which the ~~FSA~~ appropriate authority will wish to ~~satisfy itself be~~ satisfied before exercising this discretion, are that the transfer will be in the interests of the members of both societies and that the transfer will not mean a change of policy by the transferee society. The ~~FSA~~ appropriate authority is unlikely to exercise this discretion unless the transferee is significantly larger than the business to be transferred.
- 18.4.12 [FCA/  
PRA] G The ~~FSA~~ appropriate authority has discretion under section 89 of the Friendly Societies Act 1992 to modify some of the requirements for a transfer of engagements from a *friendly society*, on the application of a specified number of its members, if it is satisfied that it is expedient to do so in the interests of its members or potential members.

Schedule 15 statement to members

- 18.4.13 [FCA/  
PRA] G Schedule 15 to the Friendly Societies Act 1992 requires a statement to be sent to every member of a *friendly society* entitled to vote on a transfer or

PRA] amalgamation. Among other matters this statement has to cover the financial position of the *friendly society* and every other participant in the transfer or amalgamation. The members should be provided with sufficient financial information about the respective financial positions of the participants to gain an understanding of the relative financial strengths and *key features* of the participants. The statement has to include a summary of any *actuary's* report under section 88, though the FSA appropriate authority may direct that the summary is to be provided separately if inclusion appears impractical.

...

18.4.16 G The information should state whether any of the participants has any  
[FCA/ significant future capital commitments. The FSA appropriate authority will  
PRA] require it to state that the transfer of engagements or amalgamation will not conflict with any contractual commitment by a society, any *subsidiary* or any body jointly controlled by it and others.

18.4.17 G Brief details should be given of the date of the last actuarial valuation and  
[FCA/ the position revealed (surplus/deficit, ~~required minimum margin~~ necessary  
PRA] margin of solvency and free assets) for each participant.

18.4.18 G The FSA appropriate authority may require confirmation from the auditors  
[FCA/ of either *friendly society* involved in the transfer or amalgamation about the  
PRA] reasonableness of any part of the information in the statement. For instance such confirmation would normally be required if the financial information relates to a date more than six months previously.

...

18.4.20 G Under schedule 15 to the Friendly Societies Act 1992, the FSA appropriate  
[FCA/ authority may require the statement to include any other matter. ~~The FSA~~  
PRA] ~~would normally require~~ Under this provision, inclusion of the terms on which the amalgamation or the transfer of engagements is to be made will usually be required.

18.4.21 G The statement should be clearly separate from other information sent to  
[FCA/ members. It has to be approved by the FSA appropriate authority and if it is  
PRA] not in a self-contained document, the approved element should appear in a separate section.

...

#### Confirmation procedures and criteria

18.4.23 G Under the Friendly Societies Act 1992:  
[FCA/  
PRA]

- (1) when the members of a transferor society have approved the transfer of its engagements by passing a special resolution and the transferee has approved the transfer (by passing a resolution where the

transferee is a *friendly society*); or

- (2) when two or more societies have approved a proposed amalgamation by passing a special resolution;

it, or they jointly, must then obtain confirmation by the FSA appropriate authority of the transfer. Notice of the application will need to be published in one or more of the London, Edinburgh or Belfast Gazettes and other newspapers as directed by the FSA appropriate authority. If the FSA appropriate authority confirms a transfer, then ~~it~~ the FCA will register the society's instrument of transfer after receiving an application on the appropriate form by the transferor society and the transferee. If the FSA appropriate authority confirms an amalgamation, ~~it~~ the FCA will register the successor society. All the property, rights and liabilities pass on the transfer date specified by the FSA appropriate authority.

18.4.24 [FCA/  
PRA] G For a *directive friendly society*, if the transfer or amalgamation includes *policies* where the *state of the risk* or the *state of the commitment* is an *EEA State* other than the *United Kingdom*, consultation with the *Host State regulator* is required and SUP 18.2.25G to SUP 18.2.29G apply (for an amalgamation they apply as if the business of the amalgamating societies is to be transferred to the successor society). Paragraph 6(1) of Schedule 15 to the Friendly Societies Act 1992 requires publication of the application to the FSA appropriate authority for confirmation of an amalgamation or transfer and the FSA appropriate authority may require the notice of the application to be published in two national newspapers in the *Host State*.

18.4.25 [FCA/  
PRA] G The criteria that the FSA appropriate authority must use in determining whether to confirm a proposed amalgamation or transfer are set out in schedule 15 to the Friendly Societies Act 1992. These criteria include that:

- (1) confirmation must not be given if the FSA appropriate authority considers that:  
...
- (2) the FSA appropriate authority must be satisfied that:
  - (a) the transferee or successor society will have any *permissions* necessary under Part ~~IV~~ 4A of the *Act*;
  - ...
- (3) for a transfer, the transferee possesses the ~~*required minimum margin*~~ necessary margin of solvency after taking the proposed transfer into account or, where it is not required to maintain a ~~*required minimum margin*~~ necessary margin of solvency, possesses an excess of assets over liabilities (for a transferee that is a *Swiss general insurance company* or an *EEA firm*, this is evidenced by a certificate from its *home state regulator*).

- 18.4.26 [FCA/  
PRA] G If *authorisation* or a *Part IV 4A permission* is needed, the FSA appropriate authority will need to consider the application for *authorisation* or *permission* in the usual way. If the *authorisation* or *permission* is refused, confirmation cannot be given even if all the other criteria are met. ~~As part of the regulatory objective to protect consumers, the FSA may consider whether an amalgamation is in the interests of members.~~
- 18.4.27 [FCA/  
PRA] G The FSA appropriate authority may (as an alternative to refusing confirmation) direct the society or societies to remedy certain procedural defects in a proposed transfer or amalgamation, and after they have been remedied confirm the application. If it appears to the FSA appropriate authority that failure to meet a "relevant requirement" of the Friendly Societies Act 1992 or the rules of the *friendly society* could not be material to the members' decision, then it may direct that this failure is to be disregarded.
- Confirmation procedures: representations
- 18.4.28 [FCA/  
PRA] G Any interested party has the right to make representations to the FSA appropriate authority about an application for confirmation of a transfer or amalgamation. This includes any *person* (whether a member of the *friendly society* or not) who claims that he would be adversely affected by the amalgamation or transfer. The *person* making the representations should state clearly why he or she claims to be an interested party and the ground or grounds to which the representations are directed.
- 18.4.29 [FCA/  
PRA] G Written representations, or written notice of a *person's* intention to make oral representations, or both, are required to reach the FSA appropriate authority by the date published in the relevant Gazette and other newspapers. Those giving notice of intent to make oral representations are advised to state the nature and general grounds of the oral representations they intend to make. *Persons* who make written representations but subsequently decide also to make oral representations are required, nevertheless, to give notice of that intention, in writing, to the FSA appropriate authority by the same date.
- 18.4.30 [FCA/  
PRA] G The FSA appropriate authority will send copies of all written representations to the society(ies), and will afford them an opportunity to comment on the representations. It may consider the written representations and a society's response to them, before the date set for hearing oral representations. A synopsis of the written representations (probably in the form of a summary of each of the points made and the numbers of *persons* making each point) and a society's responses will be made available to those participating in the hearing. This is intended to inform those making oral representations of the points already being considered by the FSA appropriate authority.
- 18.4.31 [FCA/  
PRA] G The ~~FSA expects~~ regulators expect that any documents referred to in a society's comments will be made available by the society for inspection at its registered office and, if reasonably possible, at the venue of the hearing on the date of the hearing. However if a society applies to put documents

which it considers to be sensitive to the FSA to the regulator(s) in confidence, the FSA regulators will balance any disadvantage this might cause interested parties in making representations against the commercial damage that publication of the documents might cause, and the appropriate authority may permit the documents or sensitive parts of them not to be available for inspection.

Confirmation hearing

- 18.4.32 [FCA/PRA] G Interested parties may be represented and may make collective representations. Such arrangements should be notified to the FSA appropriate authority in advance to enable it to make appropriate arrangements.
- 18.4.33 [FCA/PRA] G The hearing referred to in *SUP* 18.4.30G will be at a time and place that will be notified to the participants and will be conducted by FSA the appropriate authority's representatives. The hearing may last longer than one day and may be adjourned. The FSA appropriate authority will try to tell participants when they may expect to make their representations and when the society may be expected to respond.
- 18.4.34 [FCA/PRA] G The FSA appropriate authority expects that oral hearings will be held in public though this is not required. At the start, members of the general public and the press will be asked to wait outside while participants are asked if any of them has good reason to object to the admission of the general public or the press. Unless an objection by a participant is upheld by the FSA appropriate authority's representatives, the press and the general public will then be admitted, within the limits of the space available. However, the FSA appropriate authority's representatives may decide that parts of the hearing will be in private if that appears to them to be desirable.
- 18.4.35 [FCA/PRA] G The procedure will be informal. All participants will be expected to speak concisely and avoid repetition. The FSA appropriate authority will, as far as practicable, help those who are not professionally represented. Those taking the hearing may question the participants. The sequence of events will normally be broadly:
- ...
- (4) the other participants will be invited to speak to their representations. The FSA appropriate authority expects to call them in order of a list arranged, so far as possible, by subject matter;
- ...
- 18.4.36 [FCA/PRA] G The above procedure may be varied according to the circumstances at the hearing, and is intended only as a guide. The hearing may be adjourned if the FSA appropriate authority's representatives consider that necessary to enable facts to be checked or additional information to be obtained.
- 18.4.37 G The FSA appropriate authority will not decide whether to confirm the

[FCA/  
PRA]

transfer or amalgamation at the hearing. A copy of its written decision, including its findings on the points made in representations, will be sent to the society(ies) and to those making representations. It will also be available to any other *person* on request and may be published.

**Annex  
1G**

**Friendly Society transfer or amalgamation (Information requirements related to Schedule 15 Friendly Societies Act 1992) (This belongs to SUP 18.4.22G)**

...

**Annex B**

**Designations & Regulator making new provision**

<b>Handbook Provision</b>	<b>Made, designated or not in force after legal cutover</b>	<b>Relevant regulator</b>
SUP 18.1.1	Designated	FCA/PRA
SUP 18.1.1A	Made	FCA/PRA
SUP 18.1.1B	Made	FCA/PRA
SUP 18.1.1C	Made	FCA/PRA
SUP 18.1.4	Designated	FCA/PRA
SUP 18.1.5	Designated	FCA/PRA
SUP 18.1.6	Designated	FCA/PRA
SUP 18.1.7	Designated	FCA/PRA
SUP 18.1.8	Made	FCA/PRA
SUP 18.2.1	Designated	FCA/PRA
SUP 18.2.1A	Made	FCA/PRA
SUP 18.2.1B	Made	FCA/PRA
SUP 18.2.2	Not in force after legal cutover	
SUP 18.2.3	Not in force after legal cutover	
SUP 18.2.4	Not in force after legal cutover	
SUP 18.2.5	Designated	FCA/PRA
SUP 18.2.6	Not in force after legal cutover	
SUP 18.2.7	Not in force after legal cutover	

SUP 18.2.8	Not in force after legal cutover	
SUP 18.2.9	Not in force after legal cutover	
SUP 18.2.10	Not in force after legal cutover	
SUP 18.2.11	Not in force after legal cutover	
SUP 18.2.12	Designated	FCA/PRA
SUP 18.2.13	Designated	FCA/PRA
SUP 18.2.14	Designated	FCA/PRA
SUP 18.2.14A	Made	FCA/PRA
SUP 18.2.15	Designated	FCA/PRA
SUP 18.2.16	Designated	FCA/PRA
SUP 18.2.17	Designated	FCA/PRA
SUP 18.2.18	Designated	FCA/PRA
SUP 18.2.19	Designated	FCA/PRA
SUP 18.2.20	Designated	FCA/PRA
SUP 18.2.21	Designated	FCA/PRA
SUP 18.2.22	Designated	FCA/PRA
SUP 18.2.23	Designated	FCA/PRA
SUP 18.2.23A	Made	FCA/PRA
SUP 18.2.24	Designated	FCA/PRA
SUP 18.2.25	Designated	FCA/PRA
SUP 18.2.26	Designated	FCA/PRA
SUP 18.2.27	Designated	FCA/PRA
SUP 18.2.28	Designated	FCA/PRA
SUP 18.2.29	Designated	FCA/PRA

SUP 18.2.30	Designated	FCA/PRA
SUP 18.2.31	Designated	FCA/PRA
SUP 18.2.31A	Made	FCA/PRA
SUP 18.2.32	Designated	FCA/PRA
SUP 18.2.33	Designated	FCA/PRA
SUP 18.2.34	Designated	FCA/PRA
SUP 18.2.35	Designated	FCA/PRA
SUP 18.2.36	Designated	FCA/PRA
SUP 18.2.37	Designated	FCA/PRA
SUP 18.2.38	Designated	FCA/PRA
SUP 18.2.39	Designated	FCA/PRA
SUP 18.40	Designated	FCA/PRA
SUP 18.2.41	Designated	FCA/PRA
SUP 18.2.42	Designated	FCA/PRA
SUP 18.2.43	Designated	FCA/PRA
SUP 18.2.44	Designated	FCA/PRA
SUP 18.2.45	Designated	FCA/PRA
SUP 18.2.46	Designated	FCA/PRA
SUP 18.2.47	Designated	FCA/PRA
SUP 18.2.48	Designated	FCA/PRA
SUP 18.2.49	Designated	FCA/PRA
SUP 18.2.50	Designated	FCA/PRA
SUP 18.2.51	Designated	FCA/PRA
SUP 18.2.52	Designated	FCA/PRA
SUP 18.2.53	Designated	FCA/PRA
SUP 18.2.53A	Made	FCA/PRA

SUP 18.2.54	Designated	FCA/PRA
SUP 18.2.55	Designated	FCA/PRA
SUP 18.2.56	Designated	FCA/PRA
SUP 18.2.57	Designated	FCA/PRA
SUP 18.2.57A	Made	FCA/PRA
SUP 18.2.57B	Made	FCA/PRA
SUP 18.2.57C	Made	FCA/PRA
SUP 18.2.57D	Made	FCA/PRA
SUP 18.2.57E	Made	FCA/PRA
SUP 18.2.57F	Made	FCA/PRA
SUP 18.2.57G	Made	FCA/PRA
SUP 18.2.57H	Made	FCA/PRA
SUP 18.2.58	Not in force after legal cutover	
SUP 18.2.58A	Made	FCA/PRA
SUP 18.2.59	Not in force after legal cutover	
SUP 18.2.59A	Made	FCA/PRA
SUP 18.2.59B	Made	FCA/PRA
SUP 18.2.59C	Made	FCA/PRA
SUP 18.2.59D	Made	FCA/PRA
SUP 18.2.59E	Made	FCA/PRA
SUP 18.2.60	Not in force after legal cutover	
SUP 18.2.61	Made	FCA/PRA
SUP 18.2.62	Made	FCA/PRA
SUP 18.3.1	Designated	FCA/PRA
SUP 18.3.1A	Made	FCA/PRA
SUP 18.3.2	Designated	FCA/PRA

SUP 18.3.3	Designated	FCA/PRA
SUP 18.3.4	Designated	FCA/PRA
SUP 18.3.5	Designated	FCA/PRA
SUP 18.3.6	Designated	FCA/PRA
SUP 18.4.1	Designated	FCA/PRA
SUP 18.4.1A	Made	FCA/PRA
SUP 18.4.2	Designated	FCA/PRA
SUP 18.4.3	Designated	FCA/PRA
SUP 18.4.4	Designated	FCA/PRA
SUP 18.4.5	Designated	FCA/PRA
SUP 18.4.6	Designated	FCA/PRA
SUP 18.4.7	Designated	FCA/PRA
SUP 18.4.8	Designated	FCA/PRA
SUP 18.4.9	Designated	FCA/PRA
SUP 18.4.10	Designated	FCA/PRA
SUP 18.4.11	Designated	FCA/PRA
SUP 18.4.12	Designated	FCA/PRA
SUP 18.4.13	Designated	FCA/PRA
SUP 18.4.14	Designated	FCA/PRA
SUP 18.4.15	Designated	FCA/PRA
SUP 18.4.16	Designated	FCA/PRA
SUP 18.4.17	Designated	FCA/PRA
SUP 18.4.18	Designated	FCA/PRA
SUP 18.4.19	Designated	FCA/PRA

SUP 18.4.20	Designated	FCA/PRA
SUP 18.4.21	Designated	FCA/PRA
SUP 18.4.22	Designated	FCA/PRA
SUP 18.4.23	Designated	FCA/PRA
SUP 18.4.24	Designated	FCA/PRA
SUP 18.4.25	Designated	FCA/PRA
SUP 18.4.26	Designated	FCA/PRA
SUP 18.4.27	Designated	FCA/PRA
SUP 18.4.28	Designated	FCA/PRA
SUP 18.4.29	Designated	FCA/PRA
SUP 18.4.30	Designated	FCA/PRA
SUP 18.4.31	Designated	FCA/PRA
SUP 18.4.32	Designated	FCA/PRA
SUP 18.4.33	Designated	FCA/PRA
SUP 18.4.34	Designated	FCA/PRA
SUP 18.4.35	Designated	FCA/PRA
SUP 18.4.36	Designated	FCA/PRA
SUP 18.4.37	Designated	FCA/PRA
SUP 18 Annex 1A	Designated	FCA/PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about	Section 224F	Section 224F

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
relevant schemes)		
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 295 (Notification: overseas investment exchanges and overseas	Section 295	Section 295

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
clearing houses)		
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	(Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Mesothelioma Claims) Regulations 2006 (SI 2006/3259)		(Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 93 (Statement of policy)	Section 93	None
Section 124 (Statement of policy)	Section 124	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53	Section 210	Section 210

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(6) of the Electronic Money Regulations 2011 (SI 2011/99).)		
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**LEGAL CUTOVER (GENERAL TRANSITIONAL AND MISCELLANEOUS  
PROVISIONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to the Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "Handbook" means the Authority's Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority's Handbook website at 11h59 pm on 27 February 2013;

- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2; and
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15.

### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the rules, guidance, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex G or Annex H to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

### **Modification of rules etc. by the Financial Conduct Authority**

- 5 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in Annex A, Annex B and Annex C to this Instrument.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, amends or imposes:
- (1) each provision in Annex A, Annex D, Annex E and Annex F to this Instrument; and
  - (2) each provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 7; and
  - (3) any amendment that is not a modification made in accordance with paragraph 5 specified in a provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 8.
- 7 The conditions referred to in paragraph 6(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 8 The conditions referred to in paragraph 6(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “FCA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 9 The Financial Conduct Authority makes, issues, gives, amends or imposes the provisions in paragraph 6 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5) of each FCA Relevant Instrument come into effect on 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into effect on 1 April 2013.
- 13 The Financial Conduct Authority directs that paragraph 6 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5.

### **Designation of rules etc. by the Prudential Regulation Authority**

14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the rules, requirements, codes, schemes, statements or directions, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
- (2) “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H to this Instrument.

15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.

16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:

- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
- (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 10 of Schedule A to this Instrument; and
- (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 10 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

### **Modification of rules etc. by the Prudential Regulation Authority**

18 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in Annex A, Annex B and Annex C to this Instrument.

### **Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 22, the Prudential Regulation Authority makes, issues, gives, amends or imposes:

- (1) each provision in Annex A to this Instrument; and
- (2) each provision in Annex B and Annex C to this Instrument that meets all of the conditions in paragraph 20; and
- (3) any amendment that is not a modification made in accordance with paragraph 18 specified in a provision in Annex B or Annex C to this Instrument that meets all of the conditions in paragraph 21.

- 20 The conditions referred to in paragraph 19(2) are that a provision is:
- (1) identified as “Made” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument.
- 21 The conditions referred to in paragraph 19(3) are that a provision is:
- (1) identified as “Designated” in Column 2 of Annex G or Annex H to this Instrument; and
  - (2) identified as “PRA” or “PRA/FCA” in Column 3 of Annex G or Annex H to this Instrument,
- 22 The Prudential Regulation Authority makes, gives, amends or imposes the provisions in paragraph 19 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 23 The rule-making powers in paragraph 22 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives as guidance:
- (1) each provision in Annex B to this instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H that is marked with a “G” in Column 1 of Annex G or Annex H to this Instrument; and
  - (2) each provision listed in Annex G or Annex H to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex G or Annex H that is:
    - (a) marked with a “G” in Column 1 of Annex G or Annex H to this Instrument, and
    - (b) not in Annex B to this Instrument.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 14) and the modification (in paragraph 18) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraph 18 of this Instrument comes into effect on 1 April 2013.
- 27 The Prudential Regulation Authority directs that paragraph 19 of this Instrument comes into force immediately after the coming into force of the designations in paragraph 14 and the modifications in paragraph 18.

## Amendments to the Handbooks

28 The modules of the FCA's and PRA's Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2):

(1)	(2)
Glossary of definitions	Annex A
General Provisions (GEN)	Annex B
Supervision manual (SUP)	Annex C
Conduct of Business sourcebook (COBS)	Annex D
Insurance: Conduct of Business sourcebook (ICOBS)	Annex E
Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)	Annex F

## Citation

29 This Instrument may be cited as the Legal Cutover (General Transitional and Miscellaneous Provisions) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

- accountable functions* (1) (in the *FCA Handbook* and in relation to an *approved person*) the functions described in *APER* 1.1A.2P, which are in summary:
- (a) *FCA controlled functions*;
  - (b) *PRA controlled functions*; and
  - (c) any other functions in relation to the carrying on of a *regulated activity*;

in relation to the *authorised persons* in relation to which that *person* is an *approved person*.

- (2) (in the *PRA Handbook* and in relation to an *approved person*) the functions described in *APER* 1.1B.2P, which are in summary:
- (a) *PRA controlled functions*;
  - (b) *FCA controlled functions* that are *significant-influence functions*; and
  - (c) any other *significant-influence functions*;

in relation to the *PRA-authorised persons* in relation to which that *person* is an *approved person*.

*accountable significant-influence function* (in the *FCA Handbook*) any *accountable function* that is a *significant-influence function*.

*clearing facilitation service* (in relation to a *RIE*) any *regulated activity* carried on by an *RIE* for the purposes of, or in connection with, the provision by the *RIE* of services designed to facilitate the provision of clearing services by another person.

<i>current approved person approval</i>	(in relation to an <i>approved person</i> in relation to a particular <i>firm</i> and <i>controlled function</i> as at any particular time) an approval under section 59 of the <i>Act</i> (Approval for particular arrangements) given by the <i>FCA</i> or the <i>PRA</i> in relation to that <i>person</i> for the performance of that <i>controlled function</i> in relation to that <i>firm</i> that is in force at that time.
<i>current FCA approved person approval</i>	a <i>current approved person approval</i> given by the <i>FCA</i> .
<i>current PRA approved person approval</i>	a <i>current approved person approval</i> given by the <i>PRA</i> .
<i>customer-dealing function</i>	(in accordance with section 59(7A) of the <i>Act</i> (Approval for particular arrangements) in relation to the carrying on of a <i>regulated activity</i> by an <i>authorised person</i> (“A”) a function that will involve the <i>person</i> performing it in dealing with:  (a) customers of A; or  (b) property of customers of A;  in a manner substantially connected with the carrying on of the activity.
<i>FCA-approved person</i>	an <i>approved person</i> in relation to whom the <i>FCA</i> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of an <i>FCA controlled function</i> .
<i>FCA candidate</i>	a <i>person</i> in respect of whom an application is made for approval under section 59 of the <i>Act</i> (Approval for particular arrangements) of the performance of an <i>FCA controlled function</i> .
<i>FCA controlled function</i>	a <i>controlled function</i> which is specified by the <i>FCA</i> under section 59 of the <i>Act</i> (Approval for particular arrangements) in the <i>table of FCA controlled functions</i> .
<i>FCA governing functions</i>	any of the <i>FCA controlled functions</i> 1 to 6 in Part 1 of the <i>table of FCA controlled functions</i> .
<i>FCA required functions</i>	any of the <i>FCA controlled functions</i> 8 to 11 in Part 1 or Part 2 of the <i>table of FCA controlled functions</i> .
<i>FCA significant-influence functions</i>	any of the <i>FCA controlled functions</i> 1 to 29 in Part 1 or Part 2 of the <i>table of FCA controlled functions</i> .

<i>PRA-approved person</i>	an <i>approved person</i> in relation to whom the <i>PRA</i> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of a <i>PRA controlled function</i> .
<i>PRA chief executive function</i>	(in the <i>FCA Handbook</i> ) <i>PRA controlled function</i> CF3 in the <i>table of PRA controlled functions</i> .
<i>PRA controlled function</i>	a <i>controlled function</i> which is specified by the <i>PRA</i> under section 59 of the <i>Act</i> (Approval for particular arrangements) in the <i>table of PRA controlled functions</i> .
<i>PRA director function</i>	(in the <i>FCA Handbook</i> ) <i>PRA controlled function</i> CF1 in the <i>table of PRA controlled functions</i> .
<i>PRA governing function</i>	any of the <i>PRA controlled functions</i> CF1 to CF6 in the <i>table of PRA controlled functions</i> .
<i>PRA required functions</i>	any of the <i>PRA controlled functions</i> CF12 to CF12B in the <i>table of PRA controlled functions</i> .
<i>significant-influence function</i>	(in accordance with section 59(7B) of the <i>Act</i> and in relation to the carrying on of a <i>regulated activity</i> by an <i>authorised person</i> ) a function that is likely to enable the <i>person</i> responsible for its performance to exercise a significant influence on the conduct of the <i>authorised person's</i> affairs, so far as relating to the activity.
<i>table of FCA controlled functions</i>	the table of <i>controlled functions</i> in <i>SUP 10A.4.5R</i> .
<i>table of PRA controlled functions</i>	the table of <i>controlled functions</i> in <i>SUP 10B.4.3R</i> .

Amend the following definitions as shown.

<i>actuarial function</i>	(in the <i>PRA Handbook</i> ) <i>PRA controlled function</i> CF12 in the <i>table of <u>PRA</u> controlled functions</i> , described more fully in <i>SUP 4.3.13R</i> and <del><i>SUP 10.7.17R</i></del> <u><i>SUP 10B.8.1R</i></u> .
<i>apportionment and oversight function</i>	<u><i>FCA controlled function</i> CF8 in <u>Parts 1 and Part 2</u> of the <i>table of <u>FCA</u> controlled functions</i></u> , described more fully in <del><i>SUP 10.7.1R</i></del> <u><i>SUP 10A.7.1R</i></u> .

<i>approved person</i>	a <i>person</i> in relation to whom the <del>FSA</del> <u>FCA</u> or the <u>PRA</u> has given its approval under section 59 of the <i>Act</i> (Approval for particular arrangements) for the performance of a <i>controlled function</i> .
<i>candidate</i>	a <i>person</i> in respect of whom an application is made for approval under section 59 of the <i>Act</i> (Approval for particular arrangements) <u>of the performance of an FCA controlled function or a PRA controlled function.</u>
<i>CASS operational oversight function</i>	<u>(in the FCA Handbook) FCA controlled function CF10a in Parts 1 and 2 of the table of FCA controlled functions, described more fully in SUP 10.7.9R SUP 10A.7.9R.</u>
<i>chief executive function</i>	(1) <u>(in the FCA Handbook) FCA controlled function CF3 in Part 1 of the table of FCA controlled functions, described more fully in SUP 10.6.11R SUP 10A.6.17R.</u>  (2) <u>(in the PRA Handbook) PRA controlled function CF3 in the table of PRA controlled functions, described more fully in SUP 10B.6.7R.</u>
<i>COAF</i>	<del>the part of the Handbook in Redress which has the title Complaints against the FSA.</del>
<i>Code of Practice for Approved Persons</i>	(1) <u>(in the FCA Handbook) the provisions in APER 3 and APER 4 indicated by an “E” in the margin or heading, the purpose of which is to help determine whether or not an approved person’s conduct complies with the Statements of Principle and which are issued by the FSA FCA under section 64(2) of the Act (Conduct: statements and codes).</u>  (2) <u>(in the PRA Handbook) the provisions in APER 3 and APER 4 indicated by an “E” in the margin or heading, the purpose of which is to help determine whether or not an approved person’s conduct complies with the Statements of Principle and which are issued by the PRA under section 64(2) of the Act (Conduct: statements and codes).</u>  <u>The provisions of APER 1 marked with an “E” in the margin also form part of the Code of Practice for Approved Persons.</u>
<i>complaint</i>	(1) <del>(in COAF) any expression of dissatisfaction about the manner in which the FSA has carried out its statutory functions other than its legislative functions. [deleted]</del>  ...
<i>Complaints Commissioner</i>	<del>the person appointed by the FSA under COAF 1.3.1G (The Complaints Commissioner) to carry out the functions conferred on him under the complaints scheme.</del>

*complaints scheme* the arrangements made by the *FSA* under paragraphs 7 and 8 of Schedule 1 to the *Act* (The Financial Services Authority) for the investigation of *complaints* against the *FSA* arising in connection with the exercise of, or failure to exercise, any of its functions (other than its legislative functions) under the *Act*.

*compliance oversight function* (in the *FCA Handbook*) *FCA controlled function* CF10 in Parts 1 and 2 of the table of *FCA controlled functions*, described more fully in ~~*SUP* 10.7.8R~~ *SUP* 10A.7.8R.

*consumer* (1) (except as specified in this definition) any natural person acting for purposes outside his trade, business or profession.

[Note: article 2 of the *Distance Marketing Directive*, article 2 of the Unfair Terms in Consumer Contracts Directive (93/13/EEC), article 2 of the *E-Commerce Directive*, and article 4(11) of the *Payment Services Directive*].

(2) ~~(in relation to the *FSA's* power to make general rules (section 138 of the *Act* (General rule making power)) the approval requirements for *controllers* (section 186 of the *Act* (Objection to acquisition of control)), the publication of notices (section 391 of the *Act* (Publication)) and the exercise of *Treaty rights* (Schedule 4 to the *Act* (*Treaty rights*)) a *person*: (as further defined in section 1G of the *Act*) (in relation to the discharge of the *FCA's* general functions (sections 1B to 1E of the *Act*), the application of the regulatory principles by the regulators in section 3B of the *Act* and references by scheme operators or regulated persons (section 234D of the *Act*)) a *person*:~~

(a) who uses, has used, or is ~~or may be contemplating using, any of the services provided by~~ use:

(i) ~~an *authorised person* in carrying on *regulated activities*~~ regulated financial services; or

(ii) ~~a *person* acting as an *appointed representative*, or where applicable, a *tied agent*; or services that are provided by *persons* other than *authorised persons* but are provided in carrying on *regulated activities*; or~~

(b) who has relevant rights or interests ~~which are derived from, or are otherwise attributable to the use of, any such services by another *person* in relation to any of those services~~; or

(c) ~~who has rights or interests which may be adversely affected by the use of any such services by a *person* acting on his behalf or in a fiduciary capacity in relation~~

to him; or who has invested, or may invest, in financial instruments; or

- (ca) who has relevant rights or interests in relation to financial instruments; or
  - (d) (in relation to the ~~FCA's~~ ~~FSA's~~ power to make general rules (section 137A of the Act (The FCA's general rules)) a person within the extended definition of consumer in article 3 7 of the ~~Financial Services and Markets Act 2000 (Consequential and Transitional Provisions) (Miscellaneous) Order 2001 (SI 2001/1821) Financial Services Act 2012 (Transitional Provisions) (Miscellaneous Provisions) Order 2013 (SI 442/2013 (Application of definition Definition of "consumer" to users of regulated services before commencement)~~);
  - (e) (~~in relation to the FSA's power to make general rules~~) a person within the extended definition of consumer in article 4 of the ~~Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501) (Application of definition of "consumer" to customers of credit unions before commencement)~~; ~~[deleted]~~
- (2A) (as further defined in section 425A of the Act) (in relation to the issue of statements or codes under section 64 of the Act), general exemptions to consultation by the FCA (section 138L of the Act) in the publication of notices (section 391 of the Act) and the exercise of Treaty rights (Schedule 4 to the Act) a person who uses, has used, may have used, or has relevant rights or interests in relation to any services provided by:
- (a) authorised persons in carrying on regulated activities;
  - (b) authorised persons who are investment firms, or credit institutions, in providing relevant ancillary services; or
  - (c) persons acting as appointed representatives.

for the purposes of this definition:

- (A) if an ~~authorised person is carrying on a regulated activity in his capacity~~ a person is providing a service within (2)(a) or (2A) as a trustee, the persons who are, have been or may be beneficiaries of the trust are to be treated as persons who use, have used or ~~are or may be contemplating using services provided by the authorised person in his carrying on of that activity~~ use the service;
- (AA) a person has a "relevant right or interest" in relation to any

services within (2)(a) or (2A) if that *person* has a right or interest:

- (i) which is derived from, or is otherwise attributable to, the use of the services by others; or
  - (ii) which may be adversely affected by the use of the services by persons acting on that *person*'s behalf or in a fiduciary capacity in relation to that *person*;
- (B) a *person* who deals with an ~~authorised person~~ another person ("A") in the course of the ~~authorised person's~~ carrying on of a ~~regulated activity~~ A providing a service within (2)(a) or (2A) is to be treated as using services provided by the ~~authorised person~~ in carrying on those activities. the service;
- (C) a *person* has a "relevant right or interest" in relation to any financial instrument within (2)(ca) if that *person* has a right or interest:
- (i) which is derived from, or is otherwise attributable to, investment in the instrument by others; or
  - (ii) which may be adversely affected by the investment in the instrument by persons acting on that *person*'s behalf or in a fiduciary capacity in relation to that *person*;
- (D) (for the purposes of (2A)(b)):
- (i) "credit institution" means:
    - (a) a credit institution authorised under the *banking consolidation directive*; or
    - (b) an institution which would satisfy the requirements for authorisation as a credit institution under that directive if it had its registered office (or if it does not have one, its head office) in an EEA State;
  - (ii) "relevant ancillary service" means any service of a kind mentioned in Section B of Annex I to *MiFID* the provision of which does not involve the carrying on of a *regulated activity*.
- (3) (in relation to the protection of consumers objective (section 5 of the Act (The protection of consumers)) and independent inquiries (section 14 of the Act (Cases in which the Treasury may arrange independent inquiries))) (as defined in sections 5(3) and 14(5) of the Act) a *person*:

- (a) ~~within (2); or~~
- (b) ~~who, in relation to *regulated activities* carried on otherwise than by an *authorised person*, would be a consumer within (2) if the activities were carried on by an *authorised person*. [deleted]~~
- (4) (as further defined in section 425A and 425B of the Act) (in relation to the establishment and maintenance of the Consumer Panel (section 10(7) 1Q of the Act (The Consumer Panel))) (as defined in section 10(7) 1Q of the Act) a person within (3) other than an authorised person., complaints by consumer bodies (section 234C of the Act):
- (a) a person within (2A), other than an *authorised person*; and
- (b) (in relation to *regulated activities* carried on otherwise than by *authorised persons*) a person, other than an *authorised person*, who would have been a “consumer” within (2A) if the activities were carried on by an *authorised person*.
- (5) ~~(with respect to *Northern Ireland credit unions* and in relation to the FSA’s power to make general rules, the protection of consumers objective and independent inquiries) a person within (2)(a), (2)(b), (2)(c) or (3)(b). [deleted]~~
- (5A) (as further defined in sections 425A and 425B of the Act) until 31 March 2014, with respect to the publication of information in relation to activities carried on by *Northern Ireland credit unions* (section 391 of the Act and article 5 of the Financial Services and Markets Act 2000 (Permissions, Transitional Provisions and Consequential Amendments) (Northern Ireland Credit Unions) Order 2011 (SI 2832/2011) a person within (4)(b).
- (6) ~~(with respect to *Northern Ireland credit unions* and in relation to the establishment of the Consumer Panel) a person within (5) other than an *authorised person*. [deleted]~~

*controlled function*

a function, relating to the carrying on of a *regulated activity* by a *firm*, which is specified by either the *FCA* (in the *table of FCA controlled functions*) or the *PRA* (in the *table of PRA controlled functions*), under section 59 of the *Act* (Approval for particular arrangements) in the *table of controlled functions*.

*customer function*

~~the~~ (in the *FCA Handbook*) *FCA controlled function* CF30 in Parts 1 and 2 of the *table of FCA controlled functions*, described more fully in ~~SUP 10.10.7AR~~ SUP 10A.10.7R.

<i>director function</i>	<p>(1) <u>(in the FCA Handbook) FCA controlled function CF1 in Part 1 of the table of FCA controlled functions, described more fully in <del>SUP 10.6.4R</del> SUP 10A.6.7R and SUP 10A.6.8R.</u></p> <p>(2) <u>(in the PRA Handbook) PRA controlled function CF1 in the table of PRA controlled functions, described more fully in SUP 10B.6.1R and SUP 10B.6.2R.</u></p>
<i>director of unincorporated association function</i>	<p>(1) <u>(in the FCA Handbook) FCA controlled function CF5 in Part 1 of the table of FCA controlled functions, described more fully in <del>SUP 10.6.24R</del> SUP 10A.6.29R.</u></p> <p>(2) <u>(in the PRA Handbook) PRA controlled function CF5 in the table of PRA controlled functions, described more fully in SUP 10B.6.15R.</u></p>
<i>executive procedures</i>	the procedures relating to the giving of warning notices, decision notices and <i>supervisory notices</i> that are described in <i>DEPP 4</i> (Decisions by <del>FS</del> <u>FCA</u> staff under executive procedures).
<i>facilities</i>	<p>(in relation to a <i>recognised body</i>) the facilities and services which it provides in the course of carrying on <i>exempt activities</i>; <del>and references</del> <u>References</u> to the use of the facilities of an <i>RIE</i> or <i>RAP</i> are to be construed as follows:</p> <p>(a) dealings or transactions on an <i>RIE</i> or <i>RAP</i> are references to dealings or transactions which are effected by means of the <i>RIE's</i> or <i>RAP's</i> facilities or which are governed by the rules of the <i>RIE</i> or <i>RAP</i>; <del>and</del></p> <p>(b) references to the use of the facilities of an <i>RIE</i> or <i>RAP</i> include use which consists of any such dealings or entering into any such transactions.</p>
<i>financial year</i>	<p>(1) (in <i>DISP</i> <u>and FEES 5</u>) the 12 months ending with 31 March.</p> <p>...</p>
<i>governing function</i>	<del>any of the controlled functions 1 to 6 in the table of controlled functions.</del>
<i>home territory</i>	(in relation to an <i>overseas investment exchange</i> <del>or an overseas clearing house</del> ) the country or territory in which its head office is situated.
<i>Lloyd's actuary function</i>	<u>(in the PRA Handbook) PRA controlled function CF12B in the table of PRA controlled functions, described more fully in <del>SUP 10.7.22R</del> SUP 10B.8.3R.</u>

*market contract*

a market contract as described in section 155(2)(a) of the Companies Act 1989 or article 80(2)(a) of the Companies (No2) (Northern Ireland) Order 1990 which is in summary:

~~(a)~~ a contract entered into by a *member* or *designated non-member* of an *RIE* with a person other than the *RIE* which is either:

~~(i)~~ (a) a contract made on the exchange or an exchange to whose undertaking the exchange has succeeded; or

~~(ii)~~ (b) a contract in the making of which the *member* or *designated non-member* was subject to the rules of the exchange or of an exchange to whose undertaking the exchange has succeeded;

~~(b)~~ a contract entered into by an *RIE* or *RCH*, in its capacity as such, with one of its *members*, or with an *RCH* or with an *RIE*, for the purpose of:

~~(i)~~ enabling the rights and liabilities of that *member*, or clearing house or other investment exchange, under a transaction, to be settled; or

~~(ii)~~ providing central counterparty clearing services (as described in section 155(3A) of the Companies Act 1989) to that *member* or clearing house or other investment exchange.

*money laundering reporting function*

(in the *FCA Handbook*) *FCA* controlled function CF11 in Parts 1 and 2 of the table of *FCA* controlled functions, described more fully in ~~SUP 10.7.13R~~ SUP 10A.7.10R.

*non-executive director function*

(1) (in the *FCA Handbook*) *FCA* controlled function CF2 in Part 1 of the table of *FCA* controlled functions, described more fully in ~~SUP 10.6.17R~~ SUP 10A.6.12R and SUP 10A.6.13R.

(2) (in the *PRA Handbook*) *PRA* controlled function CF2 in the table of *PRA* controlled functions, described more fully in SUP 10B.6.3R to SUP 10B.6.5R.

*notification rule*

...

(2) (in relation to a *recognised body*) a rule made by the ~~FSA~~ *FCA* under section 293 of the *Act* (Notification requirements) or section 295 of the *Act* (Notification: overseas investment exchanges and overseas clearing houses):

(a) requiring a *recognised body* to give the ~~FSA~~ *FCA*:

(i) notice of, and specified information regarding,

- specified events relating to the body;
- (ii) specified information relating to the body at specified times or in respect of specified periods; and
  - (iii) any other information required to be given by such a *rule*; or
- (b) (in relation to an *RIE* ~~or *RCH*~~):
- (i) specifying descriptions of *regulatory provision* in relation to which, or circumstances in which, the duty to notify the ~~*FSA*~~ *FCA* of such *regulatory provision* in section 300B(1) of the *Act* does not apply or providing that the duty to notify applies only to specified descriptions of *regulatory provision* or in specified circumstances; or
  - (ii) making provision as to the form and contents of the notice required under (2)(b)(i), and requiring *recognised bodies* to provide specified information in connection with that notification.

~~*overseas clearing house*~~

~~a *clearing house* which has neither its head office nor its registered office in the *United Kingdom*.~~

~~*overseas recognised body*~~

~~an *ROIE* or *ROCH*.~~

*partner function*

- (1) (in the *FCA Handbook*) *FCA* controlled function CF4 in Part 1 of the table of *FCA* controlled functions, described more fully in ~~*SUP* 10.6.17R~~ *SUP* 10A.6.23R to *SUP* 10A.6.27R.
- (2) (in the *PRA Handbook*) *PRA* controlled function CF4 in the table of *PRA* controlled functions, described more fully in *SUP* 10B.6.12R to *SUP* 10B.6.14R.

*previous regulator*

- ...
- (6) (in relation to a *firm* which was authorised, or which was an *appointed representative*, under the Financial Services Act 1986 immediately before *commencement* or which was a European investment ~~*firm*~~ *firm* (as defined in the Investment Services Regulations 1995 (SI 1995/3275)) immediately before *commencement*) any of:
    - (a) *IMRO*;
    - (b) *PIA*;

- (c) SFA;
- (d) a *recognised professional body*; and
- (e) the FSA;

if the *firm* (or, if relevant, its principal for the purposes of section 44 of the Financial Services Act 1986) was subject in carrying on business to the rules, requirements, regulations or guidance of that body.

- (7) ...
- (8) (in relation to a *firm* which was authorised under the Act immediately before 1 April 2013) the FSA.

*recognised body* an RIE; or RAP ~~or an RCH.~~

- recognised body requirements*
- (1) (in relation to an RIE ~~or RCH~~) the *recognition requirements*;
  - (2) (in relation to a UK RIE) the *MiFID implementing requirements*;
  - (3) (in relation to an RAP) the *RAP recognition requirements*; and
  - (4) (in relation to any of the bodies specified in (1) to (3)) any other obligations imposed by or under the *Act*.

*recognised clearing house* a *clearing house* which is declared by a ~~recognition order~~ an order made by the Bank of England under section 290 or 292 of the Act and for the time being in force to be a recognised clearing house.

~~*recognised overseas clearing house* an overseas clearing house which is declared by a recognition order for the time being in force to be a recognised clearing house.~~

*recognition order* (in accordance with section 313 of the *Act* (Interpretation of Part XVIII)) an order made under section 290 or 292 of the *Act* which declares an investment exchange ~~or clearing house to be a recognised body~~ to be an RIE or (for RAPs) an order made under regulation 2 of the *RAP regulations* which declares a UK RIE to be an RAP.

- recognition requirement*
- (1) (in relation to a UK RIE ~~or UK RCH~~) any of the requirements applicable to that body under the Recognition Requirements Regulations.
  - (2) (in relation to a body applying for recognition as a UK RIE ~~or UK RCH~~) any of the requirements under the Recognition

Requirements Regulations which, if its application were successful, would apply to it.

- (3) (in relation to an *ROIE* ~~or *ROCH*~~, or to an applicant for recognition as an *ROIE* ~~or *ROCH*~~) any of the requirements in section 292(3) of the *Act* (Overseas investment exchanges and overseas clearing houses).

*regulatory provisions* (a) ~~(in accordance with section 302 of the *Act* (Interpretation)) (in relation to an investment exchange or clearing house) the any rules, of or any guidance, arrangements or policy issued by the investment exchange in connection with its business as an investment exchange or clearing house or in connection with the provision by it of clearing facilitation services.~~

(b) ~~(in relation to an investment exchange):~~

(i) ~~arrangements which it has made, or proposes to make, for the provision of clearing services in respect of transactions effected on the exchange; and~~

(ii) ~~if it provides, or proposes to provide, clearing services in respect of transactions other than those effected on the exchange, the criteria which it applies, or proposes to apply, when determining to whom it will provide those services;~~

(c) ~~(in relation to a clearing house):~~

(i) ~~if it makes, or proposes to make, clearing arrangements with an *RIE*, those arrangements; and~~

(ii) ~~if it provides, or proposes to provide, clearing services for persons other than *RIEs*, the criteria which it will apply when determining to whom it will provide those services;~~

(d) ~~(in REC 3.26) (in accordance with section 300E of the *Act*) regulatory provision means any rule, guidance, arrangements, policy or practice.~~

*relevant complaint* (1) ...

(2) (in *REC*) (as defined in section 299(2) of the *Act* (Complaints about recognised bodies)) a complaint which the *FSA FCA* considers is relevant to the question of whether a *recognised body* should remain a *recognised body*.

<i>required function</i>	<del>any of controlled functions 8 to 12B in the table of controlled functions (SUP 10.4.5R).</del>
<i>respondent</i>	<p>(1) (in <i>DISP</i>, <i>FEES 5</i> and <i>CREDS 9</i>) a firm (except a <i>UCITS</i> qualifier), payment service provider, electronic money issuer, licensee or <i>VJ</i> participant covered by the <i>Compulsory Jurisdiction</i>, <i>Consumer Credit Jurisdiction</i> or <i>Voluntary Jurisdiction</i> of the <i>Financial Ombudsman Service</i>.</p> <p>(2) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, as a result of sections 226 and 226A of the Act:</p> <p>...</p> <p>(3) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, in accordance with the <i>Ombudsman Transitional Order</i>, an unauthorised person subject to the <i>Compulsory Jurisdiction</i> in relation to relevant existing complaints and relevant new complaints.</p> <p>(4) (in <i>DISP 2</i> and <i>3</i> and <i>FEES 5</i>) includes, in accordance with the <i>Mortgage and General Insurance Complaints Transitional Order</i>, a former firm subject to the <i>Compulsory Jurisdiction</i> in relation to relevant transitional complaints.</p>
<i>ROCH</i>	<del>recognised overseas clearing house.</del>
<i>senior staff committee</i>	(in <i>DEPP</i> and <i>EG</i> ) a committee consisting of senior <del>FSA</del> <i>FCA</i> staff members that is empowered to make <i>statutory notice decisions</i> and <i>statutory notice associated decisions</i> by executive procedures.
<i>settlement decision makers</i>	(in <i>DEPP</i> and <i>EG</i> ) two members of the <del>FSA's</del> <i>FCA's</i> senior management, one of whom will be of at least director of division level (which may include an acting director) and the other of whom will be of at least head of department level, with responsibility for deciding whether to give <i>statutory notices</i> in the circumstances described in <i>DEPP 5</i> . At least one of the decision makers will not be from the Enforcement and Financial Crime Division.
<i>significant influence function</i>	<del>any of controlled functions 1 to 12B, and 28 and 29 in the table of controlled functions.</del>
<i>significant management function</i>	(in the <i>FCA Handbook</i> ) <i>FCA</i> controlled function CF29 in <u>Parts 1 and 2</u> of the table of <i>FCA</i> controlled functions, described more fully in <del>SUP 10.9.10R</del> <u>SUP 10A.9.9R</u> .
<i>small friendly society function</i>	(1) (in the <i>FCA Handbook</i> ) <i>FCA</i> controlled function CF6 in <u>Part 1</u> of the table of <i>FCA</i> controlled functions, described more fully in <del>SUP 10.6.26R</del> <u>SUP 10A.6.31R to SUP 10A.6.32R</u> .

	(2)	<u>(in the PRA Handbook) PRA controlled function CF6 in the table of PRA controlled functions, described more fully in SUP 10B.6.16R to SUP 10B.6.17R.</u>
<i>Society's basic market activity</i>	<del>(in accordance with section 315(2)(a) of the Act (The Society: authorisation and permission))</del>	<del>arranging deals in contracts of insurance written at Lloyd's.</del>
<i>Society's secondary market activity</i>	<del>(in accordance with section 315(2)(b) of the Act (The Society: authorisation and permission))</del>	<del>arranging deals in participation in Lloyd's syndicates.</del>
<i>Statement of Principle</i>	(1)	<u>(in the FCA Handbook) one of the Statements of Principle issued by the FSA FCA under section 64(1) of the Act (Conduct: Statements and codes) with respect to the conduct of approved persons and set out in APER 2.1A.</u>  <u>The provisions of APER 1.1A marked with a "P" in the margin also form part of the Statements of Principle.</u>
	(2)	<u>(in the PRA Handbook) one of the Statements of Principle issued by the PRA under section 64(1A) of the Act (Conduct: Statements and codes) with respect to the conduct of approved persons and set out in APER 2.1B.</u>  <u>The provisions of APER 1.1B marked with a "P" in the margin also form part of the Statements of Principle.</u>
<i>systems and controls function</i>	(1)	<u>(in the FCA Handbook) FCA controlled function CF28 in Part 1 of the table of FCA controlled functions, described more fully in SUP 10.8.1R SUP 10A.8.1R.</u>
	(2)	<u>(in the PRA Handbook) PRA controlled function CF28 in the table of PRA controlled functions, described more fully in SUP 10B.9.1R.</u>
<i>table of controlled functions</i>		<del>the table of controlled functions in SUP 10.4.5R.</del>
<i>transitional complainants scheme</i>		<del>the arrangements made by the FSA for the investigation of complaints against the FSA and each of PIA, IMRO and SFA arising in connection with the carrying out of their functions under the Financial Services Act 1986 and the Banking Act 1987.</del>
<i>UK recognised body</i>		<del>a UK RIE; or RAP or UK RCH.</del>
<i>UK RCH</i>		<u>an RCH that is not an ROCH a clearing house which is declared by an order made by the Bank of England under section 290 of the Act and for the time being in force to be a recognised clearing house.</u>

*with-profits actuary  
function*

*(in the PRA Handbook) PRA controlled function CF12A in the table of PRA controlled functions, described more fully in SUP 4.3.16AR and ~~SUP 10.7.17AR~~ SUP 10B.8.2R.*

## Annex B

### Amendments to the General Provisions manual (GEN)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 4 Statutory status disclosure

##### 4.1 Application

Who? What?

4.1.1 R This chapter applies to every *firm* and with respect to every *regulated activity*,  
[FCA/ except that:  
PRA]

...

- (5) only *GEN 4.5* (Statements about authorisation and regulation by the ~~FSA~~ appropriate regulator) applies in relation to *MiFID or equivalent third country business* and only where that *MiFID or equivalent third country business* is not business falling within paragraph 2 (Transactions between an MTF operator and its users), 3 (Transactions concluded on an MTF) or 4 (Transactions concluded on a regulated market) of Part 1 of *COBS 1 Annex 1*.

Where?

...

4.1.4 R *GEN 4.5* (Statements about authorisation and regulation by the ~~FSA~~ appropriate regulator) applies in relation to activities carried on from an establishment maintained by the *firm* (or by its *appointed representative*) in the *United Kingdom*, provided that, in the case of the *MiFID business* of an *EEA MiFID investment firm* or the activities of an *EEA UCITS management company*, it only applies to business conducted within the territory of the *United Kingdom*.  
[FCA/  
PRA]

##### 4.2 Purpose

4.2.1 G ~~The purpose of this chapter is to build upon Principle 7 (Communications with clients), which requires a firm to pay due regard to the information needs of its clients.~~ This chapter requires the provision of appropriate minimum information about the identity of the regulator that authorised a *firm*. It also governs the way in which a *firm* may describe its regulation by the ~~FSA~~ appropriate regulator. ~~This assists in the achievement of the regulatory objectives of consumer protection, market confidence and financial stability.~~  
[FCA/  
PRA]

...

4.2.1B G This chapter builds upon *Principle 7* (Communications with clients), which  
[FCA] requires a *firm* to pay due regard to the information needs of its *clients*. This  
assists in the achievement of the *statutory objectives* including the *FCA's*  
strategic objective of ensuring that relevant markets function well and the  
consumer protection and integrity objectives.

4.2.1C G This chapter assists in the achievement the *PRA's* general objective to ensure  
[PRA] the safety and soundness of *firms*.

...

### 4.3 Letter disclosure

Disclosure in letters to retail clients

4.3.1 R A *firm* must take reasonable care to ensure that every letter (or electronic  
[FCA/ equivalent) which it or its *employees* send to a *retail client*, with a view to or in  
PRA] connection with the *firm* carrying on a *regulated activity*, includes the  
disclosure in *GEN 4 Annex 1R* (firms that are not *PRA-authorized persons*) or  
*GEN 4 Annex 1AR* (*PRA-authorized persons*) as applicable.

4.3.1A G Where a letter covers both activities to which this section applies and activities  
[FCA/ to which this section does not apply, the *firm* should comply with the *rules* in  
PRA] this chapter in relation to the business to which it applies. ~~An example would be~~  
~~where a letter covers business for which the *FSA* is the *competent authority*~~  
~~under the *Insurance Mediation Directive* and under *MiFID*.~~

4.3.1B G An example for *GEN 4.3.1AG* would be where a letter covers business for  
[FCA] which the *FCA* is the *competent authority* under the *Insurance Mediation*  
*Directive* and under *MiFID*.

4.3.2 G For a *UK domestic firm*, the required disclosure in *GEN 4 Annex 1R* is  
"Authorised and regulated by the Financial Services Authority". ~~[deleted]~~

4.3.2A G For a *UK domestic firm* that is not a *PRA-authorized person*, the required  
[FCA] disclosure in *GEN 4 Annex 1R* is "Authorised and regulated by the Financial  
Conduct Authority".

4.3.2B G For a *UK domestic firm* that is a *PRA-authorized person*, the required disclosure  
[FCA/ in *GEN 4 Annex 1AR* is "Authorised by the Prudential Regulation Authority  
PRA] and regulated by the Financial Conduct Authority and Prudential Regulation  
Authority".

...

#### 4.5 **Statements about authorisation and regulation by the FSA appropriate regulator**

Application

...

4.5.2 G ~~GEN 4.5.1R(1) does not apply to a *firm* when communicating with an *eligible* [FCA/ PRA] *counterparty*. However, misleading statements by a *firm* in such a communication may involve a breach of *Principle 7 (Communications with clients)* or section 397 (Misleading statements and practices) of the *Act*, as well as giving rise to private law actions for misrepresentation.~~

4.5.2A G However, misleading statements by a *firm* when communicated with an *eligible* [FCA] *counterparty* may involve a breach of *Principle 7 (Communications with clients)* or Part 7 (Offences relating to financial services) of the Financial Services Act 2012, as well as giving rise to private law actions for misrepresentation.

The duty

4.5.3 R A *firm* must not indicate or imply that it is authorised by the ~~FSA~~ FCA in [FCA] respect of business for which it is not so authorised.

4.5.3A R A *firm* must not indicate or imply that it is authorised by the *PRA* in respect of [FCA/ PRA] business for which it is not so authorised.

4.5.4 R A *firm* must not indicate or imply that it is regulated or otherwise supervised by [FCA] the ~~FSA~~ FCA in respect of business for which it is not regulated by the ~~FSA~~ FCA.

4.5.4A R A *firm* must not indicate or imply that it is regulated or otherwise supervised by [FCA/ PRA] the *PRA* in respect of business for which it is not regulated by the *PRA*.

...

4.5.6 G (1) Neither an incoming *EEA firm* nor an *incoming Treaty firm* is authorised [FCA/ PRA] by the ~~FSA~~ FCA or PRA when acting as such.

(2) It is likely to be misleading for a *firm* that is not *authorised* by the ~~FSA~~ FCA or PRA to state or imply that it is so *authorised*. It is also likely to be misleading for a *firm* to state or imply that a *client* will have recourse to the *Financial Ombudsman Service* or the *FSCS* where this is not the case.

(3) ~~As well as potentially breaching the requirements in this section, misleading statements by a *firm* may involve a breach of *Principle 7 (Communications with clients)* or section 397 (Misleading statements and practices) of the *Act*, as well as giving rise to private law actions for~~

~~misrepresentation.~~ [deleted]

4.5.6A G As well as potentially breaching the requirements in this section, misleading statements by a *firm* may involve a breach of *Principle 7 (Communications with clients)* or Part 7 (Offences relating to financial services) of the Financial Services Act 2012, as well as giving rise to private law actions for misrepresentation.  
[FCA]

**4 Annex Statutory status disclosure (firms that are not PRA-authorized persons)**

**1R**

[FCA]

This rule applies to firms that are not PRA-authorized persons:

	<b>Type of firm</b>	<b>Required disclosure (Note 5)</b>
(1)	<i>UK domestic firm; or overseas firm (which is not an incoming firm)</i>	"Authorised and regulated by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> " (Note 1)
(2)	<i>Incoming firm without a top-up permission</i>	(a) "Authorised by [name of <i>Home State regulator</i> ] or  (b) "Authorised by [name of <i>Home State regulator</i> ] and subject to limited regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> . Details about the extent of our regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> are available from us on request"  (Notes 1, 2, 2a and 3)
(3)	<i>Incoming firm with a top-up permission</i>	"Authorised by [name of <i>Home State regulator</i> ] and authorised and subject to limited regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> . Details about the extent of our authorisation and regulation by the <del>Financial Services Authority</del> <u>Financial Conduct Authority</u> are available from us on request" (Notes 1, 2 and 3)
(4)	<i>Appointed representative of a firm</i>	"[Name of <i>appointed representative</i> ] is an appointed representative of [name of <i>firm</i> ] which is [then continue with the required disclosure of the <i>firm</i> ]" (Note 4)
(5)	<i>Society of Lloyd's</i>	" <del>Authorised under the Financial Services and Markets Act 2000</del> "

Note 1 = A *firm* must use the formulation "~~Financial Services Authority~~ Financial Conduct Authority" and not the abbreviated formulation "~~FSA~~ FCA".

Note 2 = An *incoming firm* is free to translate the name of its *Home State regulator* into English if it wishes. In doing so, it must ensure that the State in which the regulator is based is clear.

Note 2a = An *incoming firm* without a *top-up permission* may make either disclosure (a) or disclosure (b) unless it otherwise indicates or implies to the *customer* that it is regulated or supervised by the ~~FSA~~ FCA in which case it must make disclosure (b).

Note 3 = If a *firm* offers to make details about the extent of its authorisation or regulation by the ~~FSA~~ FCA available on request and a *customer* requests such details, it must provide those details in a way that is clear, fair and not misleading.

Note 4 = If the *appointed representative* has more than one *principal*, the disclosure must relate to the *principal* or *principals* responsible for the *regulated activity* or activities concerned. The required disclosure of the *firm* is that which would apply were the *firm* to make the disclosure under the *rules* applicable to it.

Note 5 = Any *firm* listed in this table is permitted to add words to the relevant required disclosure statement but only if the *firm* has taken reasonable steps to satisfy itself that the presentation of its statutory status will, as a consequence, be fair, clear and not misleading and be likely to be understood by the average member of the group to whom it is directed or by whom it is likely to be received. For example, an *authorised professional firm* may wish to make it clear that it is also regulated by its professional body.

Insert the following new Annex after GEN 4 Annex 1R. The text is not underlined.

#### 4 Annex Statutory status disclosure (PRA-authorised persons)

##### 1AR

[FCA/  
PRA]

This *rule* applies to *firms* that are *PRA-authorised persons*:

	Type of firm	Required disclosure (Note 5)
(1)	<i>UK domestic firm</i>	"Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority"  (Note 1)
(2)	<i>overseas firm</i> (which is not an	"[Authorised and regulated by [name of the <i>overseas regulator</i> of the <i>overseas firm</i> in the jurisdiction of that <i>overseas firm's</i> registered office (or, if it has no

	<i>incoming firm</i> )	registered office, its head office)]. Authorised by the Prudential Regulation Authority. Subject to regulation by the Financial Conduct Authority and limited regulation by the Prudential Regulation Authority. Details about the extent of our regulation by the Prudential Regulation Authority are available from us on request."  (Notes 1, 2, 3 and 3a)
(3)	<i>Incoming firm without a top-up permission</i>	(a) "Authorised by [name of <i>Home State regulator</i> ]" or  (b) "Authorised by [name of <i>Home State regulator</i> ] and subject to limited regulation by the Financial Conduct Authority and Prudential Regulation Authority. Details about the extent of our regulation by the Financial Conduct Authority and Prudential Regulation Authority are available from us on request"  (Notes 1, 2, 2a, 2b and 3)
(4)	<i>Incoming firm with a top-up permission</i>	"Authorised by [name of <i>Home State regulator</i> ] and the Prudential Regulation Authority and subject to limited regulation by the Financial Conduct Authority and Prudential Regulation Authority. Details about the extent of our authorisation and regulation by the Prudential Regulation Authority, and regulation by the Financial Conduct Authority are available from us on request"  (Notes 1, 2, 2b and 3)
(5)	<i>Appointed representative of a firm</i>	"[Name of <i>appointed representative</i> ] is an appointed representative of [name of <i>firm</i> ] which is [then continue with the required disclosure of the <i>firm</i> ]"  (Note 4)
(6)	<i>Society of Lloyd's</i>	"Authorised under the Financial Services and Markets Act 2000"
<p>Note 1 = A <i>firm</i> must use the formulation "Financial Conduct Authority" or "Prudential Regulation Authority" and not the abbreviated formulation "FCA" or "PRA" respectively.</p> <p>Note 2 = An <i>incoming firm</i> or <i>overseas firm</i> is free to translate the name of its <i>Home State regulator</i> or <i>overseas regulator</i> into English if it wishes. In doing so, it must ensure that the State in which the regulator is based is clear.</p>		

Note 2a = An *incoming firm* without a *top-up permission* may make either disclosure (a) or disclosure (b) unless it otherwise indicates or implies to the *customer* that it is regulated or supervised by the *FCA* or *PRA*, in which case it must make disclosure (b).

Note 2b – An *incoming EEA firm* exercising establishment rights in the *UK* under the *Banking Consolidation Directive*, which do not include the activity of acceptance of deposits and other repayable funds, will be subject to branch liquidity and other supervision by the *FCA*.

Note 3 = If a *firm* offers to make details about the extent of its authorisation by the *PRA* or regulation by the *FCA* or *PRA* available on request and a *customer* requests such details, it must provide those details in a way that is clear, fair and not misleading.

Note 3a = An *overseas firm* that is not an *incoming firm* is only required to disclose its authorisation and/or regulated by an *overseas regulator* if it is so authorised and/or regulated.

Note 4 = If the *appointed representative* has more than one *principal*, the disclosure must relate to the *principal* or *principals* responsible for the *regulated activity* or activities concerned. The required disclosure of the *firm* is that which would apply were the firm to make the disclosure under the *rules* applicable to the *firm*.

Note 5 = Any *firm* listed in this table is permitted to add words to the relevant required disclosure statement but only if the *firm* has taken reasonable steps to satisfy itself that the presentation of its statutory status will, as a consequence, be fair, clear and not misleading and be likely to be understood by the average member of the group to whom it is directed or by whom it is likely to be received.

Amend the following as shown.

## **5 The ~~FSA logo~~ Regulators' logos and the keyfacts logo**

### **5.1 Application and purpose**

Application

5.1.1 G This chapter contains:  
[FCA]

- (1) *guidance for firms, authorised payment institutions and authorised electronic money institutions and their appointed representatives, agents or tied agents on the circumstances in which the ~~FSA~~ FCA permits them to reproduce the ~~FSA and FCA~~ logos;*
- (2) *rules on the use by firms of the keyfacts logo.*

Purpose

5.1.2 [FCA] G ~~The FSA logo is a registered UK service mark, with number 2150560. The FCA logo is a registered UK service mark, with number 2629534.~~ The keyfacts logo is a registered Community trade mark, with the number ~~E3866688~~EU3866688. ~~Both~~ All are the property of the ~~FSA FCA~~. They are also subject to copyright and may be used or reproduced with permission of the ~~FSA FCA~~ only. If the FSA, ~~FCA~~, or keyfacts logos are reproduced or otherwise used by any person without such permission the ~~FSA FCA~~ may seek to enforce its rights over its property through the Courts.

5.1.3 [FCA] G ~~GEN 5 Annex 1G is a general licence, which sets out the circumstances in which the FSA FCA permits a person to whom this chapter applies to reproduce the FSA and keyfacts logos. Such a person need not apply for an individual licence if it uses or reproduces the logos in accordance with the general licence.~~

5.1.3A [FCA] G No general licence is granted by the FCA in respect of the FCA logo.

5.1.4 [FCA] G ~~The FSA FCA has no policy to allow use of the logos FSA or keyfacts logos by a person to whom this chapter applies other than as set out in GEN 5 Annex 1G. If, however, such a person wishes to use or reproduce either of the logos other than in accordance with the general licence, it may apply to the FSA FCA for an individual licence, giving full reasons why it considers the FSA FCA should grant the licence.~~

...

The FSA logo

5.1.8 [FCA] R ~~A firm must not use the FSA logo (and must take all reasonable steps to ensure that its representatives do not use the FSA logo) in any communication with a client other than in accordance with the general licence in GEN 5 Annex 1G or any individual licence granted by the FSA FCA to the firm or its representatives.~~

5.1.9 [FCA] G The general licence in GEN 5 Annex 1G to use the FSA logo will continue till 1 April 2014 whereupon the general licence is revoked by GEN 5 Annex 1G, 7.1.

The FCA logo

5.1.10 [FCA] R A firm must not use the FCA logo (and must take all reasonable steps to ensure that its representatives do not use the FCA logo) in any communication with a client other than in accordance with any individual licence granted by the FCA to the firm or its representatives.

**5 Annex 1G Licence for use of the FSA and keyfacts logos**

[FCA]

<b>Application</b>	
1.1	The <del>FSA</del> <u>FCA</u> grants this licence to <i>firms, authorised payment institutions, authorised electronic money institutions, appointed representatives, agents and tied agents.</i>
<b>The FSA and keyfacts logos</b>	
...	
2.4	Copyright subsists in the <del>FSA and keyfacts logos</del> <u>logo</u> .
2.5	Copies of the <del>FSA and keyfacts logos</del> <u>logo</u> that are capable of being reproduced for printing can be found on the <del>FSA's</del> <u>FCA's</u> website at <a href="http://www.fca.org.uk">www.fca.org.uk</a> <del>http://www.fsa.gov.uk/Pages/Library/Other_publications/Logos_and_Photos/index.shtml</del>
<b>Permission to use the FSA logo</b>	
3.1	A <i>UK domestic firm, its appointed representatives and tied agents, an authorised payment institution and its agents and an authorised electronic money institution and its agents</i> are permitted to use the FSA logo:
...	
(2)	if required to do so by the <del>FSA</del> <u>FCA</u> .
3.1A	[deleted]
3.2	The disclosure required by <i>GEN 4.3.1R (Disclosure in letters to retail clients) as continued in GEN TP 1.3(3).13</i> is an example of a statement within paragraph 3.1 above.
...	
<b>Further conditions on the use of the FSA and keyfacts logos</b>	
5.1	The permissions in paragraphs 3.1 and 3A.1 are also subject to the conditions that any material, whether produced on paper or electronically, on which the FSA or keyfacts logos are displayed does not:
(1)	in any way imply that the <del>FSA</del> <u>FCA</u> is endorsing the licensee or its products, services or communications (see also <i>GEN 1.2.2R(1)</i> ); or
(2)	misrepresent the licensee's relationship with the <del>FSA</del> <u>FCA</u> or present false information about the <del>FSA</del> <u>FCA</u> ; or

6.1	[deleted]
<b>Commencement and duration</b>	
7.1	This licence comes into effect on 1 May 2003 except that in relation to the keyfacts logo it comes into effect on 6 November 2006. <u>In relation to the FSA logo, this licence ceases to have effect and is revoked on 1 April 2014.</u>
7.2	The <del>FSA</del> <u>FCA</u> may alter or revoke this licence at any time, by giving at least two months' notice on the <del>FSA's</del> <u>FCA's</u> website.
<b>Interpretation</b>	
8.1	This licence is to be interpreted in accordance with chapter 2 of the General provisions (Interpreting the Handbook) of the <u>Handbook</u> <del>FSA's Handbook of Rules and Guidance</del> . In particular, expressions in italics are defined in the Glossary.

## 6 Insurance against financial penalties

### 6.1 Payment of financial penalties

#### Application

6.1.1 R This chapter applies to every *firm*, but only with respect to business that can be regulated under ~~section 138~~ sections 137A (The FCA's general rules) and 137G (The PRA's general rules) of the *Act* (~~General rule-making power~~).

...

6.1.4 R In this chapter 'financial penalty' means a financial penalty that the ~~FSA~~ appropriate regulator has imposed, or may impose, under the *Act*. It does not include a financial penalty imposed by any other body.

6.1.4A R No *firm*, except a *sole trader*, may pay a financial penalty imposed by the ~~FSA~~ appropriate regulator on a present or former *employee*, *director* or *partner* of the *firm* or of an *affiliated company*.

...

6.1.7 G *GEN 6.1.4AR*, *GEN 6.1.5R* and *GEN 6.1.6R* do not prevent a *firm* or *member* from entering into, arranging, claiming on or making any payment under a *contract of insurance* which indemnifies any *person* against all or part of the costs of defending ~~FSA~~ appropriate regulator enforcement action or any costs they may be ordered to pay to the ~~FSA~~ appropriate regulator.

GEN TP 1.1 and 1.2 are deleted in their entirety. The deleted text is not shown.

Amend the following as shown.

**GEN TP 1.3 (3) Transitional Provisions applying to GEN only**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
<u>13</u>	<u>GEN 4.3.1R, GEN 4 Annex 1R and GEN 4 Annex 1AR</u>	<u>R</u>	<u>A firm may comply with GEN 4.3.1R and GEN 4 Annex 1R as in force on 31 March 2013.</u>	<u>From 1 April 2013 until 1 April 2014</u>	<u>1 April 2013</u>
<u>14</u>	<u>GEN 4.5.3R, GEN 4.5.3AR, GEN 4.5.4R and GEN 4.5.4AR</u>	<u>R</u>	<u>A firm can continue to make statements about authorisation and regulation by the FSA as long as such statements would not have breached GEN 4.5.3R and GEN 4.5.4R as they were in force on 31 March 2013 had such statements been made on 31 March 2013.</u>	<u>From 1 April 2013 until 1 April 2014</u>	<u>1 April 2013</u>

After GEN TP 1.3(3) insert new Transitional Provisions TP 2.1 and TP 2.2. The text is not underlined.

**GEN TP 2.1**

**Table: 1 Transitional Provisions applying across the FCA and PRA Handbooks**

(1)	The purpose of these transitional provisions is to assist a smooth transition at cutover. They comprise various technical provisions that will apply across the whole <i>FCA and PRA Handbooks</i> and achieve results that most people would probably expect to apply in any event.
(2)	These transitional provisions consist of general transitional provisions, which apply at a high level of generality, and more specific transitional provisions in relation to record keeping and <i>notification rules</i> .

(3)	The more specific transitional provisions relating to record keeping and <i>notification rules</i> override the general transitional provisions. Both the general and the more specific transitional provisions do not apply if the context requires otherwise and are subject to any more specific transitional provision elsewhere in the <i>FCA</i> and <i>PRA Handbooks</i> relating to the matter.
(4)	Definitions for these transitional provisions, additional to those in the <i>Glossary</i> , are provided at paragraph 15 of the table.

## GEN TP 2.2

**Table 2: Transitional Provisions applying across the FCA and PRA Handbooks**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
1	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Acts under pre-cutover provisions</b> Anything done, or having effect as done, under or for the purposes of any pre-cutover provision has effect as if done under or for the purposes of any substantially similar provision in the <i>FCA</i> and <i>PRA Handbooks</i> .	From 1 April 2013	1 April 2013
2	Paragraph 1	G	For example, a <i>firm</i> may rely on action to establish the best price, taken shortly before cutover for the purposes of the <i>FSA</i> 's best execution rule, for the purposes of compliance with the <i>FCA</i> 's best execution rule, even if the transaction is <i>executed</i> after cutover.	From 1 April 2013	1 April 2013
3	Every provision in the <i>FCA</i> and <i>PRA</i>	R	<b>Series of events</b> If the application of any	From 1 April	1 April 2013

	<i>Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter		provision in the <i>FCA</i> or <i>PRA Handbooks</i> is dependent on the occurrence of a series of events, some of which occur before, and some of which occur after, cutover, the provision applies with respect to the events that occur after cutover.	2013	
4	Paragraph 3	G	For example, a <i>firm</i> which <i>executes</i> an aggregated order shortly before cutover must comply with <i>COBS</i> 11.3.8R (Requirement for fair allocation) if the allocation occurs after cutover.	From 1 April 2013	1 April 2013
5	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Deemed references to pre-cutover provisions</b> Any reference (express or implied) in a provision in the <i>FCA</i> or <i>PRA Handbooks</i> to a provision of or made under the <i>Act</i> is to be read (so far as the context permits and according to the context) as being or including, in relation to times, circumstances and purposes before cutover, a reference to any substantially similar pre-cutover provision.	From 1 April 2013	1 April 2013
6	Paragraph 5	G	For example, <i>SUP</i> 11.6.4R requires a <i>firm</i> authorised by the <i>FCA</i> to notify the <i>FCA</i> when a change in <i>control</i> , previously notified under <i>SUP</i> 11.4.2R, has taken place. Such a <i>firm</i> must notify a change in	From 1 April 2013	1 April 2013

			<i>control</i> that takes place after cutover, even if previously notified under <i>SUP</i> 11.4.2R as made by the <i>FSA</i> (and <i>SUP</i> 11.6.4R is to be read as referring to that pre-cutover provision).		
7	Every provision in the <i>FCA</i> and <i>PRA Handbooks</i> , unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<p><b>Time starting before cutover</b></p> <p>If, at cutover, time has begun to run for any purpose under any pre-cutover provision applicable to a <i>firm</i> or other person, then:</p> <p>(1) time will be regarded as having started to run, for the purposes of any substantially similar provision in the <i>FCA</i> or <i>PRA Handbooks</i>, when it started to run for that other purpose; and</p> <p>(2) the <i>firm</i> or other person will be relieved of its obligation to comply with the relevant pre-cutover provision if and to the extent that it complies with the substantially similar provision as extended by this transitional provision.</p>	From 1 April 2013	1 April 2013
8	Paragraph 7	G	For example, certain <i>firms</i> were required to submit product sales data reports within 20 <i>business days</i> of the end of the quarter by <i>SUP</i> 16.11.3R as made by the <i>FSA</i> . If the quarter end fell five days before cutover, the <i>firms</i> must still submit the report within 20 <i>business days</i> ,	From 1 April 2013	1 April 2013

			but in accordance with <i>SUP</i> 16.7.8R as made by the <i>FCA</i> .		
9	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Record keeping</b> A <i>firm</i> or other person will not contravene a <i>rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> requiring a record to be made or retained to the extent that the <i>firm</i> or other person: (1) made a record of the matter before cutover in accordance with the <i>rule</i> or with a substantially similar pre-cutover provision applicable to the <i>firm</i> or other person; and (2) retains that record as if the <i>rule</i> was in force when the record was made.	From 1 April 2013	1 April 2013
10	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	G	This transitional provision makes specific provision, in relation to record keeping, for the matters covered by paragraph 1. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
11	Every <i>rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> requiring a record to be made or retained (see schedule 1), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	A <i>firm</i> or other person must retain a record in accordance with a <i>rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> requiring a record of that sort to be retained, if the <i>firm</i> or other person was required to make and retain that record before cutover under a substantially similar	From 1 April 2013	1 April 2013

			pre-cutover provision applicable to the <i>firm</i> or other person.		
12	Paragraph 9	G	This transitional provision makes specific provision, in relation to records, for the matters covered by paragraphs 5 and 7. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
13.	Every <i>notification rule</i> in the <i>FCA</i> and <i>PRA Handbooks</i> (see schedule 2), unless the context otherwise requires and subject to any more specific transitional provision relating to the matter	R	<b>Notification</b> A <i>firm</i> (or its auditor, <i>appointed actuary</i> or <i>appropriate actuary</i> ) or other person will not contravene a <i>notification rule</i> in the <i>FCA</i> or <i>PRA Handbooks</i> to the extent that notice of the relevant matter was given to the <i>FSA</i> before cutover in accordance with: (1) the <i>notification rule</i> ; or (2) a substantially similar pre-cutover provision applicable to the <i>firm</i> or other person.	From 1 April 2013	1 April 2013
14	Paragraph 13	G	This transitional provision makes specific provision, in relation to notifications, for the matters covered by paragraphs 1 and 3. It is included for clarity and overrides those general transitional provisions.	From 1 April 2013	1 April 2013
15	As paragraphs 1 to 14	R	<b>Definitions</b> In these transitional provisions: (1) "pre-cutover provision" means a	From 1 April 2013	1 April 2013

			provision repealed or revoked by or under the Financial Services Act 2012 or a rule or guidance of the <i>FSA</i> , including (where the context permits) any relevant provision which it replaced before cutover;		
			(2) "substantially similar" means substantially similar in purpose and effect;		
			(3) a reference to a "provision" in the <i>FCA</i> or <i>PRA Handbooks</i> means every type of provision, including <i>rules, guidance, provisions in codes, and so on; and</i>		
			(4) "cutover" means 1 April 2013.		
16	Paragraph 17	G	<b>Application for provisions which are not rules</b> The purpose of paragraph 17 is to ensure that the transitional provisions in paragraphs 1 to 8 apply throughout the <i>FCA</i> and <i>PRA Handbooks</i> .	From 1 April 2013	1 April 2013
17	<i>Statements of Principle, the Code of Practice for Approved Persons and Code of Market Conduct and directions and requirements and guidance and other provisions in the FCA Handbook and PRA</i>	P	The provisions in paragraphs 1 to 10 apply to every <i>person</i> to whom the provisions referred to in column (2) apply as if the <i>rules</i> in those paragraphs were part of those provisions.	From 1 April 2013	1 April 2013

	<i>Handbook</i> (that is, provisions with the status letter "D" or "G" in the margin or heading) unless the context otherwise requires and subject to any more specific transitional provision relating to the matter				
--	---	--	--	--	--

Schedule 4 is deleted in its entirety and replaced as follows. The deleted text is not shown.

**Schedule 4 Powers exercised** [to follow later]

Amend the following as shown.

**Schedule 5 Rights of action for damages**

Sch 5.1 G The table below sets out the *rules* in *GEN* contravention of which by an *authorised person* may be actionable under section ~~150~~ 138D of the *Act* (Actions for damages) by a person who suffers loss as a result of the contravention.

Sch 5.2 G If a 'Yes' appears in the column headed 'For *private person*?', the *rule* may be actionable by a 'private person' under section ~~150~~ 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A 'Yes' in the column headed 'Removed' indicates that the ~~FSA~~ FCA has removed the right of action under section ~~150(2)~~ 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.

Sch 5.3 G The column headed 'For other person?' indicates whether the *rule* may be actionable by a person other than a *private person* (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of *person* by whom the *rule* may be actionable is given.

Sch 5.4 G

Chapter/Appendix	Section/Annex	Paragraph	Right of action under section <del>150</del> <u>138D</u>		
			For private person?	Removed	For other person?
All <i>rules</i> in <i>GEN</i> with the status letter "E"			No	No	No

<i>GEN</i> 2.1.8R			No	No	No
All other rules in <i>GEN</i>			Yes	No	No

## Schedule 6 Rules that can be waived

Sch 6.1 G 4 ~~As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its rules, other than rules made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the rules incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives. It therefore follows that if a rule contains provisions which derive partly from a directive, and partly not, the FSA will be able to consider a waiver of the latter requirements only, unless the directive provisions are optional rather than mandatory.~~

2 ~~GEN 2.1.8R is made by FOS Ltd and not by the FSA and cannot be waived by the FSA.~~

3 ~~Every other rule in GEN can be waived by the FSA if, and to the extent that, the rules elsewhere in the Handbook which it modifies or to which it otherwise relates can be waived by the FSA. [deleted]~~

Sch 6.1A  
G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its rules, other than rules made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the rules incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

Sch 6.1B  
G As a result of section 138A of the Act (Modification or waiver of rules) the PRA has power to waive all its rules, other than rules made under section 137O (Threshold condition code). However, if the rules incorporate requirements laid down in European directives, it will not be possible for the PRA to grant a waiver that would be incompatible with the United Kingdom's responsibilities under those directives.

Sch 6.2 G 1 GEN 2.1.8R is made by FOS Ltd and not by the appropriate regulator and cannot be waived by the appropriate regulator.

2 Every other rule in GEN can be waived by the appropriate regulator if, and to the extent that, the rules elsewhere in its Handbook which it modifies or to which it otherwise relates can be waived by the appropriate regulator.

## Annex C

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 21.1 Form of waiver for energy participants

...

21.1.2 G *Energy market participants* should bear in mind that section 138A and 138B of the *Act* requires that in order to give a *waiver* of particular *rules*, the ~~FSA~~ FCA must be satisfied that:

- (1) compliance with the *rules*, or with the *rules* as unmodified, would be unduly burdensome or would not achieve the purpose for which the *rules* were made; and
- (2) the *waiver* would not ~~result in undue risk to persons whose interests the rules are intended to protect~~ adversely affect the advancement of any of the *FCA*'s operational objectives.

...

#### Appendix 3 Guidance on passporting issues

...

App 3.3.14 G Blanket notification is the practice of the *Home State regulator* notifying all *Host State regulators* in respect of all activities regardless of any genuine intention to carry on the activity. This practice is discouraged by the ~~FSA~~ FCA and PRA. However, a *firm* may be carrying on activities in the *United Kingdom* or elsewhere in a way that necessarily gives rise to a real possibility of the provision of services in other *EEA States*. In such cases, the *firm* should consider with its advisers whether it should notify the relevant authorities and include that possibility in its business plan.

...

App 3.6.7 G In respect of banking services, the European Commission believes that "...to determine where the activity was carried on, the place of provision of what may be termed the 'characteristic performance' of the service i.e. the essential supply for which payment is due, must be determined" (Commission interpretative communication: Freedom to provide services and the interests of the general good in the Second Banking Directive (97/C 209/04)). In the ~~FSA's~~ view of the FCA and PRA, this requires consideration of where the service is carried out in practice.

App 3.6.8 G The ~~FSA~~ FCA and PRA are of the opinion that *UK firms* that are *credit institutions* and *MiFID investment firms* should apply the 'characteristic

PRA] performance' test (as referred to in *SUP* App 3.6.7G) when considering whether prior notification is required for services business. *Firms* should note that other *EEA States* may take a different view. Some *EEA States* may apply a solicitation test. This is a test as to whether it is the consumer or the provider that initiates the business relationship.

...

App 3.6.15 [FCA / PRA] G The ~~FSA~~ FCA and PRA consider that, in order to comply with *Principle 3: Management and control* (see *PRIN* 2.1.1R), a *firm* should have appropriate procedures to monitor the nature of the services provided to its *customers*. Where a *UK firm* has non-resident *customers* but has not notified the *EEA State* in which the *customers* are resident that it wishes to exercise its freedom to provide services, the ~~FSA~~ FCA and PRA would expect the *firm's* systems to include appropriate controls. Such controls would include procedures to prevent the supply of services covered by the *Single Market Directives* in the *EEA State* in which the *customers* are resident if a notification has not been made and it is proposed to provide services otherwise than by remote communication. In respect of *insurance business*, the *insurer's* records should identify the location of the risk at the time the policy is taken out or last renewed. That will, in most cases, remain the location of the risk thereafter, even if, for example, the *policyholder* changes his habitual residence after that time.

...

App 3.6.25 [FCA / PRA] G (1) The ~~FSA~~ FCA and PRA are of the opinion that where a *UK firm* becomes a member of:

- (a) a *regulated market* that has its registered office or, if it has no registered office, its head office, in another *EEA State*; or
- (b) an *MTF* operated by a *MiFID investment firm* or a *market operator* in another *EEA State*,

the same principles as in the 'characteristic performance' test should apply. Under this test, the fact that a *UK firm* has a screen displaying the *regulated market's* or the *MTF's* prices in its UK office does not mean that it is *dealing* within the territory of the *Home State* of the *regulated market* or of the *MTF*.

(2) In such a case, ~~we~~ the FCA and PRA would consider that:

- (a) the *market operator* operating the *regulated market* or the *MTF* is providing a *cross-border service* into the *UK* and so, provided it has given notice to its *Home State regulator* in accordance with articles 42(6) or 31(5) *MiFID*, it will be exempt from the *general prohibition* in respect of any *regulated activity* carried on as part of the business of the *regulated market* or of *operating an MTF* (see section 312A of the Act);

- (b) the *MiFID investment firm* operating the *MTF* is providing a *cross-border service* into the *UK* and so needs to comply with *SUP 13A*.

...

App 3.6.27 G *Firms* should note that, in circumstances where the ~~FSA~~ takes FCA or PRA [FCA / PRA] take the view that a notification would not be required, other *EEA States* may take a different view.

...

## TP 1 Transitional provisions

...

### TP 1.2

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
6A [FCA]	<i>SUP 9.4</i>	G	<u>Individual guidance</u>	From 19 July 2001	21 June 2001
			(1) If a <i>person</i> acts in accordance with individual written guidance: ...		
			then the <del>FSA</del> <u>FCA</u> will proceed on the footing that the <i>person</i> has complied with the aspects of any provision in or under the <i>Act</i> (including a <i>rule</i> or <i>guidance</i> in the <i>Handbook</i> ) to which the guidance relates if: ...		
			(2) <i>SUP 9.4.2G - SUP 9.4.4G</i> are relevant for individual guidance in (1) in the same way as for individual written <i>guidance</i> given by the <del>FSA</del> <u>FCA</u> .		
...					
8M [FCA]	<del><i>SUP 10.13.20AR</i></del> <u><i>SUP 10A.14.24R</i></u>	R	This rule applies to <i>complaints</i> upheld on or after 31 December 2012.	From 31/12/2012	31/12/2012

...					
12M [FCA/ PRA]	(1) <i>SUP 16.12.5R</i> [deleted]	R	<p>Firms in <i>Regulated Activity Group 1</i> are not required to submit the following data items:</p> <p>(i) for reporting dates falling prior to 30 June 2008:</p> <p>FSA001 FSA002 FSA008 FSA010 FSA012 FSA013 FSA016 FSA018 FSA045</p> <p>(ii) for reporting dates falling prior to 31 August 2008:</p> <p>FSA005 FSA006 FSA007 FSA014 FSA020 FSA021 FSA022 FSA023 FSA024 FSA025 FSA026</p> <p>and</p> <p>(iii) for reporting dates falling prior to 30 September 2008:</p> <p>FSA015 FSA044 FSA046</p>	1 January 2008 to 29 September 2008	1 January 2008
	(2) <i>SUP 16.12.5</i> [deleted]	R	<p><i>UK banks in Regulated Activity Group 1</i> should not submit FSA017 for reporting dates prior to 31 August 2008.</p>	1 January 2008 to 30 August 2008	1 January 2008
	(3) <i>SUP 16.12.5</i> [deleted]	R	<p><i>A building society in Regulated Activity Group 1:</i></p> <p>(i) should not submit FSA017 for reporting dates prior to 31 August 2008.</p> <p>(ii) should instead submit an 'Analysis of interest rate gap' quarterly, within 15 <i>business days</i> of the quarter end, except in the case of a building society on the "Administered" approach (see <i>IPRU(BSOC) 4 Ann 4A 4A.2</i>) which is not required to submit the 'Analysis of interest rate gap'. In the case of (ii), reports should be prepared as at the end of March, June, September and December of each year. The 'Analysis of interest rate gap' must be submitted in</p>	1 January 2008 to 30 August 2008	1 January 2008

			accordance with TP 12L (4).		
	(4) <i>SUP 16.12.5</i> [deleted]	R	In respect of the transitional reporting requirements in this transitional provision TP12L (3), the report should be submitted in accordance with <i>SUP 16.3.6 R</i> to <i>SUP 16.3.10R</i> .	1 January 2008 to 30 September 2008	1 January 2008
	(5) <i>SUP 16.12.11R</i> [deleted]	R	<i>Firms in Regulated Activity Group 3</i> , other than <i>exempt BIPRU commodity firms</i> , are not required to submit the following data items: (i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA039 FSA040 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(6) <i>SUP 16.12.15R</i> [deleted]	R	<i>Firms in Regulated Activity Group 4</i> are not required to submit the following data items:(i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA038 FSA039 FSA040 FSA041 FSA042 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(7)	R	<i>Firms in Regulated Activity Group 7</i>	1 January 2008	1 January 2008

	<u>SUP 16.12.22R</u> [deleted]		are not required to submit the following data items:(i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	to 29 September 2008	
	(8) <u>SUP 16.12.25R</u> [deleted]	R	<i>Firms in Regulated Activity Group 8</i> are not required to submit the following data items: (i) for reporting dates falling prior to 30 June 2008: FSA001 FSA002 FSA008 FSA016 FSA018 FSA019 FSA045 (ii) for reporting dates falling prior to 31 August 2008: FSA005 FSA006 FSA007 FSA039 FSA040 and (iii) for reporting dates falling prior to 30 September 2008: FSA046	1 January 2008 to 29 September 2008	1 January 2008
	(9) <u>SUP 16.12.11R</u> [deleted]	R	<i>Exempt BIPRU commodity firms</i> are not required to submit the following data items for reporting dates: (i) falling prior to 30 June 2008: FSA008 (ii) falling prior to 31 August 2008: FSA001 FSA002 FSA016 FSA018 FSA028 FSA033 FSA038 FSA039 FSA040 FSA041	1 January 2008 to 30 August 2008	1 January 2008

			FSA042		
	(10) <i>SUP 16.12.11</i> <u>[deleted]</u>	R	<i>Exempt BIPRU commodity firms</i> are not required to submit the following data items for reporting dates falling prior to 1 January 2011: FSA003 FSA004 FSA005 FSA006 FSA007 FSA019	1 January 2008 to 31 December 2010	1 January 2008
	(11) <i>SUP 16.12.5R</i> <u>[deleted]</u>	R	(1) A <i>UK bank</i> must submit the following reports for reporting dates falling between 1 January 2008 and 29 June 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> : BSD3 (unconsolidated, solo consolidated); BSD3 (consolidated); LE3 (unconsolidated, solo consolidated); LE3 (consolidated); M1 (unconsolidated, solo consolidated); and M1 (consolidated). Consolidated reports are only required from <i>UK consolidation groups</i> . (2) In addition, a <i>UK bank</i> subject to IPRU(BANK) Chapter LS must submit the SLR1 for reporting dates between 1 January 2008 and 31 May 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> . (3) Also, a <i>UK bank</i> subject to IPRU(BANK) Chapter LM must submit the LR for reporting dates between 1 January 2008 and 31 March 2008 in accordance with the rules set out in <i>SUP 16.7.8R</i> .	1 January 2008 to 29 June 2008	1 January 2008
	(12) <i>SUP 16.7.9R</i> , <i>SUP 16.7.10R</i> <u>[deleted]</u>	R	An <i>EEA Bank</i> , other than one with <i>permission for cross-border services</i> only, must submit the LR for reporting dates between 1 January 2008 and 31 March 2008 in accordance with the rules set out in <i>SUP 16.7.10R</i> .	1 January 2008 to 31 March 2008	1 January 2008
	(13) <i>SUP 16.7.11R</i> , <i>SUP 16.7.12R</i> <u>[deleted]</u>	R	A <i>bank</i> established outside the <i>EEA</i> must submit: (a) the LR for reporting dates between 1 January 2008 and 31 March 2008; and (b) the B7 for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out	1 January 2008 to 29 June 2008	1 January 2008

			in SUP 16.7.12R.		
	(14) SUP 16.7.16R, SUP 16.7.17R [deleted]	R	A <i>building society</i> must submit: (a) the QFS1 and AFS1 for reporting dates between 1 January 2008 and 29 June 2008; and (b) the interest rate gap report for reporting dates between 1 January 2008 and 30 August 2008 in accordance with the rules set out in SUP 16.7.17R.	1 January 2008 to 30 August 2008	1 January 2008
	(15) SUP 16.7.24R, SUP 16.7.25R [deleted]	R	A <i>securities and futures firm</i> which is a category A or B firm or a broad scope firm, and is a <i>BIPRU investment firm</i> , must submit the large exposures quarterly reporting statement (Form LEM 1 or LEM 2) (consolidated and unconsolidated) and monthly reporting statement for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.25R, except that the monthly reporting statement should be submitted quarterly.	1 January 2008 to 29 June 2008	1 January 2008
	(16) SUP 16.7.26R, SUP 16.7.27R [deleted]	R	A <i>securities and futures firm</i> which is a category C or D firm or an arranger or venture capital firm, and is a <i>BIPRU investment firm</i> , must submit the large exposures quarterly reporting statement (Form LEM 1 or LEM 2) (consolidated and unconsolidated) and quarterly reporting statement for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.27R, except that <i>BIPRU 50K firms</i> should submit the quarterly reporting statement half yearly.	1 January 2008 to 29 June 2008	1 January 2008
	(17) SUP 16.7.35R, SUP 16.7.36R [deleted]	R	An <i>investment management firm</i> which is a <i>BIPRU investment firm</i> must submit either a quarterly financial return or a monthly financial return (depending on whether the firm is subject to a Liquid Capital Requirement or is an ISD firm subject to the Own Funds Requirement of Euro 730,000) for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.36R, except that <i>BIPRU 50K firms</i> should submit the quarterly financial return half yearly, and <i>BIPRU 730K firms</i> should submit the monthly financial	1 January 2008 to 29 June 2008	1 January 2008

			return on a quarterly basis.		
	(18) [deleted]				
	(19) SUP 16.7.67R, SUP 16.7.68R [deleted]	R	A <i>UCITS firm</i> must submit the Quarterly Financial Return for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.68R.	1 January 2008 to 29 June 2008	1 January 2008
	(20) SUP 16.7.76R, SUP 16.7.77R [deleted]	R	A firm that was not subject to other reporting requirements in SUP 16.7 (other than in SUP 16.7.76R and SUP 16.7.77R) at 31 December 2007, and is a <i>BIPRU firm</i> , must submit sections A, B, C and E of the <i>RMAR</i> and sections A and B of the <i>MLAR</i> for reporting dates between 1 January 2008 and 29 June 2008 in accordance with the rules set out in SUP 16.7.77R, except that the frequency for these sections of the <i>RMAR</i> and <i>MLAR</i> is amended as follows: (a) for <i>BIPRU 730K firms</i> and <i>BIPRU 125K firms</i> , quarterly; and (b) for <i>BIPRU 50K firms</i> , half-yearly.	1 January 2008 to 29 June 2008	1 January 2008
	(20A) SUP 16.12.22AR	R	(1) Where a <i>firm</i> is required under SUP 16.12.22AR to submit information on <i>adviser charges</i> in Section K of the <i>RMAR</i> or <i>consultancy charges</i> in Section L of the <i>RMAR</i> the <i>firm</i> is not required to report information collected prior to 31 December 2012. (2) The first reporting period for Section K or Section L of the <i>RMAR</i> begins on the first day of the <i>firm's</i> first full reporting period (as specified in SUP 16.12) after 31 December 2012.	31/12/2012 to 30/06/2013	31/12/2012
	(21) SUP 16.12.23R [deleted]	R	<i>Firms</i> in <i>RAGs</i> 3, 4, 6, 7 and 8 that are required to complete Section J of the <i>RMAR</i> , with an <i>accounting reference date</i> falling between 1 July 2007 and 31 August 2007 inclusive, must additionally report on section J of the <i>RMAR</i> at their half year (i.e. for reporting dates falling between 1 January 2008 and 29 February 2008 inclusive), to be submitted within 30 <i>business days</i> of the half year date.	1 January 2008 to 29 February 2008	1 January 2008
...					

...

**Schedule 1 Record keeping requirements**

...

Sch 1.2 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
...				
SUP 16.8.23R [FCA]	Persistency reports and data reports	Records to enable the <i>firm</i> to monitor regularly the persistency of <i>life policies</i> and stakeholder pensions effected through each of its <i>representatives</i> and make the required reports to the <del>FS</del> <i>FCA</i> .	Not specified	Not specified

...

**Schedule 5 Rights of actions for damages**

Sch 5.1 G [FCA]	1	The table below sets out the <i>rules</i> in SUP contravention of which by an <i>authorised person</i> may be actionable under section <del>150</del> <u>138D</u> of the <i>Act</i> (Actions for damages) by a <i>person</i> who suffers loss as a result of the contravention.
	2	If a "Yes" appears in the column headed "For private person?", the <i>rule</i> may be actionable by a " <i>private person</i> " under section <del>150</del> <u>138D</u> (or, in certain circumstances, his fiduciary or representative). A "Yes" in the column headed "Removed" indicates that the <del>FS</del> <i>FCA</i> has removed the right of action under section <del>150(2)</del> <u>138D(3)</u> of the <i>Act</i> . If so, a reference to the <i>rule</i> in which it is removed is also given.
	3	The column headed "For other person?" indicates whether the rule is actionable by a <i>person</i> other than a <i>private person</i> (or his fiduciary or representative). If so, an indication of the type of <i>person</i> by whom the <i>rule</i> is actionable is given.

Sch 5.2 G [FCA]

Chapter/ Appendix	Section/Annex	Paragraph	Right of action under section <del>150</del> <u>138D</u>		
			For private person?	Removed?	For other person?
All <i>rules</i> in SUP with the status letter "E"			No	No	No

3	8	All <i>rules</i> in the section	No	No	No
3	9	All <i>rules</i> in the section	No	No	No
3	10	All <i>rules</i> in the section	No	No	No
4	3	13	No	No	No
4	3	20	No	No	No
4	4	7	No	No	No
4	4	9	No	No	No
4	5	All <i>rules</i> in the section	No	No	No
10A	All <i>rules</i> in sections SUP 10A.1 to SUP 10A.10		No	No	No
All other <i>rules</i> in SUP			Yes	No	No

**Schedule 5A Rights of actions for damages**

Sch 5A.1 [PRA] G The table below sets out the *rules* in SUP contravention of which by an *authorised person* may be actionable under section 138D of the Act (Actions for damages) by a *person* who suffers loss as a result of the contravention.

<u>Chapter/Appendix</u>	<u>Section/Annex</u>	<u>Paragraph</u>
Sch 5A.2 [PRA] G 10B	<u>All rules in sections SUP 10B.1 to SUP 10B.9</u>	

**Schedule 6 Rules that can be waived**

Sch 6.1 G As a result of regulation 10 of the Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (SI 2007/1973) the FSA has power to waive all its *rules*, other than *rules* made under section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FSA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives. [deleted]

Sch 6.1A [FCA] G As a result of section 138A of the Act (Modification or waiver of rules) the FCA has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules) or section 248 (Scheme particulars rules) of the Act. However, if the *rules* incorporate requirements laid down in European directives, it will not be possible for the FCA to grant a waiver that would be incompatible with the *United Kingdom's* responsibilities under those directives.

Sch 6.1B    G    As a result of section 138A of the Act (Modification or waiver of rules) the  
[PRA]        PRA has power to waive all its rules, other than rules made under section  
                 137O (Threshold condition code). However, if the rules incorporate  
                 requirements laid down in European directives, it will not be possible for the  
                 PRA to grant a waiver that would be incompatible with the United  
                 Kingdom's responsibilities under those directives.

**Annex D**

**Amendments to the Conduct of Business sourcebook (COBS)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**TP 2 Other Transitional Provisions**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
2.2C	...				
<u>2.2D</u>	<u>COBS 6.3</u>	<u>R</u>	<u>A firm may use a combined initial disclosure document prepared in accordance with the rules in COBS 6.3 and COBS 6 Annex 2R as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
<u>2.2E</u>	<u>COBS 6.3.7G</u>	<u>R</u>	<u>A firm may use an initial disclosure document prepared in accordance with the rules in COBS 6.3.7G and COBS 6 Annex 1G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
...					

**Annex E**

**Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)**

In this Annex, underlining indicates new text.

**TP 1 Transitional Provisions**

...

**TP 2 Other Transitional Provisions**

<u>(1)</u>	<u>(2) Material to which the transitional provision applies</u>	<u>(3)</u>	<u>(4) Transitional provision</u>	<u>(5) Transitional provision: dates in force</u>	<u>(6) Handbook provision: coming into force</u>
<u>1</u>	<u>ICOBS 4.5.1R</u>	<u>R</u>	<u>A firm may use an initial disclosure document prepared in accordance with the rules in ICOBS 4.5.1R and ICOBS 4 Annex 1G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>
<u>2</u>	<u>ICOBS 4.5</u>	<u>R</u>	<u>A firm may use a combined initial disclosure document prepared in accordance with the rules in ICOBS 4.5 and COBS 6 Annex 2G as they were in force as at 31 March 2013</u>	<u>From 1 April 2013 to 31 March 2014</u>	<u>1 April 2013</u>

**Annex F**

**Amendments to the Mortgages and Home Finance: Conduct of Business sourcebook**

After MCOB TP 1.1(16) insert new Transitional Provisions TP 1.1(17) and (18). The text is not underlined.

**TP 1.1 Transitional Provisions**

**TP 1.1**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
17	<i>MCOB 4.4.1R, MCOB 4.10.2R</i>	R	<i>A firm may use an initial disclosure document prepared in accordance with the rules in MCOB 4.4.1R, MCOB 4.10.2R, MCOB 4 Annex 1R and COBS 6 Annex 2G as they were in force as at 31 March 2013</i>	From 1 April 2013 to 26 April 2014	1 April 2013
18	<i>MCOB 4.4.1R, MCOB 4.10.2R</i>	R	<i>A firm may use a combined initial disclosure document prepared in accordance with the rules in MCOB 4.4.1R, MCOB 4.10.2R and COBS 6 Annex 2G as they were in force as at 31 March 2013</i>	From 1 April 2013 to 26 April 2014	1 April 2013

**Annex G**

**Designation of the General Provisions sourcebook (GEN)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
GEN 4.1.1 R	Designated	FCA/PRA
GEN 4.1.2 R	Designated	FCA/PRA
GEN 4.1.3 R	Designated	FCA/PRA
GEN 4.1.4 R	Designated	FCA/PRA
GEN 4.2.1 G	Designated	FCA/PRA
GEN 4.2.1A G	Designated	FCA/PRA
GEN 4.2.1B G	Made	FCA
GEN 4.2.1C G	Made	PRA
GEN 4.2.2 G	Designated	FCA
GEN 4.3.1 R	Designated	FCA/PRA
GEN 4.3.1A G	Designated	FCA/PRA
GEN 4.3.1B G	Made	FCA
GEN 4.3.2 G	Not in force after legal cutover	
GEN 4.3.2A G	Designated	FCA
GEN 4.3.2B G	Designated	FCA/PRA
GEN 4.3.3 G	Designated	FCA/PRA
GEN 4.3.4 R	Designated	FCA/PRA

GEN 4.3.5 R	Designated	FCA
GEN 4.3.6 R	Designated	FCA
GEN 4.4.1 R	Designated	FCA/PRA
GEN 4.4.2 G	Not in force after legal cutover	
GEN 4.5.1 R	Designated	FCA/PRA
GEN 4.5.2 G	Designated	FCA/PRA
GEN 4.5.2A G	Made	FCA
GEN 4.5.3 R	Designated	FCA
GEN 4.5.3A R	Made	FCA/PRA
GEN 4.5.4 R	Designated	FCA
GEN 4.5.4A R	Made	FCA/PRA
GEN 4.5.5 G	Designated	FCA/PRA
GEN 4.5.6 G	Designated	FCA/PRA
GEN 4.5.6A G	Made	FCA
GEN 4 Annex 1 R	Designated	FCA
GEN 4 Annex 1A R	Made	FCA/PRA
GEN 5.1.1 G	Designated	FCA
GEN 5.1.2 G	Designated	FCA
GEN 5.1.3 G	Designated	FCA
GEN 5.1.3A G	Made	FCA
GEN 5.1.4 G	Designated	FCA
GEN 5.1.5 R	Designated	FCA
GEN 5.1.6 R	Designated	FCA
GEN 5.1.7 R	Designated	FCA
GEN 5.1.8 R	Designated	FCA

GEN 5.1.9 G	Made	FCA
GEN 5.1.10 R	Made	FCA
GEN 5 Annex 1 G	Designated	FCA
GEN 6.1.1 R	Designated	FCA/PRA
GEN 6.1.2 G	Designated	FCA/PRA
GEN 6.1.3 G	Designated	FCA/PRA
GEN 6.1.4 R	Designated	FCA/PRA
GEN 6.1.4A R	Designated	FCA/PRA
GEN 6.1.5 R	Designated	FCA/PRA
GEN 6.1.6 R	Designated	FCA/PRA
GEN 6.1.7 G	Designated	FCA/PRA
GEN TP 1.1	Not in force after legal cutover	
GEN TP 1.2	Not in force after legal cutover	
GEN TP 1.3	Designated	FCA/PRA
GEN TP 2.1	Made	FCA/PRA
GEN TP 2.2	Made	FCA/PRA
GEN Sch 1 G	Designated	FCA/PRA
GEN Sch 2 G	Designated	FCA/PRA
GEN Sch 3 G	Designated	FCA/PRA
GEN Sch 4 G	Not in force after legal cutover	
GEN Sch 5 G	Designated	FCA
GEN Sch 6.1 G	Not in force after legal cutover	
GEN Sch 6.1A G	Made	FCA
GEN Sch 6.1B G	Made	PRA

GEN Sch 6.2 G	Made	FCA/PRA
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**Annex H**

**Designation of the Supervision manual (SUP)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
SUP App 3.1.1 G	Designated	FCA/PRA
SUP App 3.2.1 G	Designated	FCA/PRA
SUP App 3.3.1 G	Designated	FCA/PRA
SUP App 3.3.2 G	Designated	FCA/PRA
SUP App 3.3.3 G	Designated	FCA/PRA
SUP App 3.3.4 G	Designated	FCA/PRA
SUP App 3.3.5 G	Designated	FCA/PRA
SUP App 3.3.6 G	Designated	FCA/PRA
SUP App 3.3.7 G	Designated	FCA/PRA
SUP App 3.3.8 G	Designated	FCA/PRA
SUP App 3.3.9 G	Designated	FCA/PRA
SUP App 3.3.10 G	Designated	FCA/PRA
SUP App 3.3.11 G	Designated	FCA/PRA
SUP App 3.3.12 G	Not in force after legal cutover	
SUP App 3.3.13 G	Designated	FCA/PRA
SUP App 3.3.14 G	Designated	FCA/PRA
SUP App 3.6.1 G	Designated	FCA/PRA

SUP App 3.6.2 G	Designated	FCA/PRA
SUP App 3.6.3 G	Designated	FCA/PRA
SUP App 3.6.4 G	Not in force after legal cutover	
SUP App 3.6.5 G	Designated	FCA/PRA
SUP App 3.6.6 G	Designated	FCA/PRA
SUP App 3.6.7 G	Designated	FCA/PRA
SUP App 3.6.8 G	Designated	FCA/PRA
SUP App 3.6.9 G	Designated	FCA/PRA
SUP App 3.6.10 G	Designated	FCA/PRA
SUP App 3.6.11 G	Designated	FCA/PRA
SUP App 3.6.12 G	Not in force after legal cutover	
SUP App 3.6.13 G	Not in force after legal cutover	
SUP App 3.6.14 G	Not in force after legal cutover	
SUP App 3.6.15 G	Designated	FCA/PRA
SUP App 3.6.16 G	Not in force after legal cutover	
SUP App 3.6.17 G	Not in force after legal cutover	
SUP App 3.6.18 G	Not in force after legal cutover	
SUP App 3.6.19 G	Not in force after legal cutover	
SUP App 3.6.20 G	Not in force after legal cutover	
SUP App 3.6.21 G	Not in force after legal cutover	
SUP App 3.6.22 G	Not in force after legal	

	cutover	
SUP App 3.6.23 G	Not in force after legal cutover	
SUP App 3.6.24 G	Not in force after legal cutover	
SUP App 3.6.25 G	Designated	FCA/PRA
SUP App 3.6.26 G	Designated	FCA/PRA
SUP App 3.6.27 G	Designated	FCA/PRA
SUP App 3.6.28 G	Not in force after legal cutover	
SUP App 3.6.29 G	Not in force after legal cutover	
SUP App 3.6.30 G	Not in force after legal cutover	
SUP App 3.6.31 G	Not in force after legal cutover	
SUP App 3.9.1 G	Designated	FCA/PRA
SUP App 3.9.2 G	Designated	FCA/PRA
SUP App 3.9.3 G	Designated	FCA/PRA
SUP App 3.9.4 G	Designated	FCA/PRA
SUP App 3.9.5 G	Designated	FCA/PRA
SUP App 3.9.6 G	Designated	FCA
SUP App 3.9.7 G	Designated	FCA/PRA
SUP App 3.10.1 G	Designated	FCA/PRA
SUP App 3.10.2 G	Designated	FCA/PRA
SUP App 3.10.3 G	Designated	FCA/PRA
SUP App 3.10.4 G	Designated	FCA/PRA
SUP App 3.10.5 G	Designated	FCA/PRA
SUP App 3.10.6 G	Designated	FCA/PRA

SUP App 3.10.7 G	Designated	FCA/PRA
SUP App 3.10.8 G	Designated	FCA/PRA
SUP App 3.10.9 G	Designated	FCA/PRA
SUP App 3.10.10 G	Designated	FCA/PRA
SUP App 3.10.11 G	Designated	FCA/PRA
SUP App 3.10.12 G	Designated	FCA/PRA
SUP App 3.10.13 G	Designated	PRA
SUP TP 1.1	Designated	FCA/PRA
SUP TP 1.2	Designated	FCA/PRA
SUP TP 1.3	Not in force after legal cutover	
SUP TP 1.4	Not in force after legal cutover	
SUP TP 1.5	Not in force after legal cutover	
SUP TP 1.6	Not in force after legal cutover	
SUP TP 1.7	Designated	FCA
SUP Sch 1.1	Designated	FCA/PRA
SUP Sch 1.2	Designated	FCA/PRA
SUP Sch 2.1	Not in force after legal cutover	
SUP Sch 2.2	Not in force after legal cutover	
SUP Sch 3	Not in force after legal cutover	
SUP Sch 4	Not in force after legal cutover	
SUP Sch 5.1	Designated	FCA
SUP Sch 5.2	Designated	FCA

SUP Sch 5A.1	Made	PRA
SUP Sch 5A.2	Made	PRA
SUP Sch 6.1	Not in force after legal cutover	
SUP Sch 6.1A	Made	FCA
SUP Sch 6.1B	Made	PRA

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by	Section 87A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance	Section 137A(1)	Section 137G(1)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
business: regulations supplementing Authority's rules)		
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Education Body)	Education Body)	
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and	None.

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
(SI 2009/209)	(SI 2009/209).	
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2008 (SI 2008/346)	legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

**SCHEDULE A**

**Part 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**SCHEDULE A**

**Part 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification	Section 294(2)	Section 294(2)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
or waiver of rules)		
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	<b>None</b>

**SCHEDULE A**

**Part 8**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**LEGAL CUTOVER (FEES) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of making rules, giving guidance and issuing codes.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (4) "the 2012 Act" means the Financial Services Act 2012;
  - (5) "the Authority" means the Financial Services Authority;
  - (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act; and
  - (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 2 In accordance with Article 2(1)(c) of the Early Commencement Order in relation to the powers and related provisions specified in paragraph 3(1) and in accordance with Article 2(1)(c) of the Early Commencement Order and Article 6(1)(c) and 6(1)(d) of the Designation Order in relation to the powers and related provisions specified in paragraphs 3(2) to (4), and in the exercise of the powers and related provisions specified in paragraph 3(1) to (4), the Financial Conduct Authority makes, amends, issues, gives, or imposes each provision marked with either an [FCA] or an [FCA/PRA] in Annex A, Annex B, Annex C and Annex D to this Instrument.

- 3 The Financial Conduct Authority makes, amends, issues, gives or imposes the provisions in the Annexes to this Instrument in exercise of:
- (1) the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
    - (a) section 73A (Part 6 rules);
    - (b) section 137A (The FCA's general rules);
    - (c) section 137T (General supplementary powers);
    - (d) section 139A (Power of the FCA to give guidance).
    - (e) section 166(9) (Reports by skilled persons);
    - (f) section 166A(9) (Appointment of skilled person to collect and update information);
    - (g) section 213 (The compensation scheme);
    - (h) section 214 (General);
    - (i) section 223 (Management expenses);
    - (j) section 234 (Industry funding);
    - (k) paragraph 23 (Fees) of Part 3 (Penalties and Fees) of Schedule 1ZA (The Financial Conduct Authority) of the Act; and
    - (l) paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body);
  - (2) the following provisions of the Payment Services Regulations 2009 (SI 2009/209):
    - (a) regulation 82 (Reporting requirements);
    - (b) regulation 92 (Costs of supervision); and
    - (c) regulation 93 (Guidance); and
  - (3) the following provisions of the Electronic Money Regulations 2011 (SI 2011/99):
    - (a) regulation 49 (Reporting requirements);
    - (b) regulation 59 (Costs of supervision); and
    - (c) regulation 60 (Guidance); and
  - (4) the following powers and related provisions in the Regulated Covered Bond Regulations 2008 (SI 2008/346):
    - (a) regulations 18, 20, 24 and 25 (notification requirements);
    - (b) regulation 42 (Guidance); and
    - (c) regulation 46 and paragraph 5 of Schedule 1 (fees).
- 4 The rule-making powers in paragraph 3 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 5 In Annex B to this instrument, the "notes" (indicated by "**Note**") are included for the convenience of readers but do not form part of the legislative text.

**Commencement: Financial Conduct Authority**

- 6 The Financial Conduct Authority directs that paragraph 2 of this Instrument comes into force on 1 April 2013.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 7 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 8, the Prudential Regulation Authority makes, amends, issues, gives, or imposes each provision marked with either a [PRA] or an [FCA/PRA] in Annex A, Annex B and Annex D to this Instrument.
- 8 The Prudential Regulation Authority makes, amends, issues, gives or imposes the provisions in Annex A, Annex B and Annex D to this Instrument in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
  - (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers);
  - (3) section 166(9) (Reports by skilled persons);
  - (4) section 166A(9) (Appointment of skilled person to collect and update information);
  - (5) section 213 (The compensation scheme);
  - (6) section 214 (General);
  - (7) section 223 (Management expenses)
  - (8) paragraph 31 (Fees) of Part 3 (Penalties and Fees) of Schedule 1ZB (The Prudential Regulation Authority) of the Act.
- 9 The rule-making powers in paragraph 8 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 10 The Prudential Regulation Authority gives each provision in Annex B and Annex D that is marked with a G and a [PRA] or a G and an [FCA/PRA] as guidance.
- 11 In Annex B to this Instrument, the “notes” (indicated by “**Note**”) are included for the convenience of readers but do not form part of the legislative text.

**Commencement: Prudential Regulation Authority**

- 12 The Prudential Regulation Authority directs that paragraph 7 of this Instrument come into force on 1 April 2013.

**Amendments to the Handbooks**

- 13 The modules of the FCA’s and PRA’s Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A
Fees manual (FEES)	Annex B
Supervision manual (SUP)	Annex C
Credit Unions New sourcebook (CREDS)	Annex D

**Citation**

- 14 This Instrument may be cited as the Legal Cutover (Fees) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, the text is all new and is not underlined.

Insert the following new definition in the appropriate alphabetical position.

- fee year* (1) in relation to the *PRA*:
- [FCA/PRA] (a) before 1 March 2014: from and including 1 April 2013 to 28 February 2014 inclusive;
- (b) from and including 1 March 2014: 1 March to 28 February inclusive;
- (2) in relation to the *FCA*, 1 April to 31 March inclusive.

## Annex B

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 1.1 Application and Purpose

...

1.1.2 R This manual applies in the following way:

[FCA/  
PRA]

- (1) *FEES* 1, 2 and 3 apply to the fee payers listed in column 1 of the Table of application, notification and vetting fees in *FEES* 3.2.7R and *FEES* 3.2.7AR.

...

...

#### 2 General Provisions

##### 2.1 Introduction

...

Purpose

...

2.1.10 G ~~Paragraph 17(2) of Schedule 1 and section 99(3) to the Act prohibit the FSA from taking account of penalties received when setting its periodic and other fees. Accordingly periodic fees are specified without reference to the penalties received. However, the FSA normally expects to allocate those penalties to the fee blocks within which the penalty payers fall, by way of a deduction from the periodic fee. Any deductions of this sort are set out in the relevant fees provisions or will be notified to the fee payer at the relevant time. [deleted]~~

2.1.11 G ~~Whilst paragraph 17(2) of Schedule 1 to the Act has not been applied to the fee-raising power of the FSA under the *Payment Services Regulations* and the *Electronic Money Regulations*, regulation 92(2) and 59(2) of these regulations respectively require the FSA to apply amounts paid to it by way of penalties imposed under these regulations towards expenses incurred in carrying out its functions under the regulations, or for any incidental purpose. [deleted]~~

...

### 3 Application, Notification and Vetting Fees

#### 3.1 Introduction

Application

3.1.1 R This chapter applies to every *person* set out in column 1 of the Table of application, notification and vetting fees in *FEES 3.2.7R* and *FEES 3.2.7AR*.  
[FCA/  
PRA]

...

#### 3.2 Obligation to pay fees

General

3.2.1 R A *person* in column (1) of the table in *FEES 3.2.7R* and, if applicable, *FEES 3.2.7AR* as the relevant fee payer for a particular activity must pay to the ~~FS~~ FCA (in its own capacity or, if the fee is payable to the *PRA*, in its capacity as collection agent for the *PRA*) a fee for each application or request or vetting, or request for support relating to compatibility of its systems with *appropriate regulator* systems, or admission approval made, or notification or notice of exercise of a *Treaty right* given, or other matter as is applicable to it, as set out or calculated in accordance with the provision referred to in column (2) of ~~that~~ the appropriate table:  
[FCA/  
PRA]

...

...

Method of payment

3.2.3 R ...

[FCA/  
PRA]

(3) The sum payable under *FEES 3.2.1R* by a *firm* applying for a variation of its *Part 4A permission* (*FEES 3.2.7R*(p) and, if applicable, *FEES 3.2.7AR*(c)) must be paid by any of the methods described in (1) or by Maestro or credit card (Visa/Mastercard only). Any payment by a permitted credit card must include an additional 2% of the sum paid.

...

Delete the **PRA** version of *FEES 3.2.7R* (Table of application, notification and vetting fees) in its entirety. The deleted text is not shown.

Retain the **FCA** version of *FEES 3.2.7R* and amend this as shown.

3.2.7 R 

Table of application, notification and vetting fees payable to the <u>FCA</u>
---

[FCA]

(1) Fee payer	(2) Fee payable	Due date
...		
(g) Any applicant for recognition as a <i>UK recognised body</i> : (i) under section 287 <del>or section 288</del> of the <i>Act</i> ; or (ii) under regulation 2(1) of the <i>RAP regulations</i>	<i>FEES 3 Annex 3R, part 1</i>	On or before the date the application is made
(h) Any applicant for recognition as an <del>overseas recognised body</del> <i>ROIE</i> under section 287 or <del>section 288</del> and section 292 of the <i>Act</i>	<i>FEES 3 Annex 3R, part 2</i>	On or before the date the application is made
...		
(o) Either: (i) a <i>firm</i> applying to the <i>PRA appropriate regulator</i> for permission to use one of the <i>advanced prudential calculation approaches</i> listed in <i>FEES 3 Annex 6R</i> (or <i>guidance</i> on its availability), including any future proposed amendments to those approaches or (in the case of any application being made for such permission to the <i>PRA appropriate regulator</i> as <i>EEA consolidated supervisor</i> under the <i>Capital Requirements Regulations 2006</i> ) any <i>firm</i> making such an application; or (ii) in the case of an application to a <i>Home State regulator</i> other than the <i>PRA</i>	(a) Unless (2) applies, <i>FEES 3 Annex 6R</i> . (2) (a) Unless (b) applies a <i>firm</i> submitting a second application for the permission or <i>guidance</i> described in column (1) within 12 months of the first application (where the fee was paid in accordance with (1)) must pay 50% of the fee applicable to it under <i>FEES 3 Annex 6R</i> , but only in respect of that second application (b) No fee is payable by a <i>firm</i> in relation to a successful application for a permission based on a minded to grant decision in respect of the same matter following a complete application for <i>guidance</i> in accordance with prescribed	Where the <i>firm</i> has made an application directly to the <i>PRA appropriate regulator</i> , on or before the date the application is made, otherwise within 30 days after the <i>PRA appropriate regulator</i> notifies the <i>firm</i> that its <i>EEA parent's Home State regulator</i> has requested <del>the <i>PRA's</i></del> assistance.

<p><u>appropriate regulator</u> for the use of the Internal Ratings Based approach and the <i>Home State regulator</i> requesting the <i>PRA's appropriate regulator's</i> assistance in accordance with the <i>Capital Requirements Regulations 2006</i>, any firm to which the <i>PRA appropriate regulator</i> would have to apply any decision to permit the use of that approach.</p>	<p>submission requirements. (c) No fee is payable where the <i>Home State regulator</i> has requested the assistance of the <del><i>PRA</i></del> as described in paragraph (o)(ii) of column 1 except in the cases specified in <i>FEES 3 Annex 6R</i>.</p>	
<p>(p) A <i>firm</i> applying for a variation of its <i>Part 4A permission</i></p>	<p>(1) Unless (2) or (3) applies, if the proposed new business of the <i>firm</i> would fall within one or more activity groups specified in Part 1 of <del><i>FEES 4 Annex 1R</i></del> <i>FEES 4 Annex 1AR</i> or Part 1 of <u><i>FEES 4 Annex 1BR</i></u> not applicable before the application, the fee is 50% of the highest of the tariffs set out in <i>FEES 3 Annex 1R</i> which apply to that application</p> <p>...</p> <p>(4) in all other cases, other than applications by <i>credit unions</i>, the fee payable is 250 for <u><i>firms which are not, or are not seeking to become, a PRA-<i>authorised person</i></i></u>, and 125 for <u><i>firms which are, or are seeking to become, a PRA-<i>authorised person</i></i></u>, unless the variation involves only the reduction (and no other increases) in the scope of a <i>Part 4A permission</i> in which case</p>	<p>On or before the date the application is made</p>

	no fee is payable.	
...		
<p>(s) In the case of an <i>insurance business transfer scheme</i>, a transferor.</p> <p>Note - for the purpose of this paragraph an <i>insurance business transfer scheme</i> consists of a single transferor and a single transferee. Where however such a scheme is part of a single larger scheme, that larger scheme is treated as a single <i>insurance business transfer scheme</i>. If an <i>insurance business transfer scheme</i> includes more than one transferor in accordance with this paragraph, the transferors are liable to pay the fee under column (2) jointly.</p>	<p>Either (1) or (2) as set out below:</p> <p>(1) In the case of an <i>insurance business transfer scheme</i> involving <i>long term insurance business</i>, 9,250 <del>to the PRA and 9,250 is payable</del> to the <i>FCA</i>; or</p> <p>(2) in the case of an <i>insurance business transfer scheme</i> not involving <i>long term insurance business</i>, 5,000 <del>to the PRA and 5,000 is payable</del> to the <i>FCA</i>.</p> <p><del>The amount payable to the PRA above is collected by the FCA as agent of the PRA.</del></p>	<p>On or before any application is made to the <i>PRA</i> for the appointment of a person as an <i>independent expert</i>.</p>
...		
<p>(zf) <del>An applicant for a ceding insurer's waiver. [deleted]</del></p>	20,000	<p>On or before the date the application is made.</p>
...	...	...
<p>(zp) <u>A person in respect of which the appropriate regulator has given notice of its intention to itself appoint a skilled person to provide it with a report pursuant to section 166(3)(b) of the Act and SUP 5.2.</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in relation to any work carried out by that skilled person in connection with its appointment by the appropriate regulator pursuant to section 166(3)(b) of the Act.</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>

<p><u>(zq) A person in respect of which the appropriate regulator has given notice of its intention to itself appoint a skilled person to collect or update information pursuant to section 166A(2)(b) of the Act.</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in relation to any work carried out by that skilled person in connection with its appointment by the appropriate regulator pursuant to section 166A(2)(b) of the Act.</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>
<p>...</p>		

...

3.2.7A R Table of application, notification and vetting fees payable to the PRA  
[PRA]

<u>(1) Fee payer</u>	<u>(2) Fee payable</u>	<u>Due date</u>
<p><u>(a) Any applicant for Part 4A permission (including an incoming firm applying for top-up permission) which includes a PRA-regulated activity</u></p>	<p><u>(1) Unless (2) applies, in respect of a particular application, the highest of the tariffs set out in FEES 3 Annex 1R part 1 which apply to that application.</u> <u>(2) In respect of a particular application which is:</u> <u>(i) a straightforward or moderately complex case for the purposes of FEES 3 Annex 1R part 1, and</u> <u>(ii) only involves a simple change of legal status as set out in FEES. 3 Annex 1R part 6, the fee payable is 50% of the tariff that would otherwise be payable in FEES 3 Annex 1R part 1.</u></p>	<p><u>On or before the application is made</u></p>
<p><u>(b) Any Treaty firm that wishes to exercise a Treaty right to qualify for authorisation under</u></p>	<p><u>(1) Where no certificate has been issued under paragraph 3(4) of Schedule 4 to the Act the</u></p>	<p><u>On or before the notice of exercise is given</u></p>

<p><u>Schedule 4 to the Act (Treaty rights) in respect of regulated activities for which it does not have an EEA right, except for a firm providing cross border services only</u></p>	<p><u>fee payable is, in respect of a particular exercise, set out in FEES 3 Annex 1R, part 4.</u> <u>(2) Where a certificate in (1) has been issued no fee is payable.</u></p>	
<p><u>(c) A firm applying for a variation of its Part 4A permission or an FCA- authorised person applying to carry on a PRA-regulated activity</u></p>	<p><u>(1) Unless (2) or (3) applies, if the proposed new business of the firm would fall within one or more activity groups specified in Part 1 of FEES 4 Annex 1AR or Part 1 of FEES 4 Annex 1BR not applicable before the application, the fee is 50% of the highest of the tariffs set out in FEES 3 Annex 1R which apply to that application.</u> <u>(2) If the only change is that the A.12 activity group tariff applied to the firm's business before the variation and the A.13 activity group will apply after variation, no fee is payable.</u> <u>(3) If the firm is in the A.1 fee-block at the date of the application and the variation involves adding any of the regulated activities of meeting of repayment claims or managing dormant account funds (including the investment of such funds), the fee is 50% of the fee in FEES 3 Annex 1R that applies to that application.</u> <u>(4) In all other cases, other than applications by credit unions, the fee payable is 125, unless the</u></p>	<p><u>On or before the date the application is made</u></p>

	variation involves only the reduction (and no other increases) in the scope of a <i>Part 4A permission</i> in which case no fee is payable.	
<u>(d) Any person to which the Special Project Fee for restructuring applies under FEES 3 Annex 9.</u>	<u>Special Project Fee for restructuring in accordance with FEES 3 Annex 9.</u>	<u>30 days of the date of the invoice.</u>
<u>(e) In the case of an insurance business transfer scheme, a transferor.</u>  <u>Note - for the purpose of this paragraph an insurance business transfer scheme consists of a single transferor and a single transferee. Where however such a scheme is part of a single larger scheme, that larger scheme is treated as a single insurance business transfer scheme. If an insurance business transfer scheme includes more than one transferor in accordance with this paragraph, the transferors are liable to pay the fee under column (2) jointly.</u>	<u>Either (1) or (2) as set out below:</u> <u>(1) In the case of an insurance business transfer scheme involving long term insurance business, 9,250 is payable to the PRA; or</u> <u>(2) in the case of an insurance business transfer scheme not involving long term insurance business, 5,000 is payable to the PRA.</u>  <u>The amount payable to the PRA above is collected by the FCA as agent of the PRA.</u>	<u>On or before any application is made to the PRA for the appointment of a person as an independent expert.</u>
<u>(f) Either:</u> <u>(i) a firm applying to the appropriate regulator for permission to use one of the advanced prudential calculation approaches listed in FEES 3 Annex 6R (or guidance on its availability), including any future proposed</u>	<u>(a) Unless (2) applies, FEES 3 Annex 6 R.</u> <u>(2) (a) Unless (b) applies a firm submitting a second application for the permission or guidance described in column (1) within 12 months of the first application (where the fee was paid in</u>	<u>Where the firm has made an application directly to the appropriate regulator, on or before the date the application is made, otherwise within 30 days after the appropriate regulator notifies the</u>

<p><u>amendments to those approaches or (in the case of any application being made for such permission to the appropriate regulator as EEA consolidated supervisor under the Capital Requirements Regulations 2006) any firm making such an application; or</u>  <u>(ii) in the case of an application to a Home State regulator other than the appropriate regulator for the use of the Internal Ratings Based approach and the Home State regulator requesting the appropriate regulator's assistance in accordance with the Capital Requirements Regulations 2006, any firm to which the appropriate regulator would have to apply any decision to permit the use of that approach.</u></p>	<p><u>accordance with (1)) must pay 50% of the fee applicable to it under FEES 3 Annex 6R, but only in respect of that second application.</u>  <u>(b) No fee is payable by a firm in relation to a successful application for a permission based on a minded to grant decision in respect of the same matter following a complete application for guidance in accordance with prescribed submission requirements.</u>  <u>(c) No fee is payable where the Home State regulator has requested the assistance described in paragraph (o)(ii) of column 1 except in the cases specified in FEES 3 Annex 6R.</u></p>	<p><u>firm that its EEA parent's Home State regulator has requested assistance.</u></p>
<p><u>(g) An applicant for a ceding insurer's waiver.</u></p>	<p><u>20,000</u></p>	<p><u>On or before the date the application is made.</u></p>
<p><u>(h) A person in respect of which the appropriate regulator has given notice of its intention to itself appoint a skilled person to provide it with a report pursuant to section 166(3)(b) of the Act and SUP 5.2.</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in relation to any work carried out by that skilled person in connection with its appointment by the appropriate regulator pursuant to section 166(3)(b) of the Act.</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>
<p><u>(i) A person in respect of which the appropriate regulator</u></p>	<p><u>Any amount invoiced to the appropriate regulator by a skilled person in</u></p>	<p><u>Within 30 days of the date of the invoice.</u></p>

<p><u>has given notice of its intention to itself appoint a <i>skilled person</i> to collect or update information pursuant to section 166A(2)(b) of the <i>Act</i>.</u></p>	<p><u>relation to any work carried out by that <i>skilled person</i> in connection with its appointment by the <i>appropriate regulator</i> pursuant to section 166A(2)(b) of the <i>Act</i>.</u></p>	
--	---	--

**3 Annex 1R Authorisation fees payable**

[FCA/  
PRA]

...

Part 1 - Authorisation fees payable

...

For *FCA-authorised persons* and *persons* seeking to become *FCA-authorised persons*, the amount payable to the *FCA* is the amount payable under Part 1, No amount is payable to the *PRA*.

Part 4 – authorisation fees for Treaty Firms R

If the *Treaty firm* wishes to undertake the permitted activities in question through its branch in the *United Kingdom*, the fee is 50% of the fee that would be payable under *FEES 3.2.7R* and/or *FEES 3.2.7AR* for an applicant for *Part 4A permission*.

If the *Treaty firm* wishes to undertake the permitted activities in question by providing services in the *United Kingdom*, the fee is 25% of the fee which would be payable under *FEES 3.2.7R* and/or *FEES 3.2.7AR* for an applicant for *Part 4A permission*.

Part 5 – Activity Groupings R

The activity group definitions are set out in ~~*FEES 4 Annex 1R*~~ *FEES 4 Annex 1AR* and *FEES 4 Annex 1BR*.

Part 6 – Change of legal status

An application involving only a simple change of legal status for the purposes of *FEES 3.2.7R(a)*, *FEES 3.2.7AR(a)*, *FEES 3.2.7R(y)*, *FEES 3.2.7R(za)*, *FEES 3.2.7R(zg)* and *FEES 3.2.7R(zh)* is from an applicant:

...

...

...

**3 Annex 3 R**  
[FCA]

**Application fees payable in connection with Recognised Investment Exchanges, ~~Recognised Clearing Houses~~ and Recognised Auction Platforms**

Description of applicant	Amount payable	Due date
Part 1 (UK recognised bodies)		
Applicant for recognition as a <i>UK RIE</i>	100,000	Date the application is made
<del>Applicant for recognition as a <i>UK RCH</i></del>	<del>100,000</del>	<del>Date the application is made</del>
Applicant for recognition as an <i>RAP</i> (payable in addition to any other application fee due under this part)	35,000	Date the application is made
Additional fees for a <i>UK RIE</i> <del>or <i>UK RCH</i></del> applicant who proposes to:		
<del>– act as a central counterparty</del>	<del>25,000</del>	<del>Date the application is made</del>
- offer safeguarding and administration services	25,000	Date the application is made
- use substantially new and untested information technology systems in the performance of its relevant functions	25,000	Date the application is made
Part 2 ( <del>overseas recognised bodies</del> <i>ROIEs</i> )		
Applicant for recognition as a recognised overseas investment exchange	50,000	Date the application is made
<del>Applicant for recognition as a recognised overseas</del>	<del>50,000</del>	<del>Date the application</del>

clearing house		is made
Additional fees for applicant who proposes to:		
<del>act as a central counterparty</del>	25,000	<del>Date the application is made</del>
- offer safeguarding and administration services	25,000	Date the application is made

...

**3 Annex 6R Fees payable for a permission or guidance on its availability in connection with the Basel Capital Accord**

[FCA/  
PRA]

...

...

(4) Where a request for assistance regarding an Advanced or Foundation IRB application under the *Capital Requirements Regulations 2006* has been made as detailed in *FEES 3.2.7R(o)* or *FEES 3.2.7AR(f)*, the fees in Table 1 and Table 2 are applicable if any *firm* referred to in *FEES 3.2.7R(o)(ii)* and *FEES 3.2.7AR(f)(ii)* meets the following conditions:

...

...

...

**3 Annex 9 Special Project Fee for restructuring**

[FCA/  
PRA]

(1)R The Special Project Fee for restructuring (the SPFR) is only payable by a *person* in one of the following categories:

- (a) if it is in any of the A fee-blocks (as defined in Part 1 of *FEES 4 Annex 1R* Annex 1AR in respect of the *FCA* and Part 1 of *FEES 4 Annex 1BR* in respect of the *PRA*), ~~except if it is in fee block A.16 only~~; or
- (b) ...
- (d) ~~if it is a recognised clearing house; or [deleted]~~
- (e) if it is in any of the B fee-blocks (as defined in Part 1 of *FEES 4 Annex 1R* Annex 1AR and *FEES 4 Annex 1BR*).

...

(7A)R The FCA and the PRA will levy separate SPFRs. The use of the term “appropriate regulator” in FEES 3 Annex 9R refers to the regulator levying the SPFR.

(8)R No SPFR is payable to an appropriate regulator:

- (a) if the amount calculated in accordance with (9) in relation to the regulatory work conducted by the appropriate regulator totals less than £50,000; or
- (b) ...

(9)R The SPFR for the appropriate regulator is calculated as follows:

...

...

(11)R Table of FCA hourly rates:

<del>FSA</del> <u>FCA</u> pay grade	Hourly rate (£)
...	
Any other person employed by the <del>FSA</del> <u>FCA</u>	160

(11)AR Table of PRA hourly rates:

<u>PRA</u> pay grade	<u>Hourly rate (£)</u>
<u>Administrator</u>	<u>30</u>
<u>Associate</u>	<u>55</u>
<u>Technical Specialist</u>	<u>100</u>
<u>Manager</u>	<u>110</u>
<u>Any other person employed by the PRA</u>	<u>160</u>

...

### 3 Annex 11G **Guidance on fees due under FEES 3.2.7R and FEES 3.2.7AR**

[FCA/ The following table sets out *guidance* on how a *firm* liable to pay a fee under both FEES 3.2.7R(s) and FEES 3.2.7R(ze) in respect of fees payable to the FCA and

PRA] FEES 3.2.7AR(e) and FEES 3.2.7AR(d) in respect of fees payable to the PRA for the same transaction should expect to be treated.

**Firms liable under both FEES 3.2.7R(s) and FEES 3.2.7R(ze) in respect of fees payable to the FCA and FEES 3.2.7AR (e) and FEES 3.2.7AR(d) in respect of fees payable to the PRA**

(1)	The transferor in <i>insurance business transfer schemes</i> is liable to pay the fee set out in <i>FEES 3.2.7R(s)</i> and/or <i>FEES 3.2.7AR(e)</i> . However, it may also be liable to pay the Special Project Fee for restructuring set out in <i>FEES 3.2.7R(ze)</i> and/or <i>FEES 3.2.7AR(d)</i> , calculated in accordance with <i>FEES 3 Annex 9R</i> . It is possible then for a <i>firm</i> to have to pay two types of fees in respect of the same <i>insurance business transfer scheme</i> .
...	

**4 Periodic fees**

**4.1 Introduction**

...

Background

...

4.1.3 G Most of the detail of the periodic fees that are payable by *firms* is set out in *FEES 4 Annexes 1A* to 11. *FEES 4 Annex 12G* provides guidance on the calculation of certain tariffs. Most of the provisions of the Annexes will vary from one ~~financial year~~ *fee year* to another. Accordingly fresh *FEES 4 Annexes* will come into force, following consultation, for each ~~financial year~~ *fee year*.

[FCA/  
PRA]

[Note: References to the fee period 1 April 2012 to 31 March 2013 have been updated to 1 April 2013 to 31 March 2014 in respect of the FCA and 1 April 2013 to 28 February 2014 in respect of the PRA to put into effect the rule changes contained in the Legal Cutover (Fees) Instrument 2013 only. The tariff rates set out in the FEES 4 Annexes have not yet been updated for the 2013/2014 fee year. The rates for the 2013/2014 fee year will be made by the FCA and PRA boards in June, following a consultation on a separate fees rates instrument expected to be published in March 2013.]

...

4.1.6 G ~~The FSA will allocate penalties received for the benefit of relevant fee payers by way of a permitted deduction specified in FEES 4 Annex 2 R or FEES 4 Annex 11 R as applicable. [deleted]~~

...

## 4.2 Obligation to pay periodic fees

### General

4.2.1 R A *person* shown in column (1) of the table in *FEES* 4.2.11R and, if applicable, *FEES* 4.2.11AR as the relevant fee payer must pay each periodic fee applicable to it, calculated in accordance with the provisions referred to in column (2) of ~~that~~ the applicable table, as adjusted by any relevant provision in this chapter:

...

4.2.2 G (1) A relevant fee payer will be required to pay a periodic fee for every year during which they have the status in column 1 of the table in *FEES* 4.2.11R and/or *FEES* 4.2.11AR (or in relation to collective investment schemes, for every year during which it is a regulated collective investment scheme) subject to any reductions or exemptions applicable under this chapter. If a *person* is the relevant fee payer for more than one status listed in column 1 of the table in *FEES* 4.2.11R and/or *FEES* 4.2.11AR (or in relation to collective investment schemes, the relevant fee payer for more than one regulated collective investment scheme) he will be required to pay a fee in relation to each.

...

...

Modifications for persons becoming subject to periodic fees during the course of a financial year

...

4.2.6 R (1) Unless (2) applies, if the event, as described in column 4 of the table in *FEES* 4.2.11R and/or *FEES* 4.2.11AR, giving rise to, or giving rise to an increase in, the fee payable in *FEES* 4.2.1R, occurs on or after 1 July of the relevant *fee year*, the periodic fee required under *FEES* 4.2.1R is modified for:

[FCA/  
PRA]

(a) ...

(b) for all other fee payers in column (1) of the table in *FEES* 4.2.11R or *FEES* 4.2.11AR, in accordance with the table below.

<p>Period in which event (in column 4 of the table in <i>FEES</i> 4.2.11 R <u>or <i>FEES</i> 4.2.11AR</u>) occurs</p>	<p>Proportion of periodic fee payable</p>
---	---

<u>Fees payable to the FCA</u>	
1 April to 30 June inclusive	100%
1 July to 30 September inclusive	75%
1 October to 31 December inclusive	50%
1 January to 31 March inclusive	25%
<u>Fees payable to the PRA for <i>fee year</i> 2013/14</u>	
<u>1 April to 30 June inclusive</u>	<u>100%</u>
<u>1 July to 30 September inclusive</u>	<u>75%</u>
<u>1 October to 31 December inclusive</u>	<u>50%</u>
<u>1 January to 28 February inclusive</u>	<u>25%</u>

- (2) For *recognised bodies*, if the recognition order is made during the course of the relevant ~~financial year~~ *fee year*, the periodic fee required is set out in Column (4) of the table in *FEES* 4.2.11R.

4.2.7  
[FCA/  
PRA]

R A *firm* (other than an *ICVC* or *UCITS qualifier*) which becomes authorised or registered, or whose *permission* and/or *payment service* activities are extended, during the course of the ~~financial year~~ *fee year* must pay a fee which is calculated by:

- (1) identifying each of the tariffs set out in Part 1 of ~~*FEES* 4 Annex 2R~~ Annex 2AR, Part 1 of *FEES* 4 Annex 2BR and/or Part 1 of *FEES* 4 Annex 11R, as appropriate, for the relevant ~~financial year~~ *fee year* that apply to the *firm* only after the *permission* is received or extended or *payment service* activities are authorised or registered or extended or *electronic money* issuance activities are authorised or registered under the *Electronic Money regulations*, but ignoring:
- ...
- (2) calculating the amount for each of ~~those~~ the applicable tariffs which is the higher of:
- (a) ~~the any applicable~~ any applicable minimum fee specified in relation a particular tariff in *FEES* 4 Annex 2AR or *FEES* 4 Annex 2BR (but note, for the avoidance of doubt, that these are not the A.0 or PA.0 minimum fee fees set out under Part 1A of *FEES* 4 Annex 2R Part 2 of *FEES* 4 Annex 2AR and Part 2 of *FEES* 4 Annex 2BR specified for the tariff (where this applies); and

...

- (3) adding together the amounts calculated under (2) in relation to fees payable to the FCA and, if applicable, separately adding together the amounts calculated under (2) in relation to the fees payable to the PRA;
- (4) working out whether a an A.0 or a PA.0 minimum fee is payable under ~~Part 1A of FEES 5 Annex 2R~~ Part 2 of FEES 4 Annex 2AR or Part 2 of FEES 4 Annex 2BR (except that that minimum fee is not payable again by a firm whose permission is extended if the fee was already payable before the extension);
- (4A) working out whether an AP.0 FCA prudential fee is payable under Part 2 of FEES 4 Annex 2AR and if so how much;
- (4B) working out whether a PT.1 PRA transitional fee is payable under Part 2 of FEES 4 Annex 2BR and if so how much;
- (5) adding together the amounts calculated under (3), ~~and (4)~~ and (4A) that relate to fees payable to the FCA and then adding this sum to any applicable flat rate fee, and, if applicable, separately adding together the amounts calculated under (3), (4) and (4B) that relate to fees payable to the PRA and then adding this sum to any applicable flat rate fee; and
- (6) modifying the result for the FCA and, if applicable, the PRA as indicated by the table in FEES 4.2.6R (except that FEES 4 Annex 10 (Periodic fees for MTF operators) deals with a firm that receives permission for operating a multilateral trading facility or has its permission extended to include this activity during the course of the relevant ~~financial year~~ fee year and FEES 4.2.6R does not apply).

...

- 4.2.7B R (1) This rule deals with the calculation of:
- [FCA/  
PRA]
- (a) a firm's fees for its second and subsequent ~~financial year~~ fee year. These are the ~~FSA financial years~~ fee years following the ~~FSA financial year~~ fee year in which it was given permission and/or was authorised or registered under the Payment Services Regulation or the Electronic Money Regulations or had its permission and/or payment services activities extended (the relevant permissions); and
  - (b) the tariff base for the fee block or fee blocks that relate to each of the relevant permissions.
- (2) The starting point for calculating the fees referred to in (1)(a) is determining whether or not the firm's tariff base for the relevant ~~FSA financial year~~ fee year can be calculated using data from a complete

period (as specified in ~~FEES 4 Annex 2~~ Part 5 of FEES 4 Annex 1AR, Part 5 of FEES 4 Annex 1BR or Part 4 of FEES 4 Annex 11R) that begins on or after the date that the *firm* obtained the relevant *permission* to which that tariff base relates.

- (a) If it can, the *firm* must use that data for calculating its tariff base.
- (b) If it cannot, the tariff base must be calculated using the projected valuations for its first year of the business to which the tariff relates (as provided to the ~~FSA~~ in the course of the *firm's* application), unless (5)(b) or (5)(c) applies.

...

(4) ~~A reference to “FSA financial year” means the 12 months ending with 31 March [deleted]~~

(5)

...

- (b) If a *firm*:
  - (i) receives a relevant permission between 1 April and 31 December inclusive; and

...

it must calculate that tariff base as at the December before the start of the ~~FSA financial year~~ *fee year*.

- (c) If a *firm*:
  - (i) is, but for this *rule*, required to calculate its tariff base for the relevant permission by reference to the *firm's* financial year ended in the calendar year ending on the 31 December before the start of the ~~FSA financial year~~ *fee year* and, since obtaining the relevant permission, the *firm* has yet to complete a full financial year ended in the calendar year ending on the 31 December before the start of the ~~FSA financial year~~ *fee year*; or
  - (ii) is, but for this *rule*, required to calculate its tariff base by reference to the twelve *months* ending on the 31 December before the start of the ~~FSA financial year~~ *fee year* and, since obtaining the relevant permission, the *firm* has yet to complete a full twelve *months* ending on the 31 December before the start of the ~~FSA financial year~~ *fee year*;

it must calculate the tariff base under (d) below unless it is in its second ~~FSA financial year~~ *fee year* and was authorised between 1 January and 1 April (in which case it must use the projected valuations provided for in (2)(b) above.

(d) If a *firm* satisfies either of the conditions in (c) it must calculate its tariff base as follows:

(i) ...

(ii) in respect of *firms* satisfying condition (5)(c)(i), the tariff is calculated by reference to the period beginning on the date it acquired the relevant permission relating to the tariff, and ending on either the 31 December before the start of the ~~FSA financial~~ *fee year* or, if earlier, the start date of the *firm's* financial year; and

in respect of *firms* satisfying condition (5)(c)(ii), the tariff is calculated by reference to the period beginning on the date on which it acquired the relevant permission, and ending on the 31 December before the start of the ~~FSA financial~~ *fee year*;

...

(e) Where a *firm* is required to use the method in (d) it must notify the ~~FSA~~ FCA (in its own capacity and, if applicable, in its capacity as collection agent for the PRA) of this by the date specified in *FEES* 4.4R (Information on which Fees are calculated).

(f) Where a *firm* is required to use actual data under this *rule* ~~*FEES* 4 Annex 1R Part 3~~ *FEES* 4 Annex 1AR Part 5, *FEES* 4 Annex 1BR Part 5 and *FEES* 4 Annex 11R Part 4, are modified, where applicable, in relation to the calculation of that *firm's* valuation date in the ~~FSA financial~~ *fee years* to which this *rule* applies.

...

Fee payers ceasing to hold relevant status or reducing the scope of their permission after the state of relevant period

4.2.9 R The *appropriate regulator* will not refund periodic fees if, after the start of the period to which they relate:  
[FCA/  
PRA]

(1) a fee payer ceases to have the status set out in column (1) of the table in *FEES* 4.2.11R or *FEES* 4.2.11AR; or

...

...

Delete the **PRA** version of FEES 4.2.11R (Table of periodic fees) in its entirety. The deleted text is not shown.

Retain the **FCA** version of FEES 4.2.11R and amend this as shown.

4.2.11 R Table of periodic fees payable to the *FCA*

[FCA]

1 Fee payer	2 Fee payable	3 Due date	4 Events occurring during the period leading to modified periodic fee
Any <i>firm</i> (except an <i>ICVC</i> or a <i>UCITS qualifier</i> )	As specified in <i>FEES 4.3.1R</i> in relation to <i>FEES 4 Annex 2AR</i> and <i>FEES 4 Annex 11R</i>	(1) Unless (2) or (3) apply, on or before the relevant dates specified in <i>FEES 4.3.6R</i> . (2) Unless (3) applies, if an event specified in column 4 occurs during the course of a <del>financial year</del> <i>fee year</i> , 30 days after the occurrence of that event, or if later the dates specified in <i>FEES 4.3.6R</i> . (3) Where the <i>permission</i> is for operating a <i>multilateral trading facility</i> , the date specified in <i>FEES 4 Annex 10R</i> (Periodic fees for MTF operators).	<i>Firm</i> receives <i>permission</i> , or becomes authorised or registered under the <i>Payment Services Regulations</i> or the <i>Electronic Money Regulations</i> ; or <i>firm</i> extends <i>permission</i> or its <i>payment service</i> activities
...			
<i>UK recognised</i>	<i>FEES 4 Annex</i>	(1) Unless (2)	<i>Recognition</i>

<i>body</i>	6R, part 1 for a <i>UK RIE</i> <del>or UK RCH</del> ; and <i>FEES 4 Annex 6R, part 1A</i> for a <i>UK RIE</i> that is also an <i>RAP</i>	applies, by the due dates set out in <i>FEES 4 Annex 6R, part 1</i> and (in the case of an <i>RAP</i> ) part 1A  (2) If the event in column 4 occurs during the course of a financial year, 30 days after the occurrence of that event	<i>order</i> is made. The modified periodic fee is specified in <i>FEES 4 Annex 6R, Part 1</i> and (in the case of an <i>RAP</i> ) Part 1A.
<i>overseas recognised body ROIE</i>	<i>FEES 4 Annex 6R, part 2</i>	(1), unless (2) applies, 1 July. (2) If the event in column 4 occurs during the course of a financial year, 30 days after the occurrence of that event.	<i>Recognition order</i> is made. The modified periodic fee is specified in <i>FEES 4 Annex 6R, Part 2</i> .
...			

4.2.11A R Table of periodic fees payable to the PRA

[PRA]

<u>1 Fee payer</u>	<u>2 Fee payable</u>	<u>3 Due date</u>	<u>4 Events occurring during the period leading to modified periodic fee</u>
<u>Any firm</u>	<u>As specified in FEES 4.3.1R in relation to FEES 4 Annex 2BR</u>	<u>(1) Unless (2) applies, on or before the relevant dates specified in FEES 4.3.6R. (2) if an event specified in column 4 occurs during the course</u>	<u>Firm receives permission; or firm extends permission</u>

		<u>of a fee year, 30 days after the occurrence of that event, or if later the dates specified in FEES 4.3.6R.</u>	
--	--	---	--

### 4.3 Periodic fees payable by firms (other than ICVCs and UCITS qualifiers)

4.3.1 R The periodic fee payable by a *firm* (except and *ICVC* or a *UCIS* *qualifier*) is:

[FCA/  
PRA]

...

- (2) any deductions from the periodic fee specified in Part 2 of *FEES* 4 ~~Annex 2R~~ Annex 2AR, *FEES* 4 Annex 2BR or ~~Parts 6 and/or 7~~ Part 7 of *FEES* 4 Annex 11R. ~~For the purposes of this deduction, any deduction available in Part 2 of FEES 4 Annex 2 shall not be applied to any fee calculated in accordance with FEES 4.3.3AR and any deduction available in Part 6 and/or 7 of FEES 4 Annex 11R shall not be applied to any fees calculated in accordance with FEES 4.3.3R.~~

4.3.2 G (1) The amount payable by each *firm* will depend upon the category (or categories) of *regulated activities* or *payment services* it is engaged in (fee-blocks) and whether it is issuing *electronic money*, and on the amount of business it conducts in each category (tariff base). The fee-blocks and tariffs are identified in *FEES* 4 ~~Annex 1R~~ Annex 1AR in respect of the *FCA* and *FEES* 4 Annex 1BR in respect of the *PRA* (and guidance on calculating certain of the tariffs is at ~~2-G~~ *FEES* 4 Annex 12G), while ~~*FEES* 4 Annex 2R~~ sets Annex 2AR in respect of the *FCA* and *FEES* 4 Annex 2BR in respect of the *PRA* set out the tariff rates for the relevant ~~financial year~~ fee year. In the case of *firms* that provide *payment services* and/or issue *electronic money*, the relevant fee blocks, tariffs and rates are set out in *FEES* 4 Annex 11R.

[FCA/  
PRA]

...

Calculation of periodic fee (excluding fee-paying payment service providers and fee-paying electronic money issuers)

4.3.3 R The periodic fee referred to in *FEES* 4.3.1R is (except in relation to the *Society*, *fee-paying payment service providers* and *fee-paying electronic money issuers*) calculated as follows:

[FCA/  
PRA]

- (1) identify each of the tariffs set out in Part 1 of *FEES* 4 ~~Annex 2R~~ Annex 2AR and Part 1 of *FEES* 4 Annex 2BR which apply to the business of the *firm* for the period specified in that annex;

- (2) for each of ~~those~~ the applicable tariffs, calculate the sum payable in relation to the business of the *firm* for that period;
- (3) add together the amounts calculated under (2) in relation to fees payable to the FCA and, if applicable, separately add together the amounts calculated under (2) in relation to the fees payable to the PRA;
- (4) work out whether a ~~an~~ A.0 or a PA.0 minimum fee is payable under ~~Part 1A Part 2 of FEES 4 Annex 2R~~ Annex 2AR and Part 2 of FEES 4 Annex 2BR and if so how much (except that that minimum fee is not payable again by a firm whose permission is extended if the fee was already payable before the extension);
- (4A) work out whether an AP.0 FCA prudential fee is payable under Part 2 of FEES 4 Annex 2AR and if so how much;
- (4B) work out whether a PT.1 PRA transitional fee is payable under Part 2 of FEES 4 Annex 2BR and if so how much;
- (5) add together the amounts calculated under (3), ~~and (4)~~ and (4A) that relate to fees payable to the FCA and, if applicable, separately adding together the amounts calculated under (3), (4) and (4B) that relate to fees payable to the PRA; and

...

...

Amount payable by the Society of Lloyd's

- 4.3.5 R The periodic fee referred to in *FEES* 4.3.1R in relation to the *Society* is specified against its name in *FEES* 4 ~~Annex 2R~~ Annex 2AR and *FEES* 4 Annex 2BR.
- [FCA/  
[PRA]

Time of payment

- 4.3.6 R (1) ~~If~~ Subject to *FEES* TP 8, if the firm's, designated professional body's, recognised investment exchange's, ~~recognised clearing house's~~ or regulated covered bond issuer's periodic fee for the previous ~~financial year~~ fee year was at least 50,000, it must pay the FCA:
- [FCA/  
[PRA]
- (a) an amount equal to 50% of the *FCA* periodic fee payable for the previous ~~year~~ fee year, by 30 April or, if later, within 30 days of the date of the invoice, in the financial year fee year to which the sum due under *FEES* 4.2.1R relates; and
  - (b) the balance of the *FCA* periodic fee due for the current ~~financial year~~ fee year by 1 September or, if later, within 30 days of the date of the invoice, in the financial year fee year

to which that sum relates.

- (1A) Subject to FEES TP 8, if the firm is also a PRA-*authorised person* and its periodic fee for the previous *fee year* was at least 50,000, it must pay the PRA (through the FCA acting as its collection agent):
- (a) an amount equal to 50% of the PRA periodic fee payable for the previous *fee year*, by 30 April in the *fee year* to which the sum due under FEES 4.2.1R relates; and
- (b) the balance of the PRA periodic fee due for the current *fee year* by 1 September or, if later, within 30 days of the date of the invoice, in the *fee year* to which that sum relates.
- (1B) If the firm paid periodic fees to both the FCA and the PRA in the previous *fee year*, FEES 4.3.6R(1) and (1A) only apply if the firm's combined FCA and PRA periodic fees for that *fee year* were at least 50,000.
- (2) If the firm's, *designated professional body's, recognised investment exchange's, recognised clearing house's* or *regulated covered bond issuer's* periodic fee for the previous ~~financial year~~ *fee year* was less than 50,000, it must pay the periodic fee in full by 1 ~~July~~ August or, if later, within 30 days of the date of the invoice in the ~~financial year~~ *fee year* to which that sum relates.
- ...
- (5) ~~Paragraphs (1) and (2) do not apply to any Solvency 2 fee or Solvency 2 Implementation fee (as defined in Part 1 of FEES 4 Annex 2R) and such fees are not taken into account for the purposes of the split in (1). Instead any Solvency 2 fee or Solvency 2 Implementation fee is payable on the date specified in (1)(a) or (2) (depending on which applies to the rest of its periodic fee) or any earlier date required by (3) or (4). [deleted]~~

...

Incoming EEA firms, incoming Treaty firms, EEA authorised payment institutions and EEA authorised electronic money institutions

...

- 4.3.12 R For an *incoming EEA firm*, (excluding *MTF operators*), or an *incoming Treaty firm*, the calculation required by FEES 4.3.3R is modified as follows
- [FCA/  
PRA]
- (1) the tariffs set out in ~~Part 1 of FEES 4 Annex 2R~~ Part 1 of FEES 4 Annex 2AR and, if applicable, Part 1 of FEES 4 Annex 2BR are applied only to the *regulated activities* of the firm which are carried

on in the *United Kingdom*; and

- (2) those tariffs are modified in accordance with ~~Part 3 of FEES 4 Annex 2R~~ Part 3 of FEES 4 Annex 2AR and, if applicable, Part 3 of FEES 4 Annex 2BR.

Firms Applying to Cancel or Vary Permission Before Start of ~~Period~~ Fee Year

4.3.13  
[FCA/  
PRA]

- R (1) If:
- (a) ...
- (b) the *firm, issuer, or sponsor* makes the application or notification referred to in (a) before the start of the ~~period~~ fee year to which the fee relates;

*FEES 4.2.1R* applies to the *firm* as if the relevant variation or cancellation of the *firm's permission* or authorisation or registration under the *Payment Services Regulations* or *Electronic Money Regulations*, de-listing or removal from the list of approved *sponsors*, took effect immediately before the start of the ~~period~~ fee year to which the fee relates.

- (2) But (1) does not apply if, due to the continuing nature of the business, the variation, cancellation, de-listing or removal is not to take effect on or before 30 June of the fee year to which the fee relates ~~within three months of the start of the period to which the fee relates~~.

...

Firms acquiring business from other firms

4.3.15  
[FCA/  
PRA]

- R ...
- (3) If the acquisition occurs after the valuation date applicable to the business (as set out in ~~FEES 4 Annex 1R~~ Annex 1AR, ~~FEES 4 Annex 1BR~~ and ~~FEES 4 Annex 11R~~) which A acquired from B, for the period following that in which the acquisition occurred, *FEES 4.2.1R* applies to A, in relation to that following period, as if the acquisition had occurred immediately before the valuation date.

...

#### 4.4 Information on which Fees are calculated

4.4.1  
[FCA/  
PRA]

- R A *firm* (other than the *Society*) must notify to the ~~FSA~~ FCA (in its own capacity and, if applicable, in its capacity as collection agent for the PRA) the value (as at the valuation date specified in ~~Part 3 FEES 4 Annex 1R~~ Part 5 of FEES 4 Annex 1AR in relation to fees payable to the *FCA* or Part 5 of FEES 4 Annex 1BR in relation to fees payable to the *PRA*) of each element of business on which the periodic fee payable by the *firm* is to be calculated.

4.4.2 R A *firm* (other than the *Society*) must send to the ~~FSA~~ FCA (in its own capacity and, if applicable, in its capacity as collection agent for the PRA) in writing the information required under *FEES* 4.4.1R as soon as reasonably practicable, and in any event within two *months*, after the date specified as the valuation date in ~~Part 3 *FEES* 4 Annex 1R~~ Part 5 of *FEES* 4 Annex 1AR in relation to fees payable to the FCA or Part 5 of *FEES* 4 Annex 1BR in relation to fees payable to the PRA (or *FEES* 4.2.7BR where applicable).

...

Delete the following Annex in its entirety. The deleted text is not shown.

**4 Annex Activity groups, tariff bases and valuation dates applicable [deleted]  
1R**

After *FEES* 4 Annex 1R (deleted) insert the following new Annexes 1AR and 1BR. The text is not underlined.

**4 Annex FCA Activity groups, tariff bases and valuation dates  
1AR**

[FCA]

Part 1	
This table shows how the <i>FCA</i> links the <i>regulated activities</i> for which a <i>firm</i> has <i>permission</i> to activity groups (fee-blocks). A <i>firm</i> can use the table to identify which fee-blocks it falls into based on its <i>permission</i> .	
Activity group	Fee payer falls in the activity group if
<b>A.1 Deposit acceptors</b>	its <i>permission</i> includes <i>accepting deposits</i> or <i>operating a dormant account fund</i> <b>BUT DOES NOT</b> include either of the following: <i>effecting contracts of insurance;</i> <i>carrying out contracts of insurance.</i>
<b>A.2 Home finance providers and administrators</b>	its <i>permission</i> includes a <i>regulated activity</i> within one or more of the following: <i>entering into a home finance transaction;</i> or <i>administering a home finance transaction;</i> or <i>agreeing to carry on a regulated activity</i> which is within either of the above.
<b>A.3 Insurers - general</b>	its <i>permission</i> includes one or more of the following: - <i>effecting contracts of insurance;</i> - <i>carrying out contracts of insurance;</i> in respect of <i>specified investments</i> that are: - <i>general insurance contracts;</i> or - <i>long-term insurance contracts</i> other than <i>life policies</i> .

<p><b>A.4 Insurers - life</b></p>	<p>its <i>permission</i> includes one or more of the following:  - <i>effecting contracts of insurance</i>;  - <i>carrying out contracts of insurance</i>;  in respect of <i>specified investments</i> including <i>life policies</i>;  - <i>entering as provider into a funeral plan contract</i>.</p>
<p><b>A.5 Managing agents at Lloyd's</b></p>	<p>its <i>permission</i> includes <i>managing the underwriting capacity of a Lloyd's syndicate as a managing agent at Lloyd's</i>.</p>
<p><b>A.6 The Society of Lloyd's</b></p>	<p>it is the <i>Society</i> of Lloyd's.</p>
<p><b>Note for authorised professional firms:</b>  Generally, for fee-blocks A.7 to A.19 below, only those <i>regulated activities</i> that are not limited to <i>non-mainstream regulated activities</i> should be taken into account in determining which fee-block(s) fee-payers belong to for the purpose of charging periodic fees. However, in the case that all the <i>regulated activity</i> within a <i>firm permission</i> are limited to <i>non-mainstream regulated activities</i>, then that <i>firm's</i> will be allocated to fee-block A.13 alone. This does not prevent a fee being payable by an <i>authorised professional firm</i> under <i>FEES 3.2.7R(p)</i> and/or <i>FEES 3.2.7AR(c)</i> where it applies to vary its <i>Part 4A permission</i> such that it would normally be allocated to fee-block(s) other than A.13 if the variation was granted.</p>	

<p><b>A.7 Fund managers</b></p>	<p>(1) its <i>permission</i> includes <i>managing investments</i> (a <i>firm</i> falling within this category is a <i>class (1) firm</i>);  <b>OR</b>  (2) its <i>permission</i> includes <b>ONLY</b> either one or both of:  <i>safeguarding and administering of investments (without arranging)</i>; and  <i>arranging safeguarding and administration of assets</i> (a <i>firm</i> falling within this category is a <i>class (2) firm</i>);  <b>OR</b>  (3) the <i>firm</i> is a <i>venture capital firm</i> (a <i>firm</i> falling within this category is a <i>class (3) firm</i> if it is not a class (1) or (2) <i>firm</i>).  <b>Class (1) firms</b> are subdivided into three classes:  - <b>class (1)A</b>, where the funds managed by the <i>firm</i> belong to one or more <i>occupational pension schemes</i>;  - <b>class (1)B</b>, where:  (a) the <i>firm</i> is not a class (1)A <i>firm</i>; and  (b) the <i>firm's</i> <i>permission</i> includes <b>NEITHER</b> of the following:  <i>safeguarding and administering investments (without arranging)</i>;  <i>arranging safeguarding and administration of assets</i>; and  (c) the <i>firm</i> <b>EITHER</b>:  has a <i>requirement</i> that prohibits the <i>firm</i> from holding or controlling <i>client money</i>, or both; <b>OR</b>  if it does not have such a <i>requirement</i>, <b>only</b> holds or controls <i>client money</i> (or both), arising from an agreement under which <i>commission</i> is rebated to a <i>client</i>; and  - <b>class (1)C</b>, where the <i>firm</i> is not within class (1)A or class (1)B.</p>
<p><b>A.9 Operators, Trustees and Depositories of collective investment schemes and Operators of personal pension schemes or stakeholder pension schemes</b></p>	<p>(1) its <i>permission</i>:  (a) includes one or more of the following:  <i>establishing, operating or winding up a regulated collective investment scheme</i>;  <i>establishing, operating or winding up an unregulated collective investment scheme</i>;  <i>acting as trustee of an authorised unit trust scheme</i>;  <i>acting as the depository or sole director of an open-ended investment company</i>;  <i>establishing, operating or winding up a personal pension scheme or a stakeholder pension scheme</i> (but only if the <i>firm</i> does not fall within activity group A1 or A4);  <b>AND</b>  (b) <b>PROVIDED</b> the <i>firm</i> is <b>NOT</b> one of the following:  a <i>corporate finance advisory firm</i>;  a <i>firm</i> in which the above activities are limited to carrying</p>

	<p>out <i>corporate finance business</i>; a <i>venture capital firm</i>; <b>OR</b> (2) if the fee-payer has none of the <i>regulated activities</i> above within its <i>permission</i>, but ALL the remaining <i>regulated activities</i> in its <i>permission</i> are limited to carrying out trustee activities.</p>
<p><b>A.10 Firms dealing as principal</b></p>	<p>its <i>permission</i> includes: (a) <i>dealing in investments as principal</i>; and/or (b) <i>bidding in emissions auctions</i>; <b>BUT NOT</b> if one or more of the following apply: the <i>firm</i> is acting exclusively as a matched principal broker; the above activity is limited either to acting as an <i>operator</i> of a <i>collective investment scheme</i>, <i>establishing, operating or winding up a personal pension scheme</i> or a <i>stakeholder pension scheme</i>, or to carrying out <i>trustee activities</i>; the <i>firm</i> is a <i>corporate finance advisory firm</i>; the above activity is otherwise limited to carrying out <i>corporate finance business</i>; the <i>firm</i> is subject to a <i>limitation</i> to the effect that the <i>firm</i>, in carrying on this <i>regulated activity</i>, is limited to entering into transactions in a manner which, if the <i>firm</i> was an <i>unauthorised person</i>, would come within article 16 of the <i>Regulated Activities Order</i> (Dealing in contractually based investments); the above activity is limited to not acting as a <i>market maker</i>; the <i>firm</i> is an <i>oil market participant</i>, <i>energy market participant</i> or a <i>local</i> (except where the <i>firm</i> is <i>bidding in emissions auctions</i>); its <i>permission</i> includes either: - <i>effecting contracts of insurance</i>; or - <i>carrying out contracts of insurance</i>.</p>

**A.12 Advisors, arrangers, dealers or brokers (holding or controlling client money or assets, or both)**

its *permission*:

(a) includes one or more of the following, in relation to one or more *designated investments*:

*dealing in investments as agent*;

*arranging (bringing about) deals in investments*;

*making arrangements with a view to transactions in investments*;

*dealing as principal in investments* where the activity is carried on as a matched principal broker, *oil market participant*, energy market participant or *local*;

*advising on investments* (except *pension transfers* and *pension opt-outs*);

*advising on pension transfers and pension opt-outs*;

*advising on syndicate participation at Lloyd's*;

(b) **BUT NONE** of the following:

*effecting contracts of insurance*; or

*carrying out contracts of insurance*;

**AND**

(c) **CAN HAVE** one or more of the following:

*safeguarding and administering of assets*;

*arranging safeguarding and administration of assets*;

the ability to hold or control *client money*, or both:

- that is, there is no *requirement* which prohibits the *firm* from doing this; and

- provided that the *client money* in question does not only arise from an agreement under which *commission* is rebated to a *client*;

**AND**

(d) **PROVIDED** the fee-payer is **NOT** any of the following:

a *corporate finance advisory firm*;

a *firm* for whom all of the applicable activities above are otherwise limited to carrying out *corporate finance business*;

a *firm* whose activities are limited to carrying out *venture capital business*;

a *firm* whose activities are limited to acting as an operator of a *regulated collective investment scheme*;

a *firm* whose activities are limited to carrying out *trustee* activities;

a *service company*.

<p><b>A.13 Advisors, arrangers, dealers or brokers (not holding or controlling client money or assets, or both)</b></p>	<p>(1) it is an <i>authorised professional firm</i> and <b>ALL</b> the <i>regulated activities</i> in its <i>permission</i> are limited to non-mainstream regulated activities (a firm falling within this category is a <i>class (1) firm</i>); <b>OR</b> (2) its <i>permission</i>: (a) includes one or more of the following, in relation to one or more <i>designated investments</i>: <i>dealing in investments as agent</i>; <i>arranging (bringing about) deals in investments</i>; <i>making arrangements with a view to transactions in investments</i>; <i>dealing as principal in investments</i> where the activity is carried on as a matched principal broker, <i>oil market participant</i>, <i>energy market participant</i> or <i>local</i>; <i>advising on investments</i> (except <i>pension transfers</i> and <i>pension opt-outs</i>); <i>giving basic advice on a stakeholder product</i>; <i>advising on pension transfers and pension opt-outs</i>; <i>advising on syndicate participation at Lloyd's</i>; (b) <b>BUT NONE</b> of the following: <i>effecting contracts of insurance</i>; <i>carrying out contracts of insurance</i>; <i>safeguarding and administration of assets</i>; <i>arranging safeguarding and administration of assets</i>; <b>AND</b> (c) <b>MUST EITHER</b>, in connection with its <i>designated investment business</i>: have a <i>requirement</i> that prohibits the <i>firm</i> from holding or controlling <i>client money</i>, or both; <b>OR</b> if it does not have such a <i>requirement</i>, only holds or controls <i>client money</i> (or both), arising from an agreement under which <i>commission</i> is rebated to a <i>client</i>; <b>AND</b> (d) <b>PROVIDED</b> the fee-payer is <b>NOT</b> any of the following: <i>a corporate finance advisory firm</i>; <i>a firm</i> for whom all of the applicable activities above are otherwise limited to carrying out <i>corporate finance business</i>; <i>a firm</i> whose activities are limited to carrying out <i>venture capital business</i>; <i>a firm</i> whose activities are limited to acting as an <i>operator</i> of a <i>regulated collective investment scheme</i>; <i>a firm</i> whose activities are limited to carrying out <i>trustee</i> activities; <i>a service company</i>. A <i>firm</i> falling within (2) and not (1) is a <i>class 2 firm</i>.</p>
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<b>A.14 Corporate finance advisers</b>	the <i>firm</i> is carrying on <i>corporate finance business</i> <b>PROVIDED</b> the fee-payer is <b>NOT</b> a <i>venture capital firm</i> .
<b>A.18 Home finance providers, advisers and arrangers</b>	its <i>permission</i> includes a <i>regulated activity</i> within one or more of the following: <i>entering into a home finance transaction</i> ; or <i>arranging (bringing about) a home finance transaction</i> ; or <i>making arrangements with a view to a home finance transaction</i> ; or <i>advising on a home finance transaction</i> ; or <i>agreeing to carry on a regulated activity</i> which is within any of the above.
<b>A.19 General insurance mediation</b>	its <i>permission</i> includes one or more of the following in relation to a <i>non-investment insurance contract</i> : <i>dealing in investments as agent</i> ; or <i>arranging (bringing about) deals in investments</i> ; or <i>making arrangements with a view to transactions in investments</i> ; or <i>assisting in the administration and performance of a contract of insurance</i> ; or <i>advising on investments</i> ; or <i>agreeing to carry on a regulated activity</i> which is within any of the above.
<b>B. Market operators</b>	<i>firms</i> that have been prescribed as an operator of a prescribed market under the Financial Services and Markets Act 2000 (Prescribed Markets and Qualifying Investments) Order 2001 (SI 2001/996).
<b>B. Service companies</b>	it is a <i>service company</i> .
<b>B. MTF operators</b>	its <i>permission</i> includes <i>operating a multilateral trading facility</i> .

Part 2	
This table sets out the activity groups (fee blocks) in relation to (i) the minimum fee payable to the <i>FCA</i> and (ii) the prudential fee payable to the <i>FCA</i> .	
Activity group	Fee payer falls into the fee-block if
A.0 <i>FCA</i> minimum fee	(1) it is in at least one of the fee blocks under Part 1; and (2) it is not: (a) a <i>UK ISPV</i> ; or (b) a <i>firm</i> whose only <i>permission</i> is <i>operating a dormant fund</i>

	<i>account.</i>
AP.0 FCA prudential fee	(1) it is in at least one of the fee blocks under Part 1; and (2) it is not: (a) a <i>PRA-authorised person</i> ; and/ or (b) a <i>firm</i> whose only periodic fee payable to the <i>FCA</i> is the A.0 <i>FCA</i> minimum fee.

Part 3 This table indicates the tariff base for each fee-block set out in Part 1.	
Activity group	Tariff base
<b>A.1</b>	<p><b>MODIFIED ELIGIBLE LIABILITIES</b>  <b>For banks and building societies:</b>  <b>Item B of Form ELS (Note (1)):</b>  <math>(1 + 2 + 3 + 4 + 0.6*5 + 6 - 8 - 9A - 9B - 10A - 10B - 10C - 11A - 11B - 0.6*12) + (1/3)*(F1 + F2 + F3 + F4 + 0.6*F5 + F6 - F8 - F9A - F9B - F10A - F10B - F10C - F11A - F11B - 0.6*F12) - 13M</math></p>
	<p><b>Notes:</b>  (1) All references in the above formula are to entries on Form ELS (that is, the Eligible Liabilities Return completed to provide information by <i>banks</i> and <i>building societies</i> to the Bank of England as required by the Bank of England Act 1998).  (2) The figures reported on the Form ELS relate to business conducted out of offices in the <i>United Kingdom</i>.</p> <p><b>For credit unions:</b>  Deposits with the <i>credit union</i> (share capital)</p> <p><b>LESS</b>  the <i>credit union's</i> bank deposits (investments + cash at bank)</p> <p><b>Note:</b>  Only <i>United Kingdom</i> business is relevant for calculating <i>credit unions'</i> MELs.</p> <p><b>Note:</b>  For a <i>dormant account fund operator</i> the tariff base is not relevant and the flat fee in <i>FEES 4 Annex 2AR</i> is payable.</p>
<b>A.2</b>	<b>NUMBER OF MORTGAGES OR OTHER HOME FINANCE TRANSACTIONS ENTERED INTO AND</b>

	<p><b>ADMINISTERED</b> The number of new mortgage contracts, <i>home purchase plans</i>, <i>home reversion plans</i> and <i>regulated sale and rent back agreements</i> entered into;</p> <p><b>AND</b> The number of mortgage contracts, <i>home purchase plans</i>, <i>home reversion plans</i> and <i>regulated sale and rent back agreements</i> being administered, multiplied by 0.05 for mortgage outsourcing <i>firms</i> or other home finance outsourcing <i>firms</i> and by 0.5 for all other <i>firms</i>.</p> <p><b>Notes:</b> (1) Mortgage outsourcing <i>firms</i> are <i>firms</i> with <i>permission</i> for administering regulated mortgage contracts, but not to enter the contract as lender. Home finance outsourcing <i>firms</i> are <i>firms</i> with <i>permission</i> for administering a home finance transaction, but not entering into a home finance transaction. (2) In this context a 'mortgage' means a loan secured by a first charge over residential property in the <i>United Kingdom</i>. For the measure of the number of contracts being administered, each first charge counts as one contract, irrespective of the number of loans involved. (3) Mortgages, <i>home purchase plans</i>, <i>home reversion plans</i> and <i>regulated sale and rent back agreements</i> administered include those that the <i>firm</i> administers on behalf of other <i>firms</i>.</p>
<p>A.3</p>	<p><b>GROSS PREMIUM INCOME AND GROSS TECHNICAL LIABILITIES</b> <b>For insurers:</b> The amount of <i>premium</i> receivable which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6 in relation to the financial year to which the documents relate but disregarding for this purpose such amounts as are not included in the document by reason of a <i>waiver</i> or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>;</p> <p><b>AND</b> the amount of gross technical liabilities (<i>IPRU(INS)</i> Appendix 9.1 - Form 15, line 19) which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6R in relation to the financial year to which the documents relate but disregarding for this purpose such amounts as are not included in the document by reason of a <i>waiver</i> or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>.</p> <p><b>Notes:</b></p>

	<p>(1) in the case of either:</p> <p>(a) a <i>pure reinsurer</i> carrying on <i>general insurance business</i> through a <i>branch</i> in the <i>United Kingdom</i>; or</p> <p>(b) an <i>insurer</i> whose head office is not in an <i>EEA State</i> carrying on <i>general insurance business</i> through a <i>branch</i> in the <i>United Kingdom</i>; or</p> <p>(c) an <i>EEA-deposit insurer</i>;</p> <p>the amount only includes <i>premiums</i> received and gross technical liabilities held in respect of its <i>United Kingdom</i> business;</p> <p>(2) for a <i>Swiss general insurance company</i>, premiums and gross technical liabilities include those relevant to the operations of the company's <i>United Kingdom branch</i>; and</p> <p>(3) a <i>firm</i> need not include premiums and gross technical liabilities relating to <i>pure protection contracts</i> which it reports, and pays a fee on, in the A.4 activity group.</p> <p><b>For friendly societies:</b> Either:</p> <p>(a) the value of contributions as income under Schedule 7: Part I item 1(a) to the Friendly Societies (Accounts and Related Provisions) Regulations 1994 (SI 1994/1983) (the regulations) for a <i>non-directive friendly society</i>, included within the income and expenditure account; or</p> <p>(b) the value of gross premiums written under Schedule 1: Part I items I.1(a) and II.1.(a) of the regulations for a <i>directive friendly society</i> included within the income and expenditure account.</p> <p><b>Notes:</b></p> <p>(1) In both (a) and (b) above only <i>premium</i> receivable in respect of <i>United Kingdom</i> business are relevant.</p> <p>(2) For <i>UK ISPVs</i> the tariff base is not relevant and a flat fee set out in <i>FEES 4 Annex 2AR</i> is payable.</p>
<p><b>A.4</b></p>	<p><b>ADJUSTED GROSS PREMIUM INCOME AND MATHEMATICAL RESERVES</b> (see <i>FEES 4 Annex 12 G</i>)</p> <p>Amount of new regular <i>premium</i> business (yearly <i>premiums</i> including reassurances ceded but excluding cancellations and reassurances accepted), times ten;</p> <p><b>Plus</b></p> <p>amounts of new single <i>premium</i> business (total including reassurances ceded but excluding cancellations and reassurances accepted). Group protection business (life and private health insurance) must be included;</p> <p><b>Less</b></p> <p><i>premiums</i> relating to <i>pension fund management</i>;</p> <p><b>Less</b></p> <p><i>premiums</i> relating to Trustee Investment Plans.</p> <p>For each of the above, business transacted through</p>

	<p>independent practitioners or tied agents (either single or multi-tie) will be divided by two in calculating the adjusted gross premium income;</p>
	<p><b>AND</b> the amount of mathematical reserves (<i>IPRU(INS)</i> Appendix 9.1R - Form 14 , Line 11 ) which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6R in relation to the financial year to which the documents relate but disregarding for this purpose such amounts as are not included in the document by reason of a <i>waiver</i> or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>;</p> <p><b>Less</b> mathematical reserves relating to <i>pension fund management</i>.</p> <p><b>Less</b> mathematical reserves relating to Trustee Investment Plans.</p> <p><b>Notes:</b> (1) Only <i>premiums</i> receivable and mathematical reserves held in respect of <i>United Kingdom</i> business are relevant. (2) An <i>insurer</i> must include in its calculation of adjusted gross premium income (AGPI) and mathematical reserves (MR) the value of MR and AGPI relating to all risks ceded to <i>ISPVs</i>. (3) Trustee Investment Plans are the class of <i>contract of insurance</i> specified in Class III of Part II of Schedule 1 to the <i>Regulated Activities Order</i> (Contracts of long-term insurance) and which are invested in pooled funds beneficially owned by the <i>insurer</i> and not earmarked to individual beneficiaries by that <i>insurer</i>.</p>
<b>A.5</b>	<p><b>ACTIVE CAPACITY</b> The capacity of the <i>syndicate(s)</i> under management in the year in question. This includes the capacity for <i>syndicate(s)</i> that are not writing new business, but have not been closed off in the year in question.</p>
<b>A.6</b>	Not applicable.
<b>A.7</b>	<p><b>FUNDS UNDER MANAGEMENT (FuM)</b> The total value, in pounds sterling, of all assets (see note (a) below) in portfolios which the <i>firm</i> manages, on a discretionary basis (see note (b) below), in accordance with its terms of business, less: (a) funds covered by the exclusion contained in article 38 (Attorneys) of the <i>Regulated Activities Order</i>; (b) funds covered by the exclusion contained in article 66(3) (Trustees, nominees and personal representatives) of the <i>Regulated Activities Order</i>;</p>

	<p>(c) funds covered by the exclusion contained in article 68(6) (Sale of goods or supply of services) of the <i>Regulated Activities Order</i>;</p> <p>(d) funds covered by the exclusion contained in article 69(5) (Groups and joint enterprises) of the <i>Regulated Activities Order</i>; and</p> <p>(e) the value of those parts of the managed portfolios in respect of which the responsibility for the discretionary management has been formally delegated to another <i>firm</i> (and which <i>firm</i> will include the value of the assets in question in its own FuM total); any such deduction should identify the <i>firm</i> to which management responsibility has been delegated.</p>
	<p><b>Notes on FuM</b></p> <p>(a) For the purposes of calculating the value of funds under management, assets means all assets that consist of or include any <i>investment</i> which is a <i>designated investment</i> or those assets in respect of which the arrangements for their management are such that the assets may consist of or include such <i>investments</i>, and either the assets have at any time since 29 April 1988 done so or the arrangements have at any time (whether before or after that date) been held out as arrangements under which the assets would do so.</p> <p>(b) Assets managed by the <i>firm</i> on a discretionary basis exclude the <i>firm's</i> own assets. Assets managed on a non-discretionary basis, being assets that the <i>firm</i> has a contractual duty to keep under continuous review but in respect of which prior specific consent of the <i>client</i> must be obtained for proposed transactions, are also excluded as this activity is covered in those charged to fees in activity groups A.12 and A.13.</p> <p>(c) In respect of <i>collective investment schemes</i>, assets means the total value of the assets of the scheme.</p> <p>(d) For an <i>OPS firm</i>, the FuM should also be reduced by the value of the assets held as a result of a decision taken in accordance with article 4(6) of The Financial Services and Markets Act 2000 (Carrying on Regulated Activities by Way of Business) Order 2001 (investments in <i>collective investment scheme</i> or <i>bodies corporate</i> which have as their primary purpose the acquisition, directly, or indirectly, of relevant investments, as defined in that article).</p> <p>(e) Only assets that are managed from an establishment maintained by the <i>firm</i> in the <i>United Kingdom</i> are relevant.</p> <p>(f) If the <i>firm</i> is managing an overlay portfolio of <i>derivative</i> instruments and the underlying assets are managed by itself or a <i>firm</i> within the same <i>group</i> that has not reported them separately to the <i>FCA</i>, or by a <i>firm</i> outside its <i>group</i>, then it should calculate the value of the <i>derivatives</i> and other assets as prescribed in the <i>guidance</i> in FSA038 in SUP 16 Annex 25G.</p>

	<p>If the underlying assets are managed by another <i>firm</i> within the same <i>group</i> who has reported their value separately to the <i>FCA</i>, then to avoid double-counting within the <i>group</i>, the calculation must be restricted to the exposure of the overlay.</p>
<p><b>A.9</b></p>	<p><b>GROSS INCOME</b>  For <i>operators</i> (including <i>ACDs</i> and managers of <i>unit trusts</i> but excluding <i>operators</i> of a <i>personal pension scheme</i> or a <i>stakeholder pension scheme</i>):  gross income from the activity relating to fee-block A.9 is defined as:  the amount of the annual charge on funds invested in regulated or <i>unregulated collective investment scheme</i> received or receivable in the latest accounting period (this is calculated as a % of funds invested, typically 1% p.a.);  <b>PLUS</b>  the front-end or exit charge levied on sales or redemptions of <i>collective investment schemes</i> (typically 4-5% of sales/redemptions) in that same accounting period;</p>
	<p><b>PLUS</b>  any additional initial or management charges levied through a product wrapper such as an <i>ISA</i>;  <b>BUT EXCLUDING</b> box management profits.  <b>For depositaries (including trustees of collective investment schemes and ICVC depositaries):</b>  The amount of the annual charge levied on funds in <i>regulated collective investment schemes</i> for which they act as <i>depository</i> (typically a % of the total funds for which they act as <i>depository</i>).  For <i>operators</i> of a <i>personal pension scheme</i> or a <i>stakeholder pension scheme</i>:  The amount of the charges levied on the <i>personal pension scheme</i> or <i>stakeholder pension scheme</i> for which they act as <i>operator</i>:  including up-front charges, fund related charges, transaction related charges and periodic charges; but  excluding charges made to an investor in respect of third party suppliers; for example, charges for stock broking, borrowing, banking services and charges for arranging third party legal services, surveys or environmental screening in connection with property.  <b>Note:</b>  Only the gross income corresponding to <i>United Kingdom</i> business is relevant.</p>
<p><b>A.10</b></p>	<p><b>NUMBER OF TRADERS</b>  Any <i>employee</i> or agent, who:  ordinarily acts within the <i>United Kingdom</i> on behalf of an <i>authorised person</i> liable to pay fees to the <i>FCA</i> in its fee-</p>

	<p>block A.10 (firms dealing as principal); and who, as part of their duties in relation to those activities of the <i>authorised person</i>, commits the <i>firm</i> in market dealings or in transactions in <i>securities</i> or in other <i>specified investments</i> in the course of <i>regulated activities</i>.          But not any <i>employees</i> or agents who work solely in the <i>firm's MTF</i> operation.          A <i>firm</i> may, as an option, report <i>employees</i> or agents as full-time equivalents (FTE), taking account of any part-time staff. In calculating the FTE, <i>firms</i> must take into account the total hours <i>employees</i> or agents have contracted to work for the <i>firm</i> and not the time <i>employees</i> or agents devote to the <i>dealing in investments as principal</i> and <i>bidding in emissions auctions</i> functions set out in fee-block A.10. Any figures using the FTE calculation to be recorded to one decimal place, rounded down to the nearest decimal place.</p>
<p><b>A.12</b></p>	<p><b><u>ANNUAL INCOME</u></b>          Annual income as defined in <i>FEES 4 Annex 11AR</i></p>
<p><b>A.13</b></p>	<p><b><u>ANNUAL INCOME</u></b>          Annual income as defined in <i>FEES 4 Annex 11AR</i></p>
<p><b>A.14</b></p>	<p><b><u>ANNUAL INCOME</u></b>          Annual income as defined in <i>FEES 4 Annex 11AR</i>.</p>

A.18

**ANNUAL INCOME**

(a) the net amount retained by the *firm* of all brokerages, fees, commissions and other related income (e.g. administration charges, overrides, profit shares) due to the *firm* in respect of or in relation to *home finance mediation activity* (or activities which would have been *mortgage mediation activity* if they had been carried out after 30 October 2004 or *home purchase mediation activity* or *home reversion mediation activity* if they had been carried out on or after 6 April 2007 or *regulated sale and rent back mediation activity* if they had been carried out on or after 1 July 2009);

**Plus**

(b) for any *home finance mediation activity* carried out by the *firm* for which it receives payment from the lender or provider on a basis other than that in (a), the value of all new mortgage advances and amounts provided under other *home finance transactions* resulting from that activity multiplied by 0.004;

**Plus**

(c) if the *firm* is a *home finance provider*, the value of all new mortgage advances and amounts provided under other *home finance transactions* which are or would be *regulated mortgage contracts* if they had been made after 30 October 2004 or *home purchase plans* or *home reversion plans* if they had been made on or after 6 April 2007 or *regulated sale and rent back mediation activity* if they had been carried out on or after 1 July 2009 (other than those made as a result of *home finance mediation activity* by another *firm*), multiplied by 0.004.

For mortgage outsourcing *firms* or home finance outsourcing *firms* whose permission does not include *advising on a home finance transaction* the relevant amounts are multiplied by 0.15.

**Notes on annual income:**

(1) For the purposes of calculating annual income, "net amount retained" means all the commission, fees, etc. in respect of *home finance mediation activity* that the *firm* has not rebated to customers or passed on to other *firms* (for example, where there is a commission chain). Items such as general business expenses (e.g. employees' salaries, overheads) should **not** be deducted.

(2) The *firm* must include in its income calculation, on the same basis as above, earnings from those who will become its *appointed representatives* immediately after *authorisation*.

(3) Reference to a "*firm*" above also includes reference to any *person* who carried out activities which would be *mortgage mediation activity* if they had been carried out after 30 October 2004 or *home purchase mediation activity* or *reversion mediation activity* if they had been carried out on or after 6 April 2007 or *regulated sale and rent back mediation activity* if they had been carried out on or after 1 July 2009.

(4) Mortgage outsourcing *firms* are *firms* whose *permission* includes *administering regulated mortgage contracts*, but not *entering into a regulated mortgage contract*. Home finance outsourcing *firms* are *firms* whose *permission* includes *administering a home finance transaction*, but not *entering into a home finance transaction*.

(5) The same *firm* may receive income under paragraph (a) and (c).

(6) A *firm* must include in paragraph (a) any income it receives from *home finance mediation activity* carried on by another *person* with respect to any *home finance transaction* into which the *firm* has entered as lender, plan provider or home purchase provider.

(7) In calculating the net amount retained, a *firm* may not deduct amounts that it rebates to a *person* other than another *firm*, a *person* falling within the extended definition of *firm* in Note (4) or the *firm's* customer.

(8) A *firm* may only deduct amounts under paragraph (a) in calculating its net amount retained if the amount is to be deducted from income that the *firm* must include under paragraph (a). Therefore for example:

(a) if a mortgage lender (Firm A) pays a *firm* commission for arranging a *regulated mortgage* under which Firm A is a lender, Firm A may not take that expense into account in calculating its annual income if Firm A does not receive a fee from the borrower or another *person* in respect of that *regulated mortgage*; and

(b) if a mortgage lender (Firm A) pays a *firm* (Firm B) commission for arranging a *regulated mortgage* under which Firm A is a lender, Firm A receives a payment from the borrower under that transaction and the amount payable to Firm B exceeds the amount payable by the borrower, Firm A may not take that excess into account in calculating its annual income and must instead net the sum payable by the borrower to zero.

(9) A *firm* must include in paragraph (a) any survey and booking fees due to it in respect of or in relation to *home finance mediation activity* or which would be *home finance mediation activity* if they had been carried on or after the dates in paragraph (a).

<p><b>A.19</b></p>	<p><b>ANNUAL INCOME</b> (A) the net amount retained by the <i>firm</i> of all brokerages, fees, commissions and other related income (e.g. administration charges, overrides, profit shares) due to the <i>firm</i> in respect of or in relation to <i>insurance mediation activity</i> (or activities which would have been <i>insurance mediation activity</i> if they had been carried out after 13 January 2005 or, in relation to <i>connected travel insurance contracts</i>, from 1 January 2009) in relation to <i>general insurance contracts</i> or <i>pure protection contracts</i>;</p> <p><b>Plus</b> (B) in relation to the activities set out in (A), for any <i>insurance mediation activity</i> carried out by the <i>firm</i> for which it receives payment from the <i>insurer</i> on a basis other than that in (A), the amount of <i>premiums</i> receivable on the <i>contracts of insurance</i> resulting from that activity multiplied by 0.07;</p> <p><b>Plus</b> (C) if the <i>firm</i> is an <i>insurer</i>, in relation to the activities set out in (A), the amount of <i>premiums</i> receivable on its <i>contracts of insurance</i> multiplied by 0.07, excluding those <i>contracts of insurance</i> which:</p> <ul style="list-style-type: none"> <li>(i) result from <i>insurance mediation activity</i> by another <i>firm</i>, where a payment has been made by the <i>insurer</i> to the <i>firm</i> under (A); or</li> <li>(ii) the <i>insurer</i> reports in, and pays a fee under, the A.4 activity group; or</li> <li>(iii) are not <i>general insurance contracts</i> or <i>pure protection contracts</i>.</li> </ul> <p><b>Notes on annual income:</b></p> <p>(1) For the purposes of calculating annual income, "net amount retained" means all the commission, fees, etc. in respect of <i>insurance mediation activity</i> that the <i>firm</i> has not rebated to customers or passed on to other <i>firms</i> (for example, where there is a commission chain). Items such as general business expenses (e.g. employees' salaries, overheads) should <b>not</b> be deducted.</p> <p>(2) The <i>firm</i> must include in its income calculation, on the same basis as above, earnings from those who will become its <i>appointed representatives</i> immediately after <i>authorisation</i>.</p> <p>(3) Reference to a "<i>firm</i>" above also includes reference to any <i>person</i>, including a <i>connected travel insurance intermediary</i>, who carried out activities which would be <i>insurance mediation activity</i> (in respect of <i>general insurance contracts</i> or <i>pure protection contracts</i>) if they had been carried out after 13 January 2005 or, in relation to <i>connected travel insurance contracts</i>, from 1 January 2009.</p> <p>(4) The same <i>firm</i> may receive income under (A) and (C).</p> <p>(5) A <i>firm</i> must include in (A) any income it receives from <i>insurance mediation activity</i> carried on by another <i>person</i> with respect to any <i>general insurance contracts</i> or <i>pure protection contracts</i> into which the <i>firm</i> has entered as insurer.</p> <p>(6) In calculating the net amount retained, a <i>firm</i> may not</p>
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	<p>deduct amounts that it rebates to a <i>person</i> other than another <i>firm</i>, a <i>person</i> falling within the extended definition of <i>firm</i> in Note (4) or the <i>firm's</i> customer.</p> <p>(7) A <i>firm</i> may only deduct amounts under (A) in calculating its net amount retained if the amount is to be deducted from income that the <i>firm</i> must include under (A). Therefore for example:</p> <p>(a) if an insurer (Firm A) pays a <i>firm</i> commission for arranging a <i>general insurance contract</i> or <i>pure protection contract</i> under which Firm A is the <i>insurer</i>, Firm A may not take that expense into account in calculating its annual income if Firm A does not receive a fee from the insured or another <i>person</i> in respect of that contract; and</p> <p>(b) if an insurer (Firm A) pays a <i>firm</i> (Firm B) commission for arranging a <i>general insurance contract</i> or <i>pure protection contract</i> under which Firm A is the <i>insurer</i>, Firm A receives a payment from the insured under that transaction and the amount payable to Firm B exceeds the amount payable by the insured, Firm A may not take that excess into account in calculating its annual income and must instead net the sum payable by the insured to zero.</p>
<b>B. Market operators</b>	Not applicable.
<b>B. Service companies</b>	Not applicable.
<b>B. MTF operators</b>	Not applicable.

Part 4	
This table indicates the tariff base for each fee block set out in Part 2.	
Activity Group	Tariff base
A.0	Not applicable because the minimum fee is a specified amount.
AP.0	The total periodic fees payable as a result of Part 1 of <i>FEES 4 Annex 2A</i> excluding any periodic fee for <i>operating a dormant fund account</i> .

Part 5
This table indicates the valuation date for each fee-block. A <i>firm</i> can calculate its tariff data in respect of fees payable to the <i>FCA</i> by applying the tariff bases set out

in Part 3 with reference to the valuation dates shown in this table.	
Activity group	Valuation date
<p>IN THIS TABLE, REFERENCES TO SPECIFIC DATES OR MONTHS ARE REFERENCES TO THE LATEST ONE OCCURRING BEFORE THE START OF THE PERIOD TO WHICH THE FEE APPLIES, UNLESS OTHERWISE SPECIFIED - E.G. FOR 2013/14 FEES (1 APRIL 2013 TO 31 MARCH 2014), A REFERENCE TO DECEMBER MEANS DECEMBER 2012.</p>	
<p>Where a <i>firm's</i> tariff data is in a currency other than sterling, it should be converted into sterling at the exchange rate prevailing on the relevant valuation date.</p>	
<b>A.1</b>	<p><b>For banks:</b> Modified eligible liabilities (MELs), valued at: for a <i>firm</i> which reports monthly, the average of the MELs for October, November and December; for a <i>firm</i> which reports quarterly, the MELs for December.</p> <p><b>For credit unions:</b> MELs, valued at December or as disclosed by the most recent annual return made prior to that date.</p> <p><b>For building societies:</b> MELs, valued at the average of the MELs for October, November and December.</p>
<b>A.2</b>	<p>Number of mortgages, <i>home purchase plans</i>, <i>home reversion plans</i> and <i>regulated sale and rent back agreements</i> entered into in the twelve months ending 31 December.</p> <p><b>AND</b></p> <p>Number of mortgages, <i>home purchase plans</i>, <i>home reversion plans</i> and <i>regulated sale and rent back agreements</i> being administered on 31 December.</p>
<b>A.3</b>	<p>Annual gross <i>premium</i> income (GPI), for the financial year ended in the calendar year ending 31 December.</p> <p><b>AND</b></p> <p>Gross technical liabilities (GTL) valued at the end of the financial year ended in the calendar year ending 31 December.</p>
<b>A.4</b>	<p>Adjusted annual gross <i>premium</i> income (AGPI) for the financial year ended in the calendar year ending 31 December.</p> <p><b>AND</b></p> <p>Mathematical reserves (MR) valued at the end of the financial year ended in the calendar year ending 31 December.</p>
<b>A.5</b>	<p>Active capacity (AC), in respect of the Underwriting Year (as reported to the <i>Society of Lloyd's</i>) which is current at the beginning of the period to which the fee relates.</p>

	[ <b>Note:</b> this is the Underwriting Year which is already in progress at the start of the fee period - e.g. for 2013/14 fees, the fee period will begin on 1 April 2013, which is in the 2013 Underwriting Year, so the AC for that Underwriting Year is the relevant measure.]
<b>A.6</b>	Not applicable.
<b>A.7</b>	Funds under management (FuM), valued at 31 December.
<b>A.9</b>	Annual gross income (GI), valued at the most recent financial year ended before 31 December.
<b>A.10</b>	Number of traders as at 31 December.
<b>A.12</b>	Annual income for the financial year ended in the calendar year ending 31 December.
<b>A.13</b>	Annual income for the financial year ended in the calendar year ending 31 December.
<b>A.14</b>	Annual income for the financial year ended in the calendar year ending 31 December.
<b>A.18</b>	Annual income (AI) for the financial year ended in the calendar year ending 31 December.
<b>A.19</b>	Annual income (AI) for the financial year ended in the calendar year ending 31 December.
<b>B. Market operators</b>	Not applicable.
<b>B. Service companies</b>	Not applicable
<b>B. MTF operators</b>	Not applicable

**4 Annex 1BR [PRA] PRA activity groups, tariff bases and valuation dates**

Part 1

This table shows how the *PRA* links the *PRA-regulated activities* for which a *PRA-authorized person* has *permission* to activity groups (fee-blocks). A *PRA-authorized person* can use the table to identify which fee-blocks it falls into based on its *permission*.

Activity group	Fee payer falls in the activity group if
<b>A.1 Deposit acceptors</b>	its <i>permission</i> includes <i>accepting deposits</i> <b>BUT DOES NOT</b> include either of the following: <i>effecting contracts of insurance;</i> <i>carrying out contracts of insurance.</i>
<b>A.3 Insurers - general</b>	its <i>permission</i> includes one or more of the following: - <i>effecting contracts of insurance;</i> - <i>carrying out contracts of insurance;</i> in respect of <i>specified investments</i> that are: - <i>general insurance contracts;</i> or - <i>long-term insurance contracts other than life policies.</i>
<b>A.4 Insurers - life</b>	its <i>permission</i> includes one or more of the following: - <i>effecting contracts of insurance;</i> - <i>carrying out contracts of insurance;</i> in respect of <i>specified investments</i> including <i>life policies;</i> - <i>entering as provider into a funeral plan contract.</i>
<b>A.5 Managing agents at Lloyd's</b>	its <i>permission</i> includes <i>managing the underwriting capacity of a Lloyd's syndicate as a managing agent at Lloyd's.</i>
<b>A.6 The Society of Lloyd's</b>	it is the <i>Society of Lloyd's.</i>
<b>A.10 Firms dealing as principal</b>	its <i>permission</i> includes <i>dealing in investments as principal;</i> and the <i>PRA</i> has designated <i>dealing in investments as principal</i> a <i>PRA-regulated activity</i> in respect of the <i>firm.</i>

Part 2	
This table sets out the activity groups (fee blocks) in relation to (i) the minimum fee payable to the <i>PRA</i> and (ii) the transitional fee payable to the <i>PRA</i> .	
Activity group	Fee payer falls into the fee-block if
PA.0 <i>PRA</i> minimum fee	(1) it is in at least one of the fee blocks under Part 1; and (2) it is not a <i>UK ISPV</i> .
PT.1 <i>PRA</i> transitional fee	(1) it is in at least one of the fee blocks under Part 1; and (2) it is not: (a) a <i>firm</i> whose only fee payable to the <i>PRA</i> is the PA.0 <i>PRA</i> minimum fee; and/or (b) a <i>UK ISPV</i> .

<p>Part 3</p> <p>This table indicates the tariff base for each fee-block set out in Part 1.</p> <p>The tariff base in this Part is the means by which the <i>PRA</i> measures the amount of business conducted by a <i>PRA-authorised person</i> for the purposes of calculating the annual periodic fees payable to the <i>PRA</i> by that <i>PRA-authorised person</i>.</p>	
Activity Group	Tariff base
<b>A.1</b>	<p><b>MODIFIED ELIGIBLE LIABILITIES</b></p> <p>For <i>banks</i> and <i>building societies</i>:</p> <p>Item B of Form ELS (Note (1)):</p> $(1 + 2 + 3 + 4 + 0.6*5 + 6 - 8 - 9A - 9B - 10A - 10B - 10C - 11A - 11B - 0.6*12) + (1/3)*(F1 + F2 + F3 + F4 + 0.6*F5 + F6 - F8 - F9A - F9B - F10A - F10B - F10C - F11A - F11B - 0.6*F12) - 13M$
	<p>Notes:</p> <p>(1) All references in the above formula are to entries on Form ELS (that is, the Eligible Liabilities Return completed to provide information by <i>banks</i> and <i>building societies</i> to the Bank of England as required by the Bank of England Act 1998).</p> <p>(2) The figures reported on the Form ELS relate to business conducted out of offices in the <i>United Kingdom</i></p>
	<p>For <i>credit unions</i>:</p> <p>Deposits with the <i>credit union</i> (share capital)</p>
	<p>LESS</p> <p>the <i>credit union's</i> bank deposits (investments + cash at bank)</p> <p>Note:</p> <p>Only <i>United Kingdom</i> business is relevant for calculating <i>credit unions'</i> MELs.</p>
<b>A.3</b>	<p><b>GROSS PREMIUM INCOME AND GROSS TECHNICAL LIABILITIES</b></p> <p>For <i>insurers</i>:</p> <p>The amount of <i>premium</i> receivable which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6 in relation to the financial year to which the documents relate</p>

	<p>but disregarding for this purpose such amounts as are not included in the document by reason of a waiver or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>;</p>
	<p>AND the amount of gross technical liabilities (<i>IPRU(INS)</i> Appendix 9.1 - Form 15, line 19) which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6R in relation to the financial year to which the documents relate but disregarding for this purpose such amounts as are not included in the document by reason of a <i>waiver</i> or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>.</p>
	<p>Notes:</p> <p>(1) in the case of either:</p> <p>(a) a <i>pure reinsurer</i> carrying on <i>general insurance business</i> through a <i>branch</i> in the <i>United Kingdom</i>; or</p> <p>(b) an <i>insurer</i> whose head office is not in an <i>EEA State</i> carrying on <i>general insurance business</i> through a <i>branch</i> in the <i>United Kingdom</i>; or</p> <p>(c) an <i>EEA-deposit insurer</i>;</p> <p>the amount only includes premiums received and gross technical liabilities held in respect of its <i>United Kingdom</i> business;</p> <p>(2) for a <i>Swiss general insurance company</i>, premiums and gross technical liabilities include those relevant to the operations of the company's <i>United Kingdom branch</i>; and</p> <p>(3) a <i>firm</i> need not include premiums and gross technical liabilities relating to <i>pure protection contracts</i> which it reports, and pays a fee on, in the A.4 activity group.</p>
	<p>For <i>friendly societies</i>:</p> <p>Either:</p> <p>(a) the value of contributions as income under Schedule 7: Part I item 1(a) to the Friendly Societies (Accounts and Related Provisions) Regulations 1994 (SI 1994/1983) (the regulations) for a <i>non-directive friendly society</i>, included within the income and expenditure account; or</p> <p>(b) the value of gross premiums written under Schedule 1: Part I items I.1(a) and II.1.(a) of the regulations for a <i>directive friendly society</i> included within the income and expenditure account.</p>
	<p>Notes:</p> <p>(1) In both (a) and (b) above only <i>premium</i> receivable in</p>

	<p>respect of <i>United Kingdom</i> business are relevant.</p> <p>(2) For <i>UK ISPVs</i> the tariff base is not relevant and a flat fee set out in <i>FEES 4 Annex 2BR</i> is payable.</p>
<p><b>A.4</b></p>	<p><b>ADJUSTED GROSS PREMIUM INCOME AND MATHEMATICAL RESERVES</b> (see <i>FEES 4 Annex 12 G</i>)</p> <p>Amount of new regular <i>premium</i> business (yearly premiums including reassurances ceded but excluding cancellations and reassurances accepted), times ten;</p> <p>Plus</p> <p>amounts of new single <i>premium</i> business (total including reassurances ceded but excluding cancellations and reassurances accepted). Group protection business (life and private health insurance) must be included;</p> <p>Less</p> <p>premiums relating to <i>pension fund management</i>;</p> <p>Less</p> <p><i>premiums</i> relating to Trustee Investment Plans.</p> <p>For each of the above, business transacted through independent practitioners or tied agents (either single or multi-tie) will be divided by two in calculating the adjusted gross premium income;</p> <hr/> <p><b>AND</b></p> <p>the amount of mathematical <i>reserves</i> (<i>IPRU(INS)</i> Appendix 9.1R - Form 14 , Line 11) which must be included in the documents required to be deposited under <i>IPRU(INS)</i> 9.6R in relation to the financial year to which the documents relate but disregarding for this purpose such amounts as are not included in the document by reason of a <i>waiver</i> or an order under section 68 of the Insurance Companies Act 1982 carried forward as an amendment to <i>IPRU(INS)</i> under transitional provisions relating to written concessions in <i>SUP</i>;</p> <p>Less</p> <p>mathematical reserves relating to <i>pension fund management</i>.</p> <p>Less</p> <p>mathematical reserves relating to Trustee Investment Plans.</p> <p>Notes:(1) Only <i>premiums</i> receivable and mathematical reserves held in respect of United Kingdom business are relevant.</p> <p>(2) An <i>insurer</i> must include in its calculation of adjusted gross premium income (AGPI) and mathematical reserves (MR) the value of MR and AGPI relating to all risks ceded to</p>

	<p><i>ISPVs.</i></p> <p>(3) Trustee Investment Plans are the class of <i>contract of insurance</i> specified in Class III of Part II of Schedule 1 to the Regulated Activities Order (Contracts of long-term insurance) and which are invested in pooled funds beneficially owned by the <i>insurer</i> and not earmarked to individual beneficiaries by that <i>insurer</i>.</p>
<b>A.5</b>	<p><b>ACTIVE CAPACITY</b></p> <p>The capacity of the <i>syndicate(s)</i> under management in the year in question. This includes the capacity for <i>syndicate(s)</i> that are not writing new business, but have not been closed off in the year in question.</p>
<b>A.6</b>	Not applicable
<b>A.10</b> (only to the extent that the <i>PRA</i> has designated <i>dealing in investments as principal</i> to be a <i>PRA-regulated activity</i> in respect of the <i>firm</i> )	<p><b>NUMBER OF TRADERS</b></p> <p>Any <i>employee</i> or agent, who:</p> <p>ordinarily acts within the <i>United Kingdom</i> on behalf of an <i>authorised person</i> liable to pay fees to the <i>PRA</i> in its fee-block A.10 (firms dealing as principal); and who, as part of their duties in relation to those activities of the authorised person, commits the <i>firm</i> in market dealings or in transactions in <i>securities</i> or in other <i>specified investments</i> in the course of <i>regulated activities</i>.</p> <p>But not any <i>employees</i> or agents who work solely in the <i>firm's MTF</i> operation.</p> <p>A <i>firm</i> may, as an option, report <i>employees</i> or agents as full-time equivalents (FTE), taking account of any part-time staff. In calculating the FTE, <i>firms</i> must take into account the total hours employees or agents have contracted to work for the <i>firm</i> and not the time employees or agents devote to the <i>dealing in investments as principal</i> functions set out in fee-block A.10. Any figures using the FTE calculation to be recorded to one decimal place, rounded down to the nearest decimal place.</p>

Part 4

This table indicates the tariff base for each fee block set out in Part 2 above

The tariff base in this Part is the means by which the *PRA* measures the amount of business conducted by a *firm* for the purposes of calculating the annual periodic fees payable to the *PRA* by that *firm*.

Activity Group	Tariff base
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PA.0	Not applicable because the minimum fee is a specified amount.
PT.1	The total periodic fees payable as a result of Part 1 of <i>FEES</i> 4 Annex 2BR.

<p>Part 5</p> <p>This table indicates the valuation date for each fee-block. A <i>PRA-authorised person</i> can calculate its tariff data in respect of fees payable to the <i>PRA</i> by applying the tariff bases set out in Part 3 with reference to the valuation dates shown in this table.</p>	
<p>IN THIS TABLE, REFERENCES TO SPECIFIC DATES OR MONTHS ARE REFERENCES TO THE LATEST ONE OCCURRING BEFORE THE START OF THE PERIOD TO WHICH THE FEE APPLIES, UNLESS OTHERWISE SPECIFIED - E.G. FOR 13/14 FEES (1 APRIL 2013 TO 31 MARCH 2014), A REFERENCE TO DECEMBER MEANS DECEMBER 2012.</p>	
<p>Where a <i>firm's</i> tariff data is in a currency other than sterling, it should be converted into sterling at the exchange rate prevailing on the relevant valuation date.</p>	
A.1	<p>For <i>banks</i>:</p> <p>Modified eligible liabilities (MELs), valued at: for a <i>firm</i> which reports monthly, the average of the MELs for October, November and December; for a <i>firm</i> which reports quarterly, the MELs for December.</p> <p>For <i>credit unions</i>:</p> <p>MELs, valued at December or as disclosed by the most recent annual return made prior to that date.</p> <p>For <i>building societies</i>:</p> <p>MELs, valued at the average of the MELs for October, November and December.</p>
A.3	<p>Annual gross <i>premium</i> income (GPI), for the financial year ended in the calendar year ending 31 December.</p> <p>AND</p> <p>Gross technical liabilities (GTL) valued at the end of the financial year ended in the calendar year ending 31 December.</p>
A.4	<p>Adjusted annual gross <i>premium</i> income (AGPI) for the financial year ended in the calendar year ending 31 December.</p> <p>AND</p> <p>Mathematical reserves (MR) valued at the end of the financial year ended in the calendar year ending 31 December.</p>

A.5	Active capacity (AC), in respect of the Underwriting Year (as reported to the <i>Society of Lloyd's</i> ) which is current at the beginning of the period to which the fee relates. [Note: this is the Underwriting Year which is already in progress at the start of the fee period - e.g. for 2004/05 fees, the fee period will begin on 1 April 2004, which is in the 2004 Underwriting Year, so the AC for that Underwriting Year is the relevant measure.]
A.6	Not applicable.
A.10	Number of traders as at 31 December.

Delete the following Annex in its entirety. The deleted text is not shown.

**4 Annex Fee tariff rates, permitted deductions and EEA/Treaty firm modifications for 2R the period from 1 April 2012 to 31 March 2013 [deleted]**

After FEES 4 Annex 2R (deleted) insert the following new Annexes 2AR and 2BR. The text is not underlined.

**4 Annex FCA Fee rates and EEA/Treaty firm modifications for the period from 1 2AR April 2013 to 31 March 2014**

[FCA]

<p>Part 1 This table shows the tariff rates applicable to each of the fee blocks set out in Part 1 of <i>FEES 4 Annex 1AR</i>.</p>	
(1)	For each activity group specified in the table below, the fee is the total of the sums payable for each of the tariff bands applicable to the <i>firm's</i> business, calculated by multiplying the value of the <i>firm's</i> tariff base by the rate applicable to each tranche of the tariff base, as indicated.
(2)	A <i>firm</i> may apply the relevant tariff bases and rates to non- <i>UK</i> business, as well as to its <i>UK</i> business, if:
(a)	it has reasonable grounds for believing that the costs of identifying the <i>firm's UK</i> business separately from its non- <i>UK</i> business in the way described in Part 3 of <i>FEES 4 Annex 1AR</i> are disproportionate to the difference in fees payable; and
(b)	it notifies the <i>FCA</i> in writing at the same time as it provides the information concerned under <i>FEES 4.4</i> (Information on which fees are calculated), or, if earlier, at the time it pays the fees concerned.

(3)	For a <i>firm</i> which has not complied with <i>FEES</i> 4.2.2R (Information on which fees are calculated) for this period:	
(a)	the fee is calculated using (where relevant) the valuation or valuations of business applicable to the previous period, multiplied by the factor of 1.10;	
(b)	an additional fee of £250 is payable, unless the <i>firm</i> is a <i>PRA-authorized person</i> in which case an additional fee of £125 is payable instead; and	
(c)	The minimum total fee (including the administrative fee in (b)) is £430, unless the <i>firm</i> is a <i>PRA-authorized person</i> in which case the total minimum total fee (including the administrative fee in (b)) is £215.	
Activity group	Fee payable	
A.1	Band width (million of Modified Eligible Liabilities (MELs))	Fee (/m or part m of MELs)
		General Periodic fee
	>10 – 140	[tbc]
	>140 – 630	[tbc]
	>630 - 1,580	[tbc]
	>1,580 - 13,400	[tbc]
	>13,400	[tbc]
	The tariff rates in A.1 are not relevant for the <i>permissions</i> relating to <i>operating a dormant account fund</i> . Instead a flat fee of 6,000 is payable in respect of these <i>permissions</i>	
A.2	Band width (No. of mortgages and/or home finance transactions)	Fee (/mortgage)
	>50 – 130	[tbc]
	>130 – 320	[tbc]
	>320 - 4,570	[tbc]
	>4,570 - 37,500	[tbc]
	>37,500	[tbc]

A.3	Gross premium income (GPI)	Periodic fee
	Minimum fee ( )	Not applicable
	Band Width ( million of GPI)	Fee (/m or part m of GPI)
	>0.5 - 10.5	[tbc]
	>10.5 - 30	[tbc]
	>30 - 245	[tbc]
	>245 - 1,900	[tbc]
	>1,900	[tbc]
	PLUS	
	Gross technical liabilities (GTL)	General Periodic fee
	Band Width ( million of GTL)	Fee (/m or part m of GTL)
	>1 - 12.5	[tbc]
	>12.5 - 70	[tbc]
	>70 - 384	[tbc]
	>384 - 3,750	[tbc]
	>3,750	[tbc]
	For <i>UK ISPV's</i> the tariff rates are not relevant and a flat fee of 430 is payable in respect of each <i>FCA</i> financial year (the 12 <i>months</i> ending 31 March).	
A.4	Adjusted annual gross premium income (AGPI)	General Periodic fee
	Band Width ( million of AGPI)	Fee (/m or part m of AGPI)
	>1 - 5	[tbc]
	>5 - 40	[tbc]
	>40 - 260	[tbc]
	>260 - 4,000	[tbc]
	>4,000	[tbc]

	PLUS	
	Mathematical reserves (MR)	General Periodic fee
	Band Width ( million of MR)	Fee (/m or part m of MR)
	>1 - 20	[tbc]
	>20 - 270	[tbc]
	>270 - 7,000	[tbc]
	>7,000 - 45,000	[tbc]
	>45,000	[tbc]
A.5	Band Width ( million of Active Capacity (AC))	Fee (/m or part m of AC)
	>50 - 150	[tbc]
	>150 - 250	[tbc]
	>250 – 500	[tbc]
	>500 - 1,000	[tbc]
	>1,000	[tbc]
A.6	Flat fee	[tbc]
A.7	For class 1(C), (2) and (3) <i>firms</i> :	
	Band Width (million of Funds under Management (FuM))	Fee (/m or part m of FuM)
	>10 - 150	[tbc]
	>150 - 2,800	[tbc]
	>2,800 - 17,500	[tbc]
	>17,500 - 100,000	[tbc]
	>100,000	[tbc]
	For class 1(B) <i>firms</i> : the fee calculated as for class 1(C) <i>firms</i> above, less 15%. For class 1(A) <i>firms</i> : the fee calculated as for class 1(C) <i>firms</i> above, less 50%.	
A.8	This activity group does not apply for this period.	

A.9	Band Width ( million of Gross Income (GI))	Fee (/m or part m of GI)
	>1 - 4.5	[tbc]
	>4.5 – 17	[tbc]
	>17 – 145	[tbc]
	> 145 – 750	[tbc]
	>750	[tbc]
A.10	Band Width (No. of traders)	Fee (/person)
	2 – 3	[tbc]
	4 – 5	[tbc]
	6 – 30	[tbc]
	31 – 180	[tbc]
	>180	[tbc]
	For <i>firms</i> carrying on <i>auction regulation bidding</i> , the fee in A.10 is calculated as above less 20% for each trader that carries on <i>auction regulation bidding</i> but not <i>MiFID business bidding</i> or <i>dealing in investments as principal</i> .	
A.12	Band Width (£ thousands of annual income (AI))	Fee (£/£ thousand or part £ thousand of AI)
	[tbc]	[tbc]
A.13	Band Width (£ thousands of annual income (AI))	Fee (£/£ thousand or part £ thousand of AI)
	[tbc]	[tbc]
A.14	Band Width (£ thousands of annual income (AI))	Fee (£/£ thousand or part £

		thousand of AI)
	[tbc]	[tbc]
A.18	Band Width ( thousands of Annual Income (AI))	Fee (/ thousand or part thousand of AI)
	>100 – 180	[tbc]
	>180 - 1,000	[tbc]
	>1,000 - 12,500	[tbc]
	>12,500 - 50,000	[tbc]
	>50,000	[tbc]
A.19	Band Width ( thousands of Annual Income (AI))	Fee (/ thousand or part thousand of AI)
	>100 – 325	[tbc]
	>325 - 10,000	[tbc]
	>10,000 - 50,750	[tbc]
	>50,750 - 250,000	[tbc]
	>250,000	[tbc]
B. Market operators	[tbc]	-
B. Service companies	Bloomberg LP	[tbc]
	LIFFE Services Ltd	[tbc]
	OMGEO Ltd	[tbc]
	Reuters Ltd	[tbc]
	Swapswire Ltd	[tbc]

B. <i>MTF</i> operators	As set out in <i>FEES</i> 4 Annex 10R (Periodic fees for <i>MTF</i> operators).	
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Part 2		
This table shows the tariff rates applicable to each of the fee blocks set out in Part 2 of <i>FEES</i> 4 Annex 1AR.		
A.0	(1)	[tbc] unless:
		(a) It is a <i>credit union</i> that meets the conditions in (2), in which case the minimum fee payable is as set out in (2);
		(b) it is a <i>non-directive friendly society</i> that falls into the A.3 activity group but not the A.4 activity group and meets the conditions set out in (3)(a), in which case the minimum fee payable is [tbc]; or.
		(c) it is a <i>non-directive friendly society</i> that falls into the A.4 activity group but not the A.3 activity group and meets the conditions in (3)(b), in which case the minimum fee payable is [tbc]; or
		(d) it is a <i>non-directive friendly society</i> that falls into the A.3 and A.4 activity groups and meets the conditions in (3)(a) and (3)(b), in which case the minimum fee payable is [tbc];
		(e) it is also a <i>PRA-authorised person</i> , in which case the minimum fee is 50% of any fee which would otherwise apply under (1)(a) to (1)(d) or (2) .
	(2)	The conditions referred to in (1)(a) are that the <i>credit union</i> has a tariff base (Modified Eligible Liabilities) of:
		(a) 0 to 0.5million, in which case a minimum fee of [tbc] is payable; or
		(b) greater than 0.5million but less than 20 million, in which case a minimum fee of [tbc] is payable.
	(3)	The conditions referred to in (1) are that:
		(a) the <i>non-directive friendly society</i> falls into the A.3 activity group and has, for that activity, 0.5 million or less in gross <i>premium</i> income and holds gross technical liabilities of 1.0 million or less;

	(b)	the <i>non-directive friendly society</i> falls into the A.4 activity group and has, for that activity, written 1.0 million or less in adjusted gross <i>premium</i> income and holds mathematical reserves of 1.0 million or less.
		The figures for gross <i>premium</i> income, gross technical liabilities, adjusted gross <i>premium</i> income and mathematical reserves are the same as used for Part 1 of this Annex.
AP.0		Periodic fees payable under Part 1 multiplied by rate £[tbc]

Part 3	
This table shows the modifications to fee tariffs that apply in respect of the <i>FCA</i> to <i>incoming EEA firms</i> and <i>incoming Treaty firms</i> which have established branches in the UK.	
Activity Group	Percentage deducted from the tariff payable under Part 1 applicable to the <i>firm</i>
A.1	[tbc]
A.3	[tbc]
A.4	[tbc]
A.7	[tbc]
A.9	[tbc]
A.10	In relation to each trader that carries on <i>auction regulation bidding</i> but not <i>MiFID business bidding</i> or <i>dealing in investments as principal</i> , 100%. In relation to all other traders, 0%.
A.12	[tbc]
A.13	[tbc]
A.19	[tbc]
B. <i>MTF</i> operators	Not applicable
AP.0	100%
Note 1	The modifications to fee tariffs payable by an <i>incoming EEA firm</i> or an <i>incoming Treaty firm</i> which has established a branch in the UK

	apply only in relation to the relevant <i>regulated activities</i> of the <i>firm</i> which are <i>passport activities</i> or <i>Treaty activities</i> and which are carried on in the <i>UK</i> .
Note 2	The <i>FCA</i> minimum fee described in Part 2 of <i>FEES 4 Annex 2AR</i> applies in full and the modifications in this Part do not apply to it.

**4 Annex 2BR [PRA] PRA fee rates and EEA/Treaty firm modifications for the period from 1 April 2013 to 28 February 2014**

Part 1	
This table shows the tariff rates applicable to each of the fee blocks set out in Part 1 of <i>FEES 4 Annex 1BR</i> .	
(1)	For each activity group specified in the table below, the fee is the total of the sums payable for each of the tariff bands applicable to the <i>firm's</i> business, calculated by multiplying the value of the <i>firm's</i> tariff base by the rate applicable to each tranche of the tariff base, as indicated.
(2)	A <i>firm</i> may apply the relevant tariff bases and rates to non- <i>UK</i> business, as well as to its <i>UK</i> business, if:
(a)	it has reasonable grounds for believing that the costs of identifying the <i>firm's UK</i> business separately from its non- <i>UK</i> business in the way described in Part 3 of <i>FEES 4 Annex 1BR</i> are disproportionate to the difference in fees payable; and
(b)	it notifies the <i>FCA</i> (acting as the collecting agent of the <i>PRA</i> ) in writing at the same time as it provides the information concerned under <i>FEES 4.4</i> (Information on which fees are calculated), or, if earlier, at the time it pays the fees concerned.
(3)	For a <i>firm</i> which has not complied with <i>FEES 4.4.2R</i> (Information on which fees are calculated) for this period:
(a)	the fee is calculated using (where relevant) the valuation or valuations of business applicable to the previous period, multiplied by the factor of 1.10;
(b)	an additional administrative fee of 125 is payable; and
(c)	the minimum total fee (including the administrative fee in (b)) is 215.
Activity group	Fee payable

A.1	Band width (£ million of Modified Eligible Liabilities (MELs))	Fee (£/£m or part £m of MELs)
		General Periodic fee
	>10 – 140	[tbc]
	>140 – 630	[tbc]
	>630 – 1,580	[tbc]
	>1,580 – 13,400	[tbc]
	>13,400	[tbc]
A.3	Gross premium income (GPI)	General periodic fee
	Minimum fee (£)	[tbc]
	Band Width (£ million of GPI)	Fee (£/£m or part £m of GPI)
	>0.5 – 10.5	[tbc]
	>10.5 – 30	[tbc]
	>30 – 245	[tbc]
	>245 – 1,900	[tbc]
	>1,900	[tbc]
	Plus	
	Gross technical liabilities (GTL)	General Periodic fee
	Band Width (£ million of GTL)	Fee (£/£m or part £m of GTL)
	>1 – 12.5	[tbc]
	>12.5 – 70	[tbc]
	>70 – 384	[tbc]
	>384 – 3,750	[tbc]
	>3,750	[tbc]

	For <i>UK ISPV's</i> the tariff rates are not relevant and a flat fee of [tbc] is payable in respect of each <i>fee year</i> [tbc]	
A.4	Adjusted annual gross premium income (AGPI)	General Periodic fee
	Minimum fee (£)	[tbc]
	Band Width (£ million of AGPI)	Fee (£/£m or part £m of AGPI)
	>1 – 5	[tbc]
	>5 – 40	[tbc]
	>40 – 260	[tbc]
	>260 – 4,000	[tbc]
	>4,000	[tbc]
	PLUS	
	Mathematical reserves (MR)	General Periodic fee
	Minimum fee (£)	[tbc]
	Band Width (£ million of MR)	Fee (£/£m or part £m of MR)
	>1 –20	[tbc]
	>20 – 270	[tbc]
	>270 – 7,000	[tbc]
	>7,000 – 45,000	[tbc]
>45,000	[tbc]	
A.5	Band Width (£ million of Active Capacity (AC))	Fee (£/£m or part £m of AC)
	>50 – 150	[tbc]
	>150 – 250	[tbc]
	>250 – 500	[tbc]

	>500 – 1,000	[tbc]
	>1,000	[tbc]
A.6	Flat fee	[tbc]
A.10	Band Width (No. of traders)	Fee (£/trader)
	2 – 3	[tbc]
	4 – 5	[tbc]
	6 – 30	[tbc]
	31 – 180	[tbc]
	>180	[tbc]

Part 2		
This table sets out the tariff rate applicable to each of the fee blocks set out in Part 2 of <i>FEES 4 Annex 1BR</i>		
PA.0	(1)	The minimum fee payable by any <i>firm</i> referred to in (3) is [tbc] unless:
	(a)	it is a <i>credit union</i> that meets the conditions in (2), in which case the minimum fee payable is as set out in (2); or
	(b)	it is a <i>non-directive friendly society</i> that falls into the A.3 activity group but not the A.4 activity group and meets the conditions set out in (3)(a), in which case the minimum fee payable is [tbc]; or.
	(c)	it is a <i>non-directive friendly society</i> that falls into the A.4 activity group but not the A.3 activity group and meets the conditions in (3)(b), in which case the minimum fee payable is [tbc]; or
	(d)	it is a <i>non-directive friendly society</i> that falls into the A.3 and A.4 activity groups and meets the conditions in (3)(a) and (3)(b), in which case the minimum fee payable is [tbc];
	(2)	The conditions referred to in (1)(a) are that the <i>credit union</i> has a tariff base (Modified Eligible Liabilities) of:
	(a)	0 to 0.5million, in which case a minimum fee of [tbc] is

		payable; or
	(b)	greater than 0.5million but less than 2.0million, in which case a minimum fee of [tbc] is payable.
	(3)	The conditions referred to in (1) are that:
	(a)	the <i>non-directive friendly society</i> falls into the A.3 activity group and has, for that activity, 0.5 million or less in gross <i>premium</i> income and holds gross technical liabilities of 1.0 million or less;
	(b)	the <i>non-directive friendly society</i> falls into the A.4 activity group and has, for that activity, written 1.0 million or less in adjusted gross <i>premium</i> income and holds mathematical reserves of 1.0 million or less.
		The figures for gross <i>premium</i> income, gross technical liabilities, adjusted gross <i>premium</i> income and mathematical reserves are the same as used for Part 1 of this Annex.
PT.1		Periodic fees payable under Part 1 multiplied by rate £[tbc]

Part 3	
This table shows the modifications to fee tariffs that apply to <i>incoming EEA firms</i> and <i>incoming Treaty firms</i> which have established branches in the UK.	
Activity Group	Percentage deducted from the tariff payable under Part 1 applicable to the <i>firm</i>
A.1	50%
A.3	90 %
A.4	90%
Note 1	The modifications to fee tariffs payable by an <i>incoming EEA firm</i> or an <i>incoming Treaty firm</i> which has established a branch in the <i>UK</i> apply only in relation to the relevant regulated activities of the firm which are <i>passport activities</i> or <i>Treaty activities</i> and which are carried on in the <i>UK</i> .
Note 2	The <i>PRA</i> minimum fee described in Part 2 of <i>FEES 4 Annex 2BR</i> applies in full and the modifications in this Part do not apply to it.

Amend the following as shown.

**4 Annex Periodic fees for recognised investment exchanges, recognised clearing houses and recognised auction platforms payable in relation to the period 1 April**

6R 2012 2013 to 31 March 2013 2014

[FCA]

In this Annex
- the term <i>recognised body</i> includes a body which was a recognised investment exchange <del>or a recognised clearing house</del> recognised under the Financial Services Act 1986 and which is a <i>recognised body</i> as a result of Regulation 9 of the <i>Recognition Requirements Regulations</i> .
- the term recognition order includes a recognition order by the <i>FSA</i> under section 37 <del>or 39</del> of the Financial Services Act 1986 or a recognition order made by the Treasury under section 40 of the Financial Services Act 1986 <u>in relation to overseas investment exchanges</u> .

Part 1 – Periodic fees for UK ~~recognised clearing houses and~~ recognised investment exchanges

Name of UK recognised body	Amount payable	Due date
Euroclear UK & Ireland Limited	300,000	30 April 2012
	410,500	1 September 2012
...		
LCH Clearnet Limited	350,000	30 April 2012
	545,000	1 September 2012
...		
European Central Counterparty Limited	177,500	30 April 2012
	203,000	1 September 2012
ICE Clear Europe Limited	270,000	30 April 2012
	416,500	1 September 2012
Chicago Mercantile Exchange Clearing Europe	200,000	30 April 2012
	275,000	1 September 2012
...		
<i>Any other UK recognised</i>	250,000	30 days after the date on

<i>clearing house</i> recognised as such by a <i>recognition order</i> made in the period		which the <i>recognition</i> <i>order</i> is made
--	--	--

...

Part 2 – Periodic fees for overseas recognised bodies

Name of overseas recognised body	Amount payable	Due date
...		
SIS x clear AG	125,000	1 July 2012
Eurex Clearing AG	85,000	1 July 2012
ICE Clear US Inc	85,000	1 July 2012
Chicago Mercantile Exchange (CME) (ROCH)	125,000	1 July 2012
European Multi Lateral Clearing Facility	125,000	1 July 2012
Cassa di Compensazione e Garanzia (CC&G)	85,000	1 July 2012
LCH Clearnet SA	125,000	1 July 2012
...		
Any other <i>overseas</i> <i>clearing house</i> recognised as such by a <i>recognition order</i> made in the period	70,000	30 days after the date on which the <i>recognition</i> <i>order</i> is made

...

**4 Annex 7R Periodic fees in relation to the Listing Rules for the period 1 April 2012 2013 to 31 March 2013 2014**

[FCA]

...

There is deducted from the fee specified in this Annex 1.8% of the fee payable to take into account financial penalties received by the *FSA* under section 91 of the *Act* in the previous financial year.

...

**4 Annex 8R** Periodic fees in relation to the disclosure rules and transparency rules for the period 1 April ~~2012~~ 2013 to 31 March ~~2013~~ 2014

[FCA]

...

~~There is deducted from the fee specified in this Annex 1.8% of the fee payable to take into account financial penalties received by the FSA under section 91 of the Act in the previous financial year.~~

...

**4 Annex 9R** Periodic fees in respect of securities derivatives for the period 1 April ~~2012~~ 2013 to 31 March ~~2013~~ 2014

[FCA]

Part 1

This table shows the fee amount application to *firms* and *market operators* in respect of certain *securities derivatives*.

...

~~The fee shown in the table below for *firms* (but not *market operators*) will be subject to a deduction of 1.2% if that fee were a periodic fee charged under FEES 4.3.3R, and the deduction were a deduction set out in Part 2 of FEES 4 Annex 2R.~~

...

...

**4 Annex 10R** Periodic fees for MTF operators payable in relation to the period 1 April ~~2012~~ 2013 to 31 March ~~2013~~ 2014

[FCA]

...

~~There is deducted from the fee specified in this Annex 9.3% of the fee payable to take into account financial penalties received by the FSA under section 66, 123 and 206 of the Act in the previous financial year.~~

**4 Annex 11R** Periodic fees in respect of payment services carried on by fee-paying payment services providers under the Payment Services Regulations and electronic money issuers under the Electronic Money Regulations and issuance of regulated covered bonds by issuers in relation to the period 1 April ~~2012~~ 2013 to 31 March ~~2013~~ 2014

[FCA]

...

~~Part 6— Permitted deductions for financial penalties pursuant to regulation 85 of the *Payment Services Regulations*, regulation 51 of the *Electronic Money Regulations* and regulation 34 of the *RCB Regulations*, as applicable~~

~~Fee-paying payment services providers, fee-paying electronic money issuers and issuers of regulated covered bonds may make deductions provide for in this Part.~~

<b>Activity group</b>	<b>Nature of deduction</b>	<b>Amount of deduction</b>
G.2	Financial penalties received	0.0%
G.3	Financial penalties received	0.0%
G.4	Financial penalties received	0.0%
G.5	Financial penalties received	0.0%
G.10	Financial penalties received	0.0%
G.11	Financial penalties received	0.0%
G.15	Financial penalties received	0.0%

**4 Annex 11AR Definition of annual income for the purposes of calculating fees in fee-blocks A.12, A.13 and A.14**

[FCA]

Annual income
<p>"Annual income" is an amount equal to the net amount retained by the <i>firm</i> of all income due to the firm in respect of, or in relation to, the provision in the <i>UK</i> of the <i>regulated activities</i> specified in <del>FEES 4 Annex 1R, Part 1</del> <u>Annex 1AR Part 1</u> as belonging to fee-blocks A.12, A.13 and A.14.</p> <p>For the purposes of calculating annual income, 'net amount retained' means:</p> <p>(a) all brokerages, <i>commissions</i>, <i>fees</i>, and other related income (for example, administration <i>charges</i>, overrides, profit shares etc) due to the <i>firm</i> in respect of, or in relation to, the provision in the <i>UK</i> of the <i>regulated activities</i> specified in <del>FEES 4 Annex 1R, Part 1</del> <u>Annex 1AR Part 1</u> as belonging to fee-blocks A.12, A.13 or A.14 and which the <i>firm</i> has not rebated to <i>clients</i> or passed on to other <del>authorised firms</del></p>

*authorised firms* (for example, where there is a commission chain).

...

...

**4 Annex 12G Guidance on the calculation of tariffs set out in FEES 4 Annex 1 R Part 2 Annex 1AR Part 3**

[FCA/  
PRA]

...

Table 2: Fee-blocks A.12, A.13 and A.14

Calculating and apportioning annual income – FEES 4 Annex 11A R
Calculating annual income
<p>(1) Annual income should include all amounts due to the <i>firm</i> arising out of the <i>regulated activities</i> referred to in fee-blocks A.12, A.13 and A.14 for which the <i>firm</i> holds <del>permission</del> <i>permission</i>, including regulate <i>charges</i> and instalments due to the <i>firm</i> during the reporting year.</p> <p>The <i>firm</i> should refer to the fee-block definitions in <i>FEES 4 Annex 1R Annex 1AR</i>, Part 1 to decide which particular income streams should be taken into account when calculating its annual income for the purposes of fee-blocks A.12, A.13 and A.14.</p> <p>...</p>
Apportioning income
<p>...</p> <p>(7) It is for the individual <i>firms</i> to determine how they should calculate the appropriate split of income. The <del>FSA</del> <i>FCA</i> is not prescriptive about the methodology. It requires only that:</p> <p>(a) the approach should be proportionate – the <del>FSA</del> <i>FCA</i> is looking for <i>firms</i> to make their best efforts to estimate the split.</p> <p>...</p>

...

**5 Financial Ombudsman Service Funding**

...

**5.4 Information requirement**

5.4.1 R ...

[FCA]

- (4) For the purposes of *FEES 5.4.1R*, references to *relevant business* for a *firm* which falls in *industry block 16* or *17* and which so elects under

*FEES 5 Annex 1R*, are references to the *firm's* total amount of annual income reported in accordance with ~~Part 2 of *FEES 4 Annex 1R*~~ Part 3 of *FEES 4 Annex 1AR*.

- (5) If a *firm* does not submit a complete statement by the date on which it is due in accordance with this *rule* and any prescribed submission procedures:
- (a) the *firm* must pay an administrative fee of 250 (but not if it is already subject to an administrative fee under ~~*FEES 4 Annex 2R*~~, ~~Part 1 *FEES 4 Annex 2AR*~~, Part 1 or *FEES 6.5.16R* for the same *financial year*); and

...

...

**5 Annex 1R Annual General Levy Payable in Relation to the Compulsory Jurisdiction for 2012/13 2013/14**

[FCA]

...

Notes

4	...
5	The <i>industry blocks</i> in the table are based on the equivalent activity groups set out in Part 1 of <del><i>FEES 4 Annex 1R</i></del> <u><i>FEES 4 Annex 1AR</i></u> and Part 2A of <i>FEES Annex 11R</i>
6	Where the tariff base in the table is defined in similar terms as that for the equivalent activity group in <del>Part 2 of <i>FEES 4 Annex 1R</i></del> <u>Part 3 of <i>FEES 4 Annex 1AR</i></u> or Part 3 of <i>FEES 4 Annex 11R</i> , it must be calculated in the same way as that tariff base – taking into account only the <i>firm's relevant business</i> .
...	

...

**6. Financial Services Compensation Scheme Funding**

...

**6.4 Management expenses**

...

Base costs levy

- 6.4.5 R Subject to *FEES 6.3.22R*, the *FSCS* must calculate a *participant firm's* share of

[FCA/  
PRA]

a *base cost levy* by:

- (1) identifying the *base costs* which the *FSCS* has incurred, or expects to incur, in the relevant financial year of the *compensation scheme*, but has not levied; and
  - (a) allocating 50% of those *base costs* as the sum to be levied on participants in activity groups A.1, A.3, A.4, A.5 and A.6 (as listed in *FEES 4 Annex 1R Annex 1BR*); and
  - (b) allocating 50% of those *base costs* as the sum to be levied on participants in all the activity groups listed in *FEES 4 Annex 1R Annex 1AR*;

...

...

## 6.5 Compensation costs

...

Reporting requirements

6.5.16  
[FCA/  
PRA]

R If a *participant firm* does not submit a complete statement by the date on which it is due in accordance with *FEES 6.5.13R* and any prescribed submission procedures:

- (1) the *firm* must pay an administrative fee of £250 (but not if it is already subject to an administrative fee under *FEES 4 Annex 2 Part 1 Annex 2AR, Part 1* or *FEES 5.4.1R* for the same financial year); and

...

...

## 6 Annex 3R Financial Services Compensation Scheme - classes

[FCA/  
PRA]

This table belongs to *FEES 6.5.7R*

...

Class B	General Insurance
Class B1	General Insurance Provision
...	
Tariff base	Class B1: <i>Relevant net premium income</i> and eligible gross technical liabilities. The levy is split into two in the ratio 75:25. The tariff base

	<p>for the first portion (75%) is calculated by reference to <i>relevant net premium income</i>. The tariff base for the second portion (25%) is based on eligible gross technical liabilities.</p> <p>Eligible gross technical liabilities are calculated in accordance with the method for calculating gross technical liabilities in fee block A3 in <del>part 2 of FEES 4 Annex 1R</del> <u>Part 3 of FEES 4 Annex 1BR</u> with the following adjustments.</p> <p>...</p> <p>(4) None of the notes for the calculation of fees in fee block A3 in <del>part 2 of FEES 4 Annex 1R</del> <u>Part 3 of FEES 4 Annex 1BR</u> apply except for the purposes of (2).</p> <p>...</p>
...	
Class C	Life and Pensions
...	
Tariff base	<p>Class C1: <i>Relevant net premium income</i> and eligible mathematical reserves. The levy is split into two in the ratio 75:25. The tariff base for the first portion (75%) is calculated by reference to <i>relevant net premium income</i>. The tariff base for the second portion (25%) is based on mathematical reserves.</p> <p>Eligible mathematical reserves are calculated in accordance with the method for calculating mathematical reserves in fee block A4 in <del>part 2 of FEES 4 Annex 1R</del> <u>Part 3 of FEES 4 Annex 1BR</u> with the following adjustments.</p> <p>...</p> <p>(4) None of the notes for the calculation of fees in fee block A4 in <del>part 2 of FEES 4 Annex 1R</del> <u>Part 3 of FEES 4 Annex 1BR</u> apply except for the purposes of (2).</p> <p>....</p> <p>(7) The provisions relating to pension fund management business in <del>Part 2 of FEES 4 Annex 1R</del> <u>Part 3 of FEES 4 Annex 1AR</u> do not apply. A <i>firm</i> undertaking such business that does not carry out any other activities within <i>class C1</i> (ignoring any activities that would have a wholly insignificant effect on the calculation of its tariff base for <i>Class C1</i>) must use its Long-term insurance capital requirement instead of gross technical liabilities. The Long-term insurance capital requirement means the amount that it is required to show as its Long-term insurance capital requirement in Form 2 Line 31 (Statement of solvency - Long-term insurance business) in relation to the most recent financial year of the <i>firm</i> (as at the applicable reporting date under <i>FEES 6.5.13R</i>) for which the <i>firm</i> is required to have reported that information to the <i>PRA</i>.</p>

	...
...	

...

## 6 Annex 4G Guidance on the calculation of tariff bases

### 4G

[FCA/  
PRA]

This table belongs to *FEES* 6.5.8G

Calculation of annual eligible income for firms in class D1 who carry out discretionary fund management and are in FCA fee block A7.		
...		
Calculation of annual eligible income for firms in sub-class D1 who carry out activities within <i>FCA</i> fee block A9		
2.1	G	The calculation of income in respect of activities falling into <i>class</i> D1 and <i>FCA</i> fee block A9 should be based on the tariff base provision for that fee block (in <del>Part 2 of <i>FEES</i> 4 Annex 1R</del> Part 3 of <i>FEES</i> 4 Annex 1AR). It should be adjusted so as to exclude income that is not attributable to business conducted with or for the benefit of <i>eligible claimants</i> , unless the <i>firm</i> chooses to include such income.

...

## 7 CFEB Levies

...

### 7.2 The CFEB levy

...

7.2.2 R The *CFEB* levy is calculated as follows:

[FCA]

- (1) identify each of the activity groups set out in Part 1 of *FEES* 7 Annex 1R that apply to the business of the *firm* for the relevant period (for this purpose, the activity groups are defined in accordance with Part 1 of ~~*FEES* 4 Annex 1R~~ Annex 1AR);

...

7.2.3 R The amount payable by a *firm* with respect to a particular activity group is calculated as follows:

[FCA]

- (1) calculate the size of the *firm's* tariff base for that activity group using the tariff base calculations in ~~Part 2 of *FEES* 4 Annex 1R~~ Part 3 of *FEES* 4 Annex 1AR and Part 3 of *FEES* 4 Annex 11R and the valuation date requirements in ~~Part 3 of *FEES* 4 Annex 1R~~ Part 5 of *FEES* 4 Annex 1AR and Part 3 of *FEES* 4 Annex 11R;

...

7.2.4 R For the purposes of *FEES* 7.2.3R:

[FCA]

- (1) a *firm* may apply the relevant tariff bases and rates to its non-UK business, as well as to its UK business, if:
- (a) it has reasonable grounds for believing that the costs of identifying the *firm's* UK business separately from its non-UK business in the way described in ~~Part 2 of *FEES* 4 Annex 1R~~ Part 3 of *FEES* 4 Annex 1AR and Part 1 of *FEES* 4 Annex 11R are disproportionate to the difference in fees payable; and

...

...

7.2.5 R The modifications in Part 3 of *FEES* 4 ~~Annex 2R~~ Annex 2AR and Part 7 of *FEES* 4 Annex 11R apply.

[FCA]

...

7.2.9 R Table of rules in *FEES* 4 that also apply to *FEES* 7 to the extent that in *FEES* 4 they apply to fees payable to the FCA

[FCA]

...

...

7.2.10 G References in a *FEES* 4 rule incorporated into *FEES* 7 by cross-reference to a periodic fee should be read as being the *CFEB* levy. References in a *FEES* 4 rule incorporated into *FEES* 7 to *market operators, service companies, MTF operators, investment exchanges, clearing houses, or designated professional bodies* or ~~Solvency 2 Implementation fees, Solvency 2 Implementation Flat fees, Solvency 2 Special Project fees and Solvency 2 Special Project Flat fees~~ should be disregarded.

[FCA]

...

7.2.12 R Table of *FEES* 4 rules that correspond to *FEES* 7 rules

[FCA]

FEES 4 rules	Corresponding Fees 7 rules
...	
Part 1 of <i>FEES</i> 4 <del>Annex 2R</del> <u>Annex 2AR</u>	Part 1 of <i>FEES</i> 7 Annex 1R
...	

...

**7 Annex 1R CFEB levies for the period from 1 April 2012 2013 to 31 March 2013 2014**

[FCA] This table shows the *CFEB levy* applicable to each activity group (fee-block)

Activity Group	<i>CFEB levy payable</i>	
...		
A.7	For class 1(C), (2) and (3) firms:	
	...	
	Class 1(A), (B) and (C) firms are defined in <del>FEES 4 Annex 1R</del> <u>FEES 4 Annex 1AR</u>	
...		

...

**TP 7 Transitional provisions relating to changes to the FSCS levy arrangements taking effect in 2013/14**

7.1 R As at 31 March 2013, the *FSCS* must:

[FCA/  
PRA]

- (1) allocate any surplus or deficit in the balance of an *FSA* activity group in respect of *base costs*, as listed in ~~FEES 4 Annex 1R~~ to the account of ~~that the corresponding FCA~~ activity group as listed in FEES 4 Annex 1AR as at 1 April 2013; and

...

...

After TP 7 insert the following new transitional provisions TP 8. The text is not underlined

**TP 8 Transitional provisions relating to FEES 3 Annex 9R and FEES 4.3.6R taking effect in 2013/14**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
<b>8.1</b>	<b>Special project fee transitional provisions</b>				

<p>8.1.1 [FCA/ PRA]</p>	<p><i>FEES 3</i> Annex 9R</p>	<p>R</p>	<p>This <i>rule</i> relates to a special project fee or part of a special project fee which has the following characteristics:</p> <p>(1) one or more of the events described in <i>FEES 3 Annex 9R(2)</i> or (6) had occurred before 1 April 2013; and</p> <p>(2) <i>FSA</i> employees conducted regulatory work which had been recorded on the <i>FSA</i>'s systems and/or the <i>FSA</i> was invoiced fees and disbursements as a consequence of the applicable event or events referred to in <i>FEES 3 Annex 9R(2)</i> or (6) before 1 April 2013.</p> <p>(3) Hours or part hours worked by <i>FSA</i> staff and any fees or disbursements invoiced to the <i>FSA</i> of the kind described in <i>FEES 3 Annex 9R(9)</i> which were not accounted for in an invoice issued by the <i>FSA</i> prior to 31 March 2013 shall be named "pre-LCO accrued costs" in <i>FEES TP 8.1</i>.</p>	<p>From 1 April 2013 indefinitely</p>	<p>1 April 2013</p>
<p>8.1.2 [FCA/ PRA]</p>	<p><i>FEES 3</i> Annex 9R</p>	<p>R</p>	<p>In relation to the kind of special project fee specified in <i>FEES TP 8.1.1R</i>,</p> <p>(a) where one of the events referred to in <i>FEES 3 Annex 9R(6)(a)</i> had occurred, any pre-LCO accrued costs shall be included in the calculation of any amount payable to the <i>FCA</i> under <i>FEES 3 Annex 9R(9)</i>;</p> <p>(b) a special project fee is payable to the <i>FCA</i> regardless of whether the amount calculated according to <i>FEES 3 Annex 9R</i> for the <i>FCA</i> is less than £50,000; and</p> <p>(c) no special project fee is payable</p>	<p>From 1 April 2013 indefinitely</p>	<p>1 April 2013</p>

			if the sum total of adding together (i) the amount calculated in accordance with <i>FEES</i> 3 Annex 9R(9) in respect of the <i>FCA</i> and (ii) the total costs invoiced by the <i>FSA</i> before 1 April 2013 results in a total amount of less than £50,000.		
8.1.3 [FCA/ PRA]	<i>FEES</i> 3 Annex 9R	R	<p>In relation to the kind of special project fee specified in <i>FEES</i> TP 8.1.1R, where one of the events referred to in <i>FEES</i> 3 Annex 9R(2) or (9)(b) had occurred:</p> <p>(a) 50% of the pre-LCO accrued costs shall be included in the calculation of any amount payable to the <i>FCA</i> under <i>FEES</i> 3 Annex 9R(9);</p> <p>(b) 50% of the pre-LCO accrued costs shall be included in the calculation of any amount payable to the <i>PRA</i> under <i>FEES</i> 3 Annex 9R(9);</p> <p>(c) a special project fee is payable to the <i>appropriate regulator</i> regardless of whether the amount calculated according to <i>FEES</i> 3 Annex 9R for the <i>appropriate regulator</i> is less than £50,000; and</p> <p>(d) no special project fee is payable if the sum total of adding together (i) the amount calculated in accordance with <i>FEES</i> 3 Annex 9R(9) in respect of the <i>FCA</i>, (ii) the amount calculated in accordance with <i>FEES</i> 3 Annex 9R(9) in respect of the <i>PRA</i> and (iii) the total costs invoiced by the <i>FSA</i> before 1 April 2013 results in a total amount of less than £50,000.</p>	From 1 April 2013 indefinitely	1 April 2013
8.1.4 [FCA/ PRA]	<i>FEES</i> 3 Annex 9R	G	As a result of <i>FEES</i> TP 8.1.3R, pre-LCO accrued costs may give rise to two separate fee payment obligations following 1 April 2013, one in respect of the <i>FCA</i> and one	From 1 April 2013 indefinitely	1 April 2013

			in respect of the <i>PRA</i> if the threshold in <i>FEES</i> TP 8.1.3(d) is breached.		
8.1.5 [FCA/ PRA]	<i>FEES</i> 3 Annex 9R	G	<p>(1) This <i>guidance</i> gives examples of how <i>FEES</i> TP 8.1 is intended to operate.</p> <p>(2) If an event specified in <i>FEES</i> 3 Annex 9R(2) occurred on 1 April 2012, the £50,000 threshold was breached on 1 November and the <i>FSA</i> invoiced for the full amount outstanding as at 1 December 2012 but issued no further invoices, any accrued hours or part hours and fees or disbursements invoiced to the <i>FSA</i> between 1 December 2012 and 1 April 2013 will be divided equally between the <i>FCA</i> and the <i>PRA</i> and an amount would be payable to the <i>FCA</i> and the <i>PRA</i> as separate fees regardless of whether the separate thresholds contained in <i>FEES</i> 3 Annex 9R(8) are met as long as the combined <i>FSA</i>, <i>FCA</i> and <i>PRA</i> costs incurred exceeded £50,000.</p> <p>(3) If an event specified in <i>FEES</i> 3 Annex 9R(6)(a) occurred on 1 February 2013, the <i>FSA</i> had begun the relevant regulatory work but had yet issued any invoices or breached the 50,000 floor before 1 April 2013, the accrued hours and disbursements will be allocated towards the <i>FCA</i>'s fee calculation.</p>	From 1 April 2013 indefinitely	1 April 2013
<b>8.2</b>	<b>On account fee transitional provisions</b>				
8.2.1 [FCA/ PRA]	<i>FEES</i> 4.3.6R(1) and (1A)	R	For the 2013/2014 <i>fee year</i> , “previous <i>fee year</i> ” is replaced by “ <i>FSA</i> financial year for 2012/2013” and “periodic fee” is replaced by “periodic fee payable to the <i>FSA</i> ”.	1 April 2013 until 31 March 2014	1 April 2013
8.2.2 [FCA/ PRA]	<i>FEES</i> 4.3.6R (1)(a) and (1A)(a)	R	For the 2013/2014 <i>fee year</i> , “ <i>FCA</i> periodic fee” and “ <i>PRA</i> periodic fee”, as applicable, is replaced by “ <i>FSA</i> periodic fee” and “previous <i>fee year</i> ” is replaced by “ <i>FSA</i>	1 April 2013 until 31 March 2014	1 April 2013

			financial year for 2012/2013.”		
8.2.3 [FCA/ PRA]	FEES 4.3.6R (1)(a)	R	For the 2013/2014 <i>fee year</i> , in relation to <i>PRA-authorised persons</i> only, “50%” is replaced by “23.5%”.	1 April 2013 until 31 March 2014	1 April 2013
8.2.4 [FCA/ PRA]	FEES 4.3.6R (1A)(a)	R	For the 2013/2014 <i>fee year</i> , “50%” is replaced by “26.5%”.	1 April 2013 until 31 March 2014	1 April 2013
8.2.5 [FCA/ PRA]	FEES 4.3.6R	R	<i>Firms, regulated covered bonds issuers, designated professional bodies and recognised investment exchanges</i> which, prior to 1 April 2013, paid to the <i>FSA</i> an amount equal to 50% of the <i>FSA</i> periodic fee payable in respect of the <i>FSA</i> financial year for 2012/2013 are not required to pay any amounts due under rules (1)(a) or (1A)(a). Rules (1)(b) and (1A)(b) will apply to these <i>firms, regulated covered bond issuers, designated professional bodies and recognised investment exchanges</i> as if they had discharged their obligations under rules (1)(a) and (1A)(a).	1 April 2013 until 31 March 2014	1 April 2013
8.2.6 [FCA/ PRA]	FEES 4.3.6R	G	For <i>fee year</i> 2013/2014, invoices containing the total amount of regulatory fees required to be paid to the <i>FCA</i> and, if applicable, the <i>PRA</i> by 30 April 2013 were issued by the <i>FSA</i> prior to 1 April 2013. The amounts contained in those invoices should be treated as the amounts owing to the <i>FCA</i> and <i>PRA</i> under <i>FEES</i> 4.3.6R(1)(a) and (1A)(a).	1 April 2013 until 31 March 2014	1 April 2013

Annex C

Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

**16 Annex 18AR Retail Mediation Activities Return (“RMAR”)**

[FCA]

...

SECTION J: data required for calculation of fees

	<del>FSA</del> <u>FCA</u> Annual Regulated Income (£s)	FOS Relevant Annual Income (£s)	FSCS Annual Eligible Income (£s)
Home finance mediation	<del>FEES 4 Annex 1R</del> <u>Part 2 Annex 1AR</u> Part 3 fee-block A18	...	...
Non-investment insurance mediation	<del>FEES 4 Annex 1R</del> <u>Part 2 Annex 1AR</u> Part 3 fee-block A19	...	...
Life and pensions mediation	...	...	...
...			

...

**16 Annex 18BG Notes for completion of the Retail Mediation Activities Return (“RMAR”)**

[FCA]

...

Section J: data required for calculation of fees

...

Data for fees calculations	<i>Firms will need to report data for the purposes of calculation <del>FSA</del> <u>FCA</u>, FOS and FSCS levies</i>
<del>FSA</del> <u>FCA</u>	The relevant information required is the tariff data set out in

	<del>FEES 4 Annex 1R Part 2 Annex 1AR Part 3</del> under fee-blocks A.12, A.13, A.18 and A.19. Note that <i>firms</i> are required to report tariff data information relating to all business falling within fee blocks A.12, A.13, A.18 and A.19 and not simply that relating to retail investments.
...	

...

The *guidance* in the following table sets out the *rules* which relate to the data required in Section J of SUP 16 Annex 18AR.

	<del>FSA</del> <b>FCA</b> Annual Regulated Income (£s)	<b>FOS</b> Relevant Annual Income (£s)	<b>FSCS</b> Annual Eligible Income (£s)
Home finance mediation	<del>FEES 4 Annex 1R Part 2 Annex 1AR Part 3</del> fee-block A18	...	...
Non-investment insurance mediation	<del>FEES 4 Annex 1R Part 2 Annex 1AR Part 3</del> fee-block A19	...	...
Life and pensions mediation	...	...	...
...			

...

**Annex D**

**Amendments to the Credit Unions New sourcebook (CREDS)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**Schedule 3 Fees and other required payments**

...

3.2  
[FCA/  
PRA]

G

Description of fee	Reference
...	
Schedule of periodic fees payable	<del>FEES 4 Annex 2R Part 1</del> <u>FEES 4 Annex 2AR Part 1 and FEES 4 Annex 2BR Part 1</u>
...	

...

**LEGAL CUTOVER (APPROVED PERSONS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance, directions, statements of principle and codes of practice.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- F. The Financial Conduct Authority and the Prudential Regulation Authority wish to replace chapter 10 of the Supervision Manual in the Handbook and so that chapter is not being designated by either of them and will cease to have effect on the 1 April 2013. It will be replaced by a new Chapter 10A in the case of the Financial Conduct Authority and a new Chapter 10B in the case of the Prudential Regulation Authority.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;

- (8) “Handbook” means the Authority’s Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority’s Handbook website at 11h59 pm on 27 February 2013;
- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority under paragraph 2; and
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority Limited under paragraph 14 and excludes any Relevant Instrument falling within paragraph 15.

#### **Designation of rules etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority designates the guidance, statements of principle and codes of practice, set out in each FSA Instrument (or part of such instrument) by which the Authority made, issued, gave, imposed or amended each part or provision of the Handbook, identified as:
  - (1) “Designated” in Column 2 of Annex A to this Instrument; and
  - (2) “FCA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 3 As required by Article 3(1)(c) and (d) of the Designation Order, the Financial Conduct Authority specifies that:
  - (1) The FCA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
  - (2) The FCA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 3 of Schedule A to this Instrument; and
  - (3) The FCA Relevant instruments collectively are treated as made, issued, given or imposed by the Financial Conduct Authority under the corresponding provisions set out in column 2 of Parts 1 to 3 of Schedule A to this Instrument.
- 4 In accordance with Article 2(2)(a) of the Designation Order, each FCA Relevant Instrument is treated as having been made, issued, given or imposed by the Financial Conduct Authority.

#### **Modification and amendment of rules etc. by the Financial Conduct Authority**

- 5 The Financial Conduct Authority:
  - (1) in accordance with Article 3(1) of the Designation Order, modifies each FCA Relevant Instrument (or part of such instrument); and

- (2) in accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9 and to the extent not covered by paragraph 5(1) of this Instrument, amends each FCA Relevant Instrument (or part thereof);

as specified in Annex E to this Instrument, except for those provisions dealt with by paragraph 6 of this Instrument.

### **Rules etc. made, given or amended by the Financial Conduct Authority**

- 6 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, or imposes each provision in Annex E to this Instrument that meets all of the conditions in paragraph 7.
- 7 The conditions referred to in paragraph 6 are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument; and
  - (2) Identified as “FCA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.
- 8 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9, the Financial Conduct Authority makes, issues, gives, or imposes:
- (1) each provision in Annex B to this Instrument; and
  - (2) each provision in Annex D to this Instrument identified as “FCA” or “FCA/PRA” in that Annex.
- 9 The Financial Conduct Authority makes, issues, gives amends or imposes the provisions in paragraphs 5(2), 6 and 8 in exercise of the following powers and related provisions (which are powers and related provisions of the 2000 Act, as amended by the 2012 Act, unless otherwise stated):
- (1) Section 59 (Approval for particular arrangements);
  - (2) Section 60 (Applications for approval);
  - (3) Section 64 (Conduct: statements and codes);
  - (4) Section 137A (The FCA’s general rules);
  - (5) Section 137T (General supplementary powers);
  - (6) Article 13 of the Financial Services Act 2012 (Transitional Provisions) (Permission and Approval) Order 2013; and
  - (7) Section 139A (Power of the FCA to give guidance).
- 10 The rule-making powers in paragraph 9 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

### **Commencement: Financial Conduct Authority**

- 11 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the designation (in paragraph 2) and the modification (in paragraph 5(1)) of each FCA Relevant Instrument comes into effect on the 1 April 2013.
- 12 The Financial Conduct Authority directs that paragraphs 5(2) and 6 of this Instrument come into force immediately after the coming into force of the designations in paragraph 2 and the modifications in paragraph 5(1).

13 The Financial Conduct Authority directs that paragraphs 5(2), 6 and 8 of this Instrument come into force on the 1 April 2013..

**Designation of rules etc. by the Prudential Regulation Authority**

14 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority designates the statements of principle and codes of practice, set out in each FSA Instrument (or part of such instrument) by which the Authority made, gave or amended the part or provision of the Handbook identified as:

- (1) “Designated” in Column 2 of Annex A to this Instrument; and
- (2) “PRA” or “FCA/PRA” in Column 3 of Annex A to this Instrument.

15 The designation by the Prudential Regulation Authority in paragraph 14 excludes any provision designated as guidance in an FSA Instrument.

16 As required by Article 3(1)(c) and (d) of the Designation Order, the Prudential Regulation Authority specifies that:

- (1) The PRA Relevant Instruments were made, issued, given or imposed by the Authority under the provisions set out in the relevant FSA Instrument;
- (2) The PRA Relevant Instruments collectively were made, issued, given or imposed by the Authority under the provisions set out in column 1 of Parts 1 to 3 of Schedule A to this Instrument; and
- (3) The PRA Relevant instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 3 of Parts 1 to 3 of Schedule A to this Instrument.

17 In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.

**Modification and amendment of rules etc. by the Prudential Regulation Authority**

18 The Prudential Regulation Authority:

- (1) in accordance with Article 3(1) of the Designation Order, modifies each PRA Relevant Instrument (or part of such instrument); and
- (2) in accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 9 and to the extent not covered by paragraph 23(1) of this Instrument, amends each PRA Relevant Instrument (or part thereof);

as specified in Annex E to this Instrument, except for those provisions dealt with by paragraph 19 of this Instrument.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

19 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 21(1), the Prudential Regulation

Authority makes, issues, gives, or imposes each provision in Annex E to this Instrument that meets all of the conditions in paragraph 20.

- 20 The conditions referred to in paragraph 19 are that a provision is:
- (1) Identified as “Made” in Column 2 of Annex A to this Instrument;
  - (2) Identified as “PRA” or “FCA/PRA” in Column 3 of Annex A to this Instrument; and
  - (3) Not identified as guidance in Column 1 of Annex A to this Instrument.
- 21 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph(1), the Prudential Regulation Authority makes, issues, gives, or imposes:
- (1) each provision in Annex C to this Instrument; and
  - (2) each provision in Annex D to this Instrument identified as “PRA” or “FCA/PRA” in that Annex;  
except for any provision identified as guidance in the relevant Annex.
- 22 The Prudential Regulation Authority makes, gives, issues, amends or imposes the provisions in paragraphs 18(2), 19 and 21 in exercise of the following powers and related provisions (which are powers and related provisions of the 2000 Act, as amended by the 2012 Act, unless otherwise stated):
- (1) Section 59 (Approval for particular arrangements);
  - (2) Section 60 (Applications for approval);
  - (3) Section 64 (Conduct: statements and codes);
  - (4) Section 137G (The PRA’s general rules);
  - (5) Section 137T (General supplementary powers);
  - (6) Section 138D (Actions for damages); and
  - (7) Article 13 of the Financial Services Act 2012 (Transitional Provisions) (Permission and Approval) Order 2013.
- 23 The rule-making powers in paragraph 21(1) are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 24 The Prudential Regulation Authority gives:
- (1) each provision in Annex A to this Instrument identified as “PRA” or “FCA/PRA” in Column 3 of Annex A that is marked with a G in Column 1 of Annex A to this Instrument;
  - (2) each provision in Annex C to this Instrument that is marked (in that Annex) with a G; and
  - (3) each provision in Annex D to this Instrument identified as “PRA” or “FCA/PRA” in Annex D that is marked (in that Annex) with a G;  
as guidance.

**Commencement: Prudential Regulation Authority**

- 25 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation (in paragraph 144) and the modification (in paragraph 188(1)) of each PRA Relevant Instrument comes into effect on the 1 April 2013.
- 26 The Prudential Regulation Authority directs that paragraphs 18(2) and 19 of this Instrument come into force immediately after the coming into force of the designations in paragraph 144 and the modifications in paragraph 18(1).

27 The Prudential Regulation Authority directs that paragraph 18(2), 19 and 21 of this Instrument come into force on the 1 April 2013..

28 The Prudential Regulation Authority directs that:

(1) paragraph 24(1) of this Instrument comes into force at the time specified by paragraph 25 of this Instrument except in the case of provisions identified as “Made” in Column 2 of Annex A to this Instrument, in which case they come into force at the time specified by paragraph 26 of this Instrument; and

(2) paragraphs 24(2) and 24(3) of this Instrument come into force at the time specified by paragraph 25 of this Instrument.

#### **Amendments to the Handbooks**

29 The modules of the FCA’s and PRA’s Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this Instrument listed in column (2).

(1)	(2)
Statements of Principle and Code of Practice for Approved Persons (APER)	Annex B
Supervision manual (SUP)	Annex C

#### **Citation**

30 This Instrument may be cited as the Legal Cutover (Approved Persons) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

**Annex A**

**Designation of the Statements of Principle and Code of Practice for Approved Persons (APER)**

In addition to identifying provisions Designated or Made by this Instrument, Column 2 also identifies, for convenience and without operative effect, those provisions of the Handbook that will no longer have effect after “legal cutover”.

(1)	(2)	(3)
<b>Handbook Provision</b>	<b>Made, designated or no longer in force after legal cutover</b>	<b>Relevant regulator</b>
APER 1.1.1G	No longer in force after legal cutover	
APER 1.1.2G	No longer in force after legal cutover	
APER 1.1.3G	No longer in force after legal cutover	
APER 1.1.4G	No longer in force after legal cutover	
APER 1.1.5G	No longer in force after legal cutover	
APER 1.1A.1P	Made	FCA
APER 1.1A.2P	Made	FCA
APER 1.1A.3G	Made	FCA
APER 1.1A.4G	Made	FCA
APER 1.1A.5G	Made	FCA
APER 1.1A.6G	Made	FCA
APER 1.1A.7G	Made	FCA
APER 1.1A.8G	Made	FCA
APER 1.1A.9G	Made	FCA
APER 1.1A.10E	Made	FCA

APER 1.1A.11G	Made	FCA
APER 1.1B.1P	Made	PRA
APER 1.1B.2P	Made	PRA
APER 1.1B.3G	Made	PRA
APER 1.1B.4G	Made	PRA
APER 1.1B.5G	Made	PRA
APER 1.1B.6G	Made	PRA
APER 1.1B.7G	Made	PRA
APER 1.1B.8G	Made	PRA
APER 1.1B.9G	Made	PRA
APER 1.1B.10E	Made	PRA
APER 1.1B.11G	Made	PRA
APER 1.2.1	No longer in force after legal cutover	
APER 1.2.1AG	Made	FCA
APER 1.2.1BG	Made	PRA
APER 1.2.2G	Designated	FCA/PRA
APER 1.2.3G	Designated	FCA
APER 1.2.3AG	Made	PRA
APER 1.2.4G	No longer in force after legal cutover	
APER 1.2.5G	Designated	FCA
APER 1.2.6G	No longer in force after legal cutover	
APER 1.2.7G	No longer in force after legal cutover	
APER 1.2.8G	No longer in force after legal cutover	

APER 1.2.9G	No longer in force after legal cutover	
GEN 2.1.1G	No longer in force after legal cutover	
APER 2.1.1AP	No longer in force after legal cutover	
APER 2.1.2P	No longer in force after legal cutover	
APER 2.1A.1G	Made	FCA
APER 2.1A.2P	Made	FCA
APER 2.1A.3P	Made	FCA
APER 2.1B.1G	Made	PRA
APER 2.1B.2P	Made	PRA
APER 2.1B.3P	Made	PRA
APER 3.1.1G	No longer in force after legal cutover	
APER 3.1.1AG	Made	FCA
APER 3.1.1BG	Made	PRA
APER 3.1.2G	Designated	FCA/PRA
APER 3.1.3G	Designated	FCA/PRA
APER 3.1.4G	Designated	FCA
APER 3.1.4AG	Made	PRA
APER 3.1.5G	Designated	FCA/PRA
APER 3.1.6G	Designated	FCA/PRA
APER 3.1.7G	No longer in force after legal cutover	
APER 3.1.7AG	Made	FCA
APER 3.1.7BG	Made	PRA
APER 3.1.8G	No longer in force after	

	legal cutover	
APER 3.1.8AG	Made	FCA
APER 3.1.8BG	Made	PRA
APER 3.1.9G	Designated	FCA/PRA
APER 3.2.1E	Designated	FCA/PRA
APER 3.3.1E	Designated	FCA
APER 3.3.2E	Made	PRA
APER 4.1.1G	No longer in force after legal cutover	
APER 4.1.1AG	Made	FCA
APER 4.1.1BG	Made	PRA
APER 4.1.2E	Designated	FCA/PRA
APER 4.1.3E	Designated	FCA/PRA
APER 4.1.4E	Designated	FCA/PRA
APER 4.1.5E	Designated	FCA/PRA
APER 4.1.6E	Designated	FCA/PRA
APER 4.1.7E	Designated	FCA/PRA
APER 4.1.8E	Designated	FCA/PRA
APER 4.1.9E	Designated	FCA/PRA
APER 4.1.10E	Designated	FCA/PRA
APER 4.1.11E	Designated	FCA/PRA
APER 4.1.12E	Designated	FCA/PRA
APER 4.1.13E	Designated	FCA/PRA
APER 4.1.14E	Designated	FCA/PRA
APER 4.1.15E	Designated	FCA/PRA
APER 4.2.1G	No longer in force after legal cutover	

APER 4.2.1AG	Made	FCA
APER 4.2.1BG	Made	PRA
APER 4.2.2E	Designated	FCA/PRA
APER 4.2.2AE	Made	FCA
APER 4.2.3E	Designated	FCA/PRA
APER 4.2.4E	Designated	FCA/PRA
APER 4.2.5E	Designated	FCA/PRA
APER 4.2.6E	Designated	FCA/PRA
APER 4.2.7E	Designated	FCA/PRA
APER 4.2.8E	Designated	FCA/PRA
APER 4.2.9E	Designated	FCA/PRA
APER 4.2.10E	Designated	FCA/PRA
APER 4.2.11E	Designated	FCA/PRA
APER 4.2.12E	Designated	FCA/PRA
APER 4.2.13E	Designated	FCA
APER 4.2.14E	Designated	FCA/PRA
APER 4.3.1G	Designated	FCA/PRA
APER 4.3.2G	No longer in force after legal cutover	
APER 4.3.3E	Designated	FCA
APER 4.3.4E	Designated	FCA
APER 4.4.1G	No longer in force after legal cutover	
APER 4.4.1AG	Made	FCA
APER 4.4.1BG	Made	PRA
APER 4.4.2G	No longer in force after legal cutover	

APER 4.4.2AG	Made	FCA
APER 4.4.2BG	Made	PRA
APER 4.4.3E	Designated	FCA/PRA
APER 4.4.4E	Designated	FCA/PRA
APER 4.4.5G	Designated	FCA/PRA
APER 4.4.6E	Designated	FCA/PRA
APER 4.4.7E	Designated	FCA/PRA
APER 4.4.8E	Designated	FCA/PRA
APER 4.4.9E	Designated	FCA/PRA
APER 4.5.1G	No longer in force after legal cutover	
APER 4.5.1AG	Made	FCA
APER 4.5.1BG	Made	PRA
APER 4.5.2E	Designated	FCA/PRA
APER 4.5.3E	Designated	FCA/PRA
APER 4.5.4E	Designated	FCA/PRA
APER 4.5.5E	Designated	FCA/PRA
APER 4.5.6E	Designated	FCA/PRA
APER 4.5.7E	Designated	FCA/PRA
APER 4.5.8E	Designated	FCA/PRA
APER 4.5.9E	Designated	FCA/PRA
APER 4.5.10G	Designated	FCA/PRA
APER 4.5.11G	Designated	FCA/PRA
APER 4.5.12G	Designated	FCA/PRA
APER 4.5.13G	Designated	FCA/PRA
APER 4.5.13AG	Designated	FCA/PRA

APER 4.5.14G	Designated	FCA/PRA
APER 4.5.15G	Designated	FCA/PRA
APER 4.6.1G	No longer in force after legal cutover	
APER 4.6.1AG	Made	FCA
APER 4.6.1BG	Made	PRA
APER 4.6.2E	Designated	FCA/PRA
APER 4.6.3E	Designated	FCA/PRA
APER 4.6.4E	Designated	FCA/PRA
APER 4.6.5E	Designated	FCA/PRA
APER 4.6.6E	Designated	FCA/PRA
APER 4.6.7E	Designated	FCA/PRA
APER 4.6.8E	Designated	FCA/PRA
APER 4.6.9E	Designated	FCA/PRA
APER 4.6.10E	Designated	FCA/PRA
APER 4.6.11G	Designated	FCA/PRA
APER 4.6.12G	Designated	FCA/PRA
APER 4.6.13G	Designated	FCA/PRA
APER 4.6.14G	Designated	FCA/PRA
APER 4.7.1G	No longer in force after legal cutover	
APER 4.7.1AG	Made	FCA
APER 4.7.1BG	Made	PRA
APER 4.7.2E	Designated	FCA/PRA
APER 4.7.2AE	Made	FCA
APER 4.7.3E	Designated	FCA/PRA
APER 4.7.4E	Designated	FCA/PRA

APER 4.7.5E	Designated	FCA/PRA
APER 4.7.6E	Designated	FCA/PRA
APER 4.7.7E	Designated	FCA/PRA
APER 4.7.8E	Designated	FCA/PRA
APER 4.7.9E	Designated	FCA
APER 4.7.10E	Designated	FCA
APER 4.7.11G	Designated	FCA/PRA
APER 4.7.11AE	Designated	FCA
APER 4.7.12G	Designated	FCA/PRA
APER 4.7.13G	Designated	FCA/PRA
APER 4.7.14G	Designated	FCA/PRA
APER TP 1.1 (Note: marked as a rule in the FSA's Handbook)	Made as guidance	FCA/PRA
APER Sch 1.1G	Designated	FCA/PRA
APER Sch 2.1G	Designated	FCA/PRA
APER Sch 2.2G	Designated	FCA/PRA
APER Sch 2.3G	Designated	FCA
APER Sch 2.4	Made	PRA
APER Sch 3.1	Designated	FCA/PRA
APER Sch 4G	No longer in force after legal cutover	
APER Sch 5.1G	Designated	FCA
APER Sch 6.1G	Designated	FCA/PRA

## Annex B

### New Chapter 10A of the Supervision manual (SUP)

After SUP 10 (deleted) insert the following new section. The text is not underlined.

#### 10A FCA Approved Persons

##### 10A.1 Application

###### General

- 10A.1.1 R This chapter applies to every *firm*.
- 10A.1.2 G This chapter is also relevant to every *FCA-approved person*.
- 10A.1.3 G The *rules* in this chapter specify descriptions of *FCA controlled functions* under section 59 of the *Act* (Approval for particular arrangements).
- 10A.1.4 G The directions in this chapter relate to the manner in which a *firm* must apply for the *FCA's* approval under section 59 of the *Act* and other procedures.

###### Overseas firms: UK services

- 10A.1.5 R This chapter does not apply to an *overseas firm* in relation to *regulated activities* which are carried on in the *United Kingdom* other than from an establishment maintained by it or its *appointed representative* in the *United Kingdom*.

###### Overseas firms: UK establishments

- 10A.1.6 R Only the following *FCA controlled functions* apply to an *overseas firm* which maintains an establishment in the *United Kingdom* from which *regulated activities* are carried on:
- (1) the *director function* where the *person* performing that function:
    - (a) has responsibility for the *regulated activities* of a *UK branch* which are likely to enable him to exercise significant influence over that *branch*; or
    - (b) is someone whose decisions or actions are regularly taken into account by the *governing body* of that *branch*;
  - (2) the *non-executive director function* where the *person* performing one of those functions:

- (a) has responsibility for the *regulated activities* of a *UK branch* which is likely to enable him to exercise significant influence over that *branch*; or
  - (b) is someone whose decisions or actions are regularly taken into account by the *governing body* of that *branch*;
- (3) the *chief executive function*;
  - (4) the *FCA required functions*;
  - (5) the *systems and controls function*;
  - (6) the *significant management function* in so far as the function relates to:
    - (a) *designated investment business* other than *dealing in investments as principal*, disregarding article 15 of the *Regulated Activities Order*; or
    - (b) processing confirmations, payments, settlements, insurance claims, *client money* and similar matters in so far as this relates to *designated investment business*; and
  - (7) the *customer function*.

Incoming EEA firms, incoming Treaty firms and UCITS qualifiers

10A.1.7 R This chapter does not apply to:

- (1) an *incoming EEA firm*; or
- (2) an *incoming Treaty firm*; or
- (3) a *UCITS qualifier*;

if and in so far as the question of whether a *person* is fit and proper to perform a particular function in relation to that *firm* is reserved, under any of the *Single Market Directives*, the *Treaty*, the *UCITS Directive* or the *auction regulation*, to an authority in a country or territory outside the *United Kingdom*.

- 10A.1.8 G *SUP 10A.1.7R* reflects the provisions of section 59(8) of the *Act* and, in relation to an incoming *Treaty firm* and a *UCITS qualifier*, the *Treaty* and the *UCITS Directive*. It preserves the principle of *Home State* prudential regulation. In relation to an *incoming EEA firm* exercising an *EEA right*, or an *incoming Treaty firm* exercising a *Treaty right*, the effect is to reserve to the *Home State regulator* the assessment of the fitness and propriety of a *person* performing a function in the exercise of that right. A member of the *governing body*, or the notified *UK branch manager*, of an *incoming EEA firm*, acting in that capacity, will not therefore have to be approved by the *FCA* under the *Act*.
- 10A.1.9 G Notwithstanding *SUP 10A.1.8G*, an *incoming EEA firm* (other than an *EEA pure reinsurer*) or *incoming Treaty firm* will have had to consider the impact of the *Host State* rules with which it is required to comply when carrying on a *passport activity* or *Treaty activity* through a *branch* in the *United Kingdom*. An *incoming EEA firm* (other than an *EEA pure reinsurer*) will have been notified of those provisions under Part II of Schedule 3 to the *Act* in the course of satisfying the conditions for *authorisation* in the *United Kingdom*.
- 10A.1.10 G An *incoming EEA firm* will have to consider, for example, the position of a *branch manager* based in the *United Kingdom* who may also be performing a function in relation to the carrying on of a *regulated activity* not covered by the *EEA right* of the *firm*. In so far as the function is within the description of an *FCA controlled function*, the *firm* will need to seek approval for that *person* to perform that *FCA controlled function*.

Incoming EEA firms: passported activities from a branch

- 10A.1.11 R Only the following *FCA controlled functions* apply to an *incoming EEA firm* with respect to its *passport activities* carried on from a *branch* in the *United Kingdom*:
- (1) the *money laundering reporting function*;
  - (2) the *significant management function*, in so far as the function relates to:
    - (a) *designated investment business* other than *dealing in investments as principal*, disregarding article 15 of the *Regulated Activities Order*; or
    - (b) processing confirmations, payments, settlements, insurance claims, client money and similar matters, in so far as this relates to *designated investment business*; or
    - (c) the activity of *accepting deposits* from *banking customers* and activities substantially connected to that activity to the extent that it does not fall within (a) or (b); and

- (3) the *customer function* other than where this relates to the function in SUP 10A.10.7R(4) and (7).

10A.1.12 R If an *incoming EEA firm* is an *EEA pure reinsurer*, then SUP 10A.1.11R does not apply. Instead, none of the *FCA controlled functions* apply with respect to its *passport activities* carried on from a *branch* in the *United Kingdom*.

Incoming EEA firms etc with top-up permission activities from a UK branch

10A.1.13 R In relation to the activities of a *firm* for which it has a *top-up permission*, only the following *FCA controlled functions* apply:

- (1) the *FCA required functions*, other than the *apportionment and oversight function* and the *compliance oversight function*;
- (2) the *significant management function*, in so far as it relates to:
  - (a) *designated investment business* other than *dealing in investments as principal*, disregarding article 15 of the *Regulated Activities Order*; or
  - (b) processing confirmations, payments, settlements, insurance claims, *client money* and similar matters, in so far as this relates to *designated investment business*; or
  - (c) the activity of *accepting deposits* from *banking customers* and activities substantially connected to that activity to the extent that it does not fall within (a) or (b); and
- (3) the *customer function*.

10A.1.14 R A *person* does not perform the *significant management function* for a *firm* under SUP 10A.1.11R or SUP 10A.1.13R if that *person* would not have been treated as performing any *FCA controlled function* for that *firm* if that *firm* had been a *UK firm*.

Appointed representatives

10A.1.15 R The descriptions of the following *FCA controlled functions* apply to an *appointed representative* of a *firm*, except an *introducer appointed representative*, as they apply to an *FCA-authorised person*:

- (1) the *FCA governing functions*, subject to SUP 10A.1.16R and except for a *tied agent* of an *EEA MiFID investment firm*; and
- (2) the *customer function* other than in relation to acting in the capacity of an *investment manager* (see SUP 10A.10.7R(6)).

- 10A.1.16 R (1) *SUP* 10A.1.15R is modified in relation to an *appointed representative* meeting the conditions in (2) so that only one of the following *FCA-governing functions*:
- (a) *director function*; or
  - (b) *chief executive function*; or
  - (c) *partner function*; or
  - (d) *director of unincorporated association function*;
- applies, as appropriate, to an individual within that *appointed representative* who will be required to be an *FCA-approved person*.
- (2) The conditions are that:
- (a) the scope of appointment of the *appointed representative* includes *insurance mediation activity* in relation to *non-investment insurance contracts*, but no other *regulated activity*; and
  - (b) the principal purpose of the *appointed representative* is to carry on activities other than *regulated activities*.

Members of a profession

- 10A.1.17 R (1) This chapter, except in respect of the *FCA required functions*, does not apply to an *authorised professional firm* in respect of its *non-mainstream regulated activities*, subject to (2).
- (2) Where the *authorised professional firm* has appointed *FCA-approved persons* to perform the *FCA governing functions* with equivalent responsibilities for the *firm's non-mainstream regulated activities* and other *regulated activities*, for the *firm's non-mainstream regulated activities* this chapter applies with respect to the *FCA governing functions* and the *FCA required functions* (other than the *apportionment and oversight function*) only.

Oil market participants, service companies, energy market participants, subsidiaries of local authorities or registered social landlords and insurance intermediaries.

- 10A.1.18 R The descriptions of *FCA significant-influence functions*, other than the *FCA required functions*, and, if the *firm* is a *MiFID investment firm*, the *FCA governing functions* do not extend to activities carried on by a *firm* whose principal purpose is to carry on activities other than *regulated activities* and which is:
- (1) an *oil market participant*; or

- (2) a *service company*; or
- (3) an *energy market participant*; or
- (4) a wholly owned *subsidiary* of:
  - (a) a local authority; or
  - (b) a registered social landlord; or
- (5) a *firm* with *permission* to carry on *insurance mediation activity* in relation to *non-investment insurance contracts* but no other *regulated activity*.

10A.1.19 G It will be a matter of fact in each case whether, having regard to all the circumstances, including in particular where the balance of the business lies, a *firm's* principal purpose is to carry on activities other than *regulated activities*. If a *firm* wishes to rely on SUP 10A.1.18R, it should be in a position to demonstrate that its principal purpose is to carry on activities other than *regulated activities*.

#### Insolvency practitioners

- 10A.1.20 R This chapter does not apply to a function performed by:
- (1) a *person* acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986; or
  - (2) a *person* acting as a nominee in relation to a voluntary arrangement under Parts I (Company Voluntary Arrangements) and VIII (Individual Voluntary Arrangements) of the Insolvency Act 1986; or
  - (3) a *person* acting as an insolvency practitioner within the meaning of Article 3 of the Insolvency (Northern Ireland) Order 1989; or
  - (4) a *person* acting as a nominee in relation to a voluntary arrangement under Parts II (Company Voluntary Arrangements) and VIII (Individual Voluntary Arrangements) of the Insolvency (Northern Ireland) Order 1989.

#### Bidders in emissions auctions

- 10A.1.21 G For a *firm* that is exempt from *MiFID* under article 2(1)(i) and whose only *permission* is *bidding in emissions auctions*, the only *FCA controlled functions* that apply to it are:
- (1) the *FCA governing functions*;
  - (2) the *money laundering reporting function*;
  - (3) the *customer function*; and

- (4) (where it has exercised an opt-in to CASS in accordance with CASS 1.4.9R and is a *CASS medium firm* or a *CASS large firm*) the *CASS operational oversight function*.

This is because the *FCA approved persons* regime specifies a number of functions by incorporation of requirements in SYSC; however, a *firm* carrying on *auction regulation bidding* is only subject to SYSC to a limited extent in relation to that activity. This means that the *FCA required functions* do not apply to *auction regulation bidding*, except for the *money laundering reporting function*. Similarly, the *significant management function* does not apply in relation to *auction regulation bidding* because, in carrying on that activity, a *firm* is not subject to SYSC 2.1.1R or SYSC 4.1.1R and is not undertaking *proprietary trading*.

## 10A.2 Purpose

- 10A.2.1 G The immediate purpose of SUP 10A.3 to SUP 10A.11 is to specify, under section 59 of the *Act*, descriptions of the *FCA controlled functions* which are listed in SUP 10A.4.4R. The underlying purpose is to establish, and mark the boundaries of, the "FCA-approved persons regime".
- 10A.2.2 G SUP 10A does not deal with the *PRA's approved persons* regime.
- 10A.2.3 G The *FCA* has certain powers in relation to *PRA-approved persons*, such as the requirement to give its consent in certain cases to the *PRA* granting approval for the performance of a *PRA controlled function*. SUP 10A does not deal with these.

## 10.3 Provisions related to the Act

- 10A.3.1 R A function is an *FCA controlled function* only to the extent that it is performed under an *arrangement* entered into by:
- (1) a *firm*; or
  - (2) a contractor of the *firm*;
- in relation to the carrying on by the *firm* of a *regulated activity*.
- 10A.3.2 G Sections 59(1) and (2) of the *Act* provide that approval is necessary in respect of an *FCA controlled function* which is performed under an *arrangement* entered into by a *firm*, or its contractor (typically an *appointed representative*), in relation to a *regulated activity*.

- 10A.3.3 G *Arrangement* is defined in section 59(10) of the *Act* as any kind of arrangement for the performance of a function which is entered into by a *firm* or any of its contractors with another *person* and includes the appointment of a *person* to an office, his becoming a *partner*, or his employment (whether under a contract of service or otherwise). For the provisions in this chapter relating to outsourcing, see *SUP* 10A.13.5G and *SUP* 10A.13.6G.
- 10A.3.4 G If, however, a *firm* is a member of a group, and the *arrangements* for the performance of an *FCA controlled function* of the *firm* are made by, for instance, the *holding company*, the *person* performing the function will only require approval if there is an arrangement (under section 59(1)) or a contract (under section 59(2)) between the *firm* and *holding company* permitting this. This need not be a written contract but could arise, for example, by conduct, custom and practice.
- 10A.3.5 G The *arrangement* must be “in relation to” the carrying on of a *regulated activity*. *Regulated activities* are defined in the *Glossary* by reference to the *Regulated Activities Order*. This order prescribes the activities which are *regulated activities* for the purposes of the *Act*.

#### 10A.4 Specification of functions

- 10A.4.1 R Each of the functions described in *SUP* 10A.4.4R (the table of FCA controlled functions) is an *FCA controlled function*.
- 10A.4.2 R Part 1 of the table of *FCA controlled functions* applies in relation to an *FCA-authorised person*. It also applies in relation to an *appointed representative* for the purposes of *SUP* 10A.1.15R (Appointed representatives) whether its *principal* is an *FCA-authorised person* or a *PRA-authorised person*. Part 2 applies in relation to a *PRA-authorised person*.
- 10A.4.3 G The fact that a *person* may be *FCA*-approved for one purpose does not have the effect of bringing all his activities within that *FCA controlled function*.
- 10A.4.4 R FCA controlled functions

<b>Part 1 (FCA controlled functions for FCA-authorised persons and appointed representatives)</b>		
<b>Type</b>	<b>CF</b>	<b>Description of FCA controlled function</b>
<i>FCA governing functions*</i>	1	<i>Director function</i>
	2	<i>Non-executive director function</i>
	3	<i>Chief executive function</i>

	4	<i>Partner function</i>
	5	<i>Director of unincorporated association function</i>
	6	<i>Small friendly society function</i>
<i>FCA required functions*</i>	8	<i>Apportionment and oversight function</i>
	10	<i>Compliance oversight function</i>
	10A	<i>CASS operational oversight function</i>
	11	<i>Money laundering reporting function</i>
<i>Systems and controls function*</i>	28	<i>Systems and controls function</i>
<i>Significant management function*</i>	29	<i>Significant management function</i>
<i>Customer-dealing functions</i>	30	<i>Customer function</i>
<i>*FCA significant-influence functions</i>		

<b>Part 2 (FCA controlled functions for PRA-authorised persons)</b>		
<b>Type</b>	<b>CF</b>	<b>Description of FCA controlled function</b>
<i>FCA required functions*</i>	8	<i>Apportionment and oversight function</i>
	10	<i>Compliance oversight function</i>
	10A	<i>CASS operational oversight function</i>
	11	<i>Money laundering reporting function</i>
<i>Significant management function*</i>	29	<i>Significant management function</i>
<i>Customer-dealing functions</i>	30	<i>Customer function</i>
<i>*FCA significant-influence functions</i>		

## 10A.5 Significant-influence functions

What are the FCA significant-influence functions?

- 10A.5.1 G The *FCA significant-influence functions*, which are specified in SUP 10A.4.1R, comprise the *FCA governing functions* (SUP 10A.6), the *FCA required functions* (SUP 10A.7), the *systems and controls function* (SUP 10A.8) and the *significant management function* (SUP 10A.9). SUP 10A.5 applies to each of the *FCA significant influence functions*.

Definition of FCA significant-influence function

- 10A.5.2 R Each *FCA significant-influence function* is one which comes within the definition of a *significant-influence function*.
- 10A.5.3 G Section 59(7B) of the *Act* says that a *significant-influence function*, in relation to the carrying on of a *regulated activity* by a *firm*, means a function that is likely to enable the *person* responsible for its performance to exercise a significant influence on the conduct of the *firm's* affairs, so far as relating to the activity.
- 10A.5.4 G SUP 10A.5.2R gives effect to section 59(5)(b) of the *Act*.
- 10A.5.5 G Whether an *FCA controlled function* is likely to result in the *person* responsible for its performance exercising significant influence on the conduct of the *firm's* affairs is a question of fact in each case. The *FCA* has identified the *FCA significant influence functions* as satisfying this condition.

Periods of less than 12 weeks

- 10A.5.6 R If:
- (1) a *firm* appoints an individual to perform a function which, but for this *rule*, would be an *FCA significant influence function*;
  - (2) the appointment is to provide cover for an *approved person* whose absence is:
    - (a) temporary; or
    - (b) reasonably unforeseen; and
  - (3) the appointment is for less than 12 weeks in a consecutive 12-month period;

the description of the relevant *FCA significant influence function* does not relate to those activities of that individual.

- 10A.5.7 G *SUP* 10A.5.6R enables cover to be given for, as an example, holidays and emergencies and avoids the need for the precautionary approval of, for example, a deputy. However, as soon as it becomes apparent that a *person* will be performing an *FCA controlled function* for more than 12 weeks, the *firm* should apply for approval.

## 10A.6 FCA governing functions

### Introduction

- 10A.6.1 G Every *firm* will have one or more *persons* responsible for directing its affairs. These *persons* will be performing the *FCA governing functions* and will be required to be *FCA-approved persons* unless the application provisions in *SUP* 10A.1, or the particular description of an *FCA controlled function*, provide otherwise. For example, each *director* of a *company* incorporated under the Companies Acts will perform an *FCA governing function*. However, if the *firm* is a *PRA-authorized person*, the *governing functions* do not apply. Instead, those *persons* will be performing the *PRA governing functions* and will be required to be *PRA-approved persons* instead.
- 10A.6.2 G A *sole trader* does not fall within the description of the *governing functions*.
- What the FCA governing functions include
- 10A.6.3 R Each of the *FCA governing functions* includes:
- (1) (where apportioned under SYSC 2.1.1R or SYSC 4.3.1R and SYSC 4.4.3R):
    - (a) the *systems and controls function* (if it applies to the *firm*);  
and
    - (b) the *significant management function*;
  - (2) (in respect of *bidding in emissions auctions*) that part of the *customer function* specified in *SUP* 10A.10.7R(7) (bidder's representative).

This does not apply to the *non-executive director function* or the function described in *SUP* 10A.6.8R.

- 10A.6.4 G (1) The effect of SUP 10A.6.3R is that a *person* who is approved to perform an *FCA governing function* will not have to be specifically *FCA*-approved to perform the *systems and controls function* or the *significant management function* or the part of the *customer function* specified in SUP 10A.10.7R(7). However, a *person* who is approved to perform an *FCA governing function* will have to be additionally *FCA*-approved before he can perform any of the *FCA required functions* or the *customer function* (except the part specified in SUP 10A.10.7R(7)).
- (2) SUP 10A.6.3R does not apply to the *non-executive director function*. It does not apply to the *director function* if the only part of that function that the *FCA-approved person* is performing is the function described in SUP 10A.6.8R.
- 10A.6.5 G A *firm* carrying on *insurance mediation activity*, other than a *sole trader*, must allocate to a *director* or *senior manager* the responsibility for the *firm's insurance mediation activity* (MIPRU 2.2.1R). MIPRU 2.2.2R(1) provides that the *firm* may allocate this responsibility to one or more of the *persons* performing an *FCA governing function* (other than the *non-executive director function*).
- 10A.6.6 G Where a *person* performing a *governing function* is also responsible for the *firm's insurance mediation activity*, the words “(insurance mediation)” will be inserted after the relevant *FCA controlled function* (see MIPRU 2.2.5G).
- Director function (CF1)
- 10A.6.7 R If a *firm* is a *body corporate* (other than a *limited liability partnership*), the *director function* is the function of acting in the capacity of a *director* (other than *non-executive director*) of that *firm*.
- 10A.6.8 R (1) If a *firm* is a *body corporate* (other than a *limited liability partnership*), the *director function* is also the function of acting in the capacity of a *person*:
- (a) who is a *director*, partner, officer, member (if the *parent undertaking* or *holding company* is a *limited liability partnership*), *senior manager*, or employee of a *parent undertaking* or *holding company* of the *firm*; and
- (b) whose decisions or actions are regularly taken into account by the *governing body* of the *firm*.
- (2) (1) does not apply if that *parent undertaking* or *holding company* has a *Part 4A permission* or is regulated by an *EEA regulator*.
- (3) (1) does not apply to the function falling into SUP 10A.6.13R (*non-executive director* of the *parent undertaking* or *holding company*).

- 10A.6.9 G Examples of where *SUP* 10A.6.8R might apply include (but are not limited to):
- (1) a chairman of an audit committee of a *parent undertaking* or *holding company* of a *UK firm* where that audit committee is working for that *UK firm* (that is, functioning as the audit committee for the *group*);  
or
  - (2) a *director* (other than a *non-executive director*) of a *parent undertaking* or *holding company* of a *UK firm* exercising significant influence by way of his involvement in taking decisions for that *UK firm*; or
  - (3) an individual (such as a *senior manager*) of a *parent undertaking* or *holding company* of a *UK firm* who is responsible for and/or has significant influence in setting the objectives for and the remuneration of executive *directors* of that *UK firm*; or
  - (4) an individual who is a *director* (other than a *non-executive director*) or a *senior manager* of a *parent undertaking* or *holding company* of a *UK firm* who is accustomed to influencing the operations of that *UK firm*, and acts in a manner in which it can reasonably be expected that an executive *director* or *senior manager* of that *UK firm* would act; or
  - (5) an individual of an *overseas firm* which maintains an establishment in the *United Kingdom* from which *regulated activities* are carried on, where that individual has responsibilities for those *regulated activities* which are likely to enable him to exercise significant influence over the *UK branch*.

10A.6.10 G A *director* can be a *body corporate* and may accordingly require approval as an *FCA-approved person* in the same way as a natural *person* may require approval.

10A.6.11 G The *director function* does not apply in relation to a *PRA-authorised person*. *PRA* approval is required instead.

Non-executive director function (CF2)

10A.6.12 R If a *firm* is a *body corporate*, the *non-executive director function* is the function of acting in the capacity of a *non-executive director* of that *firm*.

- 10.A.6.13 R (1) If a *firm* is a *body corporate*, the *non-executive director function* is also the function of acting in the capacity of a *person*:
- (a) who is a *non-executive director* of a *parent undertaking* or *holding company*; and
  - (b) whose decisions or actions are regularly taken into account by the *governing body* of the *firm*.

- (2) However, (1) does not apply if that *parent undertaking* or *holding company* has a *Part 4A permission* or is regulated by an *EEA regulator*.

10A.6.14 G Examples of where *SUP 10A.6.13R* might apply include (but are not limited to):

- (1) an individual who is a *non-executive director* of a *parent undertaking* or *holding company* who takes an active role in the running of the business of a *UK firm*, for example, as a member of a board or committee (on audit or remuneration) of that *firm*; or
- (2) an individual who is a *non-executive director* of a *parent undertaking* or *holding company* having significant influence in setting and monitoring the business strategy of the *UK firm*; or
- (3) an individual who is a *non-executive director* of a *parent undertaking* or *holding company* of a *UK firm* involved in carrying out responsibilities such as scrutinising the approach of executive management, performance, or standards of conduct of the *UK firm*; or
- (4) an individual who is a *non-executive director* of a *parent undertaking* or *holding company* of a *UK firm* who is accustomed to influence the operations of the *UK firm*, and acts in a way in which it can reasonably be expected that a *non-executive director* of the *UK firm* would act; or
- (5) an individual who is a *non-executive director* of an *overseas firm* which maintains a *branch* in the *United Kingdom* from which *regulated activities* are carried on where that individual has responsibilities for those *regulated activities* which are likely to enable him to exercise significant influence over the *UK branch*.

10A.6.15 G The *non-executive director function* does not apply in relation to a *PRA-authorised person*. *PRA* approval is required instead.

Guidance on persons in a parent undertaking or holding company exercising significant influence

10A.6.16 G (1) This paragraph explains the basis on which the *director function* and the *non-executive director function* are applied to *persons* who have a position with the *firm's parent undertaking* or *holding company* under *SUP 10A.6.8R* or *SUP 10A.6.13R*.

- (2) The basic position is set out in *SUP* 10A.3.4G. As is the case with all *controlled functions*, *SUP* 10A.6.8R and *SUP* 10A.6.13R are subject to the overriding provisions in *SUP* 10A.3.1R, which sets out the requirements of section 59(1) and (2) of the *Act*. This means that unless the *firm* has an *arrangement* permitting the performance of these roles by the *persons* concerned, these *persons* will not be performing these *controlled functions*. Therefore, the *FCA* accepts that there will be cases in which a *person* performing these roles will not require approval. However where there is such an *arrangement* the function may apply.

#### Chief executive function (CF3)

- 10A.6.17 R The *chief executive function* is the function of acting in the capacity of a *chief executive* of a *firm*.
- 10A.6.18 G This function is having the responsibility, alone or jointly with one or more others, under the immediate authority of the *governing body*: ,
- (1) for the conduct of the whole of the business (or relevant activities);  
or
- (2) in the case of a *branch* in the *United Kingdom* of an *overseas firm*, for the conduct of all of the activities subject to the *UK regulatory system*.
- 10A.6.19 G For a *branch* in the *United Kingdom* of an *overseas firm*, the *FCA* would not normally expect the overseas *chief executive* of the *firm* as a whole to be *FCA*-approved for this function where there is a *senior manager* under him with specific responsibility for those activities of the *branch* which are subject to the *UK regulatory system*. In some circumstances, the *person* within the *firm* responsible for *UK* operations may, if the function is likely to enable him to exercise significant influence over the *branch*, also perform the *chief executive function* (see *SUP* 10A.7.4G).
- 10A.6.20 G A *person* performing the *chief executive function* may be a member of the *governing body* but need not be. If the chairman of the *governing body* is also the *chief executive*, he will be discharging this function. If the responsibility is divided between more than one *person* but not shared, there is no *person* exercising the *chief executive function*. But if that responsibility is discharged jointly by more than one *person*, each of those *persons* will be performing the *chief executive function*.
- 10A.6.21 G Note that a *body corporate* may be a *chief executive*. If so, it will need to be approved (if the *firm* in question is an *FCA-authorised person*) to perform the *chief executive function*.
- 10A.6.22 G The *chief executive function* does not apply in relation to a *PRA-authorised person*. *PRA* approval is required instead.

#### Partner function (CF4)

- 10A.6.23 R (1) If a *firm* is a *partnership*, the *partner function* is the function of acting in the capacity of a *partner* in that *firm*.
- (2) If the principal purpose of the *firm* is to carry on one or more *regulated activities*, each *partner* performs the *partner function*.
- (3) If the principal purpose of the *firm* is other than to carry on *regulated activities*:
- (a) a *partner* performs the *partner function* to the extent only that he has responsibility for a *regulated activity*; and
- (b) a *partner* in a *firm* will be taken to have responsibility for each *regulated activity* except where the *partnership* has apportioned responsibility to another *partner* or group of *partners*.
- 10A.6.24 G Any apportionment referred to in SUP 10A.6.23R(3)(b) will have taken place under SYSC 2.1.1R or SYSC 4.3.1R and SYSC 4.4.3R. The FCA may ask to see details of the apportionment but will not require, as a matter of course, a copy of the material which records this (see SYSC 2.2).
- 10A.6.25 G The effect of SUP 10A.1.17R is that *regulated activity* in SUP 10A.6.23R (and elsewhere) is to be taken as not including an activity that is a *non-mainstream regulated activity*. Therefore, a *partner* whose only *regulated activities* are incidental to his professional services, in a *partnership* whose principal purpose is to carry on other than *regulated activities*, need not be an FCA-approved person. What amounts to the principal purpose of the *firm* is a matter of fact in each case having regard to all the circumstances, including the activities of the *firm* as a whole. Any *regulated activities* which such a partner carries on are not within the description of the *partner function*.
- 10A.6.26 R If a *firm* is a *limited liability partnership*, the *partner function* extends to the *firm* as if the *firm* were a *partnership* and a member of the *firm* were a *partner*.
- 10A.6.27 R If a *partnership* is registered under the Limited Partnership Act 1907, the *partner function* does not extend to any function performed by a limited partner.
- 10A.6.28 G The *partner function* does not apply in relation to a PRA-*authorised person*. PRA approval is required instead.

Director of unincorporated association function (CF5)

- 10A.6.29 R If a *firm* is an unincorporated association, the *director of unincorporated association function* is the function of acting in the capacity of a *director* of the unincorporated association.

10A.6.30 G The *director of unincorporated association function* does not apply in relation to a *PRA-authorised person*. *PRA* approval is required instead.

Small friendly society function (CF6)

10A.6.31 R (1) If a *firm* is a *non-directive friendly society*, the *small friendly society function* is the function of directing its affairs, either alone or jointly with others.

(2) If the principal purpose of the *firm* is to carry on *regulated activities*, each *person* with responsibility for directing its affairs performs the *FCA controlled function*.

(3) If the principal purpose of the *firm* is other than to carry on *regulated activities*, a *person* performs the *small friendly society function* only to the extent that he has responsibility for a *regulated activity*.

10A.6.32 R (1) Each *person* on the *non-directive friendly society's governing body* will be taken to have responsibility for its *regulated activities*, unless the *firm* has apportioned this responsibility to one particular individual to whom it is reasonable to give this responsibility.

(2) The individual need not be a member of the *governing body*.

10A.6.33 G Typically a *non-directive friendly Society* will appoint a “committee of management” to direct its affairs. However, the governing arrangements may be informal and flexible. If this is the case, the *FCA* would expect the society to resolve to give responsibility for the carrying on of *regulated activities* to one individual who is appropriate in all the circumstances. That individual may, for example, have the title of *chief executive* or similar. The individual would have to be an *FCA-approved person* under *SUP* 10A.6.31R.

10A.6.34 G In practice, the *FCA* expects that most *non-directive friendly societies* will be *PRA-authorised persons*. Where that is the case, the *small friendly society function* will not apply. *PRA* approval is required instead.

## 10A.7 FCA required functions

Apportionment and oversight function (CF8)

10A.7.1 R The *apportionment and oversight function* is the function of acting in the capacity of a *director* or *senior manager* responsible for either or both of the apportionment function and the oversight function set out in *SYSC* 2.1.3R or *SYSC* 4.4.5R.

- 10A.7.2 G In requiring someone to apportion responsibility, a *common platform firm* should not apply for that *person* or *persons* to be *FCA*-approved to perform the *apportionment and oversight function* (see *SUP* 10A.7.1R, *SYSC* 2.1.3R and *SYSC* 1 Annex 1).
- 10A.7.3 G The fact that there is a *person* performing the *apportionment and oversight function*, and who has responsibility for activities subject to regulation by the *FCA*, may have a bearing on whether a manager who is based overseas will be performing an *FCA controlled function*. It is a factor to take into account when assessing the likely influence of the overseas manager.
- 10A.7.4 G Generally, in relation to a *UK* establishment of an *overseas firm* or a *firm* which is part of an overseas *group*, where an overseas manager's responsibilities in relation to the *United Kingdom* are strategic only, he will not need to be an *FCA-approved person*. However, where, in accordance with *SYSC* 3 or *SYSC* 4 to *SYSC* 10, he is responsible for implementing that strategy in the *United Kingdom*, and has not delegated that responsibility to a *senior manager* in the *United Kingdom*, he is likely to be performing an *FCA controlled function* for example, the *chief executive function* or a *PRA controlled function*.
- 10A.7.5 G A *firm* carrying on *insurance mediation activity*, other than a *sole trader*, must allocate to a *director* or *senior manager* the responsibility for the *firm's insurance mediation activity* (*MIPRU* 2.2.1R). *MIPRU* 2.2.2R(2) provides that the *firm* may allocate this responsibility to the *person* performing the *apportionment and oversight function*.
- 10A.7.6 G Where the *person* performing the *apportionment and oversight function* is also responsible for the *firm's insurance mediation activity*, the words "(insurance mediation)" will be inserted after this *FCA controlled function* (see *MIPRU* 2.2.5G).
- 10A.7.7 G As explained in *SUP* 10A.11 (Minimising overlap with the *PRA* approved persons regime), the application of the *apportionment and oversight function* is sometimes disapplied for a *PRA-authorised person*.

Compliance oversight function (CF10)

- 10A.7.8 R The *compliance oversight function* is the function of acting in the capacity of a *director* or *senior manager* who is allocated the function set out in *SYSC* 3.2.8R or *SYSC* 6.1.4R(2).

CASS operational oversight function (CF10a)

- 10A.7.9 R In relation to a *CASS medium firm* and a *CASS large firm*, the *CASS operational oversight function* is the function of acting in the capacity of a *person* to whom is allocated the function set out in *CASS* 1A.3.1AR.

Money laundering reporting function (CF11)

- 10A.7.10 R The *money laundering reporting function* is the function of acting in the capacity of the *money laundering reporting officer* of a *firm*.
- 10A.7.11 G A *firm's* obligations in respect of its *money laundering reporting officer* are set out elsewhere in the *Handbook* (see SYSC 3.2.6IR and SYSC 6.3.9R and for their scope, see the application provisions in SYSC 1 Annex 1).

## 10A.8 Systems and controls functions

Systems and controls function (CF28)

- 10A.8.1 R The *systems and controls function* is the function of acting in the capacity of an *employee* of the *firm* with responsibility for reporting to the *governing body* of a *firm*, or the audit committee (or its equivalent) in relation to:
- (1) its financial affairs;
  - (2) setting and controlling its risk exposure (see SYSC 3.2.10G and SYSC 7.1.6R);
  - (3) adherence to internal systems and controls, procedures and policies (see SYSC 3.2.16G and SYSC 6.2).
- 10A.8.2 R The *systems and controls function* does not apply in relation to *bidding in emissions auctions* carried on by a *firm* that is exempt from *MiFID* under article 2(1)(i).
- 10A.8.3 G The *systems and controls function* does not apply in relation to a *PRA-authorized person*. *PRA* approval is required instead.
- 10A.8.4 G Where an *employee* performs the *systems and controls function* the *FCA* would expect the *firm* to ensure that the *employee* had sufficient expertise and authority to perform that function effectively. A *director* or *senior manager* would meet this expectation.

## 10A.9 Significant management functions

Application

- 10A.9.1 R *SUP* 10A.9 applies only to a *firm* which:
- (1) under SYSC 2.1.1R or, SYSC 4.1.1R, apportions a significant responsibility, within the description of the *significant management function*, to a *senior manager* of a significant business unit; or
  - (2) undertakes *proprietary trading*; or

- (3) (in the case of an *EEA firm*) undertakes the activity of *accepting deposits* from *banking customers* and activities connected with this.
- 10A.9.2 G The *FCA* anticipates that there will be only a few *firms* needing to seek approval for an individual to perform the *significant management function* set out in *SUP* 10A.9.1R(1). In most *firms*, those approved for the *FCA governing functions*, *FCA required functions* and, where appropriate, the *systems and controls function* or the equivalent *PRA controlled functions*, are likely to exercise all the significant influence at senior management level.
- 10A.9.3 G A *proprietary trader* undertakes activities with the *firm's money* and has the ability to commit the *firm*. By virtue of this role, all *proprietary traders* have potential to be able to exercise significant influence on the *firm* for the purposes of the definition of *significant-influence function*. Therefore, it is the *FCA's* expectation that all *firms* will assess all their proprietary traders to ascertain the ones for whom approval is required.
- 10A.9.4 G The scale, nature and complexity of the *firm's* business may be such that a *firm* apportions, under *SUP* 10A.9.1R(1), a significant responsibility to an individual who is not approved to perform the *FCA governing functions*, *FCA required functions* or, where appropriate, the *systems and controls function* or the equivalent *PRA controlled functions*. If so, the *firm* should consider whether the functions of that individual fall within the *significant management function*. For the purposes of the description of the *significant management functions*, the following additional factors about the *firm* should be considered:
- (1) the size and significance of the *firm's* business in the *United Kingdom*; for example, a *firm* carrying on *designated investment business* may have a large number of *approved persons* (for example, in excess of 100 individuals); or a *firm* carrying on *general insurance business* may have gross written *premiums* in excess of £100m;
  - (2) the number of *regulated activities* carried on, or proposed to be carried on, by the *firm* and (if relevant) other members of the *group*;
  - (3) its *group* structure (if it is a member of a *group*);
  - (4) its management structure (for example, matrix management); and
  - (5) the size and significance of its international operations, if any.
- 10A.9.5 G When considering whether a business unit is significant, the *firm* should take into account all relevant factors in the light of the *firm's* current circumstances and its plans for the future, including:
- (1) the risk profile of the unit; or
  - (2) its use or commitment of a *firm's* capital; or

- (3) its contribution to the profit and loss account; or
  - (4) the number of *employees* or *approved persons* in the unit; or
  - (5) the number of *customers* of the unit; or
  - (6) any other factor which makes the unit significant to the conduct of the *firm's* affairs so far as relating to the *regulated activity*.
- 10A.9.6 G The question may arise whether a manager who is based overseas will be performing the *significant management function* under SUP 10A.9.9R and should, therefore, be an *FCA-approved person*. This is especially true where the *firm* operates matrix management. The fact there is a *person* performing the *apportionment and oversight function*, and who has responsibility for activities subject to regulation by the *FCA*, may have a bearing on this. It is a factor to take into account when assessing the likely influence of the overseas manager.
- 10A.9.7 G Generally, in relation to a *branch* of a *firm*, or a *firm* which is part of an overseas *group*, where an overseas *manager* is responsible for strategy, he will not need to be approved for the *significant management function*. However, where he is responsible for implementing that strategy in the *United Kingdom*, and has not delegated that responsibility to a *senior manager* in the *United Kingdom*, he is likely to be performing that *FCA controlled function*.
- 10A.9.8 G See also SUP 10A.7.3G to SUP 10A.7.6G in relation to matrix management.
- Significant management function (CF29)
- 10A.9.9 R The *significant management function* is the function of acting as a *senior manager* with significant responsibility for a significant business unit that:
- (1) carries on *designated investment business* or other activities not falling within (2) to (4);
  - (2) *effects contracts of insurance* (other than *contractually based investments*);
  - (3) makes material decisions on the commitment of a *firm's* financial resources, its financial commitments, its assets acquisitions, its liability management and its overall cash and capital planning;
  - (4) processes confirmations, payments, settlements, insurance claims, *client money* and similar matters;
  - (5) (in the case of an *EEA firm*) undertakes the activity of *accepting deposits* from *banking customers* and activities connected with this.
- 10A.9.10 R The *significant management function* also includes the function of acting as a *proprietary trader*.

- 10A.9.11 R The *significant management function* does not include any of the activities described in any other *FCA controlled function* or *PRA controlled function* if that other *controlled function* applies to the *firm*.
- 10A.9.12 G A *senior manager* carrying on the *significant management function* under SUP 10A.9.9R with significant responsibility for a significant business unit that carries on activities other than *designated investment business* for the purposes of SUP 10A.9.9R(1) could, for example, be the head of a unit carrying on the activities of: retail banking, personal lending, corporate lending, salvage or loan recovery, or *proprietary trading*, or a member of a committee (that is, a *person* who, together with others, has authority to commit the *firm*) making decisions in these functions.
- 10A.9.13 G A *proprietary trader* also undertakes activities which may have a significant influence on the *firm*. Such activities may require approval for CF29 under SUP 10A.9.10R.
- 10A.9.14 G A *firm* carrying on *insurance mediation activity*, other than a *sole trader*, must allocate to a *director* or *senior manager* the responsibility for the *firm's insurance mediation activity* (MIPRU 2.2.1R). MIPRU 2.2.2R(3) provides that the *firm* may allocate this responsibility to the *person* performing the *significant management function*.
- 10A.9.15 G Where the *person* performing the *significant management function* is also responsible for the *firm's insurance mediation activity*, the words “(insurance mediation)” will be inserted after this *FCA controlled function* (see MIPRU 2.2.5G).

## 10A.10 Customer-dealing functions

### Introduction

- 10A.10.1 R SUP 10A.10 applies with respect to activities carried on from an establishment maintained by the *firm* (or by its *appointed representative*) in the *United Kingdom*.
- 10A.10.2 G Without SUP 10A.10.1R, the description of the *customer function* would extend to this function wherever it was performed. The effect of SUP 10A.10.1R is that the description is limited, in relation to *regulated activities* with an overseas element, in a manner which is broadly consistent with the scope of conduct of business regulation.
- 10A.10.3 G The *customer function* has to do with giving advice on, *dealing* and arranging deals in and *managing investments*; it has no application to banking business such as deposit taking and lending, nor to *general insurance business*.

The basic rule about the customer function

- 10A.10.4 R The *customer function* is one which comes within the definition of a *customer-dealing function*.
- 10A.10.5 G Section 59(7A) of the *Act* (Approval for particular arrangements) says that the customer-dealing function, in relation to the carrying on of a *regulated activity* by a *firm* (“A”), means a function that will involve the *person* performing it in dealing with:
- (1) customers of A; or
  - (2) property of customers of A;
- in a manner substantially connected with the carrying on of the activity.
- 10A.10.6 G The *FCA* interprets the phrase “dealing with” as including having contact with *customers* and extending beyond “dealing” as used in the phrase “dealing in investments”. “Dealing in” is used in Schedule 2 to the *Act* to describe in general terms the *regulated activities* which are specified in Part II of the *Regulated Activities Order*.

Customer function (CF 30)

- 10A.10.7 R The *customer function* is the function of:
- (1) *advising on investments* other than a *non-investment insurance contract* (but not where this is *advising on investments* in the course of carrying on the activity of giving *basic advice* on a *stakeholder product*) and performing other functions related to this such as *dealing* and *arranging*;
  - (2) giving advice to *clients* solely in connection with *corporate finance business* and performing other functions related to this;
  - (3) giving advice or performing related activities in connection with *pension transfers* or opt-outs for *retail clients*;
  - (4) giving advice to a *person* to become, or continue or cease to be, a member of a particular *Lloyd’s syndicate*;
  - (5) *dealing*, as principal or as agent, and *arranging (bringing about) deals in investments* other than a *non-investment insurance contract* with, for, or in connection with *customers* where the *dealing* or *arranging deals* is governed by *COBS 11 (Dealing and managing)*;
  - (6) acting in the capacity of an *investment manager* and carrying on functions connected to this;
  - (7) in relation to *bidding in emissions auctions*, acting as a ‘bidder’s representative’ within the meaning of subparagraph 3 of article 6(3) of the *auction regulation*.

- 10A.10.8 R The *customer function* does not extend to an individual who is performing the functions in SUP 10A.10.7R(1) to (2) or SUP 10A.10.7R(5) to (7) and who is based overseas and who, in a 12-month period, spends no more than 30 days in the *United Kingdom* to the extent that he is appropriately supervised by a *person* approved for this function.
- 10A.10.9 G The *FCA* would expect an individual from overseas to be accompanied on a visit to a *customer*. TC 2.1.9R(2) provides that the *firm* will have to be satisfied that the individual has at least three years of up-to-date, relevant experience obtained outside the *United Kingdom*. However, the remaining provisions of TC 2.1.9R(2) are disapplied in these circumstances (except for an individual who gives advice to *retail clients* on *retail investment products* or is a *broker fund adviser*). The effect of this is that such individuals need not attain the relevant regulatory module of an appropriate qualification (see TC 2.1.9R(2)).
- 10A.10.10 G The *customer function* in SUP 10A.10.7R(5) does not extend to the individual who, on the instructions of the *customer*, simply inputs the *customer's* instructions into an automatic execution system where no discretion is or may be exercised by the individual performing the activity. Nor does it extend to merely introducing a *customer* to a *firm* or distributing advertisements.
- 10A.10.11 G An individual may *advise on investments* prior to being assessed as competent in accordance with the *rules* in the Senior Management Arrangements, Systems and Controls sourcebook (*SYSC*) and, where relevant, the Training and Competence sourcebook (*TC*). The *firm* should record when that *person* subsequently becomes competent.

## 10A.11 Minimising overlap with the PRA approved persons regime

### Introduction

- 10A.11.1 G SUP 10A.11 deals with how the *FCA's approved persons* regime applies to *PRA-authorised persons*. SUP 10A.11 therefore only applies if the *firm* in question is a *PRA-authorised person*.
- 10A.11.2 G Both the *FCA* and the *PRA* may specify a function as a *controlled function* in relation to a *PRA-authorised person*. However, only the *FCA* has power to specify a *customer-dealing function* as a *controlled function*.
- 10A.11.3 G Therefore, if a *person's* job for a *firm* involves:
- (1) an *FCA controlled function*, the *firm* should apply to the *FCA* for approval;
  - (2) a *PRA controlled function*, the *firm* should apply to the *PRA* for approval;

(3) both an *FCA controlled function* and a *PRA controlled function*, the *firm* should apply to both the *FCA* and the *PRA* for approval (the purpose of *SUP* 10A.11 is to cut down the need for this sort of dual approval).

10A.11.4 G The *PRA* cannot give its approval for the performance of a *PRA controlled function* without the consent of the *FCA*. The *firm* does not need to apply to the *FCA* for that consent. The *PRA* must as soon as practicable notify the *FCA* of the receipt or withdrawal of an application to the *PRA*.

10A.11.5 G Under section 59B of the *Act* (Role of *FCA* in relation to *PRA* decisions) the *FCA* may arrange with the *PRA* that in agreed cases the *PRA* may give approval without obtaining the consent of the *FCA*. No such arrangements are currently in force.

10A.11.6 G The *FCA* and *PRA* have coordinated their *approved persons* regime to reduce the amount of overlap. These arrangements relate to *significant-influence functions* only.

10A.11.7 G The *FCA* is under a duty under section 59A of the *Act* (Specifying functions as controlled functions: supplementary) to exercise the power to specify any *significant-influence function* as an *FCA controlled function* in a way that it considers will minimise the likelihood that approvals fall to be given by both the *FCA* and the *PRA* in respect of the performance by a *person* of *significant-influence functions* in relation to the same *PRA-authorised person*.

Guidance on how *SUP* 10A.11 works

10A.11.8 G *SUP* 10A.11 disapplies the *apportionment and oversight function* for a *person* who is the subject of an application for approval to perform a *PRA governing function*, subject to certain conditions set out in *SUP* 10A.11.11R. Where this is the case the *apportionment and oversight function* is included in the *PRA governing function* for which the *person* has approval. *SUP* 10B.7 of the *PRA's Handbook* deals with this.

10A.11.9 G *SUP* 10A.11.10G gives some examples of how *SUP* 10A.11 works.

10A.11.10 G Table: Examples of how the need for dual *FCA* and *PRA* approval in relation to *PRA-authorised persons* is reduced

Example	Whether <i>FCA</i> approval required	Whether <i>PRA</i> approval required	Comments
(1) A is being appointed <i>chief executive</i> and the <i>person</i> performing the <i>apportionment</i>	No.	Yes	The <i>PRA chief executive function</i> is expanded to include the <i>apportionment and</i>

<i>and oversight function.</i>			<i>oversight function.</i> To avoid the need for <i>FCA</i> approval, A's appointment as the <i>person</i> performing the <i>apportionment and oversight function</i> should not take effect before <i>PRA</i> approval for the <i>chief executive</i> role.
(2) Same as (1) but the application to the <i>PRA</i> does not mention that it is also intended that A is perform what would otherwise be the <i>apportionment and oversight function</i>	Yes	Yes	<i>SUP</i> 10A.11 does not apply if the application for <i>PRA</i> approval does not say that A will also be performing what would otherwise be the <i>apportionment and oversight function</i> .
(3) A is appointed as <i>chief executive</i> . Later, he is appointed to perform the <i>apportionment and oversight function</i> while carrying on as <i>chief executive</i> .	Yes, when he is appointed to perform the <i>apportionment and oversight function</i>	Yes, when he takes up the <i>chief executive</i> role	
(4) A is appointed to perform the <i>apportionment and oversight function</i> . He later becomes the <i>chief executive</i> .	Yes, when he is appointed to perform the <i>apportionment and oversight function</i> .	Yes, when he becomes the <i>chief executive</i>	When A is appointed as <i>chief executive</i> he retains his status as an <i>FCA-approved person</i> .
(5) A is being appointed as <i>director</i> and as the <i>person</i> performing the <i>apportionment and oversight function</i> . Later, he becomes <i>chief</i>	On being appointed <i>director</i> , see the answers to (1) and (2). No <i>FCA</i> approval is needed when A becomes <i>chief</i>	Yes	

<p><i>executive</i> (but carries on with the <i>apportionment and oversight function</i>).</p>	<p><i>executive</i>; the <i>apportionment and oversight function</i> remains switched off when A takes up the role of <i>chief executive</i>. The application to the <i>PRA</i> should say that A is performing what would otherwise be the <i>apportionment and oversight function</i>.</p>		
<p>(6) A is appointed as <i>chief executive</i> and to perform the <i>apportionment and oversight function</i> at the same time. Later, A gives up his role as <i>chief executive</i> but carries on performing the <i>apportionment and oversight function</i> role.</p>	<p>On A's first appointment, No. But when A gives up the role as <i>chief executive</i>, <i>FCA</i> approval is needed to perform the <i>apportionment and oversight function</i>. Form E should be used. The application should state that it is being made as a result of ceasing to perform a <i>PRA controlled function</i> when the rule in <i>SUP</i> 10B.7.4R of the <i>PRA's Handbook</i> applies.</p> <p>Form A should be used if there have been changes in</p>	<p>On his first appointment, Yes.</p>	<p>Performing the <i>apportionment and oversight function</i> requires <i>FCA</i> approval. A does not have that approval because A did not need it when he was first appointed. The combined effect of <i>SUP</i> 10A.11 and <i>SUP</i> 10B.7 of the <i>PRA's Handbook</i> is that the <i>firm</i> has three months to secure approval by the <i>FCA</i> for A's performance of the <i>apportionment and oversight function</i>. During that interim period, A keeps his status as a <i>PRA-approved person</i> performing the <i>apportionment and oversight element</i> of the <i>PRA chief executive function</i> which is included in that function</p>

	<p>fitness of the <i>approved person</i> (<i>SUP</i> 10A.14.4D(3)).</p>		<p>under <i>SUP</i> 10B.7 of the <i>PRA's Handbook</i>. This is because <i>SUP</i> 10B.7.4R in the <i>PRA's Handbook</i> says that during this transitional period he is still treated as performing the <i>PRA chief executive function</i> and <i>SUP</i> 10A.11 says that for as long as he is performing a <i>PRA governing function</i> he does not perform the <i>apportionment and oversight function</i>.</p>
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The main rule

- 10A.11.11 R A *person* (referred to as A in this *rule*) is not performing the *apportionment and oversight function* in relation to a *PRA-authorized person* (referred to as B in this *rule*), at a particular time, if:
- (1) A has been approved by the *PRA* to perform any *PRA governing function* in relation to B;
  - (2) throughout the whole of the period between the time of the *PRA* approval in (1) and the time in question A has been the subject of a *current PRA approved person approval* to perform a *PRA governing function* in relation to B;
  - (3) at the time of the *PRA* approval referred to in (1), A was not subject to a *current FCA approved person approval* to perform the *apportionment and oversight function* in relation to B; and
  - (4) at the time of the *PRA* approval referred to in (1), A had not started to perform what would otherwise have been the *apportionment and oversight function* (the *FCA* function) and, as part of the application for the *PRA* approval referred to in (1), B notified the *PRA* that A would start to perform the *FCA* function at or around the time of the *PRA* approval in (1).

**10A.12 Procedures relating to FCA-approved persons**

Forms

10A.12.1 G The forms listed in *SUP* 10A.12.2G are referred to in *SUP* 10A.12 (Procedures relating to FCA-approved persons) to *SUP* 10A.17 (Further questions).

10A.12.2 G Table: FCA-approved persons forms

<b>Form</b>		<b>Purpose</b>	<b>Handbook requirement</b>
the relevant Form A	The relevant online form on the <i>FCA</i> and <i>PRA</i> 's ONA system or the form in <i>SUP</i> 10A Annex 4D (See Note)	Application to perform controlled functions under the approved persons regime	<i>SUP</i> 10A.13.3D
Form B	<i>SUP</i> 10A Annex 5R	Notice to withdraw an application to perform controlled functions under the approved persons regime	<i>SUP</i> 10A.13.19R
Form C	<i>SUP</i> 10A Annex 6R	Notice of ceasing to perform controlled functions	<i>SUP</i> 10A.14.8R
Form D	<i>SUP</i> 10A Annex 7R	Notification of changes in personal information or application details	<i>SUP</i> 10A.14.15R

Form E	The relevant online form on the <i>FCA</i> and <i>PRA</i> 's ONA system or the form in <i>SUP</i> 10A Annex 8D (See Note)	Internal transfer of an <i>approved person</i>	<i>SUP</i> 10A.14.4D
Note: The form in the <i>SUP</i> annex shown is to be used by <i>credit unions</i> , and by other <i>firms</i> only in the event of a failure of the information technology systems used by the <i>FCA</i> . See the relevant "Handbook requirement"			

10A.12.3 G A summary of the forms and their purposes is in *SUP* 10A Annex 2G.

10A.12.4 G Unless the context otherwise requires, in *SUP* 10A.12 (Procedures relating to *FCA*-approved persons) to *SUP* 10A.17 (Further questions) where reference is made to a *firm*, this also includes an applicant for *Part 4A permission*, and other *persons* seeking to carry on *regulated activities* as an *authorised person*.

10A.12.5 G Forms B, C, D and E can only be submitted in respect of an *FCA-approved person* by the *firm* that submitted an *FCA-approved person's* original application (the relevant Form A).

10A.12.6 G Copies of Forms A, B, C, D and E may be obtained from the *FCA* website. *Credit unions* can obtain copies from the *FCA's* Firm Contact Centre. To contact the *FCA's* Customer Contact Centre for *approved persons* enquiries:

- (1) telephone 0845 606 9966; or
- (2) e-mail [fcc@fca.org.uk](mailto:fcc@fca.org.uk); or
- (3) fax 020 7066 0017; or
- (4) write to:

Customer Contact Centre  
The Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
LONDON E14 5HS.

## 10A.13 Application for approval and withdrawing an application for approval

When to apply for approval

- 10A.13.1 G In accordance with section 59 of the *Act* (Approval for particular arrangements), where a *candidate* will be performing one or more *FCA controlled functions*, a *firm* must take reasonable care to ensure that the *candidate* does not perform these functions unless he has prior approval from the *FCA*.

Failure to apply for approval

- 10A.13.2 G If a *person* performs an *FCA controlled function* without approval it is not only the *firm* that is accountable. Under section 63A of the *Act* (Power to impose penalties), if the *FCA* is satisfied that:
- (1) a *person* (“P”) has at any time performed an *FCA controlled function* without approval; and
  - (2) at that time P knew, or could reasonably be expected to have known, that P was performing an *FCA controlled function* without approval;
- it may impose a penalty on P of such amount as it considers appropriate.

How to apply for approval

- 10A.13.3 D An application by a *firm* for the *FCA*'s approval under section 59 of the *Act* (Approval for particular arrangements) must be made by completing Form A (except where *SUP* 10A.14.4D requires a Form E).
- 10A.13.4 G *SUP* 10A.16.1D explains how applications should be submitted.

Who should make the application?

- 10A.13.5 G (1) In accordance with section 60 of the *Act* (Applications for approval), applications must be submitted by, or on behalf of, the *firm* itself, not by:
- (a) the *FCA candidate*; or
  - (b) (where the *FCA candidate* works for the *firm*'s parent undertaking or holding company) by the *firm*'s parent undertaking or holding company.

- (2) Usually this will be the *firm* that is employing the *FCA candidate* to perform the *FCA controlled function*. Where a *firm* has outsourced the performance of an *FCA controlled function*, the details of the outsourcing determine where responsibility lies and whom the *FCA* anticipates will submit *FCA-approved persons* application forms. *SUP* 10A.13.6G describes some common situations. The *firm* which is outsourcing is referred to as "A" and the *person* to whom the performance of the *FCA controlled function* has been outsourced, or which makes the arrangement for the *FCA controlled function* to be performed, is referred to as "B". In each situation, A must take reasonable care to ensure that, in accordance with section 59(2) of the Act, no *person* performs an *FCA controlled function* under an arrangement entered into by its contractor in relation to the carrying on by A of a *regulated activity*, without approval from the *FCA*. See also *SYSC* 3.2.4G and *SYSC* 8.1.1R, and *SYSC* 13.9 for *insurers*.

10A.13.6 G Outsourcing arrangements

<b>Outsourcing arrangements</b>		<b>Submitting form</b>
<i>Firm A to firm B</i>	The <i>FCA</i> will consider A to have taken reasonable care if it enters into a contract with B under which B is responsible for ensuring that the relevant <i>FCA controlled functions</i> are performed by <i>FCA-approved persons</i> , and that it is reasonable for A to rely on this	<i>Firm B</i> submits <i>FCA-approved persons</i> forms on behalf of <i>firm A</i>
Outsourcing by A to B (both being a member of the same <i>United Kingdom group</i> and each having its registered office in the <i>United Kingdom</i> )	See <i>SUP</i> 10A.3.4G	See <i>SUP</i> 15.7.8G

<p>(i) A to B, where B is a non-<i>authorised person</i> not part of the same <i>group</i> as A  (ii) A to B, where A is a <i>branch</i> of an <i>overseas firm</i> in the <i>United Kingdom</i>, and B is an <i>overseas undertaking</i> of the same <i>group</i>  (iii) A to B, where A is a <i>UK authorised subsidiary</i> of an <i>overseas firm</i> and B is an <i>overseas undertaking</i> of the same <i>group</i></p>	<p>Responsibility for (as opposed to the performance of) any activity <i>outsourced</i> to B will remain with A. See <i>SYSC 3.2.4G</i> and <i>SYSC 8</i></p>	<p>A ensures that an individual approved by the <i>FCA</i> or the <i>PRA</i> under a <i>controlled function</i> that is a <i>significant-influence function</i> has responsibility for the <i>outsourced arrangement</i> and A submits a form in relation to that individual</p>
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- 10A.13.7 G Where the notification of an *appointed representative* (*SUP 12.7.1R*) is linked to an application for approval (*SUP 10A.13* (Applications for approval and withdrawing an application for approval)), any delay in receiving the notification under *SUP 12.7.1R* may delay the *FCA*'s approval of the individuals employed by that *appointed representative* who will be performing *FCA controlled functions* for the *firm*.

Processing an application

- 10A.13.8 G The *Act* sets out the time that the *FCA* has to consider an application and come to a decision.
- 10A.13.9 G In any case where the application for approval is made by a *person* applying for *permission* under Part 4A of the *Act*, the *FCA* has until the end of whichever of the following periods ends last:
- (1) the period within which an application for that *permission* must be determined; and
  - (2) the period of three months from the time it receives a properly completed application.
- 10A.13.10 G In any other case it is the period of three months from the time it receives a properly completed application.

- 10A.13.11 G The *FCA* must either grant the application or, if it proposes not to grant an application, issue a *warning notice* (see *DEPP 2*). The *FCA* will deal with cases more quickly than this whenever circumstances allow and will try to meet the standard response times published on the website and in its Annual Report. However, if an application is incomplete when received, or the *FCA* has knowledge that, or reason to believe that, the information is incomplete, then the processing time will be longer than the published standard response times.
- 10A.13.12 G Application forms must always be completed fully and honestly. Further notes on how to complete the form are contained in each form. If forms are not completed fully and honestly, applications will be subject to investigation and the *FCA candidate's* suitability to be approved to undertake an *FCA controlled function* will be called into question. A *person* who provides information to the *FCA* that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the *Act* regardless of the status of their application.
- 10A.13.13 G If there is a delay in processing the application within the standard response time, the *FCA* will tell the *firm* making the application as soon as this becomes apparent.
- 10A.13.14 G Before making a decision to grant the application or give a *warning notice*, the *FCA* may ask the *firm* for more information about the *FCA candidate*. If it does this, the three-month period in which the *FCA* must determine a completed application:
- (1) will stop on the day the *FCA* requests the information; and
  - (2) will start running again on the day on which the *FCA* finally receives all the requested information.
- 10A.13.15 G The *FCA* may grant an application only if it is satisfied that the *FCA candidate* is a fit and proper *person* to perform the *FCA controlled function* stated in the application form. Responsibility lies with the *firm* making the application to satisfy the *FCA* that the *FCA candidate* is fit and proper to perform the *FCA controlled function* applied for.
- 10A.13.16 G For further *guidance* on criteria for assessing whether a *FCA candidate* is fit and proper, see *FIT*.

#### Decisions on applications

- 10A.13.17 G Whenever it grants an application, the *FCA* will confirm this in writing to all *interested parties*.
- 10A.13.18 G If the *FCA* proposes to refuse an application in relation to one or more *FCA controlled functions*, it must follow the procedures for issuing *warning* and *decision notices* to all *interested parties*. The requirements relating to *warning* and *decision notices* are in *DEPP 2*.

#### Withdrawing an application for approval

- 10A.13.19 R A *firm* applying to withdraw an application for approval must notify the *FCA*, using Form B, in the form set out in *SUP* 10A Annex 5R.
- 10A.13.20 G Under section 61(5) of the *Act* (Determination of applications), the *firm* may withdraw an application only if it also has the consent of the *candidate* and the *person* by whom the *candidate* is or would have been employed, if this is not the *firm* making the application.

### 10A.14 Changes to an FCA-approved person's details

#### Moving within a firm

- 10A.14.1 G An *FCA-approved person's* job may change from time to time as a result, for instance, of a change in personal job responsibilities or a *firm's regulated activities*. Where the changes will involve the *person* performing one or more *FCA controlled functions* different from those for which approval has already been granted, then an application must be made to the *FCA* for approval for the *person* to perform those *FCA controlled functions*. The *firm* must take reasonable care to ensure that an individual does not begin performing an *FCA controlled function* until the *FCA* has granted *FCA-approved person* status to that individual in respect of that *FCA controlled function*. Similarly, a *firm* must get the *FCA's* approval if a *person* is to start performing an *FCA controlled function* in relation to that *firm* when he already has the *PRA's* approval to perform a *PRA controlled function* in relation to that *firm*.
- 10A.14.2 G If an *FCA-approved person* or a *PRA-approved person* is ceasing to perform *FCA controlled functions* or *PRA controlled functions*, as well as applying for approval in respect of *FCA controlled functions*, *SUP* 10A.14.4D generally applies. Further details can be found in *SUP* 10A Annex 2G.
- 10A.14.3 G If a *person* is to perform an *FCA controlled function* for a *firm* for which he already performs a *PRA controlled function* or *FCA controlled function* as an *approved person* but he is not at the same time ceasing to perform an *FCA controlled function* or *PRA controlled function*, a *firm* should use Form A. It is not mandatory to complete all parts of the form. See the notes relevant to each form for full details.
- 10A.14.4 D (1) A *firm* must use Form E where an *approved person* is both ceasing to perform one or more *controlled functions* and needs to be approved in relation to one or more *FCA controlled functions* within the same *firm* or *group*.

- (2) A *firm* must not use Form E if the *approved person* has never before been approved to perform a *significant-influence function* for any *firm* or has not been subject to a *current approved person approval* from the *FCA* or *PRA* to perform a *significant-influence function* in relation to any *firm* for more than six months.
- (3) A *firm* must not use Form E if a notification has been made or should be made under *SUP* 10A.14.17R (Changes in fitness to be notified under Form D) or *SUP* 10B.12.18R (the equivalent *PRA rule*) in relation to any *controlled functions* that that *person* is ceasing to perform (as referred to in (1)) or any *controlled function* that he is continuing to perform in relation to that *firm* or a *firm* in the same *group*.

10A.14.5 G *SUP* 10A.16.1D explains how applications should be submitted.

#### Moving between firms

10A.14.6 G If it is proposed that an *FCA-approved person* will no longer be performing an *FCA controlled function* under an *arrangement* entered into by one *firm* or one of its contractors, but will be performing the same or a different *FCA controlled function* under an *arrangement* entered into by a new *firm* or one of its contractors (whether or not the new *firm* is in the same *group* as the old *firm*), the new *firm* will be required to make a fresh application for the performance of the *FCA controlled function* by that *person*.

10A.14.7 G In certain circumstances, when the *FCA* already has the information it would usually require, a shortened version of the relevant Form A may be completed. See the notes relevant to each form for full details.

#### Ceasing to perform an FCA controlled function

10A.14.8 R A *firm* must submit to the *FCA* a completed Form C, in the form set out in *SUP* 10A Annex 6R, no later than seven *business days* after an *FCA-approved person* ceases to perform an *FCA controlled function*. This does not apply if the *firm* has already notified the *FCA* of the proposal to do that using Form E in accordance with this chapter or has notified the *PRA* of the proposal to do that using the *PRA's* Form E in accordance with *SUP* 10B of the *PRA's* Handbook.

10A.14.9 G *SUP* 10A.16.2R explains how notifications should be submitted.

- 10A.14.10 R
- (1) A *firm* must notify the *FCA* as soon as practicable after it becomes aware, or has information which reasonably suggests, that it will submit a qualified Form C in respect of an *FCA-approved person*.
  - (2) Form C is qualified if the information it contains:
    - (a) relates to the fact that the *firm* has dismissed, or suspended, the *FCA-approved person* from its employment; or

- (b) relates to the resignation by the *FCA-approved person* while under investigation by the *firm*, the *FCA* or any other *regulatory body*; or
  - (c) otherwise reasonably suggests that it may affect the *FCA*'s assessment of the *FCA-approved person*'s fitness and propriety.
- 10A.14.11 G Notification under *SUP* 10A.14.10R may be made by telephone, email or fax and should be made, where possible, within one *business day* of the *firm* becoming aware of the information. If the *firm* does not submit Form C, it should inform the *FCA* in due course of the reason. This could be done using Form D, if appropriate.
- 10A.14.12 G A *firm* is responsible for notifying the *FCA* if any *FCA-approved person* has ceased to perform an *FCA controlled function* under an arrangement entered into by its *appointed representative* or former *appointed representative*
- 10A.14.13 G A *firm* can submit Form C or Form E to the *FCA* in advance of the cessation date. When a *person* ceases the arrangement under which he performs an *FCA controlled function*, he will automatically cease to be an *FCA-approved person* in relation to that *FCA controlled function*. A *person* can only be an *FCA-approved person* in relation to a specific *FCA controlled function*. Therefore, a *person* is not an *FCA-approved person* during any period between ceasing to perform one *FCA controlled function* (when he is performing no other *FCA controlled function*) and being approved in respect of another *FCA controlled function*.
- 10A.14.14 G Sending forms promptly will help to ensure that any fresh application can be processed within the standard response times.

Changes to an approved person's personal details

- 10A.14.15 R If an *FCA-approved person*'s title, name or national insurance number changes, the *firm* for which the *person* performs an *FCA controlled function* must notify the *FCA* on Form D, in the form set out in *SUP* 10A Annex 7R, of that change within seven *business days* of the *firm* becoming aware of the matter.
- 10A.14.16 G The duty to notify in *SUP* 10A.14.15R does not apply to changes to an *FCA-approved person*'s private address.
- 10A.14.17 R If a *firm* becomes aware of information which would reasonably be material to the assessment of an *FCA-approved person*'s, or a *FCA candidate*'s, fitness and propriety (see *FIT*), it must inform the *FCA* on Form D, or (if it is more practical to do so and with the prior agreement of the *FCA*) by e-mail or fax, as soon as practicable.
- 10A.14.18 G *SUP* 10A.16.2R applies to the submission of Form D.

- 10A.14.19 G Failing to disclose relevant information to the *FCA* may be a criminal offence under section 398 of the *Act*.
- 10A.14.20 G The duty to notify in *SUP* 10A.14.17R extends to any circumstances that would normally be declared when giving the information required for section 5 of Form A or matters considered in *FIT* 2.
- 10A.14.21 R (1) If, in relation to a *firm* which has completed the relevant Form A (*SUP* 10A Annex 4D), any of the details relating to arrangements and *FCA controlled functions* are to change, the *firm* must notify the *FCA* on Form D (*SUP* 10A Annex 7R).
- (2) The notification under (1) must be made as soon as reasonably practicable after the *firm* becomes aware of the proposed change.
- (3) This also applies in relation to an *FCA controlled function* for which an application was made using Form E.
- (4) This *rule* also applies to a *firm* in respect of an *approved person*, to whom the grandfathering arrangements relating to the coming into force of the *Act* applied as if the *firm* had completed the relevant Form A for that *person*.
- 10A.14.22 G *SUP* 10A.16.2R also applies to the submission of Form D under *SUP* 10A.14.21R.
- 10A.14.23 G An example of where a *firm* should use Form D is when an individual who is appointed by one *appointed representative* becomes employed by another *appointed representative* but continues to perform the *customer function* for the *firm*. The *firm* should notify the *FCA* by completing Section 1.07 of Form D.

#### Ongoing alerts for retail adviser complaints

- 10A.14.24 R (1) A *firm* must notify the *FCA*, in the form set out in *SUP* 10 Annex 9R, where:
- (a) in any twelve-month period, it has upheld three *complaints* about matters relating to the *retail investment activities* carried out by any one *retail investment adviser*; or
- (b) it has upheld a *complaint* about matters relating to the *retail investment activities* carried out by a *retail investment adviser*, where the redress paid exceeds £50,000.
- (2) (a) Notifications made under (1)(a) must be made by the end of the period of 20 *business days*, beginning on the day in which the *firm* has upheld the third complaint.

- (b) Notifications made under (1)(b) must be made by the end of the period of 20 *business days*, beginning on the day in which the *firm* has upheld the complaint.

10A.14.25 G For the purpose of *SUP* 10A.14.24R:

- (1) when calculating the number of *complaints* in *SUP* 10A.14.24R(1)(a), the *firm* should exclude complaints previously notified to the *FCA* under this *rule*;
- (2) redress, under *SUP* 10A.14.24R(1)(b), should be interpreted to include an amount paid, or cost borne, by the *firm*, where a cash value can be readily identified, and should include:
  - (a) amounts paid for distress and inconvenience;
  - (b) a free transfer out to another provider which transfer would normally be paid for;
  - (c) goodwill payments and goodwill gestures;
  - (d) interest on delayed settlements;
  - (e) waiver of an excess on an insurance policy; and
  - (f) payments to put the consumer back into the position the consumer should have been in had the act or omission not occurred; and
- (3) if a *firm* reports on the amount of redress paid under *SUP* 10A.14.24R(1)(b), the redress should not include repayments or refunds of premiums which had been taken in error (for example where a *firm* had been taking, by direct debit, twice the actual premium amount due under a policy); the refund of the overcharge would not count as redress.

[**Note:** See *DISP* 1.10.2AR for the duty to notify *complaints* under the *complaints reporting rules*]

10A.14.26 R Notifications under *SUP* 10A.14.24R must be made electronically using a method of notification prescribed by the *FCA*.

## **10A.15 References and accurate information**

### References

10A.15.1 R (1) If a *firm* (A):

- (a) is considering appointing a *person* to perform any *FCA controlled function*;
- (b) requests another *firm* (B), as a current or former employer of that *person*, for a reference or other information in connection with that appointment; and
- (c) indicates to B the purpose of the request;

B must, as soon as reasonably practicable, give to A all relevant information of which it is aware.

- (2) When giving the information to A under (1), B must have regard to the purpose of the request and, in particular, to:
  - (a) any outstanding liabilities of that *person* from commission payments;
  - (b) any relevant outstanding or upheld complaint from an *eligible complainant* against that *person*;
  - (c) section 5 of the relevant Form A in SUP 10A Annex 4 (Application to perform controlled functions under approved persons regime);
  - (d) FIT 2 (Main assessment criteria); and
  - (e) if SUP 16.8.1G(1) (Persistency reports from insurers) applies to B, the persistency of any *life policies* sold by that *person*.

10A.15.2 G The requirement in SUP 10A.15.1R(1) for *firm* (B) to give to *firm* (A) all relevant information of which it is aware concerning a *person* *firm* A is considering appointing to perform any of the *FCA controlled functions*, also applies where *firm* A has outsourced the collection of that information to another (unregulated) third party, where *firm* B has been made aware that the unregulated third party is acting on behalf of *firm* A.

10A.15.3 G A *firm* supplying a reference in accordance with SUP 10A.15.1R owes a duty to its former *employee* and the recipient *firm* to exercise due skill and care in the preparation of the reference. The reference should be accurate and based on documented fact. The *firm* may give frank and honest views, but only after taking reasonable care both as to factual content, and as to the opinions expressed, and verifying the information upon which they are based.

The need for complete and accurate information

10A.15.4 G The obligations to supply information to:

- (1) the *FCA* under either SUP 10A.14.8R or SUP 10A.14.10R;

(2) another *firm* under SUP 10A.15.1R;

apply notwithstanding any agreement (for example a 'COT 3' Agreement settled by the Advisory, Conciliation and Arbitration Service (ACAS)) or any other arrangements entered into by a *firm* and an *employee* upon termination of the *employee's* employment. A *firm* should not enter into any such arrangements or agreements that could conflict with its obligations under this section.

10A.15.5 G Failing to disclose relevant information to the *FCA* may be a criminal offence under section 398 of the Act.

## 10.16 How to apply for approval and give notifications

- 10A.16.1 D (1) This direction applies to an application under Form A or Form E.
- (2) An application by a *firm* other than a *credit union* must be made by submitting the Form online at [fca.org.uk](http://fca.org.uk) using the form specified on the *FCA's* and *PRA's* ONA system.
- (3) An application by a *credit union* must be made using the form in SUP 10A Annex 4D or SUP 10A Annex 8D and must be submitted in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).
- (4) Where a *firm* is obliged to submit an application online under (2), if the information technology systems used by the *FCA* fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored a *firm* must use the form in SUP 10A Annex 4D or SUP 10A Annex 8D and submit it in the way set out in SUP 15.7.4R to SUP 15.7.9G (Form and method of notification).
- 10A.16.2 R (1) This rule applies to a notification under Form C or Form D.
- (2) A notification must be made in accordance with SUP 10A.16.1D, except that the annexes to SUP 10A in which the forms are to be found are SUP 10A Annex 6R or SUP 10A Annex 7R, rather than the Annexes mentioned in SUP 10A.16.1D.
- 10A.16.3 G If the information technology systems used by the *FCA* fail and online submission is unavailable for 24 hours or more, the *FCA* and *PRA* will endeavour to publish a notice on their websites confirming that online submission is unavailable and that the alternative methods of submission set out in SUP 10A.16.1D(4) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.
- 10A.16.4 G Where SUP 10A.16.1D(4) or the equivalent situation under SUP 10A.16.2R applies to a *firm*, GEN 1.3.2R (Emergency) does not apply.

**10A.17 Further questions**

- 10A.17.1 G A list of frequently asked questions and answers is at *SUP* 10A Annex 1.
- 10A.17.2 G If the *firm* or its advisers have further questions, they should contact the *FCA's* Contact Centre (see *SUP* 10A.12.6G).

**10A Annex 1G Frequently asked questions**

	Question	Answer
	<b>Requirements of the regime</b>	
1	Does pre-approval apply to individuals taking up a new <i>FCA controlled function</i> within the same <i>firm</i> ?	Yes. Pre-approval applies in all circumstances (see section 59 of the <i>Act</i> (Approval for particular arrangements)) except under the temporary (12 weeks) provision. See <i>SUP</i> 10A.5.6R and question 2.
2	What are the procedures for 'emergency situations'?	Individuals may perform an <i>FCA significant-influence function</i> for up to 12 weeks in any consecutive 12-month period without requiring approval. When it becomes clear that a <i>person</i> will be performing the function on a permanent basis, then an application for approval should be made. However, there is no provision for individuals to perform the <i>customer function</i> on a continuing basis without approval ( <i>SUP</i> 10A.5.6R).
3	Can a <i>person</i> be approved for more than one <i>FCA controlled function</i> ?	Yes. A <i>firm</i> will need to seek approval in respect of each <i>FCA controlled function</i> a <i>person</i> is to perform.

4	Do the <i>FCA controlled functions</i> apply to an <i>incoming EEA firm</i> that is providing <i>cross border services</i> into the <i>United Kingdom</i> ?	No. The <i>FCA-approved persons</i> regime does not apply to <i>cross border services</i> ( <i>SUP 10A.1.5R</i> ).
5	May any activity be outsourced by a <i>firm</i> ?	Yes. But if that activity constitutes a <i>regulated activity</i> , the <i>person</i> to whom it is outsourced will itself need permission.
6	Can an <i>FCA significant-influence function</i> be outsourced?	It is a question of fact in each case as to who is performing an <i>FCA significant-influence function</i> . These functions are mostly described at a high level of responsibility, for example, the <i>director</i> of a <i>company</i> or a <i>partner</i> in a <i>partnership</i> . The <i>persons</i> performing these functions cannot avoid their ultimate responsibility and, therefore, the need for approval. However, some of the <i>FCA significant-influence functions</i> may be performed by a <i>person</i> who is specifically brought in to do the job, for example the <i>chief executive function</i> (where it is to be performed by a <i>body corporate</i> ).
7	Do Lloyd's underwriting agents still require registration with Lloyd's?	Yes. Approval for a <i>controlled function</i> is not sufficient.
8	What should a <i>firm</i> do if it is unsure whether an individual needs approval?	The <i>firm</i> should contact the <i>FCA's</i> Customer Contact Centre. See <i>SUP 10A.12.6G</i> .
	<b>Submitting an application</b>	
9	Who applies for approval?	The <i>firm</i> . See section 60 of the <i>Act</i> (Applications for approval).

10	What is the role of the <i>FCA candidate</i> in the application process?	Before the <i>firm</i> submits the relevant Form A or Form E, it must verify the information contained in it. As part of this verification, the Form provides for the <i>FCA candidate</i> to confirm the accuracy of the information given by the <i>firm</i> so far as it relates to him.
11	What checks should a <i>firm</i> make on a <i>FCA candidate</i> before submitting an application for approval from the <i>FCA</i> ?	The <i>FCA</i> expects <i>firms</i> to perform due and diligent enquiries into their <i>FCA candidates</i> before they submit an application to the <i>FCA</i> for approval. The <i>FCA</i> 's approval process is not a substitute for the checks that a <i>firm</i> should be carrying out on its prospective recruits. It is for the <i>firm</i> to determine what checks are appropriate but, in making its decision, a <i>firm</i> should have regard to the <i>FCA controlled function</i> to which the application relates. <i>Firms</i> ' enquiries should include checks to verify relevant qualifications and previous employment. Note also the provisions of <i>EG 6</i> .
12	Should these checks include a check of criminal records?	It is for senior management to decide what checks should be made. In deciding if it is necessary to carry out a check of criminal records, the <i>firm</i> should consider that the <i>FCA</i> does not routinely carry out these checks during the approval process. By virtue of the <i>rehabilitation exceptions orders</i> , the <i>FCA</i> and the industry also have a right to ask about the spent criminal convictions specified in those Orders, as well as any unspent criminal convictions, in order to assess the suitability of <i>FCA candidates</i> for <i>approved person</i> status (see section 5 of the relevant Form A (Application to perform controlled functions under the approved persons regime)). Note also the provisions of <i>EG 6</i> (Publicity).
13	What is the "fit and proper" test for approval?	Section 61(1) of the <i>Act</i> (Determination of applications) provides that the <i>FCA</i> may grant an application only if it is satisfied that the <i>FCA candidate</i> is a fit and proper <i>person</i> to perform the relevant function. In determining this question, the <i>Act</i> sets out the matters to which the <i>FCA</i> may have regard (section 61(2)) and the <i>FCA</i> has given guidance on this in <i>FIT</i> .

14	If a <i>firm</i> is unsure whether or not something may have an impact upon an individual's fitness and propriety, should it be disclosed?	Yes, always. The deliberate non-disclosure of material facts is taken very seriously by the <i>FCA</i> as it is seen as possible evidence of current dishonesty. Therefore, if in doubt, disclose.
15	What happens if adverse information comes to light after the application form has been submitted or after the individual has been <i>FCA</i> -approved?	The <i>firm</i> must inform the <i>FCA</i> at the earliest opportunity. See <i>SUP</i> 10A.14.17R.
16	Will the <i>FCA</i> consider an application in respect of a <i>FCA candidate</i> who has not yet signed a contract with the <i>firm</i> ?	Yes, as the <i>FCA</i> will consider the arrangement under which the <i>FCA candidate</i> will perform the function. However, the <i>FCA</i> will not consider speculative or provisional applications - such as for the <i>FCA candidates</i> in an election to a mutual society Board. The <i>FCA</i> must be informed immediately of any material changes to the information provided on the application form which arises before the application has been determined. All changes must be communicated to the <i>FCA</i> by the <i>firm</i> making the application (see <i>SUP</i> 15.6.4R). Failure to notify the <i>FCA</i> may result in a delay in processing or rejection or both.
17	How can <i>credit unions</i> get a supply of application forms (Forms A to F)?	These can be ordered from the <i>FCA</i> 's Customer Contact Centre. There is no charge for an application form.

18	Is there a separate fee for making an application for <i>FCA-approved person</i> status?	No.
19	Must all gaps in previous employment be explained?	Yes.
	<b>FCA procedure</b>	
20	Does the <i>FCA</i> verify the information provided to it?	Yes, as far as possible, information is verified.
21	Will the <i>FCA</i> handle information confidentially?	Yes. The <i>FCA</i> is obliged to handle all information confidentially and is subject to the provisions of the Data Protection Act 1998.
22	How long will the <i>FCA</i> take to process an application for <i>FCA-approved person</i> status?	The length of time taken to process the application will vary as it is dependent upon the application under consideration. The <i>FCA</i> publishes standard response times on its website at <a href="http://www.fca.org.uk">www.fca.org.uk</a> setting out how long the application process is expected to take in practice. From time to time, the <i>FCA</i> also publishes its performance against these times. However, if, for example, information is missing from the application, or the information provided gives the <i>FCA</i> cause for concern, or the <i>FCA</i> already has in its possession relevant information which gives rise to concerns, processing time will almost always be longer. In each case, the <i>FCA</i> will notify the <i>firm</i> of any extension to the processing times.
23	Will the <i>firm</i> and individual be notified if there is a delay in processing the application form?	Yes. The <i>FCA</i> will contact the <i>firm</i> explaining the position and, where appropriate, giving the reasons for delay. It will then be the responsibility of the <i>firm</i> to keep the <i>FCA candidate</i> and any other <i>interested party</i> informed.

24	How are non-routine cases handled?	Refer to <i>DEPP 2</i> .
25	Can the <i>FCA</i> apply conditions to an <i>FCA-approved person</i> ?	No. The application can either be granted or refused. The <i>Act</i> provides no equivalent to the limitations or requirements which may be included in <i>permissions</i> . If the application is refused, the <i>firm</i> may re-apply in respect of the same individual but a different <i>FCA controlled function</i> . If it is considering doing this, the <i>firm</i> is encouraged to discuss the matter with the <i>FCA</i> . Where there are reasonable grounds for doing so, the <i>FCA</i> may require a <i>firm</i> to provide information about an <i>FCA-approved person</i> (see section 165 of the <i>Act</i> (Power to require information)).
26	Will the <i>firm</i> be issued with confirmation of approval?	Yes. The <i>firm</i> will be sent a letter setting out the effective date of approval together with the <i>FCA controlled function</i> for which the individual has been <i>FCA-approved</i> . It will then be the <i>firm's</i> responsibility to inform the individual and any other <i>interested party</i> , for example any <i>appointed representative</i> .
	<b>Withdrawing an application</b>	
27	Can a <i>firm</i> withdraw its application?	Yes, but only with the consent of the <i>FCA candidate</i> . See section 61(5) of the <i>Act</i> (Determination of applications).
28	What happens if the individual refuses to consent to the withdrawal of the application?	The <i>FCA</i> will consider with all <i>interested parties</i> what to do. If it proposes to refuse the application, it will give a <i>warning notice</i> to all <i>interested parties</i> . See section 62 of the <i>Act</i> (Applications for approval: procedure and right to refer to the Tribunal).
29	Can the <i>firm</i> withdraw only part of an application – for instance, in relation to a specific <i>FCA controlled function</i> ?	The <i>FCA</i> will allow the <i>firm</i> to amend its application at any time before determination with the consent of all other <i>interested parties</i> . Whether the amendment will have the effect of amounting to a fresh application will be considered on a case by case basis.

	<b>Conduct of FCA-approved persons</b>	
30	How and when must the <i>firm</i> report to the <i>FCA</i> potentially adverse information about an <i>FCA-approved person's</i> fitness and propriety?	Normally, the <i>firm</i> should report such matters to the <i>FCA</i> on Form D once it is reasonably satisfied as to the information's validity ( <i>SUP</i> 10A.14.17R). (See also, Chapter 11 of the Principle for Businesses sourcebook ( <i>PRIN</i> ) and Statement of Principle 4 in Chapter 2 of the Statements of Principle and Code of Practice for Approved Persons ( <i>APER</i> .) However, if an <i>FCA-approved person</i> is dismissed, is suspended, or resigns while under investigation by the <i>firm</i> , the <i>FCA</i> or another <i>regulatory body</i> , or there are any other matters that might affect the individual's fitness and propriety to perform an <i>FCA controlled function</i> , the <i>firm</i> should inform the <i>FCA</i> ( <i>SUP</i> 10A.14.10R) that it will be submitting a Form C containing adverse information. Full details must then be provided within seven business days, on the Form C ( <i>SUP</i> 10A.14.8R).
31	For how long are individuals accountable to the <i>FCA</i> after ceasing to be an <i>FCA-approved person</i> ?	A <i>person</i> is guilty of misconduct if, while an <i>FCA-approved person</i> , he fails to comply with a <i>Statement of Principle</i> or is knowingly concerned in the contravention by a <i>firm</i> of a requirement in the <i>Act</i> or the <i>Handbook</i> or certain other requirements. But the <i>FCA</i> may not bring proceedings after three years from when it first knew of the misconduct.

<b>How does the customer function relate to the training and competence requirements?</b>			
<b>Activity</b>	<b>Products/sectors in TC Appendix 1</b>	<b>FCA controlled function</b>	<b>SUP</b>
Advising only,	2-9	<i>customer function</i> (CF 30)	10A.10.4R
Undertaking an activity	10-11		
Advising and dealing	12-13		

Managing investments	14		
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**10A Annex 2 Approved person regime: summary of forms and their use for applications for approval to perform an FCA-controlled function**

<b>Function</b>	<b>Form</b>	<b>Submission</b>
<i>Person</i> about to perform an <i>FCA controlled function</i> if he has never been approved by the <i>FCA</i> or <i>PRA</i> before.	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate</i> is to perform an <i>FCA significant-influence function</i> and either has current approval to perform an <i>FCA significant-influence function</i> or a <i>PRA controlled function</i> , or has had such an approval within the previous six <i>months</i> .	Shortened Form A if conditions met	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate</i> is to perform the <i>customer function</i> and is either an <i>FCA-approved person</i> or a <i>PRA-approved person</i> , or was one within the previous six <i>months</i> .	Shortened Form A if conditions met	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate</i> ceased to be an <i>approved person</i> more than six months ago.	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate</i> is seeking to perform a <i>significant-influence function</i> for the first time or ceased to have approval from the <i>FCA</i> or <i>PRA</i> to perform such function more than six <i>months</i> ago.	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Firm</i> applying for an outstanding application to perform an <i>FCA controlled function</i> to be withdrawn.	B	Submitted by the <i>firm</i> : signed by all <i>interested parties</i> .
<i>Person</i> ceasing to perform an <i>FCA controlled function</i> .	C (unless it should be notified under Form E)	Submitted by the <i>firm</i> within seven <i>business days</i> of <i>approved person</i> ceasing to perform <i>controlled function(s)</i> .

<p>If an <i>FCA-approved person's</i> title, name or national insurance number changes, or there is information which may be material to the continuing assessment of an <i>approved person's</i> fitness and propriety.</p>	<p>D</p>	<p>Submitted by <i>firm</i> within seven <i>business days</i> of the firm becoming aware of the matter.</p>
<p><i>Person</i> remaining with the same <i>firm</i> but changing <i>FCA controlled functions</i> (excluding where the <i>person</i> is changing from a <i>customer function</i> to a <i>significant-influence function</i>).</p>	<p>E</p>	<p>Submitted by <i>firm</i> to the <i>FCA</i> before changes take place.</p>
<p><i>Person</i> remaining with the same <i>firm</i> but changing from a <i>customer function</i> to an <i>FCA significant-influence function</i>.</p>	<p>A</p>	<p>See examples in this table relating to the use of Form A</p>
<p><i>Person</i> remaining with the same <i>firm</i> but giving up a <i>PRA controlled function</i> and taking up an <i>FCA controlled function</i>.</p>	<p>E</p>	<p>Submitted by <i>firm</i> to the <i>FCA</i> before changes take place.</p>
<p><i>Person</i> remaining with the same <i>firm</i> in the circumstances described in Example 6 in the table in SUP 10A.11.10G (giving up a <i>PRA controlled function</i> triggering need for <i>FCA</i> approval).</p>	<p>E</p>	<p>Submitted by <i>firm</i> to the <i>FCA</i> in hard copy in advance of giving up the <i>PRA governing function</i>.</p>
<p><i>Person</i> remaining with the same <i>firm</i> but giving up an <i>FCA significant-influence function</i> and taking up a <i>PRA controlled function</i>.</p>	<p>E</p>	<p>Submitted by <i>firm</i> to the <i>PRA</i> before changes take place (see the <i>PRA's Handbook</i>).</p>

## Annex C

### New Chapter 10B of the Supervision manual (SUP)

Insert the following new chapter in the appropriate place in the Supervision manual. The text is not underlined.

#### **10B PRA Approved Persons**

##### **10B.1 Application**

General

- 10B.1.1 R This chapter applies to every *PRA-authorised person*.
- 10B.1.2 G This chapter is also relevant to every *PRA-approved person*.
- 10B.1.3 G The *rules* in this chapter specify descriptions of *PRA controlled functions* under section 59 of the *Act* (Approval for particular arrangements).
- 10B.1.4 G The directions in this chapter relate to the manner in which a *firm* must apply for the *PRA's* approval under section 59 of the *Act* and other procedures.

Overseas firms: UK services

- 10B.1.5 R This chapter does not apply to an *overseas firm* in relation to *regulated activities* which are carried on in the *United Kingdom* other than from an establishment maintained by it or its *appointed representative* in the *United Kingdom*.

Overseas firms: UK establishments

- 10B.1.6 R Only the following *PRA controlled functions* apply to an *overseas firm* which maintains an establishment in the *United Kingdom* from which *regulated activities* are carried on:
- (1) the *director function* where the *person* performing that function:
    - (a) has responsibility for the *regulated activities* of a *UK branch* which are likely to enable him to exercise significant influence over that branch; or
    - (b) is someone whose decisions or actions are regularly taken into account by the *governing body* of that branch;
  - (2) the *non-executive director function* where the *person* performing that function:

- (a) has responsibility for the *regulated activities* of a *UK branch* which is likely to enable him to exercise significant influence over that branch; or
- (b) is someone whose decisions or actions are regularly taken into account by the *governing body* of that *branch*;
- (3) the *chief executive function*;
- (4) the *PRA required functions*;
- (5) the *systems and controls function*.

Incoming EEA firms and incoming Treaty firms

10B.1.7 R This chapter does not apply to:

- (1) an *incoming EEA firm*; or
- (2) an *incoming Treaty firm*;

if and in so far as the question of whether a *person* is fit and proper to perform a particular function in relation to that *firm* is reserved, under any of the *Single Market Directives*, the *Treaty* or the *auction regulation*, to an authority in a country or territory outside the *United Kingdom*.

10B.1.8 G *SUP 10B.1.7R* reflects the provisions of section 59(8) of the *Act* and, in relation to an *incoming Treaty firm* the *Treaty*. It preserves the principle of *Home State* prudential regulation. In relation to an *incoming EEA firm* exercising an *EEA right*, or an *incoming Treaty firm* exercising a *Treaty right*, the effect is to reserve to the *Home State regulator* the assessment of the fitness and propriety of a *person* performing a function in the exercise of that right. A member of the *governing body*, or the notified UK branch manager, of an *incoming EEA firm*, acting in that capacity, will not therefore have to be approved by the *PRA* under the *Act*.

10B.1.9 G Notwithstanding *SUP 10B.1.8G*, an *incoming EEA firm* (other than an *EEA pure reinsurer*) or *incoming Treaty firm* will have had to consider the impact of the *Host State* rules with which it is required to comply when carrying on a *passported activity* or *Treaty activity* through a *branch* in the *United Kingdom*. An *incoming EEA firm* (other than an *EEA pure reinsurer*) will have been notified of those provisions under Part II of Schedule 3 to the *Act* in the course of satisfying the conditions for *authorisation* in the *United Kingdom*.

10B.1.10 G An *incoming EEA firm* will have to consider, for example, the position of a *branch manager* based in the *United Kingdom* who may also be performing a function in relation to the carrying on of a *regulated activity* not covered by the *EEA right* of the *firm*. In so far as the function is within the description of a *PRA controlled function*, the *firm* will need to seek approval for that *person* to perform that *PRA controlled function*.

Incoming EEA firms: passported activities from a branch

- 10B.1.11 R None of the *PRA controlled functions* apply to an *incoming EEA firm* with respect to its *passported activities* carried on from a *branch* in the *United Kingdom*.

Incoming EEA firms etc with top-up permission activities from a UK branch

- 10B.1.12 R In relation to the activities of a *firm* for which it has a *top-up permission*, only the *PRA required functions* apply.

Committees of the Society of Lloyd's

- 10B.1.13 R For the purpose of *SUP* 10B.6.1R (the *director function*), "director" includes an executive member of a committee to which the *Council* of the *Society of Lloyd's* directly delegates authority to carry out the *Society's* regulatory functions.

- 10B.1.14 R For the purpose of *SUP* 10B.6.3R (the non-executive director function), "*non-executive director*" includes a non-executive member of a committee to which the *Council* of the *Society of Lloyd's* directly delegates authority to carry out the *Society's* regulatory functions.

Insolvency practitioners

- 10B.1.15 R This chapter does not apply to a function performed by:
- (1) a *person* acting as an insolvency practitioner within the meaning of section 388 of the Insolvency Act 1986; or
  - (2) a *person* acting as a nominee in relation to a voluntary arrangement under Parts I (Company Voluntary Arrangements) and VIII (Individual Voluntary Arrangements) of the Insolvency Act 1986; or
  - (3) a *person* acting as an insolvency practitioner within the meaning of Article 3 of the Insolvency (Northern Ireland) Order 1989; or
  - (4) a *person* acting as a nominee in relation to a voluntary arrangement under Parts II (Company Voluntary Arrangements) and VIII (Individual Voluntary Arrangements) of the Insolvency (Northern Ireland) Order 1989.

Appointed representatives

- 10B.1.16 G The *PRA* has no special *rule* relating to *appointed representatives*. Therefore, *SUP* 10B applies to an *appointed representative* of a *firm* in the same way as it does to any other contractor of the *firm* (see *SUP* 10B.3.1R). In practice in *SUP* 10B the main application to *appointed representatives* of a *firm* will be to people seconded by the *appointed representative* to the *firm*.

## 10.2 Purpose

- 10B.2.1 G The immediate purpose of *SUP* 10B.3 to *SUP* 10B.9 is to specify, under section 59 of the *Act*, descriptions of the *PRA controlled functions* which are listed in *SUP* 10B.4.3R. The underlying purpose is to establish, and mark the boundaries of, the *PRA's* "approved persons regime".

## 10.3 Basic rules for all PRA controlled functions

The need for an arrangement

- 10B.3.1 R A function is a *PRA controlled function* only to the extent that it is performed under an *arrangement* entered into by:
- (1) a *firm*; or
  - (2) a contractor of the *firm*;
- in relation to the carrying on by the *firm* of a *regulated activity*.
- 10B.3.2 G Sections 59(1) and (2) of the *Act* provide that approval is necessary in respect of a *PRA controlled function* which is performed under an *arrangement* entered into by a *firm*, or its contractor (typically an *appointed representative*), in relation to a *regulated activity*.
- 10B.3.3 G *Arrangement* is defined in section 59(10) of the *Act* as any kind of arrangement for the performance of a function which is entered into by a *firm* or any of its contractors with another *person* and includes the appointment of a *person* to an office, his becoming a *partner*, or his employment (whether under a contract of service or otherwise). For the provisions in this chapter relating to outsourcing, see *SUP* 10B.11.6G and *SUP* 10B.11.7G.
- 10B.3.4 G If, however, a *firm* is a member of a group, and the *arrangements* for the performance of a *PRA controlled function* of the *firm* are made by, say, the *holding company*, the *person* performing the function will only require approval if there is an arrangement (under section 59(1)) or a contract (under section 59(2)) between the *firm* and *holding company* permitting this. This need not be a written contract but could arise, for example, by conduct, custom and practice.
- 10B.3.5 G The *arrangement* must be "in relation to" the carrying on of a *regulated activity*. *Regulated activities* are defined in the *Glossary* by reference to the *Regulated Activities Order*. This order prescribes the activities which are *regulated activities* for the purposes of the *Act*.

Significant-influence functions

- 10B.3.6 R Each *PRA controlled function* is one which comes within the definition of a *significant-influence function*.
- 10B.3.7 G Section 59(6) of the *Act* says that the *PRA* may specify a description of function as a *PRA controlled function* only if, in relation to the carrying on of a *regulated activity* by a *firm*, it is satisfied that the function is a *significant-influence function*.
- 10B.3.8 G Section 59(7B) of the *Act* says that a significant-influence function, in relation to the carrying on of a *regulated activity* by a *firm*, means a function that is likely to enable the *person* responsible for its performance to exercise a significant influence on the conduct of the *firm's* affairs, so far as relating to the activity.
- 10B.3.9 G *SUP* 10B.3.6R gives effect to sections 59(6) and 59(7B) of the *Act*.
- 10B.3.10 G Whether a function is likely to result in the *person* responsible for its performance exercising significant influence on the conduct of the *firm's* affairs is a question of fact in each case. The *PRA* has identified the *PRA controlled functions* as satisfying this condition.

#### Actions for damages

- 10B.3.11 R A contravention of the *rules* in *SUP* 10B (other than *SUP* 10B.1 to *SUP* 10B.9) gives rise to a right of action by a *private person* under section 138D of the *Act* (and each of those *rules* is specified under section 138D(1) of the *Act* as a provision giving rise to such a right of action).

#### 10.4 Specification of functions

- 10B.4.1 R Each of the functions described in *SUP* 10B.4.3R (the table of *PRA controlled functions*) is a *PRA controlled function*.
- 10B.4.2 G The fact that a *person* may be approved for one purpose does not have the effect of bringing all his activities within that *PRA controlled function*.
- 10B.4.3 R *PRA controlled functions*

Type	CF	Description of <i>PRA controlled function</i>
<i>PRA governing functions</i>	1	<i>Director function</i>
	2	<i>Non-executive director function</i>
	3	<i>Chief executive function</i>

	4	<i>Partner function</i>
	5	<i>Director of unincorporated association function</i>
	6	<i>Small friendly society function</i>
<i>PRA required functions</i>	12	<i>Actuarial function</i>
	12A	<i>With-profits actuary function</i>
	12B	<i>Lloyd's actuary function</i>
<i>Systems and controls function</i>	28	<i>Systems and controls function</i>

## 10.5 Temporary vacancies

### 10B.5.1 R If:

- (1) a *firm* appoints an individual to perform a function which, but for this *rule*, would be a *PRA controlled function*;
- (2) the appointment is to provide cover for an *approved person* whose absence is:
  - (a) temporary; or
  - (b) reasonably unforeseen; and
- (3) the appointment is for less than 12 weeks in a consecutive 12-month period;

the description of the relevant *PRA controlled function* does not relate to those activities of that individual.

- ### 10B.5.2 G
- SUP* 10B.5.1R enables cover to be given for holidays and emergencies and avoids the need for the precautionary approval of, for example, a deputy. However, as soon as it becomes apparent that a *person* will be performing a *PRA controlled function* for more than 12 weeks, the *firm* should apply for approval.

## 10B.6 PRA governing functions

Director function (CF1)

10B.6.1 R If a *firm* is a *body corporate* (other than a *limited liability partnership*), the *director function* is the function of acting in the capacity of a *director* (other than *non-executive director*) of that *firm*.

10B.6.2 R (1) If a *firm* is a *body corporate* (other than a *limited liability partnership*), the *director function* is also the function of acting in the capacity of a *person*:

- (a) who is a *director*, partner, officer, member (if the *parent undertaking* or *holding company* is a *limited liability partnership*), *senior manager*, or employee of a *parent undertaking* or *holding company* of the *firm*; and
- (b) whose decisions or actions are regularly taken into account by the *governing body* of the *firm*.

(2) (1) does not apply if that *parent undertaking* or *holding company* has a *Part 4A permission* or is regulated by an *EEA regulator*.

(3) (1) does not apply to the function falling into SUP 10B.6.4R (*non-executive director* of the *parent undertaking* or *holding company*).

#### Non-executive director function

10B.6.3 R If a *firm* is a *body corporate*, the *non-executive director function* is the function of acting in the capacity of a *non-executive director* of that *firm*.

10B.6.4 R (1) If a *firm* is a *body corporate*, the *non-executive director function* is also the function of acting in the capacity of a *person*:

- (a) who is a *non-executive director* of a *parent undertaking* or *holding company*; and
- (b) whose decisions or actions are regularly taken into account by the *governing body* of the *firm*.

(2) However, (1) does not apply if that *parent undertaking* or *holding company* has a *Part 4A permission* or is regulated by an *EEA regulator*.

10B.6.5 R If a *firm* is a *long-term insurer*, the *non-executive director function* is also the function of acting in the capacity of an individual who, as a member of a committee having the purpose of a *with-profits committee*, has responsibility in relation to governance arrangements for *with-profits business* under COBS 20.3 (Principles and Practices of Financial Management). This does not apply to an individual performing the *director function*.

10B.6.6 G A *firm* should notify the *PRA* if a *person* moves between certain roles making up the *non-executive director function* (SUP 10B.12.6R).

#### Chief executive function (CF3)

- 10B.6.7 R The *chief executive function* is the function of acting in the capacity of a *chief executive* of a *firm*.
- 10B.6.8 G This function is having the responsibility, alone or jointly with one or more others, under the immediate authority of the *governing body*:
- (1) for the conduct of the whole of the business (or relevant activities); or
  - (2) in the case of a *branch* in the *United Kingdom* of an *overseas firm*, for the conduct of all of the activities subject to the *UK regulatory system*.
- 10B.6.9 G For a *branch* in the *United Kingdom* of an *overseas firm*, the *PRA* would not normally expect the overseas *chief executive* of the *firm* as a whole to be approved for this function where there is a *senior manager* under him with specific responsibility for those activities of the *branch* which are subject to the *UK regulatory system*. In some circumstances, the *person* within the *firm* responsible for *UK* operations may, if the function is likely to enable him to exercise significant influence over the *branch*, also perform the *chief executive function*.
- 10B.6.10 G A *person* performing the *chief executive function* may be a member of the *governing body* but need not be. If the chairman of the *governing body* is also the *chief executive*, he will be discharging this function. If the responsibility is divided between more than one *person* but not shared, there is no *person* exercising the *chief executive function*. But if that responsibility is discharged jointly by more than one *person*, each of those *persons* will be performing the *chief executive function*.
- 10B.6.11 G Note that a *body corporate* may be a *chief executive*. If so, it will need to be approved to perform the *chief executive function*.

Partner function (CF4)

- 10B.6.12 R If a *firm* is a *partnership*, the *partner function* is the function of acting in the capacity of a *partner* in that *firm*.
- 10B.6.13 R If a *firm* is a *limited liability partnership*, the *partner function* extends to the *firm* as if the *firm* were a *partnership* and a member of the *firm* were a *partner*.
- 10B.6.14 R If a *partnership* is registered under the Limited Partnership Act 1907, the *partner function* does not extend to any function performed by a limited partner.

Director of unincorporated association function (CF5)

- 10B.6.15 R If a *firm* is an unincorporated association, the *director of unincorporated association function* is the function of acting in the capacity of a *director* of the unincorporated association.

Small friendly society function (CF6)

- 10B.6.16 R (1) If a *firm* is a *non-directive friendly society*, the *small friendly society function* is the function of directing its affairs, either alone or jointly with others.
- (2) If the principal purpose of the *firm* is to carry on *regulated activities*, each *person* with responsibility for directing its affairs performs the *PRA controlled function*.
- (3) If the principal purpose of the *firm* is other than to carry on *regulated activities*, a *person* performs the *small friendly society function* only to the extent that he has responsibility for a *regulated activity*.
- 10B.6.17 R (1) Each *person* on the *non-directive friendly society's governing body* will be taken to have responsibility for its *regulated activities*, unless the *firm* has apportioned this responsibility to one particular individual to whom it is reasonable to give this responsibility.
- (2) The individual need not be a member of the *governing body*.
- 10B.6.18 G (1) Typically a *non-directive friendly society* will appoint a “committee of management” to direct its affairs. However, the governing arrangements may be informal and flexible. If this is the case, the *PRA* would expect the society to resolve to give responsibility for the carrying on of *regulated activities* to one individual who is appropriate in all the circumstances. That individual may, for example, have the title of *chief executive* or similar. The individual would have to be a *PRA-approved person* under *SUP* 10B.6.16R.
- (2) The *PRA* expects that any apportionment of responsibilities will have taken place under *SYSC* 2.1.1R. The *PRA* may ask to see details of the apportionment but will not require, as a matter of course, a copy of the material which records this (see *SYSC* 2.2).

Insurance mediation

- 10B.6.19 G A *firm* carrying on *insurance mediation activity*, other than a *sole trader*, must allocate to a *director* or *senior manager* the responsibility for the *firm's insurance mediation activity* (*MIPRU* 2.2.1R). *MIPRU* 2.2.2R(1) provides that the *firm* may allocate this responsibility to one or more of the *persons* performing a *governing function* (other than the *non-executive director function*).
- 10B.6.20 G Where a *person* performing a *governing function* is also responsible for the *firm's insurance mediation activity*, the words “(insurance mediation)” will be inserted after the relevant *PRA controlled function* (see *MIPRU* 2.2.5G).

**10B.7 Other functions included in the governing functions**

Systems and controls function

10B.7.1 R Each of the *PRA governing functions* includes, where apportioned under *SYSC 2.1.1R*, *SYSC 4.3.1R* or *SYSC 4.4.3R*, the *systems and controls function*. This does not apply to the *non-executive director function* or the function described in *SUP 10B.6.2R*.

10B.7.2 G The effect of *SUP 10B.7.1R* is that a *person* who is approved to perform a *PRA governing function* (other than the *non-executive director function* or the function described in *SUP 10B.6.2R*) will not have to be specifically approved to perform the *systems and controls function*. A *person* who is approved to perform a *PRA governing function* will have to be additionally approved before he can perform any of the *PRA required functions*.

The FCA's apportionment and oversight function (CF8)

10B.7.3 R If:

- (1) a *person* has been approved to perform a *PRA governing function* in relation to a *firm* and that approval is still in force;
- (2) that *person* is also performing a function that falls within the *apportionment and oversight function* in relation to that *firm* (or would do so except for *SUP 10A.11.11R* (*FCA rule* disapplying the *apportionment and oversight function* in relation to a *person* approved by the *PRA* to perform a *governing function*)); and
- (3) that *person* is not the subject of a *current FCA approved person approval* for the *apportionment and oversight function* in relation to that *firm*;

that *PRA governing function* includes the *apportionment and oversight function* (or, if there is more than one such *PRA governing function*, each them does).

10B.7.4 R If in relation to a *firm*:

- (1) *SUP 10B.7.3R* has applied to a *PRA-approved person*;
- (2) that *person* has ceased to perform any *PRA governing function* (ignoring the expansion of that function by *SUP 10B.7.3R*); and
- (3) that *person* is still performing what would otherwise be the *apportionment and oversight function*;

*SUP 10B.7.3R* continues to apply for three months after that *PRA-approved person* would otherwise have ceased to perform the *PRA controlled function* or, if sooner, until the *FCA* has approved the performance by that *person* of the *apportionment and oversight function* in relation to the *firm*.

- 10B.7.5 G An example of the way SUP 10B.7.4R works is this. Say that a *person* (A) is appointed as *director* and the *person* who performs the *apportionment and oversight function*. A will be performing the *director function* but will not be performing the *apportionment and oversight function*. Say that later A gives up his role as *director* but remains as the *person* who performs *apportionment and oversight function*. If SUP 10B.7.4R (and the corresponding parts of the FCA's Handbook) did not apply the result would be that A would cease to perform a *PRA controlled function* but would start performing the *apportionment and oversight function* before A had a chance to apply to the FCA for approval. The combined effect of SUP 10B.7.4R and SUP 10A.11 of the FCA's Handbook is that the *firm* has three months to secure approval by the FCA for A's performance of the *apportionment and oversight function* and during that interim period A keeps his status as a *PRA-approved person*.
- 10B.7.6 G Further details of how SUP 10B.7.3R and SUP 10B.7.4R work can be found in SUP 10A.11 of the FCA's Handbook.

## 10B.8 PRA required functions

Actuarial function (CF12)

- 10B.8.1 R The *actuarial function* is the function of acting in the capacity of an *actuary* appointed by a *firm* under SUP 4.3.1R to perform the duties set out in SUP 4.3.13R.

With-profits actuary function (CF12A)

- 10B.8.2 R The *with-profits actuary function* is the function of acting in the capacity of an *actuary* appointed by a *firm* under SUP 4.3.1R to perform the duties set out in SUP 4.3.16AR.

Lloyd's actuary function (CF12B)

- 10B.8.3 R The *Lloyd's actuary function* is the function of acting in the capacity of the *actuary* appointed under SUP 4.6.1R to perform the duties set out in SUP 4.6.7R.

## 10B.9 Systems and controls function

Systems and controls function (CF28)

- 10B.9.1 R The *systems and controls function* is the function of acting in the capacity of an *employee* of the *firm* with responsibility for reporting to the *governing body* of a *firm*, or the audit committee (or its equivalent) in relation to:

- (1) its financial affairs;
- (2) setting and controlling its risk exposure (see SYSC 3.2.10G and SYSC 7.1.6R); and
- (3) adherence to internal systems and controls, procedures and policies (see SYSC 3.2.16G and SYSC 6.2).

10B.9.2 R The *systems and controls function* does not apply in relation to *bidding in emissions auctions* carried on by a *firm* that is exempt from *MiFID* under article 2(1)(i).

10B.9.3 G Where an *employee* performs the *systems and controls function* the *PRA* would expect the *firm* to ensure that the *employee* had sufficient expertise and authority to perform that function effectively. A *director* or *senior manager* would meet this expectation.

## 10B.10 Procedures relating to PRA-approved persons

### Forms

10B.10.1 G The forms listed in SUP 10B.10.2G are referred to in SUP 10B.11 (Application for approval and withdrawing an application for approval) to SUP 10B.14 (How to apply for approval and give notifications).

10B.10.2 G Table PRA-approved persons forms

Form		Purpose	Handbook requirement
the relevant Form A	The relevant online form on the FCA's and PRA's ONA system or the form in SUP 10B Annex 4D (See Note)	Application to perform controlled functions under the approved persons regime	SUP 10B.11.4D

Form B	SUP 10B Annex 5R	Notice to withdraw an application to perform controlled functions under the approved persons regime	SUP 10B.11.20R
Form C	SUP 10B Annex 6R	Notice of ceasing to perform controlled functions	SUP 10B.12.10R
Form D	SUP 10B Annex 7R	Notification of changes in personal information or application details	SUP 10B.12.16R
Form E	The relevant online form on the FCA's and PRA's ONA system or the form in SUP 10B Annex 8D (See Note)	Internal transfer of an approved person	SUP 10B.12.4D
<p>Note: The form in the SUP annex shown is to be used by <i>credit unions</i>, and by other <i>firms</i> only in the event of a failure of the information technology systems used by the PRA. See the relevant "Handbook requirement".</p>			

- 10B.10.3 G A summary of the forms and their purposes is in SUP 10B Annex 2G.
- 10B.10.4 G Unless the context otherwise requires, in SUP 10B.10 (Procedures relating to PRA-approved persons) to SUP 10B.14 (How to apply for approval and give notifications) where reference is made to a *firm*, this also includes an applicant for *Part 4A permission*, and other *persons* seeking to carry on *regulated activities* as an *authorised person*.
- 10B.10.5 G Forms B, C, D and E can only be submitted in respect of a *PRA-approved person* by the *firm* that submitted a *PRA-approved person's* original application (the relevant Form A).

10B.10.6 G Copies of Forms A, B, C, D and E may be obtained from the *PRA*'s website. *Credit unions* can obtain copies by email at PRA-ApprovedPersons@bankofengland.co.uk. To contact the *PRA* for general *approved persons* enquiries please contact PRA Firm Enquiries:

(1) telephone: +44 (0) 20 3461 7000; or

(2) write to:

PRA Firm Enquiries

Prudential Regulation Authority

20 Moorgate

London EC2R 6DA; or

(3) e-mail: PRA-ApprovedPersons@bankofengland.co.uk.

## 10B.11 Application for approval and withdrawing an application for approval

When to apply for approval

10B.11.1 G In accordance with section 59 of the *Act* (Approval for particular arrangements), where a *candidate* will be performing one or more *PRA controlled functions*, a *firm* must take reasonable care to ensure that the *candidate* does not perform these functions unless he has prior approval from the *PRA* with the consent of the *FCA*.

10B.11.2 G Under section 59B of the *Act* (Role of *FCA* in relation to *PRA* decisions) the *FCA* may arrange with the *PRA* that in agreed kinds of cases there is no need for the consent of the *FCA*. There are currently no such arrangements in place.

Failure to apply for approval

10B.11.3 G If a *person* performs a *PRA controlled function* without approval it is not only the *firm* that is accountable. Under section 63A of the *Act* (Power to impose penalties) if the *PRA* is satisfied that:

(1) a *person* (“P”) has at any time performed a *PRA controlled function* without approval; and

(2) at that time P knew, or could reasonably be expected to have known, that P was performing a *PRA controlled function* without approval;

it may impose a penalty on P of such amount as it considers appropriate.

How to apply for approval

10B.11.4 D An application by a *firm* for the *PRA*'s approval under section 59 of the *Act* (Approval for particular arrangements) must be made by completing Form A (except where *SUP* 10B.12.4D requires a Form E).

10B.11.5 G *SUP* 10B.14.1D explains how applications should be submitted.

Who should make the application?

10B.11.6 G (1) In accordance with section 60 of the *Act* (Applications for approval), applications must be submitted by, or on behalf of, the *firm* itself, not by:

(a) the *PRA candidate*; or

(b) (where the *PRA candidate* works for the *firm's parent undertaking* or *holding company*) by the *firm's parent undertaking* or *holding company*.

(2) Usually this will be the *firm* that is employing the *PRA candidate* to perform the *PRA controlled function*. Where a *firm* has outsourced the performance of a *PRA controlled function*, the details of the outsourcing determine where responsibility lies and whom the *PRA* anticipates will submit *PRA-approved persons* application forms. *SUP* 10B.11.7G describes some common situations. The *firm* which is outsourcing is referred to as "A" and the *person* to whom the performance of the *PRA controlled function* has been outsourced, or which makes the arrangement for the *PRA controlled function* to be performed, is referred to as "B". In each situation, A must take reasonable care to ensure that, in accordance with section 59(2) of the *Act*, no *person* performs a *PRA controlled function* under an arrangement entered into by its contractor in relation to the carrying on by A of a *regulated activity*, without approval from the *PRA*. See also *SYSC* 3.2.4G and *SYSC* 8.1.1R, and *SYSC* 13.9 for *insurers*.

10B.11.7 G Outsourcing arrangements

<b>Outsourcing arrangements</b>		<b>Submitting form</b>
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<p><i>Firm A to firm B</i></p>	<p>The <i>PRA</i> will consider A to have taken reasonable care if it enters into a contract with B under which B is responsible for ensuring that the relevant <i>PRA controlled functions</i> are performed by <i>PRA-approved persons</i>, and that it is reasonable for A to rely on this</p>	<p><i>Firm B</i> submits <i>PRA-approved persons</i> forms on behalf of <i>firm A</i></p>
<p>Outsourcing by A to B (both being a member of the same <i>United Kingdom group</i> and each having its registered office in the <i>United Kingdom</i>)</p>	<p>See <i>SUP</i> 10B.3.4G</p>	<p>See <i>SUP</i> 15.7.8G</p>
<p>(i) A to B, where B is a non-<i>authorised person</i> not part of the same <i>group</i> as A (ii) A to B, where A is a <i>branch</i> of an <i>overseas firm</i> in the <i>United Kingdom</i>, and B is an <i>overseas undertaking</i> of the same <i>group</i> (iii) A to B, where A is a <i>UK authorised subsidiary</i> of an <i>overseas firm</i>, and B is an <i>overseas undertaking</i> of the same <i>group</i></p>	<p>Responsibility for (as opposed to the performance of) any activity <i>outsourced</i> to B will remain with A. See <i>SYSC</i> 3.2.4G and <i>SYSC</i> 8</p>	<p>A ensures that an individual approved under one of the <i>PRA controlled functions</i> has responsibility for the <i>outsourced arrangement</i> and A submits a form in relation to that individual</p>

Processing an application

- 10B.11.8 G The *Act* sets out the time that the *PRA* has to consider an application and come to a decision.
- 10B.11.9 G In any case where the application for approval is made by a *person* applying for *permission* under Part 4A of the *Act* the *PRA* has until the end of whichever of the following periods ends last:

- (1) the period within which an application for that *permission* must be determined; and
  - (2) the period of three months from the time it receives a properly completed application.
- 10B.11.10 G In any other case it is the period of three months from the time it receives a properly completed application.
- 10B.11.11 G Application forms must always be completed fully and honestly. Further notes on how to complete the form are contained in each form. If forms are not completed fully and honestly, applications will be subject to investigation and the *PRA candidate's* suitability to be approved to undertake a *PRA controlled function* will be called into question. A *person* who provides information to the *PRA* that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the *Act* regardless of the status of their application.
- 10B.11.12 G The *PRA* will as soon as practicable notify the *FCA* of the receipt of an application to the *PRA*. There is no need for the *firm* to copy the application to the *FCA*.
- 10B.11.13 G Before making a decision to grant the application or give a *warning notice*, the *PRA* may ask the *firm* for more information about the *PRA candidate*. If it does this, the period in which the *PRA* must determine a completed application:
- (1) will stop on the day the *PRA* requests the information; and
  - (2) will start running again on the day on which the *PRA* finally receives all the requested information.
- 10B.11.14 G The *FCA* may also ask the *firm* for more information about the *PRA candidate*. If it does this, the period in which the *PRA* must determine a completed application is extended in the same way as it is if the *PRA* asks for the information.
- 10B.11.15 G The *PRA* may only grant an application (and the *FCA* may only give its consent) if it is satisfied that the *PRA candidate* is a fit and proper *person* to perform the *PRA controlled function* stated in the application form. Responsibility lies with the *firm* making the application to satisfy the *PRA* and the *FCA* that the *PRA candidate* is fit and proper to perform the *PRA controlled function* applied for.
- 10B.11.16 G For further *guidance* on criteria for assessing whether a *PRA candidate* is fit and proper, see *FIT*.

#### Decisions on applications

- 10B.11.17 G The *PRA* must either grant the application or, if it proposes not to grant an application, issue a *warning notice*.

- 10B.11.18 G Whenever it grants an application, the *PRA* will confirm this in writing to all *interested parties*.
- 10B.11.19 G If the *PRA* proposes to refuse an application in relation to one or more *PRA controlled functions*, it must follow the procedures for issuing *warning* and *decision notices*.

#### Withdrawing an application for approval

- 10B.11.20 R A *firm* applying to withdraw an application for approval must notify the *PRA*, using Form B, in the form set out in *SUP* 10B Annex 5R.
- 10B.11.21 G Under section 61(5) of the *Act* (Determination of applications), the *firm* may withdraw an application only if it also has the consent of the *PRA candidate* and the *person* by whom the *PRA candidate* is or would have been employed, if this is not the *firm* making the application.
- 10B.11.22 G The *PRA* will as soon as practicable notify the *FCA* of the receipt of a notice of withdrawal. There is no need for the *firm* to copy the notice to the *FCA*.

## 10B.12 Changes to a PRA-approved person's details

### Moving within a firm

- 10B.12.1 G A *PRA-approved person's* job may change from time to time as a result, for instance, of a change in personal job responsibilities or a *firm's regulated activities*. Where the changes will involve the *person* performing one or more *PRA controlled functions* different from those for which approval has already been granted, then an application must be made to the *PRA* for approval for the *person* to perform those *PRA controlled functions*. The *firm* must take reasonable care to ensure that an individual does not begin performing a *PRA controlled function* until the *PRA* has granted *approved person* status to that individual in respect of that *PRA controlled function*. Similarly, a *firm* must get the *PRA's* approval if a *person* is to start performing a *PRA controlled function* in relation to that *firm* when he already has the *FCA's* approval to perform an *FCA controlled function* in relation to that *firm*.
- 10B.12.2 G If an *FCA-approved person* or a *PRA-approved person* is ceasing to perform *FCA controlled functions* or *PRA controlled functions*, as well as applying for approval in respect of *PRA controlled functions*, *SUP* 10B.12.4D generally applies. Further details can be found in *SUP* 10B Annex 2G.

- 10B.12.3 G If a *person* is to perform a *PRA controlled function* for a *firm* for which he already performs a *PRA controlled function* or *FCA controlled function* as an *approved person* but he is not at the same time ceasing to perform an *FCA controlled function* or *PRA controlled function*, a *firm* should use Form A rather than Form E. It is not mandatory to complete all parts of the form. See the notes relevant to each form for full details.
- 10B.12.4 D (1) A *firm* must use Form E where an *approved person* is both ceasing to perform one or more *controlled functions* and needs to be approved in relation to one or more *PRA controlled functions* within the same *firm* or *group*.
- (2) A *firm* must not use Form E if the *approved person* has never before been approved to perform a *significant influence function* for any *firm* or has not been the subject of a *current approved person approval* from the *FCA* or *PRA* to perform a *significant influence function* in relation to any *firm* for more than six months.
- (3) A *firm* must not use Form E if a notification has been made or should be made under *SUP* 10B.12.18R (Changes in fitness to be notified under Form D) or *SUP* 10A.14.17R (the equivalent *FCA rule*) in relation to any *controlled functions* that, that *person* is ceasing to perform (as referred to in (1)) or any *controlled function* that he is continuing to perform in relation to that *firm* or a *firm* in the same *group*.
- 10B.12.5 G *SUP* 10B.14.1D explains how applications should be submitted.
- 10B.12.6 R If a *person* is performing the *non-executive director function* in relation to a *firm*, the *firm* must notify the *PRA* as soon as possible if that *person* begins to perform or ceases to perform any of the following functions:
- (1) the function of acting in the capacity of the chairman of the *governing body* of the *firm*; or
- (2) the function of acting as a *non-executive director* who has been appointed by the *non-executive directors* to act as the senior independent director of that *firm*; or
- (3) the function of acting in the capacity of the chairman of the *governing body* risk committee of the *firm* (if there is such a committee). For these purposes, the *governing body* risk committee means the committee described in *SYSC* 21.1.5G; or
- (4) the function of acting in the capacity of the chairman of the audit committee of the *governing body* of the *firm* (if there is such a committee); or
- (5) the function of acting in the capacity of the chairman of the remuneration committee of the *governing body* of the *firm* (if there is such a committee).

Any such notification must be e-mailed to the *PRA's approved persons* mailbox at PRA-ApprovedPersons@bankofengland.co.uk

- 10B.12.7 G So for example if a *non-executive director* moves from being chair of the audit committee to chair of the risk committee or adds the role of chair of the audit committee to his existing role as chair of the risk committee he does not require approval from the *PRA*. However, the *firm* should notify the *PRA* of that change as soon as possible. If a *person* stops performing the *non-executive director function* altogether, *SUP* 10B.12.4D or *SUP* 10B.12.10R apply instead.

#### Moving between firms

- 10B.12.8 G If it is proposed that a *PRA-approved person* will no longer be performing a *PRA controlled function* under an *arrangement* entered into by one *firm* or one of its contractors, but will be performing the same or a different *PRA controlled function* under an *arrangement* entered into by a new *firm* or one of its contractors (whether or not the new *firm* is in the same *group* as the old *firm*), the new *firm* will be required to make a fresh application for the performance of the *PRA controlled function* by that *person*.
- 10B.12.9 G In certain circumstances, when the *PRA* already has the information it would usually require, a shortened version of the relevant Form A may be completed. See the notes relevant to each form for full details.

#### Ceasing to perform a PRA controlled function

- 10B.12.10 R A *firm* must submit to the *PRA* a completed Form C, in the form set out in *SUP* 10B Annex 6R no later than seven *business days* after a *PRA-approved person* ceases to perform a *PRA controlled function*. This does not apply if the *firm* has already notified the *PRA* of the proposal to do that using Form E in accordance with this chapter or has notified the *FCA* of the proposal to do using the *FCA's* Form E in accordance with *SUP* 10A of the *FCA's* Handbook.
- 10B.12.11 G *SUP* 10B.14.2R explains how notifications should be submitted.
- 10B.12.12 R (1) A *firm* must notify the *PRA* as soon as practicable after it becomes aware, or has information which reasonably suggests, that it will submit a qualified Form C in respect of a *PRA-approved person*.
- (2) Form C is qualified if the information it contains:
- (a) relates to the fact that the *firm* has dismissed, or suspended, the *PRA-approved person* from its employment; or
  - (b) relates to the resignation by the *PRA-approved person* while under investigation by the *firm*, the *PRA* or any other *regulatory body*; or

- (c) otherwise reasonably suggests that it may affect the *PRA's* assessment of the *PRA-approved person's* fitness and propriety.
- 10B.12.13 G Notification under *SUP* 10B.12.12R may be made by telephone, fax or email and should be made, where possible, within one *business day* of the *firm* becoming aware of the information. If the *firm* does not submit Form C, it should inform the *PRA* in due course of the reason. This could be done using Form D, if appropriate.
- 10B.12.14 G A *firm* is responsible for notifying the *PRA* if any *PRA-approved person* has ceased to perform a *PRA controlled function* under an arrangement entered into by its *appointed representative* or former *appointed representative*.
- 10B.12.15 G A *firm* can submit Form C or Form E to the *PRA* in advance of the cessation date. When a *person* ceases the arrangement under which he performs a *PRA controlled function*, he will automatically cease to be a *PRA-approved person* in relation to that *PRA controlled function*. A *person* can only be a *PRA-approved person* in relation to a specific *PRA controlled function*. Therefore, a *person* is not a *PRA-approved person* during any period between ceasing to perform one *PRA controlled function* (when he is performing no other *PRA controlled function*) and being approved in respect of another *PRA controlled function*.

#### Changes to a *PRA-approved person's* personal details

- 10B.12.16 R If a *PRA-approved person's* title, name or national insurance number changes, the *firm* for which the *person* performs a *PRA controlled function* must notify the *PRA* on Form D, in the form set out in *SUP* 10B Annex 7R, of that change within seven *business days* of the *firm* becoming aware of the matter.
- 10B.12.17 G The duty to notify in *SUP* 10B.12.16R does not apply to changes to a *PRA-approved person's* private address.
- 10B.12.18 R If a *firm* becomes aware of information which would reasonably be material to the assessment of a *PRA-approved person's*, or a *PRA-candidate's*, fitness and propriety (see *FIT*), it must inform the *PRA* on Form D, or (if it is more practical to do so and with the prior agreement of the *PRA*) by fax or e-mail, as soon as practicable.
- 10B.12.19 G *SUP* 10B.14.2R applies to the submission of Form D.
- 10B.12.20 G Failing to disclose relevant information to the *PRA* may be a criminal offence under section 398 of the *Act*.
- 10B.12.21 G The duty to notify in *SUP* 10B.12.18R extends to any circumstances that would normally be declared when giving the information required for section 5 of Form A or matters considered in *FIT* 2.

- 10B.12.22 R (1) If, in relation to a *firm* which has completed the relevant Form A (*SUP* 10B Annex 4D), any of the details relating to arrangements and *PRA controlled functions* are to change, the *firm* must notify the *PRA* on Form D (*SUP* 10B Annex 7R).
- (2) The notification under (1) must be made as soon as reasonably practicable after the *firm* becomes aware of the proposed change.
- (3) This also applies in relation to a *PRA controlled function* for which an application was made using Form E.
- (4) This *rule* also applies to a *firm* in respect of an *approved person*, to whom the grandfathering arrangements relating to the coming into force of the *Act* applied as if the *firm* had completed the relevant Form A for that *person*.

### 10B.13 References and accurate information

#### References

- 10B.13.1 R (1) If a *firm* (A):
- (a) is considering appointing a *person* to perform any *PRA controlled function*;
- (b) requests another *firm* (B), as a current or former employer of that *person*, for a reference or other information in connection with that appointment; and
- (c) indicates to B the purpose of the request;
- B must, as soon as reasonably practicable, give to A all relevant information of which it is aware.
- (2) When giving the information to A under (1), B must have regard to the purpose of the request and in particular to:
- (a) any outstanding liabilities of that *person* from commission payments;
- (b) any relevant outstanding or upheld complaint from an *eligible complainant* against that *person*;
- (c) section 5 of the relevant Form A in *SUP* 10B Annex 4 (Application to perform controlled functions under approved persons regime);
- (d) *FIT* 2 (Main assessment criteria); and

- (e) if *SUP* 16.8.1G(1) (Persistency reports from insurers and data reports on stakeholder pensions) applies to B, the persistency of any *life policies* sold by that *person*.

- 10B.13.2 G The requirement in *SUP* 10B.13.1R(1) for *firm* (B) to give to *firm* (A) all relevant information of which it is aware concerning a *person* *firm* A is considering appointing to perform any of the *PRA controlled functions*, also applies where *firm* A has outsourced the collection of that information to another (unregulated) third party, where *firm* B has been made aware that the unregulated third party is acting on behalf of *firm* A.
- 10B.13.3 G A *firm* supplying a reference in accordance with *SUP* 10B.13.1R owes a duty to its former *employee* and the recipient *firm* to exercise due skill and care in the preparation of the reference. The reference should be accurate and based on documented fact. The *firm* may give frank and honest views, but only after taking reasonable care both as to factual content, and as to the opinions expressed, and verifying the information upon which they are based.

The need for complete and accurate information

- 10B.13.4 G The obligations to supply information to:
- (1) the *PRA* under either *SUP* 10B.12.10R or *SUP* 10B.12.12R; or
  - (2) another *firm* under *SUP* 10B.13.1R;
- apply notwithstanding any agreement (for example a 'COT 3' Agreement settled by the Advisory, Conciliation and Arbitration Service (ACAS)) or any other arrangements entered into by a *firm* and an *employee* upon termination of the *employee's* employment. A *firm* should not enter into any such arrangements or agreements that could conflict with its obligations under this section.
- 10B.13.5 G Failing to disclose relevant information to the *PRA* may be a criminal offence under section 398 of the Act.

## 10.14 How to apply for approval and give notifications

- 10B.14.1 D
- (1) This direction applies to an application under Form A or Form E.
  - (2) An application by a *firm* other than a *credit union* must be made by submitting the Form online at [www.pra.org.uk](http://www.pra.org.uk) using the form specified on the *FCA's* and *PRA's* ONA system.
  - (3) An application by a *credit union* must be made using the form in *SUP* 10B Annex 4D or *SUP* 10B Annex 8D and must be submitted in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification).

- (4) Where a *firm* is obliged to submit an application online under (2), if the information technology systems used by the *PRA* fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored a *firm* must use the form in *SUP* 10B Annex 4D or *SUP* 10B Annex 8D and submit it in the way set out in *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification).
- 10B.14.2 R (1) This rule applies to a notification under Form C or Form D.
- (2) A notification must be made in accordance with *SUP* 10B.14.1D except that the annexes to *SUP* 10B in which the forms are to be found are *SUP* 10B Annex 6R or *SUP* 10B Annex 7R rather than the Annexes mentioned in *SUP* 10B.14.1D.
- 10B.14.3 G If the information technology systems used by the *PRA* fail and online submission is unavailable for 24 hours or more, the *FCA* and *PRA* will endeavour to publish a notice on their websites confirming that online submission is unavailable and that the alternative methods of submission set out in *SUP* 10B.14.1D(4) and *SUP* 15.7.4R to *SUP* 15.7.9G (Form and method of notification) should be used.
- 10B.14.4 G Where *SUP* 10B.14.1D(4) or the equivalent situation under *SUP* 10B.14.2R applies to a *firm*, *GEN* 1.3.2R (Emergency) does not apply.

SUP 10B Annex 1 [Not used]

SUP 10B Annex 2 **Approved person regime: summary of forms and their use for applications for approval to perform a PRA-controlled function**

Function	Form	Submission
<i>Person about to perform a PRA controlled function if he has never been approved by the FCA or PRA before.</i>	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate is to perform a PRA controlled function and either has current approval to perform an FCA significant-influence function or a PRA controlled function or has had such an approval within the previous six months.</i>	Shortened Form A if conditions met	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate ceased to be an approved person more than six months ago.</i>	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Candidate is seeking to perform a significant-influence function for the first time or ceased to have approval from the FCA or PRA to perform such a function more than six months ago.</i>	A	Submitted by the <i>firm</i> making the application before activities requiring approval commence.
<i>Firm applying for an outstanding application to perform a PRA controlled function to be withdrawn.</i>	B	Submitted by the <i>firm</i> : signed by all <i>interested parties</i> .
<i>Person ceasing to perform a PRA controlled function.</i>	C (unless it should be notified under Form E)	Submitted by the <i>firm</i> within seven <i>business days</i> of <i>approved person</i> ceasing to perform <i>controlled function(s)</i> .
<i>If a PRA-approved person's title, name or national insurance number changes, or there is information which may be material to the continuing assessment of an approved person's fitness and propriety.</i>	D	Submitted by <i>firm</i> within seven <i>business days</i> of the firm becoming aware of the matter.

<i>Person remaining with the same firm but changing PRA controlled functions.</i>	E	Submitted by <i>firm</i> to the <i>PRA</i> before changes take place.
<i>Person remaining with the same firm but giving up an FCA significant-influence function and taking up a PRA controlled function.</i>	E	Submitted by <i>firm</i> to the <i>PRA</i> before changes take place.
<i>Person remaining with the same firm in the circumstances described in SUP 10B.7.4R (giving up a PRA controlled function triggering need for FCA approval).</i>	E	Submitted by <i>firm</i> to the <i>FCA</i> in hard copy in advance of giving up the <i>PRA governing function</i> .
<i>Person remaining with the same firm but giving up a PRA controlled function and taking up an FCA significant-influence function.</i>	E	Submitted by <i>firm</i> to the <i>FCA</i> before changes take place (see the <i>FCA's Handbook</i> ).
<i>Person being appointed to a PRA governing function role who is about to start a function that would otherwise have come within the apportionment and oversight function.</i>	A or E as appropriate	The form should mention that the <i>person</i> is to perform what would otherwise have been the <i>apportionment and oversight function</i> . See SUP 10A.11.10G (table in the <i>FCA's Handbook</i> of examples of how the need for dual <i>FCA</i> and <i>PRA</i> approval in relation to <i>PRA-authorised persons</i> is reduced).
<i>Person moving from one PRA governing function role to another while continuing to perform a function that would otherwise have come within the apportionment and oversight function.</i>	See previous row	See previous row.

**Annex D**

**Amendments to the Transitional Provisions of the Supervision manual (SUP)**

Insert the following new section after SUP TP 2. The text is not underlined.

**TP 3 Transitional provisions relating to SUP 10A and SUP 10B: Transition from the FSA to the FCA and PRA**

**TP 3.1 Transition to the FCA**

3.1.1 R An *approved person* who was, as at *cutover*, approved by the *FSA* to perform a *controlled function* specified by the *FSA* set out in column 1 of the table in *SUP* TP 3.1.2R in relation to a *firm*, is deemed to continue to be approved by the *FCA* to perform the *FCA-controlled function* in the same row of column 2 in that table in relation to that *firm*. Column 3 states whether this applies in relation to all *firms* or just *FCA-authorised persons*.  
[FCA]

3.1.2 R Table: FSA controlled functions transitioned to the FCA  
[FCA]

<b>FSA controlled function</b>	<b>FCA controlled function into which approved person transitioned</b>	<b>Firms to which transitional relates</b>
Director function (CF1)	<i>Director function (CF1)</i>	<i>FCA-authorised persons only</i>
Non-executive director function (CF2)	<i>Non-executive director function (CF2)</i>	<i>FCA-authorised persons only</i>
Chief executive function (CF3)	<i>Chief executive function (CF3)</i>	<i>FCA-authorised persons only</i>
Partner function (CF4)	<i>Partner function (CF4)</i>	<i>FCA-authorised persons only</i>
Director of unincorporated association function (CF5)	<i>Director of unincorporated association function (CF5)</i>	<i>FCA-authorised persons only</i>
Small friendly society function (CF6)	<i>Small friendly society function (CF6)</i>	<i>FCA-authorised persons only</i>
Apportionment and oversight function (CF8)	<i>Apportionment and oversight function (CF8)</i>	<i>All firms</i>
Compliance oversight function (CF10)	<i>Compliance oversight function (CF10)</i>	<i>All firms</i>

CASS operational oversight function (CF10A)	<i>CASS operational oversight function (CF10A)</i>	All firms
Money laundering reporting function (CF11)	<i>Money laundering reporting function (CF11)</i>	All firms
Systems and controls function (CF28)	<i>Systems and controls function (CF28)</i>	FCA-authorised persons only
Significant management function (CF29)	<i>Significant management function (CF29)</i>	All firms
Customer function (CF30)	<i>Customer function (CF30)</i>	All firms

### TP 3.2 Transition to the PRA

3.2.1 [PRA] R An *approved person* who was, as at *cutover*, approved by the FSA to perform, in relation to a *PRA-authorised person*, a *controlled function* specified by the FSA set out in column 1 of the table in SUP TP 3.2.2R is deemed to be approved by the PRA to perform the *PRA-controlled function* in the same row of column 2 in that table in relation to that *firm*.

3.2.2 [PRA] R Table: FSA controlled functions transitioned to the PRA

<b>FSA controlled function</b>	<b>PRA controlled function</b>
Director function (CF1)	<i>Director function (CF1)</i>
Non-executive director function (CF2)	<i>Non-executive director function (CF2)</i>
Chief executive function (CF3)	<i>Chief executive function (CF3)</i>
Partner function (CF4)	<i>Partner function (CF4)</i>
Director of unincorporated association function (CF5)	<i>Director of unincorporated association function (CF5)</i>
Small friendly society function (CF6)	<i>Small friendly society function (CF6)</i>
Actuarial function (CF12)	<i>Actuarial function (CF12)</i>
With-profits actuary function (CF12A)	<i>With-profits actuary function (CF12A)</i>

Lloyd's actuary function (CF12B)	<i>Lloyd's actuary function (CF12B)</i>
Systems and controls function (CF28)	<i>Systems and controls function (CF28)</i>

### TP 3.3 Amalgamation of functions

- 3.3.1 [FCA] G In the case of an *FCA-authorised person*, if *SUP 10.6.2R* (each of the *FSA's* governing functions includes the *FSA's* systems and controls function and significant management function) applied immediately before *cutover*, *SUP 10A.6.3R* (the equivalent *FCA rule*) applies to the same extent following *cutover*.
- 3.3.2 [PRA] G In the case of a *PRA-authorised person*, if *SUP 10.6.2R* (each of the *FSA's* governing functions includes the *FSA's* systems and controls function and significant management function) applied immediately before *cutover*, *SUP 10B.7.1R* (the equivalent *PRA rule*) applies following *cutover* in relation to the *systems and controls function*.
- 3.3.3 [FCA/  
PRA] G In the case of a *PRA-authorised person*, if a *person* was approved by the *FSA* to perform one of the *FSA's* governing functions and the *FSA's* apportionment and oversight function in relation to a *firm*, the effect of *SUP TP 3* is that he will be deemed to be approved by the *FCA* for the *apportionment and oversight function* and by the *PRA* for the appropriate *governing function* in relation to that *firm*. *SUP 10A.11.11R* (disapplication of the *apportionment and oversight function* if approved for a *PRA governing function*) and *SUP 10B.7.3R* (functions making up the *apportionment and oversight function* if approved for a *PRA governing function*) do not apply.

### TP 3.4 Changes to approved persons details

- 3.4.1 [FCA] G *Firms* are reminded that an effect of the transitional provisions in *SUP TP 2.2* is that *SUP 10A.14.15R* to *SUP 10A.14.21R* (notifications relating to changes to the details relating to *approved persons* and *candidates* and new information relating to them) apply to changes and new information as compared to the position before *cutover*.
- 3.4.2 [PRA] G *Firms* are reminded that an effect of the transitional provisions in *SUP TP 2.2* is that *SUP 10B.14.16R* to *SUP 10B.14.22R* (notifications relating to changes to the details relating to *approved persons* and *candidates* and new information relating to them) apply to changes and new information as compared to the position before *cutover*.

### TP 3.5 Transitional provisions relating to bidding in emissions auctions

- 3.5.1 [FCA] R *SUP* TP 3.5 deals with an *approved person* in relation to a *PRA-authorised person* who:
- (1) immediately before *cutover*, fell within *SUP* 10.6.2AR (*FSA*'s governing functions include certain functions relating to *bidding in emissions auctions*); and
  - (2) immediately before *cutover* was not approved to perform the *FSA*'s customer controlled function in relation to that *firm*.
- 3.5.2 [FCA] R *SUP* 10A.10.7R(7) does not apply in relation to that *person* and that *firm* until that *person* stops performing that function.
- 3.5.3 [FCA] G Under the *FSA*'s *approved persons* regime a *person* acting as a bidder's representative within the meaning of subparagraph 3 of article 6(3) of the *auction regulation* did not require approval to perform the *FSA*'s customer controlled function if that *person* had approval for one of the *FSA*'s governing functions. If a *person* was in this position immediately before *cutover*, acting as a bidder's representative is not included in the *customer function* following *cutover*. It is not included in any *PRA controlled function* either. This only applies in relation to the *firm* for which that *person* was performing that role immediately before *cutover*. Furthermore if that *person* stops performing that role and later takes it up again for the same *firm* he will require approval.
- 3.5.4 [FCA] G This transitional does not apply in relation to an *FCA-authorised person*.

### **TP 3.6 General**

- 3.6.1 [FCA/  
PRA] G References in *SUP* TP 3 to a *person* being approved for the purposes of section 59 of the *Act* (approval for particular arrangements) or being an *approved person* includes someone being taken to be approved for the purposes of that section by virtue of an order made under the *Act* relating to transitional matters, such as one relating to the bringing into force of the *Act*.

## Annex E

### Amendments to the Statement of Principle and Code of Practice for Approved Persons (APER)

In this Annex, underlining indicates new text and striking through indicates deleted text.

APER 1.1 is deleted in its entirety. The deleted text is not shown.

After APER 1.1 (deleted) insert the following new sections. The text is not underlined.

#### 1.1A Application

Who?

1.1A.1 P *APER* applies to *FCA-approved persons* and *PRA-approved persons*.  
[FCA]

What?

1.1A.2 P (1) *APER* applies to the performance by an *approved person* of:  
[FCA]

(a) *FCA controlled functions* (whether or not approval has been sought and granted); and

(b) *PRA controlled functions* (whether or not approval has been sought and granted);

in relation to the *authorised persons* in relation to which that *person* is an *approved person*.

(2) *APER* also applies to the performance by an *approved person* of any other functions in relation to the carrying on of a *regulated activity* by the *authorised persons* referred to in (1).

1.1A.3 G The functions described in *APER* 1.1A.2P are called *accountable functions*.  
[FCA]

1.1A.4 G The relevance of *MiFID* to the *Statements of Principle* will depend on the extent to which the corresponding requirement imposed on *firms* under *MiFID* is reserved to a *Home State regulator* or has been disapplied under *MiFID* (see *APER* 2.1A.2P and *FIT* 1.2.4AG. See also *COBS* 1 Annex 1, Part 2, 1.1R (EEA territorial scope rule: compatibility with European law)).  
[FCA]

Where?

1.1A.5 G The territorial scope of the *approved persons* regime and its application to *incoming EEA firms* is set out in *SUP* 10A.1 (see *SUP* 10A.1.11R and *SUP* 10A.1.13R).  
[FCA]

Coverage of APER

1.1A.6 [FCA] G APER 1.1A.7G gives examples of the effect of APER 1.1A.1P and APER 1.1A.2P. The first column says whether the example involves an *FCA-approved person* and the second column says whether the example involves a *PRA-approved person*. So for example if there is a “Yes” in both columns that means that the example concerns a *person* who has been approved both by the *FCA* and by the *PRA*. The third column explains what functions APER covers in the scenario set out in the first two columns. The table is divided between cases in which the *person* performs the *controlled function* for an *FCA-authorized person* and ones where the *person* does so for a *PRA-authorized person*.

1.1A.7 [FCA] G Table: Examples of what activities APER covers

FCA approved	PRA approved	Coverage of APER
FCA-authorized person		
(1) Yes, in relation to <i>firm A</i>	Not applicable	Applies to the <i>FCA controlled function</i> . Also applies to any other function performed for <i>firm A</i> in relation to the carrying on by <i>firm A</i> of a <i>regulated activity</i> even if it is not a <i>controlled function</i> .
(2) Yes, in relation to <i>firm A</i> . No, in relation to <i>firm B</i> ,	Not applicable	In relation to <i>firm A</i> , the answer is the same as for scenario (1). However, APER does not apply to any function that the <i>approved person</i> carries on in relation to <i>firm B</i> even if that function relates to <i>regulated activities</i> carried out by <i>firm B</i> . However, if the function that he performs in relation to <i>firm B</i> is a <i>controlled function</i> the <i>approved person</i> and <i>firm B</i> may be subject to legal sanctions (see SUP 10A.13.1G to SUP 10A.13.2G).
PRA-authorized person		
(3) Yes, in relation to <i>firm A</i>	No	The answer is the same as for scenario (1).

(4) No	Yes, in relation to <i>firm A</i>	Applies to <i>PRA controlled function</i> . Also applies to any other function performed for <i>firm A</i> in relation to the carrying on by <i>firm A</i> of a <i>regulated activity</i> even if it is not a <i>controlled function</i> .
(5) Yes, in relation to <i>firm A</i>	Yes, in relation to <i>firm A</i>	Applies to <i>FCA controlled function</i> and <i>PRA controlled function</i> . Also applies to any other function performed for <i>firm A</i> in relation to the carrying on by <i>firm A</i> of a <i>regulated activity</i> even if it is not a <i>controlled function</i> .
(6) Yes, in relation to <i>firm A</i> . No, in relation to <i>firm B</i> ,	Yes, in relation to <i>firm A</i> . No, in relation to <i>firm B</i> ,	In relation to <i>firm A</i> , the answer is the same as for scenario (5). However, <i>APER</i> does not apply to any function that the <i>approved person</i> carries on in relation to <i>firm B</i> even if that function relates to <i>regulated activities</i> carried out by <i>firm B</i> . However, if the function that he performs in relation to <i>firm B</i> is a <i>controlled function</i> the <i>approved person</i> and <i>firm B</i> may be subject to legal sanctions (see <i>SUP 10A.13.1G</i> to <i>SUP 10A.13.21G</i> ).

- 1.1A.8 [FCA] G A *person* may be an *approved person* in relation to more than one *firm*. When that is the case, *APER* applies in relation to all those *firms*.
- 1.1A.9 [FCA] G (1) *APER* 1.1A.2P refers to the *authorised person* in relation to which a *person* is an *approved person*.
- (2) Under section 59 of the *Act* (Approval for particular arrangements) there are two kinds of *approved person*.
- (3) Section 59(1) of the *Act* describes the first. It covers a *person* who performs a *controlled function* under an *arrangement* entered into by an *authorised person* (“A”). In this case, *APER* 1.1A.2P refers to A.
- (4) Section 59(2) of the *Act* describes the second. It covers a *person* who performs a *controlled function* under an *arrangement* entered into by a contractor (“B”) of an *authorised person* (“A”). In this case, *APER* 1.1A.2P refers to A (and not B).

Rule in GEN about provisions shared between the FCA and PRA

- 1.1A.10 [FCA] E *GEN 2.2.23R* (Cutover: Application of provisions made by both the FCA and the PRA) does not apply to any provision of *APER* marked with an “E” in the margin.
- 1.1A.11 [FCA] G *GEN 2.2.23R* does not apply to any of *APER*. It does not apply to any part of *APER* that is not shared as *GEN 2.2.23R* only applies to *Handbook* provisions made by both the *FCA* and the *PRA*. Hence *GEN 2.2.23R* does not apply to the *Statements of Principle*. *APER 1.1A.10E* means that *GEN 2.2.23R* does not apply to shared provisions marked with an “E” in the margin. *GEN 2.2.23R* does not apply to shared *guidance* in *APER* because the *guidance* is about material to which *GEN 2.2.23R* does not apply.

**1.1B Application**

Who?

- 1.1B.1 [PRA] P *APER* applies to:
- (1) *PRA-approved persons*; and
  - (2) *FCA-approved persons* in relation to whom the *FCA* has given its approval under section 59 of the *Act* in respect of the performance by them of *significant-influence functions* in relation to the carrying on by *PRA-authorised persons* of *regulated activities*.

What?

- 1.1B.2 [PRA] P (1) *APER* applies to the performance by an *approved person* of:
- (a) *PRA controlled functions* (whether or not approval has been sought and granted); and
  - (b) *FCA controlled functions* that are *significant-influence functions* (whether or not approval has been sought and granted);
- in relation to the *PRA-authorised persons* in relation to which that *person* is an *approved person*.
- (2) *APER* also applies to the performance by an *approved person* of any other *significant-influence functions* in relation to the *PRA-authorised persons* referred to in (1).
- 1.1B.3 [PRA] G The functions described in *APER 1.1B.2P* are called *accountable functions*.

1.1B.4 [PRA] G The relevance of *MiFID* to the *Statements of Principle* will depend on the extent to which the corresponding requirement imposed on *firms* under *MiFID* is reserved to a *Home State regulator* or has been disapplied under *MiFID* (see *APER* 2.1B.2P and *FIT* 1.2.4AG).

Where?

1.1B.5 [PRA] G The territorial scope of the *approved persons* regime and its application to *incoming EEA firms* is set out in *SUP* 10B.1 (see *SUP* 10B.1.11R and *SUP* 10B.1.12R).

Coverage of *APER*

1.1B.6 [PRA] G *APER* 1.1B.7G gives examples of the effect of *APER* 1.1B.1P and *APER* 1.1B.2P. The first column says whether the example involves an *FCA-approved person* and the second column says whether the example involves a *PRA-approved person*. So, for example, if there is a “Yes” in both columns that means that the example concerns a *person* who has been approved both by the *FCA* and by the *PRA*. The third column explains what functions *APER* covers in the scenario set out in the first two columns. The table is divided between cases in which the *person* performs the *controlled function* for an *FCA-authorised person*, and ones where the *person* does so for a *PRA-authorised person*.

1.1B.7 [PRA] G Table: Examples of what activities *APER* covers

FCA approved	PRA approved	Coverage of <i>APER</i>
FCA-authorised person		
(1) Yes, in relation to <i>firm A</i>	Not applicable	Does not apply
PRA-authorised person		
(2) No	Yes, in relation to <i>firm A</i>	Applies to <i>PRA controlled function</i> . Also applies to any other <i>significant-influence functions</i> performed for <i>firm A</i> , even if they are not <i>controlled functions</i> .
(3) Yes, in relation to <i>firm A</i> (for a <i>significant-influence function</i> )	No	Applies to <i>FCA controlled function</i> . Also applies to any other <i>significant-influence functions</i> performed for <i>firm A</i> , even if they are not <i>controlled functions</i> .

(4) Yes, in relation to <i>firm A</i> (for a <i>customer-dealing function</i> )	No	Does not apply. If he is also performing a <i>significant-influence function</i> that is not a <i>controlled function</i> , <i>APER</i> does not apply to that function either.
(5) Yes, in relation to <i>firm A</i> (for a <i>customer-dealing function</i> )	Yes, in relation to <i>firm A</i>	Applies to <i>PRA controlled function</i> . Does not apply to <i>customer-dealing function</i> . Also applies to any other <i>significant-influence functions</i> performed for <i>firm A</i> , even if they are not <i>controlled functions</i> .
(6) Yes, in relation to <i>firm A</i> (for a <i>significant-influence function</i> )	Yes, in relation to <i>firm A</i>	Applies to <i>FCA controlled function</i> and <i>PRA controlled function</i> . Also applies to any other <i>significant-influence functions</i> performed for <i>firm A</i> , even if they are not <i>controlled functions</i> .
(7) Yes, in relation to <i>firm A</i> (for a <i>significant-influence function</i> and <i>customer-dealing function</i> )	Yes, in relation to <i>firm A</i>	The answer is the same as for scenario (6). Does not apply to <i>customer-dealing function</i> .
(8) Yes, in relation to <i>firm A</i> (for a <i>significant-influence function</i> ). No, in relation to <i>firm B</i> ,	Yes, in relation to <i>firm A</i> . No, in relation to <i>firm B</i> ,	In relation to <i>firm A</i> , the answer is the same as for scenario (6). However, <i>APER</i> does not apply to any function that the <i>approved person</i> carries on in relation to <i>firm B</i> , even if that function is a <i>significant-influence function</i> . However, if the function that he performs in relation to <i>firm B</i> is a <i>controlled function</i> , the <i>approved person</i> and <i>firm B</i> may be subject to legal sanctions (see <i>SUP 10B.11.1G</i> and <i>SUP 10B.11.3G</i> ).

1.1B.8 [PRA] G A person may be an *approved person* in relation to more than one *PRA-authorized person*. When that is the case, *APER* applies in relation to all those *firms*.

1.1B.9 [PRA] G (1) *APER* 1.1B.2P refers to the *PRA-authorized person* in relation to which a person is an *approved person*.

- (2) Under section 59 of the *Act* (Approval for particular arrangements) there are two kinds of *approved person*.
- (3) Section 59(1) of the *Act* describes the first. It covers a *person* who performs a *controlled function* under an *arrangement* entered into by an *authorised person* (“A”). In this case, *APER* 1.1B.2P refers to A.
- (4) Section 59(2) of the *Act* describes the second. It covers a *person* who performs a *controlled function* under an *arrangement* entered into by a contractor (“B”) of an *authorised person* (“A”). In this case, *APER* 1.1B.2P refers to A (and not B).

Rule in GEN about provisions shared between the FCA and PRA

- 1.1B.10 [PRA] E *GEN* 2.2.23R (Cutover: Application of provisions made by both the FCA and the PRA) does not apply to any provision of *APER* marked with an “E” in the margin.
- 1.1B.11 [PRA] G *GEN* 2.2.23R does not apply to any of *APER*. It does not apply to any part of *APER* that is not shared, as *GEN* 2.2.23R only applies to *Handbook* provisions made by both the *FCA* and the *PRA*. Hence *GEN* 2.2.23R does not apply to the *Statements of Principle*. *APER* 1.1A.10E means that *GEN* 2.2.23R does not apply to shared provisions marked with an “E” in the margin. *GEN* 2.2.23R does not apply to shared *guidance* in *APER* because the *guidance* is about material to which *GEN* 2.2.23R does not apply.

Amend the following as shown.

## 1.2 Purpose

- 1.2.1 G ~~The *Statements of Principle* contained in *APER* 2 are issued under section 64(1) of the *Act* (Conduct: statements and codes). [deleted]~~
- 1.2.1A [FCA] G *The *Statements of Principle* contained in *APER* 2 are issued under section 64(1) of the *Act* (Conduct: statements and codes). The paragraphs of the application section in *APER* 1.1A labelled “P” also form part of the *Statements of Principle*.*
- 1.2.1B [PRA] G *The *Statements of Principle* contained in *APER* 2 are issued under section 64(1A) of the *Act* (Conduct: statements and codes). The paragraphs of the application section in *APER* 1.1B labelled “P” also form part of the *Statements of Principle*.*

- 1.2.2 [FCA/PRA] G Section 64(2) of the *Act* states that if ~~the FSA~~ an appropriate regulator issues *Statements of Principle* it must also issue a code of practice for the purpose of helping to determine whether or not a *person's* conduct complies with the *Statements of Principle*. The *Code of Practice for Approved Persons* in *APER 3* and *APER 4* fulfils this requirement.
- 1.2.3 [FCA] G The *Code of Practice for Approved Persons* sets out descriptions of conduct which, in the opinion of the ~~FSA~~ FCA, do not comply with a *Statement of Principle* and, in the case of *Statement of Principle 3*, conduct which tends to show compliance within that statement. The *Code of Practice for Approved Persons* also sets out, in certain cases, factors which, in the opinion of the ~~FSA~~ FCA, are to be taken into account in determining whether or not an *approved person's* conduct complies with a *Statement of Principle*. The guidance set out in *APER 3* and *APER 4* does not form part of the *Code of Practice for Approved Persons*.
- 1.2.3A [PRA] G The *Code of Practice for Approved Persons* sets out descriptions of conduct which, in the opinion of the PRA, do not comply with a *Statement of Principle*. The *Code of Practice for Approved Persons* also sets out, in certain cases, factors which, in the opinion of the PRA, are to be taken into account in determining whether or not an *approved person's* conduct complies with a *Statement of Principle*. The guidance set out in *APER 3* and *APER 4* does not form part of the *Code of Practice for Approved Persons*.
- ...
- 1.2.5 [FCA] G As set out in ~~SUP 10.3.1R (Arrangements and regulated activities)~~ 10A.3.1R (Provisions related to the Act), a function is a *controlled function* only to the extent that it is performed under an *arrangement* entered into by:
- ...
- 1.2.6 G ~~The *Statements of Principle* apply only to the performance of a *controlled function* (that is, to the activities carried on under the arrangement described in the *firm's* application for approval). [deleted]~~
- 1.2.7 G ~~The FSA recognises that an *approved person* may be performing functions which are unrelated to *regulated activities* or are otherwise outside the description of a *controlled function*. The fact that a *person* may be approved for one purpose does not have the effect of bringing all his functions within the *controlled function*, nor of making those functions subject to the *Statements of Principle*. [deleted]~~
- 1.2.8 G ~~The territorial scope of the *approved persons* regime is set out in SUP 10.1 (Application). [deleted]~~

- 1.2.9 G ~~The *Statements of Principle* apply only to the extent that a *person* is performing a *controlled function* for which approval has been sought and granted. [deleted]~~

APER 2.1 is deleted in its entirety. The deleted text is not shown.

After APER 2.1 (deleted) insert the following new sections. The text is not underlined.

**2.1A The Statements of Principle**

- 2.1A.1 G *APER 2.1A.3P* sets out the *Statements of Principle* issued by the *FCA* to which *APER 1.2.1AG* refers and to which the provisions of the *Code of Practice for Approved Persons* and guidance in *APER 3* and *APER 4* apply. The paragraphs of *APER 1.1A* labelled “P” also form part of the *Statements of Principle*.
- 2.1A.2 P An *approved person* will not be subject to a *Statement of Principle* to the extent that it would be contrary to the UK's obligations under a *Single Market Directive* or the *auction regulation*.
- 2.1A.3 P Statements of Principle issued under section 64 of the Act

<p>Statement of Principle 1</p> <p>An <i>approved person</i> must act with integrity in carrying out his <i>accountable functions</i>.</p>
<p>Statement of Principle 2</p> <p>An <i>approved person</i> must act with due skill, care and diligence in carrying out his <i>accountable functions</i>.</p>
<p>Statement of Principle 3</p> <p>An <i>approved person</i> must observe proper standards of market conduct in carrying out his <i>accountable functions</i>.</p>
<p>Statement of Principle 4</p> <p>An <i>approved person</i> must deal with the <i>FCA</i>, the <i>PRA</i> and other regulators in an open and cooperative way and must disclose appropriately any information of which the <i>FCA</i> or the <i>PRA</i> would reasonably expect notice.</p>

<p>Statement of Principle 5</p> <p><i>An approved person performing an accountable significant-influence function must take reasonable steps to ensure that the business of the firm for which he is responsible in his accountable function is organised so that it can be controlled effectively.</i></p>
<p>Statement of Principle 6</p> <p><i>An approved person performing an accountable significant-influence function must exercise due skill, care and diligence in managing the business of the firm for which he is responsible in his accountable function.</i></p>
<p>Statement of Principle 7</p> <p><i>An approved person performing an accountable significant-influence function must take reasonable steps to ensure that the business of the firm for which he is responsible in his accountable function complies with the relevant requirements and standards of the regulatory system.</i></p>

## 2.1B The Statements of Principle

- 2.1B.1 [PRA] G *APER 2.1B.3P sets out the Statements of Principle issued by the PRA to which APER 1.2.1BG refers and to which the provisions of the Code of Practice for Approved Persons and guidance in APER 3 and APER 4 apply. The paragraphs of APER 1.1B labelled “P” also form part of the Statements of Principle.*
- 2.1B.2 [PRA] P *An approved person will not be subject to a Statement of Principle to the extent that it would be contrary to the UK's obligations under a Single Market Directive or the auction regulation.*
- 2.1B.3 [PRA] P Statements of Principle issued under section 64 of the Act

<p>Statement of Principle 1</p> <p><i>An approved person must act with integrity in carrying out his accountable functions.</i></p>
<p>Statement of Principle 2</p> <p><i>An approved person must act with due skill, care and diligence in carrying out his accountable functions.</i></p>
<p>Statement of Principle 3</p> <p>[Not used]</p>

<p>Statement of Principle 4</p> <p>An <i>approved person</i> must deal with the <i>FCA</i>, the <i>PRA</i> and other regulators in an open and cooperative way and must disclose appropriately any information of which the <i>FCA</i> or the <i>PRA</i> would reasonably expect notice.</p>
<p>Statement of Principle 5</p> <p>An <i>approved person</i> performing an <i>accountable function</i> must take reasonable steps to ensure that the business of the <i>firm</i> for which he is responsible in his <i>accountable function</i> is organised so that it can be controlled effectively.</p>
<p>Statement of Principle 6</p> <p>An <i>approved person</i> performing an <i>accountable function</i> must exercise due skill, care and diligence in managing the business of the <i>firm</i> for which he is responsible in his <i>accountable function</i>.</p>
<p>Statement of Principle 7</p> <p>An <i>approved person</i> performing an <i>accountable function</i> must take reasonable steps to ensure that the business of the <i>firm</i> for which he is responsible in his <i>accountable function</i> complies with the relevant requirements and standards of the <i>regulatory system</i>.</p>

Amend the following as shown.

### **3 Code of Practice for Approved Persons: general**

#### **3.1 Introduction**

- 3.1.1 G This *Code of Practice for Approved Persons* is issued under section 64 of the *Act* (~~Conduct: statements and codes~~) for the purpose of helping to determine whether or not an *approved person's* conduct complies with a *Statement of Principle*. The code sets out descriptions of conduct which, in the *FSA's* opinion, do not comply with the relevant *Statements of Principle*. The code also sets out certain factors which, in the opinion of the *FSA*, are to be taken into account in determining whether an *approved person's* conduct complies with a particular *Statement of Principle*. The description of conduct, the factors and related provisions are identified in the text by the letter 'E' as explained in chapter 6 of the *Reader's Guide*. ~~[deleted]~~

- 3.1.1A [FCA ] G This Code of Practice for Approved Persons is issued under section 64 of the Act (Conduct: statements and codes) for the purpose of helping to determine whether or not an approved person's conduct complies with a Statement of Principle. The code sets out descriptions of conduct which, in the FCA's opinion, do not comply with the relevant Statements of Principle. The code also sets out certain factors which, in the opinion of the FCA, are to be taken into account in determining whether an approved person's conduct complies with a particular Statement of Principle. The description of conduct, the factors and related provisions are identified in the text by the letter 'E' as explained in chapter 6 of the Reader's Guide.
- 3.1.1B [PRA] G This Code of Practice for Approved Persons is issued under section 64 of the Act (Conduct: statements and codes) for the purpose of helping to determine whether or not an approved person's conduct complies with a Statement of Principle. The code sets out descriptions of conduct which, in the PRA's opinion, do not comply with the relevant Statements of Principle. The code also sets out certain factors which, in the opinion of the PRA, are to be taken into account in determining whether an approved person's conduct complies with a particular Statement of Principle. The description of conduct, the factors and related provisions are identified in the text by the letter 'E' as explained in the Reader's Guide.
- ...
- 3.1.3 [FCA/ PRA] G The significance of conduct identified in the *Code of Practice for Approved Persons* as tending to establish compliance with or a breach of a *Statement of Principle* will be assessed only after all the circumstances of a particular case have been considered. Account will be taken of the context in which a course of conduct was undertaken, including the precise circumstances of the individual case, the characteristics of the particular *controlled accountable function* and the behaviour to be expected in that function.
- ...
- 3.1.4A [PRA] G (1) An approved person will only be in breach of a Statement of Principle where he is personally culpable. Personal culpability arises where an approved person's conduct was deliberate or where the approved person's standard of conduct was below that which would be reasonable in all the circumstances.
- (2) For the avoidance of doubt, the Statements of Principle do not extend the duties of approved persons beyond those which the firm owes in its dealings with customers or others.
- 3.1.5 [FCA/ PRA] G In particular, in determining whether or not an *approved person's* conduct complies with a *Statement of Principle*, the *FSA appropriate regulator* will take into account the extent to which an *approved person* has acted in a way that is stated to be in breach of a *Statement of Principle*.

- 3.1.6 [FCA/PRA] G The *Code of Practice for Approved Persons* (and in particular the specific examples of behaviour which may be in breach of a generic description of conduct in the code) is not exhaustive of the kind of conduct that may contravene the *Statements of Principle*. The purpose of the code is to help determine whether or not a *person's* conduct complies with a *Statement of Principle*. The code may be supplemented from time to time. The *FSA appropriate regulator* will amend the code if there is a risk that unacceptable practice may become prevalent, so as to make clear what conduct falls below the standards expected of *approved persons* by the *Statements of Principle*.
- 3.1.7 G ~~*Statements of Principle 1 to 4 apply to all approved persons. In the Statements of Principle and in the Code of Practice for Approved Persons, a reference to "his controlled function" is a reference to the controlled function to which the approval relates. A person performing a significant influence function is also subject to the additional requirements set out in Statements of Principle 5 to 7 in performing that controlled function. Those responsible under SYSC 2.1.3R or SYSC 4.4.5R (Apportionment of responsibilities) for the firm's apportionment obligation will be specifically subject to Statement of Principle 5 (and see in particular APER 4.5.6E). In addition, it will be the responsibility of any such approved person to oversee that the firm has appropriate systems and controls under Statement of Principle 7 (and see in particular APER 4.7.3E). [deleted]*~~
- 3.1.7A [FCA] G *Statements of Principle 1 to 4 apply to all approved persons. A person performing an accountable significant-influence function is also subject to the additional requirements set out in Statements of Principle 5 to 7 in performing that accountable function. Those responsible under SYSC 2.1.3R or SYSC 4.4.5R (Apportionment of responsibilities) for the firm's apportionment obligation will be specifically subject to Statement of Principle 5 (and see, in particular, APER 4.5.6E). In addition, it will be the responsibility of any such approved person to oversee that the firm has appropriate systems and controls under Statement of Principle 7 (and see, in particular, APER 4.7.3E).*
- 3.1.7B [PRA] G *Those responsible under SYSC 2.1.3R or SYSC 4.4.5R (Apportionment of responsibilities) for the firm's apportionment obligation will be specifically subject to Statement of Principle 5 (and see, in particular, APER 4.5.6E). In addition, it will be the responsibility of any such approved person to oversee that the firm has appropriate systems and controls under Statement of Principle 7 (and see, in particular, APER 4.7.3E).*
- 3.1.8 G ~~*In applying Statements of Principle 5 to 7, the nature, scale and complexity of the business under management and the role and responsibility of the individual performing a significant influence function within the firm will be relevant in assessing whether an approved person's conduct was reasonable. For example, the smaller and less complex the business, the less detailed and extensive the systems of control need to be. The FSA will be of the opinion that an individual performing a significant influence function may have breached Statements of Principle 5 to 7 only if his conduct was below the standard which would be reasonable in all the circumstances. (See also*~~

APER 3.3.1E(3) to (5): [deleted]

- 3.1.8A [FCA] G In applying *Statements of Principle 5 to 7*, the nature, scale and complexity of the business under management and the role and responsibility of the individual performing an *accountable significant-influence function* within the *firm* will be relevant in assessing whether an *approved person's* conduct was reasonable. For example, the smaller and less complex the business, the less detailed and extensive the systems of control need to be. The *FCA* will be of the opinion that an individual performing an *accountable significant-influence function* may have breached *Statements of Principle 5 to 7* only if his conduct was below the standard which would be reasonable in all the circumstances. (See also *APER 3.3.1E(3) to (5)*.)
- 3.1.8B [PRA] G In applying *Statements of Principle 5 to 7*, the nature, scale and complexity of the business under management and the role and responsibility of the individual performing an *accountable function* within the *firm* will be relevant in assessing whether an *approved person's* conduct was reasonable. For example, the smaller and less complex the business, the less detailed and extensive the systems of control need to be. The *PRA* will be of the opinion that an individual performing an *accountable function* may have breached *Statements of Principle 5 to 7* only if his conduct was below the standard which would be reasonable in all the circumstances. (See also *APER 3.3.1E(3) to (5)*.)
- 3.1.9 [FCA/ PRA] G *UK domestic firms* listed on the London Stock Exchange are subject to the *UK Corporate Governance Code*, whose *internal control* provisions are amplified in the publication entitled "Internal Control: Revised Guidance for Directors on the Combined Code (October 2005)" issued by the Financial Reporting Council. ~~*FSA-regulated firms*~~ *Firms regulated by the appropriate regulator* in this category will thus be subject to that code as well as to the requirements and standards of the *regulatory system*. In forming an opinion whether *approved persons* have complied with its requirements, the ~~*FSA*~~ *appropriate regulator* will give due credit for their following corresponding provisions in the *UK Corporate Governance Code* and related *guidance*.

### 3.2 Factors relating to all Statements of Principle

- 3.2.1 [FCA/ PRA] E In determining whether or not the particular conduct of an *approved person* within his ~~*controlled*~~ *accountable function* complies with the *Statements of Principle*, the following are factors which, in the opinion of the ~~*FSA*~~ *appropriate regulator*, are to be taken into account:

...

### 3.3 Factors relating to Statements of Principle 5 to 7

3.3.1 E In determining whether or not the conduct of an *approved person*  
[FCA] performing a an *accountable significant-influence function* complies with *Statements of Principle 5 to 7*, the following are factors which, in the opinion of the ~~FSA~~ FCA, are to be taken into account:

...

(4) his role and responsibility as an *approved person* performing a an *accountable significant-influence function*;

...

3.3.2 E In determining whether or not the conduct of an *approved person*  
[PRA] performing an *accountable function* complies with *Statements of Principle 5 to 7*, the following are factors which, in the opinion of the PRA, are to be taken into account:

(1) whether he exercised reasonable care when considering the information available to him;

(2) whether he reached a reasonable conclusion which he acted on;

(3) the nature, scale and complexity of the *firm's* business;

(4) his role and responsibility as an *approved person* performing an *accountable function*;

(5) the knowledge he had, or should have had, of regulatory concerns, if any, arising in the business under his control.

## 4 Code of Practice for Approved Persons: specific

### 4.1 Statement of Principle 1

4.1.1 G ~~The *Statement of Principle 1* (see *APER 2.1.2P*) is in the following terms:  
"An *approved person* must act with integrity in carrying out his *controlled function*." [deleted]~~

4.1.1A G The *Statement of Principle 1* (see *APER 2.1A.3P*) is in the following terms:  
[FCA] "An *approved person* must act with integrity in carrying out his *accountable functions*."

4.1.1B G The *Statement of Principle 1* (see *APER 2.1B.3P*) is in the following terms:  
[PRA] "An *approved person* must act with integrity in carrying out his *accountable functions*."

4.1.2 E In the opinion of the ~~FSA~~ appropriate regulator, conduct of the type  
[FCA/ described in *APER* 4.1.3E, *APER* 4.1.5E, *APER* 4.1.6E, *APER* 4.1.8E, *APER*  
PRA] 4.1.10E, *APER* 4.1.12E, *APER* 4.1.13E, *APER* 4.1.14E or *APER* 4.1.15E  
does not comply with *Statement of Principle 1* (~~*APER* 2.1.2P~~).

4.1.3 E Deliberately misleading (or attempting to mislead) by act or omission:  
[FCA/ ...  
PRA] (3) the ~~FSA~~ FCA or the PRA;  
falls within *APER* 4.1.2E.

4.1.4 E Behaviour of the type referred to in *APER* 4.1.3E includes, but is not limited  
[FCA/ to, deliberately:  
PRA] ...

(11) providing false or inaccurate information to the ~~FSA~~ FCA or the  
PRA;

(12) destroying, or causing the destruction of, *documents* (including false  
documentation), or tapes or their contents, relevant to misleading (or  
attempting to mislead) a *client*, his *firm*, the FCA or the ~~FSA~~ PRA;

...

...

4.1.6 E Deliberately failing to inform, without reasonable cause:  
[FCA/ ...  
PRA] ...

(3) the ~~FSA~~ FCA or the PRA;

of the fact that their understanding of a material issue is incorrect, despite  
being aware of their misunderstanding, falls within *APER* 4.1.2E.

...

4.1.8 E Deliberately preparing inaccurate or inappropriate records or returns in  
[FCA/ connection with a ~~an~~ controlled accountable function, falls within *APER*  
PRA] 4.1.2E.

...

## 4.2 Statement of Principle 2

- 4.2.1 G The *Statement of Principle 2* (see *APER 2.1.2P*) is in the following terms: "An *approved person* must act with due skill, care and diligence in carrying out his *controlled function*." [deleted]
- 4.2.1A [FCA] G The *Statement of Principle 2* (see *APER 2.1A.3P*) is in the following terms: "An *approved person* must act with due skill, care and diligence in carrying out his *accountable functions*."
- 4.2.1B [PRA] G The *Statement of Principle 2* (see *APER 2.1B.3P*) is in the following terms: "An *approved person* must act with due skill, care and diligence in carrying out his *accountable functions*."
- 4.2.2 [FCA/PRA] E In the opinion of the *FSA appropriate regulator*, conduct of the type described in *APER 4.2.3E*, *APER 4.2.5E*, *APER 4.2.6E*, *APER 4.2.8E*, *APER 4.2.10E*, *APER 4.2.11E*, ~~*APER 4.2.13E*~~ or *APER 4.2.14E* does not comply with *Statement of Principle 2* (~~*APER 2.1.2P*~~).
- 4.2.2A [FCA] E In the opinion of the *FCA*, conduct of the type described in *APER 4.2.13E* does not comply with *Statement of Principle 2*.

...

- 4.2.13 [FCA] E Continuing to perform a *controlled function* despite having failed to meet the standards of knowledge and skill set out in the Training and Competence sourcebook (*TC*) for that *controlled function* falls within ~~*APER 4.2.2E*~~ *APER 4.2.2AE*.

...

### 4.3 Statement of Principle 3

- 4.3.1 [FCA] G The *Statement of Principle 3* (see ~~*APER 2.1.2P*~~ *APER 2.1A.3P*) is in the following terms: "An *approved person* must observe proper standards of market conduct in carrying out his ~~*controlled function*~~ *accountable functions*."

...

- 4.3.3 [FCA] E A factor to be taken into account in determining whether or not an *approved person's* conduct complies with this *Statement of Principle* ~~*APER 2.1.2P*~~ is whether he, or his *firm*, has complied with the *Code of Market Conduct* (*MAR 1*) or relevant market codes and exchange rules.

- 4.3.4 [FCA] E Compliance with the code or *rules* described in *APER 4.3.3E* will tend to show compliance with this *Statement of Principle* (~~*APER 2.1.2P*~~).

### 4.4 Statement of Principle 4

- 4.4.1 G ~~The *Statement of Principle 4* (see *APER 2.1.2 P*) is in the following terms: "An *approved person* must deal with the *FSA* and with other regulators in an open and cooperative way and must disclose appropriately any information of which the *FSA* would reasonably expect notice." [deleted]~~
- 4.4.1A [FCA] G The *Statement of Principle 4* (see *APER 2.1A.3P*) is in the following terms: "An *approved person* must deal with the *FCA*, the *PRA* and other regulators in an open and cooperative way and must disclose appropriately any information of which the *FCA* or the *PRA* would reasonably expect notice."
- 4.4.1B [PRA] G The *Statement of Principle 4* (see *APER 2.1B.3P*) is in the following terms: "An *approved person* must deal with the *FCA*, the *PRA* and other regulators in an open and cooperative way and must disclose appropriately any information of which the *FCA* or the *PRA* would reasonably expect notice."
- 4.4.2 G ~~For the purpose of this *Statement of Principle* (*APER 2.1.2 P*), regulators in addition to the *FSA* are those which have recognised jurisdiction in relation to *regulated activities* and a power to call for information from the *approved person* in connection with his *controlled function* or (in the case of an individual performing a *significant influence function*) in connection with the business for which he is responsible. This may include an exchange or an *overseas regulator*. [deleted]~~
- 4.4.2A [FCA] G For the purpose of this *Statement of Principle*, regulators in addition to the *FCA* and the *PRA* are those which have recognised jurisdiction in relation to *regulated activities* and a power to call for information from the *approved person* in connection with his *accountable function* or (in the case of an individual performing an *accountable significant-influence function*) in connection with the business for which he is responsible. This may include an exchange or an *overseas regulator*.
- 4.4.2B [PRA] G For the purpose of this *Statement of Principle*, regulators in addition to the *FCA* and the *PRA* are those which have recognised jurisdiction in relation to *regulated activities* and a power to call for information from the *approved person* in connection with his *accountable function* or in connection with the business for which he is responsible. This may include an exchange or an *overseas regulator*.
- 4.4.3 [FCA/ PRA] E In the opinion of the *FSA appropriate regulator*, conduct of the type described in *APER 4.4.4E*, *APER 4.4.7E*, or *APER 4.4.9E* does not comply with *Statement of Principle 4* (~~*APER 2.1.2P*~~).
- 4.4.4 [FCA/ PRA] E Failing to report promptly in accordance with his *firm's* internal procedures (or if none exist direct to the ~~*FSA regulator concerned*~~), information which it would be reasonable to assume would be of material significance to the ~~*FSA regulator concerned*~~, whether in response to questions or otherwise, falls within *APER 4.4.3E*. The regulator concerned is:
- (1) the *FCA* if it would be reasonable to assume that it would be of material significance to it;

- (2) the PRA if it would be reasonable to assume that it would be of material significance to it;
- (3) both the FCA and the PRA if it would be reasonable to assume that it would be of material significance to both of them.

4.4.5 [FCA/  
PRA] G There is no duty on an *approved person* to report such information directly to the FSA regulator concerned unless he is one of the *approved persons* responsible within the *firm* for reporting matters to the FSA regulator concerned. However, if an *approved person* takes steps to influence the decision so as not to report to the FSA regulator concerned or acts in a way that is intended to obstruct the reporting of the information to the FSA regulator concerned, then the FSA appropriate regulator will, in respect of that information, view him as being one of those within the *firm* who has taken on responsibility for deciding whether to report that matter to the FSA regulator concerned.

4.4.6 [FCA/  
PRA] E In determining whether or not an *approved person's* conduct under *APER* 4.4.4E complies with *Statement of Principle 4*, the following are factors which, in the opinion of the FSA appropriate regulator, are to be taken into account:

- (1) the likely significance to the regulator concerned (as defined in APER 4.4.4E) ~~FSA~~ of the information which it was reasonable for the individual to assume;

...

4.4.7 [FCA/  
PRA] E Where the *approved person* is, or is one of the *approved persons* who is, responsible within the *firm* for reporting matters to the FSA regulator concerned (as defined in APER 4.4.4E), failing promptly to inform the FSA regulator concerned of information of which he is aware and which it would be reasonable to assume would be of material significance to the FSA regulator concerned, whether in response to questions or otherwise, falls within *APER* 4.4.3E.

4.4.8 [FCA/  
PRA] E In determining whether or not an *approved person's* conduct under *APER* 4.4.7E complies with *Statement of Principle 4* (~~*APER 2.1.2P*~~), the following are factors which, in the opinion of the FSA appropriate regulator, are to be taken into account:

- (1) the likely significance of the information to the FSA regulator concerned (as defined in APER 4.4.4E) which it was reasonable for the *approved person* to assume;
- (2) whether any decision not to inform the FSA regulator concerned (as defined in APER 4.4.4E) was taken after reasonable enquiry and analysis of the situation.

...

## 4.5 Statement of Principle 5

4.5.1 G ~~The *Statement of Principle 5* (see *APER 2.1.2P*) is in the following terms: "An *approved person* performing a *significant influence function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *controlled function* is organised so that it can be controlled effectively."~~ [deleted]

4.5.1A G The *Statement of Principle 5* (see *APER 2.1A.3P*) is in the following terms: "An *approved person* performing an *accountable significant-influence function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *accountable function* is organised so that it can be controlled effectively." References in *APER 4.5* to a *significant-influence function* are to an *accountable function* to which *Statement of Principle 5* applies.

4.5.1B G The *Statement of Principle 5* (see *APER 2.1B.3P*) is in the following terms: "An *approved person* performing an *accountable function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *accountable function* is organised so that it can be controlled effectively." References in *APER 4.5* to a *significant-influence function* are to an *accountable function* to which *Statement of Principle 5* applies.

4.5.2 E In the opinion of the ~~*FSA*~~ *appropriate regulator*, conduct of the type described in *APER 4.5.3E*, *APER 4.5.4E*, *APER 4.5.6E* or *APER 4.5.8E* does not comply with *Statement of Principle 5* (~~*APER 2.1.2P*~~).

...

4.5.7 E Behaviour of the type referred to in *APER 4.5.6E* includes, but is not limited to:

(1) failing to review regularly the significant responsibilities which the *firm* is required to apportion ~~under *APER 2.1.1G*~~;

...

...

## 4.6 Statement of Principle 6

4.6.1 G ~~The *Statement of Principle 6* (see *APER 2.1.2P*) is in the following terms: "An *approved person* performing a *significant influence function* must exercise due skill, care and diligence in managing the business of the *firm* for which he is responsible in his *controlled function*."~~ [deleted]

4.6.1A [FCA] G The Statement of Principle 6 (see APER 2.1A.3P) is in the following terms: "An approved person performing an accountable significant-influence function must exercise due skill, care and diligence in managing the business of the firm for which he is responsible in his accountable function." References in APER 4.6 to a significant-influence function are to an accountable significant-influence function to which Statement of Principle 6 applies.

4.6.1B [PRA] G The Statement of Principle 6 (see APER 2.1B.3P) is in the following terms: "An approved person performing an accountable function must exercise due skill, care and diligence in managing the business of the firm for which he is responsible in his accountable function." References in APER 4.6 to a significant-influence function are to an accountable function to which Statement of Principle 6 applies.

4.6.2 [FCA/ PRA] E In the opinion of the *FSA appropriate regulator*, conduct of the type described in APER 4.6.3E, APER 4.6.5E, APER 4.6.6E or APER 4.6.8E does not comply with *Statement of Principle 6 (APER 2.1.2P)*.

...

4.6.10 [FCA/ PRA] E In determining whether or not the conduct of an *approved person* performing a *significant\_influence function* under APER 4.6.5E, APER 4.6.6E and APER 4.6.8E complies with *Statement of Principle 6 (see APER 2.1.2P)*, the following are factors which, in the opinion of the *FSA appropriate regulator*, are to be taken into account:

...

4.6.11 [FCA/ PRA] G An *approved person* performing a *significant-influence function* will not always manage the business on a day-to-day basis himself. The extent to which he does so will depend on a number of factors, including the nature, scale and complexity of the business and his position within it. The larger and more complex the business, the greater the need for clear and effective delegation and reporting lines. The *FSA appropriate regulator* will look to the *approved person* performing a *significant-influence function* to take reasonable steps to ensure that systems are in place which result in issues being addressed at the appropriate level. When issues come to his attention, he should deal with them in an appropriate way.

...

Delegation

4.6.13 [FCA/ PRA] G ...

- (4) The ~~FSA recognises~~ FCA and PRA recognise that the *approved person* performing a *significant-influence function* will have to exercise his own judgment in deciding how issues are dealt with, and that in some cases that judgment will, with the benefit of hindsight, be shown to have been wrong. He will not be in breach of *Statement of Principle 6* unless he fails to exercise due and reasonable consideration before he delegates the resolution of an issue or authority for dealing with a part of the business and fails to reach a reasonable conclusion. If he is in doubt about how to deal with an issue or the seriousness of a particular compliance problem, then, although he cannot delegate to the ~~FSA appropriate regulator~~ the responsibility for dealing with the problem or issue, he can speak to the ~~FSA appropriate regulator~~ to discuss his approach (see *APER 4.6.5E*).

...

#### 4.7 Statement of Principle 7

- 4.7.1 G ~~The *Statement of Principle 7* (see *APER 2.1.2P*) is in the following terms: "An *approved person* performing a *significant-influence function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *controlled function* complies with the relevant requirements and standards of the *regulatory system*."~~ [deleted]
- 4.7.1A [FCA] G The *Statement of Principle 7* (see *APER 2.1A.3P*) is in the following terms: "An *approved person* performing an *accountable significant-influence function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *accountable function* complies with the relevant requirements and standards of the *regulatory system*." References in *APER 4.7* to a *significant-influence function* are to an *accountable significant-influence function* to which *Statement of Principle 7* applies.
- 4.7.1B [PRA] G The *Statement of Principle 7* (see *APER 2.1B.3P*) is in the following terms: "An *approved person* performing an *accountable function* must take reasonable steps to ensure that the business of the *firm* for which he is responsible in his *accountable function* complies with the relevant requirements and standards of the *regulatory system*." References in *APER 4.7* to a *significant-influence function* are to an *accountable function* to which *Statement of Principle 7* applies.
- 4.7.2 [FCA/ PRA] E In the opinion of the ~~FSA appropriate regulator~~, conduct of the type described in ~~*APER 4.7.3E*, *APER 4.7.4E*, *APER 4.7.5E*, or *APER 4.7.7E*, *APER 4.7.9E*, *APER 4.7.10E* or *APER 4.7.11AE*~~ does not comply with ~~*Statement of Principle 7* (*APER 2.1.2P*)~~.

- 4.7.2A [FCA] E In the opinion of the FCA, conduct of the type described in APER 4.7.9E, APER 4.7.10E or APER 4.7.11AE does not comply with Statement of Principle 7.
- 4.7.3 [FCA/ PRA] E Failing to take reasonable steps to implement (either personally or through a compliance department or other departments) adequate and appropriate systems of control to comply with the relevant requirements and standards of the *regulatory system* in respect of ~~its~~ the regulated activities of the firm in question (as referred to in Statement of Principle 7) falls within APER 4.7.2E. In the case of an *approved person* who is responsible, under SYSC 2.1.3R(2) or SYSC 4.4.5R(2), with overseeing the *firm's* obligation under SYSC 3.1.1R or SYSC 4.1.1R, failing to take reasonable care to oversee the establishment and maintenance of appropriate systems and controls falls within APER 4.7.2E.
- 4.7.4 [FCA/ PRA] E Failing to take reasonable steps to monitor (either personally or through a compliance department or other departments) compliance with the relevant requirements and standards of the *regulatory system* in respect of ~~its~~ the regulated activities of the firm in question (as referred to in Statement of Principle 7) falls within APER 4.7.2E (see APER 4.7.12G).
- 4.7.5 [FCA/ PRA] E Failing to take reasonable steps adequately to inform himself about the reason why significant breaches (whether suspected or actual) of the relevant requirements and standards of the *regulatory system* in respect of ~~its~~ the regulated activities of the firm in question (as referred to in Statement of Principle 7) may have arisen (taking account of the systems and procedures in place) falls within APER 4.7.2E.
- ...
- 4.7.7 [FCA/ PRA] E Failing to take reasonable steps to ensure that procedures and systems of control are reviewed and, if appropriate, improved, following the identification of significant breaches (whether suspected or actual) of the relevant requirements and standards of the *regulatory system* relating to ~~its~~ the regulated activities of the firm in question (as referred to in Statement of Principle 7), falls within APER 4.7.2E (see APER 4.7.13G and APER 4.7.14G).
- ...
- 4.7.9 [FCA] E In the case of the *money laundering reporting officer*, failing to discharge the responsibilities imposed on him by the *firm* in accordance with SYSC 3.2.6IR or SYSC 6.3.9R falls within ~~APER 4.7.2E~~ APER 4.7.2AE.
- 4.7.10 [FCA] E In the case of an *approved person* performing a *significant-influence function* responsible for compliance under SYSC 3.2.8R, SYSC 6.1.4R or SYSC 6.1.4AR, failing to take reasonable steps to ensure that appropriate compliance systems and procedures are in place falls within ~~APER 4.7.2E~~ APER 4.7.2AE (see APER 4.7.13G and APER 4.7.14G).

- 4.7.11 [FCA/PRA] G The ~~FSA~~ appropriate regulator expects an *approved person* performing a *significant\_influence function* to take reasonable steps both to ensure his *firm's* compliance with the relevant requirements and standards of the *regulatory system* and to ensure that all staff are aware of the need for compliance.
- 4.7.11A [FCA] E Where the *approved person* is a *proprietary trader* under ~~SUP 10A.9.10R~~ SUP 10A.9.10R(1A), failing to maintain and comply with appropriate systems and controls in relation to that activity falls within ~~APER 4.7.2E~~ APER 4.7.2AE.

...

## TP 1 Transitional Provisions

TP 1.1  
[FCA/  
PRA]

In addition to the transitional provision below, *GEN* contains some technical transitional provisions that apply throughout the *Handbook*.

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision coming into force
1.	<i>APER</i> 3.1.9G	<del>R</del> <u>G</u>	References to provisions in the UK Corporate Governance Code are to be read as references to the equivalent provisions in the Combined Code for accounting periods beginning before 29 June 2010.	From 29 June 2010 to 28 December 2011	6 August 2010

## Sch 1 Record keeping requirements

Sch 1.1 There are no record keeping requirements in APER.

[FCA/  
PRA]

**Sch 2.1 Record keeping requirements**

....

Sch 2.3

[FCA/  
PRA]

Handbook reference	Matter to be notified	Contents of notification	Trigger event	Time allowed
<i>Statement of Principle 4 (APER 2.1.2P 2.1A.3P)</i>	Any information of which the FSA <u>FCA</u> or the <u>PRA</u> would reasonably expect notice	Appropriate disclosure	Any information of which the FSA <u>FCA</u> or the <u>PRA</u> would reasonably expect notice	Appropriate

Sch 2.4

[PRA]

<u>Handbook reference</u>	<u>Matter to be notified</u>	<u>Contents of notification</u>	<u>Trigger event</u>	<u>Time allowed</u>
<u><i>Statement of Principle 4 (APER 2.1B.3P)</i></u>	<u>Any information of which the <u>FCA</u> or the <u>PRA</u> would reasonably expect notice</u>	<u>Appropriate disclosure</u>	<u>Any information of which the <u>FCA</u> or the <u>PRA</u> would reasonably expect notice</u>	<u>Appropriate</u>

...

Schedule 4 of APER is deleted in its entirety. The deleted text is not shown.

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64 (Conduct: statements and codes)	Section 64	Section 64

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64 (Conduct: statements and codes)	Section 64	Section 64

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None

**LEGAL CUTOVER (FCA AND PRA HANDBOOK MISCELLANEOUS  
AMENDMENTS) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- E. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- F. The provisions in the Annexes are designated by instruments that are passed by the FCA Board on 19 March 2013 and the PRA Board on 22 March 2013.

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (4) "the 2012 Act" means the Financial Services Act 2012;
  - (5) "the Authority" means the Financial Services Authority;
  - (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
  - (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;

- (8) “Handbook” means the Authority’s Handbook of Rules and Guidance (and including for this purpose the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the Authority’s Handbook website at 11h59 pm on 27 February 2013;
- (9) “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
- (10) “FSA Instrument” means an instrument published by the Authority, by which the Authority made, issued, gave, imposed or amended a Relevant Instrument;
- (11) “FCA Relevant Instrument” means a Relevant Instrument designated by the Financial Conduct Authority;
- (12) “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority;

### **Modification and making of rules, etc. by the Financial Conduct Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Financial Conduct Authority modifies each FCA Relevant Instrument (or part of such instrument) as specified in the Annexes to this Instrument.
- 3 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 4, the Financial Conduct Authority makes any provision specified in the Annexes to the Instrument that is not a modification specified in a provision in the Annexes to this Instrument made in accordance with paragraph 2.
- 4 The Financial Conduct Authority makes the provisions in paragraph 3 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 5 The rule-making powers in paragraph 4 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

### **Commencement: Financial Conduct Authority**

- 6 As required by Article 3(1) of the Designation Order, the Financial Conduct Authority specifies that the modification (in paragraph 2) of each FCA Relevant Instrument comes into effect on 1 April 2013.
- 7 The Financial Conduct Authority directs that paragraph 3 of this Instrument come into effect on 1 April 2013.
- 8 The Financial Conduct Authority directs that paragraphs 2 and 3 come into force immediately after the coming into force of the FCA Relevant Instruments which have designated the provisions specified in the Annexes to this Instrument

### **Modification and making of rules, etc. by the Prudential Regulation Authority**

- 9 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such instrument) as specified in the Annexes to this Instrument.
- 10 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 11, the Prudential Regulation Authority makes any provision specified in a provision in the Annexes of this Instrument that is not a modification made in accordance with paragraph 9 and which is not marked with a G.
- 11 The Prudential Regulation Authority makes the provisions in paragraph 10 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 12 The rule-making powers in paragraph 11 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 13 The Prudential Regulation Authority gives as guidance each provision in the Annexes to this Instrument that modifies a provision which is marked with a G and identified as “PRA” or “FCA/PRA” in a PRA Relevant Instrument.

### **Commencement: Prudential Regulation Authority**

- 14 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the modification (in paragraph 9) of each PRA Relevant Instrument comes into effect on 1 April 2013.
- 15 The Prudential Regulation Authority directs that paragraph 10 of this Instrument comes into effect on 1 April 2013.
- 16 The Prudential Regulation Authority directs that paragraph 9, 10 and 13 of this Instrument come into force immediately after the coming into force of the PRA Relevant Instruments which have designated the provisions specified in the Annexes to this Instrument.

### **Amendments to the Handbook and other material**

- 17 The Supervision manual (SUP) is amended in accordance with Annex A to this Instrument.
- 18 The Perimeter Guidance manual (PERG) is amended in accordance with Annex B to this Instrument.

### **Citation**

- 19 This instrument may be cited as the Legal Cutover (FCA and PRA Handbook Miscellaneous Amendments) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

22 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

**Annex A**

**Amendments to the Supervision manual (SUP)**

In this Annex, underlining indicates new text and striking through indicates deleted text.



## Variation of Permission (VOP) Application

### Home Finance and General Insurance Mediation Activities

Firm Name

~~FSA~~ Firm Reference Number

#### Important information you should read before completing this form

##### Purpose of this form

This form is **only** for firms wishing to change the scope of their permission for **Home Finance and/or General Insurance Mediation Business**. You must answer all sections.

If your application is for Investment business, or Insurance Business, Banking, E-Money, Lloyds Market and Funeral Plan Providers, there are specific forms for this purpose. If you are completing more than one of these forms (i.e. if your application is for more than one type of business), **you do not have to complete any sections or questions that are duplicated**, e.g. pages 2, 6, 11-13.

**The notes that accompany the forms will help you complete the questions.** They also explain why we need the information that we are asking for.

We will only grant an application to vary the permission of a firm if we are satisfied it meets conditions known as the threshold conditions. We need the information in this form so we can assess whether the applicant firm can continue to satisfy the threshold conditions.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, you may be committing a criminal offence, it may increase the time taken to assess your application and may call into question your suitability to be authorised.**

Submit your application by post to:

If the appropriate regulator is the FCA send to:  
~~The Financial Services Authority~~

Variation of Permission Team  
The Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

If the appropriate regulator is the PRA send to:

Assessment and Monitoring Team  
The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

#### Contents of this form

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# 1

## Contact details and timings for this application

We need this information in case we need to contact you when we assess this application.

### Contact for this application

#### 1.1 Details of the person we should contact about this application.

Title	
First names	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

### Timings for this application

#### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

--

We will attempt to process your application as quickly as possible. If you wish your application to be granted by a specific date, we will try to do so. If we cannot, we will contact you with the reason why. However, please note that we must determine an application for a variation of permission once we have received it and deemed it to be complete within six months of it becoming complete.

# 2

## Variation of Permission – Home Finance and General Insurance Mediation activities

Tell us what it is you wish to do to change your firm's permission.

### 2.1 Answer this section if you wish to do the following:

- add a new investment business activity to your permission;
- add a customer type or investment type to a current activity on your permission;
- delete an activity from your permission; or
- change, add or delete a limitation.

If you wish to add or amend several activities in different ways, copy this page and attach it to this form.

Select activity(ies)			
Add new activity	Amend current activity	Delete activity	
<b>Home Finance Activities</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advising on regulated mortgage contracts
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Arranging (bringing about) regulated mortgage contracts
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Making arrangements with a view to regulated mortgage contracts
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entering into regulated mortgage contracts (mortgage lending)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Administering regulated mortgage contracts
<b>Home Reversion Plans</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advising on home reversion plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Arranging (bringing about) home reversion plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Making arrangements with a view to home reversion plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entering into a home reversion plan
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Administering a home reversion plan
<b>Home Purchase Plans</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advising on home purchase plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Arranging (bringing about) home purchase plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Making arrangements with a view to home purchase plans
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entering into a home purchase plan
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Administering a home purchase plan
<b>Regulated Sale and Rent Back Agreements</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advising on regulated sale and rent back agreements
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Arranging (bringing about) regulated sale and rent back agreements
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Making arrangements with a view to regulated sale and rent back agreements
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Entering into a regulated sale and rent back agreement
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Administering a regulated sale and rent back agreement
<b>General Insurance Activities</b>			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advising on investments (except pension transfers and opt outs)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Arranging (bringing about) deals in investments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Making arrangements with a view to transactions in investments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dealing in investments as agent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assisting in the administration of insurance

Select customer type(s)		
Add customer	Delete customer	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Home Finance Activities</b> Customer
<input type="checkbox"/>	<input type="checkbox"/>	<b>General Insurance Activities</b> Retail (General Insurance business only)
<input type="checkbox"/>	<input type="checkbox"/>	Commercial (General Insurance business only)

### Select investment type(s)

Add	Delete	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Home Finance Activities</b> Regulated mortgage contract
<input type="checkbox"/>	<input type="checkbox"/>	Home reversion plan
<input type="checkbox"/>	<input type="checkbox"/>	Home purchase plan
<input type="checkbox"/>	<input type="checkbox"/>	<b>General Insurance Activities</b> Non-investment insurance contract
<input type="checkbox"/>	<input type="checkbox"/>	Life policy (assisting in administration only)

# 2

## Variation of Permission – Home Finance and General Insurance Mediation activities (cont'd)

Tell us what it is you wish to do to change your firm's permission.

### Limitation(s) on your firm's activity(ies)

- Add a new limitation
- Delete a current limitation
- Amend a current limitation

Enter the limitation(s) below, clearly indicating the amendments if applicable.

### Requirement(s)

**2.2 Answer this question if you wish to add a new requirement, or amend or delete a current requirement.**

**2.2.1 If you are adding a new requirement to your firm's permission, select either a standard requirement from Appendix A in the notes that accompany this form, or enter a non-standard requirement:**

- Standard requirement from Appendix A:

Ref Number	Short description

- Non-standard requirement:

**2.2.2 If you are amending a current requirement on your firm's permission, enter it along with the proposed changes in the box below.  
If you are deleting a current requirement on your firm's permission, enter it in the box below.**

# 3

## Variation of Permission – Client Money

Tell us what it is you wish to do to change your firm's client money permission.

### 3.1 Does your firm wish to change your client money or assets permission?

- No > Continue to Section 4.  
 Yes > Answer the relevant questions in this section.

### 3.2 What is the firm able to do now, and how does it wish to change its permission for client money?

Firm is currently able to:	Firm wishes to be able to:
<input type="checkbox"/> Hold and control client money for home finance business only	<input type="checkbox"/> Hold and control client money for home finance business only
<input type="checkbox"/> Hold and control client money for Insurance Mediation only	<input type="checkbox"/> Hold and control client money for Insurance Mediation
<input type="checkbox"/> Control but not hold client money	<input type="checkbox"/> Control but not hold client money
<input type="checkbox"/> Not hold and not control client money	<input type="checkbox"/> Not hold and not control client money

### 3.3 Are you applying to stop holding client money?

- No > Continue to next question.  
 Yes > Continue below.

- Please tick this box if you have included a report from your auditors confirming that you have done this and it has either been paid back to the clients concerned or transferred to another entity that is authorised to hold it.
- Or, if you are applying to cease holding client money for Insurance Mediation as you have Risk Transfers in place, and you have NEVER held or controlled client money, please tick here to confirm the Risk Transfer Agreement in place with your Insurer covers ALL Client Money. This includes any claims monies received by your firm and any refund of premiums.

If you cannot answer 'Yes' to either of the above two options, explain further below.

### 3.4 Are you applying to hold client money?

- No > Continue to Section 4.  
 Yes > Continue to next question.

### 3.5 What type of account will your firm use to hold client money? (tick one)

- Statutory trust > Continue to next question.  
 Non-statutory trust > Continue to next question.  
 Other > Provide further details below.

### 3.6 Is the account held at an approved bank that meets the requirements imposed under CASS 4.3 or CASS 7.4?

- Yes > Continue to next question.  
 No > Explain why below.

### 3.7 Have you read and understood the Client Money rules that you are required to follow?

- Yes > Continue to Section 4.  
 No > Explain why below.

# 4

## Reason for Variation

Tell us why you are applying to change your firm's permission.

We need to know why your firm is applying to change its permission. You should give as much information as possible, including:

- how this change will affect your firm and the long-term strategy for your business;
- any new operational, legal, market risks that you have identified and will need to consider; and
- details on any outsourcing.

# 5

## Threshold Conditions

We need to know whether the firm will continue to satisfy the threshold conditions as a result of the change in its permission.

The threshold conditions are the minimum conditions a firm is required to satisfy, and continue to satisfy, to be given and retain Part IV 4A Permission. The firm must satisfy us these conditions will continue to be met if we grant the application.

**You may be asked to provide documentary evidence to support of your answers, either during the application process or at a later point.**

Tables B and C of the document 'Home Finance and General Insurance Mediation Business– Notes' gives details on what we may ask you to provide to support your application.

**5.1 Have you reviewed Tables B and C of the Notes, and submitted the supporting information as indicated by your type of application?**

- Yes > Continue to next question.  
 No > **Submitting the information now will significantly speed up the application process.**

### Legal Status

~~5.2 Confirm that after this application your firm will retain its existing legal status.~~

- ~~Yes > Continue to next question.  
 No > Give details of how the legal status of the firm will change below.~~

### Location of Offices

~~5.3 5.2 Confirm the following:~~

- ~~- if you are a body corporate, that your firm's Registered Office (or if you have no Registered Office, your Head Office) is located within the United Kingdom;  
- if you are natural person, that your Head Office is in or you are resident in the United Kingdom.~~

- ~~Yes > Continue to next question.  
 No > Give further details below.~~

### Close Links

~~5.3 As a result of this application, will your firm have any new close links with another person or firm?~~

- ~~No > Continue to next question.  
 Yes > Give further details below.~~

### Effective Supervision

~~5.3 As a result of this application, will there be any impact on the appropriate regulator's ability to effectively supervise the firm?~~

- ~~No > Continue to next question.  
 Yes > Give further details below.~~

### Adequate Appropriate resources

**5.5 5.4 Prudential category**

**5.5.1 5.4.1 What is your firm's current prudential category?**

**5.5.2 5.4.2 Will the firm's prudential category change as a result of this application?**

- No > Continue to question 5.5.  
 Yes > What prudential category will your firm be in?

**5.5.3 5.4.3 What will be the firm's new capital resource requirement?**

**5.5.4 5.4.4**

**Is the firm currently able to meet this new capital requirement?**

- Yes > Continue to next question.  
 No > Explain why below.

**5.6 5.5 Professional Indemnity Insurance**

**5.6.1 5.5.1 Are you required to have in place professional indemnity insurance (PII)?**

- No > Continue to question 5.7.  
 Yes > Do you hold a valid quote or policy for PII that covers the current business of the firm, and the proposed change in business, if applicable, for which the firm is applying?  
 Yes > Continue to next question.  
 No > Explain why below.

**Suitability**

**5.7 5.6 Compliance**

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check it complies, and continues to comply, with regulations.

**5.7.1 5.6.1 Do you have in place a Compliance Manual and a Compliance Monitoring Programme that reflects the firm's current business and the proposed change in business, if applicable, for which you are applying?**

- Yes > Continue to next question.  
 No > Explain why below.

**5.8 5.7 Conduct of Business Requirements – Mortgage Business (MCOB) and Insurance Mediation (ICOB) Sourcebooks**

**5.8.1 5.7.1 Is the firm ready, willing and organised to comply with the relevant provisions in MCOB and/or ICOB (delete as appropriate), and, if relevant to this application, does the firm have in place the relevant customer documentation, such as Key Facts and Initial Disclosure Requirements Documentation, for the permission you are applying for?**

- Yes > Continue to next question.  
 No > Explain why below.

**5.9 5.8 Systems and Controls (SYSC) Requirements**

**5.9.1 5.8.1 Does the firm continue to meet the SYSC requirements?**

- Yes > Continue to next question.
- No > Explain why below.

**Insurance Mediation Applications only:**

**5.10 5.9** Firms carrying on insurance mediation business are required to establish on reasonable grounds that all people in its management structure and any staff directly involved in their insurance mediation activity are of good repute. And they must ensure that a reasonable proportion of people within their management structure who are responsible for its insurance mediation activity, and all other people directly involved in it, demonstrate the knowledge and ability necessary to perform their duties. **Is the firm compliant with the Insurance Mediation Directive requirements?**

- Yes > Continue to next section.
- No > Explain why below.

**We may contact you for more detailed information to support your application, especially if you are applying to significantly change your firm's current business.**

# 6

## Approved Persons

If a firm changes its permission it may need new Controlled Functions and Approved Persons or it may no longer require certain Controlled Functions.

You should consider the effect of this change on approved persons before submitting your application. If you require help, please ~~from the FCA~~ please call the FCA Approved Persons Helpline on +44 (0) 845 606 9966 or email ~~iva@fca.gov.uk~~ [iva@fca.org.uk](mailto:iva@fca.org.uk). If you are a dual regulated firm and require help from the PRA, please call PRA Firm Enquiries on +44 (0) 203 461 7000 or email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

- 6.1 Each firm that carries on Insurance Mediation business must appoint an approved person who will be responsible for insurance mediation at the firm. This responsibility must be allocated to a director or senior manager performing a governing function; or the apportionment and oversight function; or the significant management (other business operations) function.**

**What is the name of the individual the firm has appointed to be responsible for insurance mediation?**

- 6.2 Have any individual(s) proposed to perform a new role, for the firm's Home Finance business or Insurance Mediation business, been assessed as competent to apply the knowledge and skills necessary to engage in or oversee the activities without supervision? And do they have the necessary qualifications (where relevant) and experience?**

- Yes > Continue to 6.3.  
 No > Explain why below.

- 6.3 The changes you have requested may result in current controlled functions no longer being required. We will remove the specific functions from the profiles of the relevant approved persons. If this applies to your application, do you accept this?**

- Yes > Continue to Section 7.  
 N/A, as no change to controlled functions. > Continue to Section 7.  
 No > Explain why below.

# 7

## EEA Notifications and Third-Country Banking and Investment Groups

We need to know about any connected firms outside the UK but within the EEA (European Economic Area). We also need to know whether the firm is a member of a third-country banking and investment group.

### EEA Notifications

#### 7.1 Is the firm connected with a firm outside the UK but within the EEA?

- No > Continue to next question.  
 Yes > Give details of each connection below.

Name of EEA Regulated Firm	Name of EEA Regulator	Firm's Contact at EEA Regulator (include email address)

### Third-Country Banking and Investment Groups

#### 7.2.1 Is the firm a BIPRU firm?

- No > Continue to Section 8.  
 Yes > Continue to next question.

#### 7.2.2 Is the firm a member of a third-country (i.e outside of the EEA) banking and investment group?

- No > Continue to Section 8.  
 Yes > We will ask you to give further details once we have received this application.

# 8

## Fees

Changing your firm's permission can generate an application fee and vary your periodic fee.

If an application fee is due, you must pay it in full at the same time as submitting your application (by cheque or credit/debit card). If the fee is not paid in full within **five working days** of the date that you submit this form, your application will be returned to you. This fee is non-refundable; and we do not issue invoices for it.

If the proposed application will move the firm into a new fee block, a fee will apply as listed below. If the firm moves into more than one new fee block, you should pay the highest fee.

**We charge a fee of £250 for applications that will increase your firm's permitted business activities but which do not change your firm's fee blocks. There is no fee to reduce your permission.**

8.1 Which fee block(s) is the firm currently in?

8.2 Indicate which of the following applies to your application.

New Fee Block	Description	Application Fee
<input type="checkbox"/> A3	Friendly Societies	Straightforward - £750
<input type="checkbox"/> A4	Friendly Societies	
<input type="checkbox"/> A12	Advisory arrangers, dealers or brokers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A13	Advisory arrangers, dealers or brokers (not holding or controlling client money and/or assets)	
<input type="checkbox"/> A14	Corporate finance advisers	
<input type="checkbox"/> A18	Home finance providers, advisers and arrangers	
<input type="checkbox"/> A19	Insurance intermediaries	
<input type="checkbox"/> A1	E-money issuers only	Moderately complex - £2,500
<input type="checkbox"/> A2	Home finance providers and administrators	
<input type="checkbox"/> A5	Managing agents at Lloyd's	
<input type="checkbox"/> A7	Fund managers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A9	Operators, trustees and depositories of collective investment schemes	
<input type="checkbox"/> A9	Operators of personal pension schemes	
<input type="checkbox"/> A10	Firms dealing as principal	
<input type="checkbox"/> A1	Deposit acceptors (excluding e-money issuers and credit unions)	Complex - £12,500
<input type="checkbox"/> A3	Firms carrying on insurance activities subject only to prudential regulation (excluding friendly societies)	
<input type="checkbox"/> A4	Firms carrying on insurance activities subject to both prudential and conduct of business regulation (excluding friendly societies)	
<input type="checkbox"/> No change to fee block	Increase in scope of permission, but no change in fee block, e.g. only adding new customer or investment types to your activities, or removing a requirement or limitation	£250
<input type="checkbox"/> No new fee block	Reduction in scope of permission, e.g. only removing an activity, removing a customer or investment type from an activity, or adding a requirement or a limitation	No fee

8.3 Please confirm that you have enclosed a cheque for the correct application fee, where one is due.

- Yes  
 No, I will pay using a credit card

Cheques should be made payable to the ~~Financial Services Authority~~ Financial Conduct Authority, with the firm name and reference number written on the back and enclosed with this form. To make a payment using a credit card, please do not enter the details on this form. We will contact you to ask for the details.

# 9

## Declaration and Signature

### Warning

Knowingly or recklessly giving us information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). Our rules (SUP 15.6.4R) require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to us and to tell us immediately if materially inaccurate information has been provided. Contravening these requirements may lead to disciplinary sanctions or other enforcement action by us. It should not be assumed that information is known to us just because it is in the public domain or has previously been disclosed to us or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

### Data Protection

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~Financial Services Authority~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

### Declaration

By submitting this application form

- ✓ I confirm that the information in this application is accurate and complete to the best of my/our knowledge and belief and that I/we have taken all reasonable steps to ensure that this is the case.
- ✓ I am aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~ FCA and/or PRA information that is false or misleading in a material particular.
- ✓ Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the ~~FSA~~ FCA and/or PRA on request.
- ✓ I will notify the ~~FSA~~ FCA and/or PRA immediately if there is a significant change to the information given in the application pack. If I fail to do so, this may result in a delay in the application process or enforcement action.

Date	<input type="text"/>
Name of signatory <sup>1</sup>	<input type="text"/>
Position <sup>2</sup> of signatory	<input type="text"/>
Individual Registration Number (if applicable)	<input type="text"/>
Signature	<input type="text"/>

<sup>1</sup> The signatory must be a suitable person of a Senior Management level at the firm.

<sup>2</sup> e.g. Director, Sole Trader, Compliance Officer, etc.



## Variation of Permission (VOP) Application

### Home Finance and General Insurance Mediation Activities – notes

#### **Purpose of these Notes**

These notes will help you fill in the **Home Finance and General Insurance Mediation** Activities form correctly.

If after reading these notes you need more help, you can:

- visit our website: <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml>, where there is also a link to the [Frequently Asked Questions](http://www.fca.org.uk/your-fca) page; [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);
- consult the relevant tailored handbook or the full FSA Handbook: [www.fcahandbook.info/FSA/index.jsp](http://www.fcahandbook.info/FSA/index.jsp); [www.fshandbook.info/FS/index.jsp](http://www.fshandbook.info/FS/index.jsp);
- call the Firm Contact Centre on 0845 606 9966 or [PRA Firm Enquiries on 020 3461 7000](tel:02034617000); or email [fcc@fsa.gov.uk](mailto:fcc@fsa.gov.uk) [fcc@fca.org.uk](mailto:fcc@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

These notes, while aiming to help you, do not replace the rules and guidance in the FSA Handbook.

#### **Terms in the Form**

The form uses the following terms:

~~'FSA'~~ **'FCA/PRA'**, **'we'**, **'our'**, or **'us'** refers to the ~~Financial Services Authority~~ **Financial Conduct Authority** and the Prudential Regulation Authority.

**'The firm'** refers to the firm applying for the variation of permission.

**'You'** refers to the person(s) signing the form on behalf of the applicant firm.

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# 1

## Contact details and timings for this application

### Contact for this application

#### 1.1 Details of the person we should contact about this application.

This should be an individual in the UK.

### Timings for this application

#### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

If you wish your application to be granted by a specific date, for example in time for a product launch, we will try to do so. However, the time taken to determine each application is significantly affected by the quality of the application submitted and whether it is complete. If you leave a question blank, do not sign the declaration or do not attach the required supporting information, we will have to treat the application as incomplete. This will increase the time taken for us to assess your application.

We are required by law to determine applications within the earlier of (a) six months of receiving a complete application or (b) 12 months of receiving an incomplete application. However, we aim to make a decision about the application as soon as possible.

# 2

## Variation of Permission – Home Finance and General Insurance Mediation activities

It is your responsibility to make sure the regulated activities you request adequately cover the activities the applicant firm intends to carry on. Use this section to request any changes you wish to make to the firm's permission.

You need a Permission Notice that matches the applicant firm's needs and covers every aspect of regulated business it wants to carry on. The Permission Notice shows the range of regulated activities the applicant firm will be authorised to carry on, as well as the investment instruments and type(s) of customer it can deal with for each specific activity. It will also contain what we refer to as 'requirements' and 'limitations'.

Broadly speaking, a limitation is included in the description of a specific regulated activity (e.g. not to deal with retail customers) and will limit how it is carried on, in some way.

A requirement is on the firm to take or not to take a specified action (e.g. not to hold client money). A requirement may extend to activities of the firm which are not regulated activities.

If the applicant firm carries on a regulated activity that is not set out in its permission notice it could be in breach of FSMA and subject to enforcement action.

- For further detailed information on Home Reversion Schemes and Home Purchase Plans, which became regulated on 6 April 2007, please see the following page on our website: [www.fsa.gov.uk/pages/Doing/Regulated/Notify/Permissions/home/index.shtml](http://www.fsa.gov.uk/pages/Doing/Regulated/Notify/Permissions/home/index.shtml) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);

## 3 Variation of Permission – Client Money

The rules and guidance about how applicant firms hold client money are designed to provide an adequate level of protection for consumers.

### **Statutory Trusts and Non-Statutory Trust Accounts**

A non-statutory trust account can be used to make advances of credit. This enables a client's premium to be met from the pool of client money held before the client pays the premium to the intermediary and vice versa.

A statutory trust account does not permit this use of credit.

Another important difference between these two types of trust account is the level of minimum capital resource requirements for the firm.

- For a non-statutory trust account, the firm's minimum capital resources requirement is the higher of £50,000 or 5% of relevant annual income.
- For a statutory trust account, the firm's minimum capital resources requirement is the higher of £10,000 or 5% of relevant annual income.

However, firms may be subject to a higher level of minimum capital resources, depending on the type of business they carry on.

## 4 Reason for Variation

No additional notes.

## 5 Threshold Conditions

Threshold Conditions are the minimum requirements a firm must satisfy to be and to continue to be authorised. When we consider the applicant firm's application we will assess whether you will satisfy, and continue to satisfy, the threshold conditions which are set out in full in the Threshold Conditions (COND) 2 Sourcebook of the FSA Handbook

at: [www.fshandbook.info/FSA/html/handbook/COND/2](http://www.fshandbook.info/FSA/html/handbook/COND/2); [www.fshandbook.info/FS/html/handbook/COND/2](http://www.fshandbook.info/FS/html/handbook/COND/2).

### **Legal Status**

~~This is a requirement of Threshold Condition 2.1. The applicant firm must fall into one of the categories listed to apply for authorisation.~~

### **Location of Offices**

This is a requirement of Threshold Condition 2.2.

### **Close Links**

~~If the applicant firm has any close links (links with other firms or individuals), these must not prevent effective FSA supervision of the applicant firm if authorised. This is a requirement of Threshold Condition 2.3.~~

### **Effective Supervision**

The appropriate regulator must be capable of effectively supervising the firm. This is a requirement of Threshold Condition 2.3.

## **Adequate ~~Appropriate~~ resources**

We must be satisfied the applicant firm has adequate resources. We assess the quality and quantity of the applicant firm's resources for its:

- financial resources;
- management;
- staff; and
- systems and controls.

This is a requirement of Threshold Condition 2.4.

# 5

## Threshold Conditions (cont'd)

### **Prudential category**

We differentiate between our financial requirements by putting applicant firms in different prudential categories. The firm will fall into at least one prudential category; and it may fall into more than one prudential category, depending on its regulated activities.

The prudential categories are set out in the following table:

**Table A**

<b>PRUDENTIAL CATEGORIES FOR NON- INVESTMENT BUSINESS FIRMS</b>		
<b>IPRU Sourcebook</b>		<b>Ref</b>
Bank		B
Building Society		BS
Friendly Society		FS
Insurer		INS
Mortgage Lender		ML
Mortgage Administrator		MA
Mortgage and/or insurance intermediary		MGI
<b>PRUDENTIAL CATEGORIES FOR INVESTMENT BUSINESS FIRMS</b>		
<b>IPRU(INV) Chapter</b>	<b>Sub Category in Chapter</b>	<b>Ref</b>
2 – Professional Firms	N/A	PROF
3 – Securities and Futures Firms (not Investment Firms)	Corporate Finance	NI-CF
	Venture Capital	NI-VC
	Arranger	NI-ARR
	Agency Broker	NI-AB
	Financial Bookmaker	NI-FB
	Non clearing Floor Member	NI-NCFM
	Broadscope	NI-BRA
	Local	LOCAL
	EMP	EMP
OMP	OMP	
4 – Lloyd's Firms	N/A	LLOYD
5 – Investment Management Firms	N/A	IM
6 – Service Companies	N/A	SC
10 – Securities and Futures Firms (Investment Firms)	ISD A	ISD-A
	ISD B	ISD-B
	ISD C	ISD-C
	ISD D	ISD-D
	ISD Corporate Finance	ISD-CF
	ISD Branch	ISD-BRA

13 – Personal Investment Firms	A1	PI-A1
	A2	PI-A2
	A3	PI-A3
	B1	PI-B1
	B2	PI-B2
	B3	PI-B3
Media Firm	N/A	Media

## 5 Threshold Conditions (cont'd)

### Professional Indemnity Insurance

Some types of firms are required to have professional indemnity insurance (PII) in place, depending on the type of business that they conduct. PII is liability insurance that covers businesses if a third party claims to have suffered a loss because of professional negligence. Unless an exemption applies, you must have compliant PII cover in place before we can grant your application. An authorised firm must have PII that is at least equal to the requirements of the FSA Handbook IPRU (INV) 13 and/or MIPRU 3.2.

All excesses and exclusions identified in the PII policy must have been satisfactorily covered - for example, your firm has adequate capital resources, or has made adequate arrangements to mitigate high excess(es), or increased excess(es) for specific business types. Please note we would not expect your firm to have exclusions for specific business types.

### What if I intend to carry on more than one regulated activity?

If you carry on a combination of investment, home finance and/or insurance mediation regulated activities you will only need to comply with the higher of the prudential requirements as stated in MIPRU 3.2 and/or IPRU (INV)13 for each of these regulated activities.

You do not need to have more than one PII policy to satisfy each prudential requirement in MIPRU and IPRU (INV). One PII policy could cover the separate limits of indemnity and excesses for each type of regulated activity where appropriate. If you are subject to one or more limits of indemnity (because of the scope of your firm's regulated activities) and more than one limit applies, you only need to provide the highest one.

### Useful Links

[www.fsa.gov.uk/pages/doing/regulated/Firms/faq/rmar.shtml](http://www.fsa.gov.uk/pages/doing/regulated/Firms/faq/rmar.shtml)  
[www.fsa.gov.uk/pages/Doing/small\\_firms/advisors/FAQ/pii.shtml](http://www.fsa.gov.uk/pages/Doing/small_firms/advisors/FAQ/pii.shtml)  
[www.fsa.gov.uk/pubs/policy/04\\_02/buying\\_pii.pdf](http://www.fsa.gov.uk/pubs/policy/04_02/buying_pii.pdf)

### Suitability

We must be satisfied the applicant firm is 'fit and proper' to be authorised. We assess:

- the competence and ability of management;
- the management's commitment to carrying on the business with integrity; and
- the management's commitment to carrying on the business in compliance with the regulatory regime.

### Compliance

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check it complies, and continues to comply, with regulations. When assessing this application we need to be satisfied the applicant firm has the appropriate compliance arrangements in place to meet its regulatory obligations. The applicant firm will need, as a **minimum**, to have in place procedures to meet our rules for the subject areas in the table below. These procedures must be ready for inspection at any time.

# 5

## Threshold Conditions (cont'd)

### Supporting Information to Submit With Your Application

For applications to add permission to do the following **for the first time**, the documents indicated in the table below **must** be supplied with the application. Failure to do so will lengthen the application process.

**Table B – Regulated mortgage contracts, home reversion and home purchase plans**

	ADDING FOR THE FIRST TIME		
	Home reversions and Home Purchase Plans (advising/arranging)	Home reversions and Home Purchase Plans (Administering/ Entering into)	Entering into/ Administering regulated mortgage contracts
Evidence of compliance with the capital resource requirements	X (If not already in fee block A18)	X (If not already in fee block A2)	X
Compliance Manual			X
Compliance monitoring programme (procedures to establish, maintain and carry out regular periodic compliance reviews).	X	X	X
Business Plan – Including lending and underwriting policy		X	X
Details of operational procedures			X
Projected business volumes for 3 years		X	X
Product lists including key features of the new products		X	X
Details of charges that will apply to products		X	X
Draft customer documentation			X

**Table C – Regulated sale and rent back agreements**

	ADDING FOR THE FIRST TIME	
	Sale and rent back agreements (advising on and/or arranging)	Sale and rent back agreements (Administering / Entering into)
Evidence of compliance with the capital resource requirements	X (If not already in fee block A18)	X (If not already in fee block A2)
Compliance monitoring programme (procedures to establish, maintain and carry out regular periodic compliance reviews).	X	X
Business Plan	X	X
Sales and distribution procedures	X	X
Initial disclosure documentation	X	X
Pre-sale disclosure document	X	X

Pre-offer document: Stage one		X
Offer document: Stage two		X
Tenancy agreement		X
Affordability and suitability assessment procedures	X	X
Procedures for assessing unauthorised providers	X	

## 6 Approved Persons

You must ensure that no individual performs a controlled function until the application has been granted and we have approved the individual to perform the controlled function(s).

### What is an approved person?

An approved person is an individual who is approved by us to perform a controlled function for an authorised firm or an appointed representative. To be approved and continue to be approved to perform a controlled function, an individual must:

- meet, and maintain, our criteria for approval (the 'fit and proper test'); and then
- perform their controlled function(s) in line with the Statement of Principles and Code of Practice for Approved Persons (APER) Sourcebook of the FSA Handbook.

### What is a controlled function?

A controlled function is a function for a regulated business that has particular regulatory significance. For example, overseeing the firm's systems and controls and being responsible for compliance with our rules. There are different controlled functions relevant to the different types of businesses we regulate. Some controlled functions are required for every firm, others will depend on the nature of your business. Each controlled function has a 'CF' number. You can find a full list of all the controlled functions and an explanation of each one

at: [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10), [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10).

The Approved Person 'Form A' application form is found

at: [www.fsa.gov.uk/pubs/other/ivreg\\_forma.pdf](http://www.fsa.gov.uk/pubs/other/ivreg_forma.pdf) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca)

## 7 EEA Notifications and Third-Country Banking and Investment Groups

### EEA Notifications

We need to know about any connected firms outside the UK but within the EEA because we are required by FSMA to contact the relevant EEA Home State Regulators of these connected firms, as part of the application process.

### Third-Country Banking and Investment Groups

#### Definition of BIPRU firm (currently in the New Glossary definition in CP06/03)

*BIPRU* firm has the meaning set out in BIPRU 1.1.6R, which subject to BIPRU 1.1.7R means a firm that is:

- a building society;
- a bank;
- a full scope BIPRU investment firm;
- a BIPRU limited licence firm; or
- a BIPRU limited activity firm.

#### Definition of third-country banking and investment group

A third-country banking and investment group is a banking and investment group that is:

- headed by:
  - a credit institution;
  - an asset management company;
  - an investment firm; or

- (iv) a financial holding company;  
that has its head office outside the EEA; and
- (b) not part of a wider EEA banking and investment group.

#### **Definition of financial holding company**

A financial holding company is a financial institution that fulfils the following conditions:

- (a) its subsidiary undertakings are either exclusively or mainly credit institutions, investment firms or financial institutions;
- (b) at least one of those subsidiary undertakings is a credit institution or an investment firm; and
- (c) it is not a mixed financial holding company.

#### **Definition of credit institution** (as defined in articles 4(1) and 107 of the Banking Consolidation Directive (BCD))

A credit institution is:

(as defined in article 1(1) of the BCD)

- (1) an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account; or
  - (2) an electronic money institution within the meaning of the E-Money Directive;
- but excluding an institution within (2) that does not have the right to benefit from the mutual recognition arrangements under the BCD.

(See also the definitions of BCD credit institution, full credit institution, full BCD credit institution and Zone A credit institution in the Glossary of the FSA Handbook.)

#### **Definition of investment firm** (as defined in article 1(2) of the Investment Services Directive (ISD))

An investment firm is any legal person whose regular occupation or business of which is providing core investment services for third parties on a professional basis and (in relation to a person with his or its head office in an EEA State) a person, who is not a legal person, included as an investment firm by his or its Home State.

**Please note, this definition will change when the Markets in Financial Instruments Directive (MiFID) is implemented.**

## 8

### Fees

The application fee is an integral part of your application. If you do not send a cheque for the appropriate fee in full with the completed application pack, we will not process your application.

For further information on fees, see FEES 4 Annex 1AR and 1BR.

You should note the firm's periodic fee may change as a result of this application.

See [www.fsa.gov.uk/fees](http://www.fsa.gov.uk/fees) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk) for further details.

## 9

### Declaration and Signature

This must be the person who is responsible for making the application. This should be a suitable person of appropriate seniority at the firm.

## **Appendix A - Standard Requirements**

<b>Ref</b>	<b>Short Description</b>	<b>Requirement (full narrative)</b>
1	Activities only in respect of long term insurance.	The firm may only carry on listed activities in respect of the investments specified for the purpose of its long term insurance business.
2	Corporate finance business only.	The firm must not conduct designated investment business other than corporate finance business.
3	Corporate finance or venture capital only.	The firm must not conduct designated investment business other than corporate finance business or venture capital business.
4	Derivatives as incidental services only.	The firm must not carry on a permitted activity concerning the sale of an option (including a commodity option), future (including commodity future) or contract for difference (including spread bet or rolling spot forex contract), except where the activity is incidental to services to a particular client.
5	Energy Market Participant.	The firm must not conduct designated investment business other than energy market activity.
6	Exempt CAD firm (arranging and advising)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments or investment advice.
7	Exempt CAD firm (arranging only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments.
8	Exempt CAD firm (advising only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except investment advice in relation to one or more financial instruments.
9	*Limited Activity firm	May only deal on own account in MiFID financial instruments for the purpose of (i) fulfilling or executing a client order or (ii) gaining entrance to a clearing and settlement system or a recognised exchange when acting in an agency capacity or executing a client order.
10	*Limited Licence firm	Unable to (i) hold financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the <del>FSA's</del> <del>FCA's</del> Glossary of defined expressions used in the <del>FSA's</del> <del>FCA's</del> Handbook and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
11	*Matched Principal Broker	Unable to: (i) hold investors' financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the <del>FSA's</del> <del>FCA's</del> Glossary of defined expressions used in the <del>FSA's</del> <del>FCA's</del> Handbook; and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
12	*Box Management (i)	Limited to authorised unit trust box management.
13	*Box Management (ii)	Limited to investment company with variable capital (ICVC) box management.
14	*Box Management (iii)	Limited to recognised collective investment scheme (CIS) box management operations.
15	*Box Management( iv)	Limited to unregulated CIS box operations.

16	May control money if settlement through a mandate.	The general requirement not to hold or control CLIENT MONEY does not restrict the firm from controlling CLIENT MONEY if it arises from an agreement under which the firm effects settlement through a mandate or otherwise.
17	May hold/control client money if rebated commission.	The general requirement not to hold or control CLIENT MONEY does not apply if the CLIENT MONEY arises from an agreement under which commission is rebated to the client.
18	MiFID client money/assets restriction	Unable to hold client money or <i>safeguard and administer assets (without) arranging</i> in relation to any investment services and activities (to which MiFID applies).
19	Exempt MiFID firm (Article 2).	Unable to carry on any investment services or activities (to which MiFID applies) applies on a regular basis.
20	Exempt MiFID firm (Article 3)	Must comply with the requirements in regulation 4C (or any successor provision) of the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007
21	No actions to stabilise market price.	The firm must not act in any way to stabilise the market price of any investment.
22	No CORPORATE FIN. BUSINESS unless non-mainstream.	The firm must not carry on any CORPORATE FINANCE BUSINESS that is a REGULATED ACTIVITY unless it is a NON-MAINSTREAM REGULATED ACTIVITY.
23	No pension transfer or opt out.	The firm must not carry on any business relating to a PENSION TRANSFER or OPT OUT.
24	Not to act as Broker Fund Adviser.	The firm must not operate as a BROKER FUND ADVISER.
25	Oil Market Participant.	The firm must not conduct designated investment business which is not an oil market activity.
26	Private customers for regulated CIS only.	The firm may only conduct regulated activities for private customers which are regulated collective investment schemes.

\* These are limitations, rather than requirements, and are included in the list of requirements as they affect a firm's prudential category.

**END OF NOTES**



## Variation of Permission (VOP) Application

### Applications for Insurance Business, Banking, Electronic Money, Lloyd's Market and Funeral Plan Providers

Firm Name

**FSA reference number** Reference Number

#### **Important information you should read before completing this form**

##### **Purpose of this form**

This form is **only** for firms wishing to change the scope of their permission for **Insurance Business, Banking (accepting deposits), Electronic Money, Lloyd's Market and Funeral Plan Providers**. You must answer all sections.

If your application is for Mortgage and General Insurance business, or Investment Business, there are specific forms for this purpose. If you are completing more than one of these forms (i.e. if your application is for more than one type of business), **you do not have to complete any sections or questions that are duplicated**, e.g. pages 2, 6, 10-12.

**The notes that accompany the forms will help you complete the questions.** They also explain why we need the information we are asking for.

We will only grant an application to vary the permission of a firm if we are satisfied it meets conditions known as the threshold conditions. We need the information in this form so we can assess whether the applicant firm can continue to satisfy the threshold conditions.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, you may be committing a criminal offence, it may increase the time taken to assess your application and may call into question your suitability to be authorised.**

Electronic Money firms and Funeral Plan Providers should send the form to the FCA and all other firms should send their form to the PRA. Submit your application by post to the appropriate regulator at:

<u>Assessment and Monitoring Team</u> <u>Prudential Regulation Authority</u> <u>20 Moorgate</u> <u>London</u> <u>EC2R 6DA</u>	<u>Variation of Permission Team</u> <u>Permissions Department</u> <u>The Financial Services Authority Financial</u> <u>Conduct Authority</u> 25 The North Colonnade Canary Wharf London E14 5HS
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#### **Contents of this form**

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# 1

## Contact details and timings for this application

We need this information in case we need to contact you when we assess this application.

### Contact for this application

#### 1.1 Details of the person we should contact about this application.

Title	
First names	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

### Timings for this application

#### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

--

We will attempt to process your application as quickly as possible. If you wish your application to be granted by a specific date, we will try to do so. If we cannot, we will contact you with the reason why. However, please note that we must determine an application for a variation of permission once we have received it and deemed it to be complete within six months of it becoming complete.



# 2

## Variation of Permission – activities (continued)

Tell us what it is you wish to do to change your firm's permission.

Select investment type(s) (Continued)			
Add	Delete	Add	Delete
<input type="checkbox"/>	<input type="checkbox"/>	<b>Accepting deposits</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Deposit	
<input type="checkbox"/>	<input type="checkbox"/>	<b>The Lloyd's Market</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Membership of a Lloyd's syndicate	
<input type="checkbox"/>	<input type="checkbox"/>	Underwriting capacity of a Lloyd's syndicate	
<input type="checkbox"/>	<input type="checkbox"/>	Rights to or interests in investment	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Funeral Plan Providers</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Funeral plan contract	
<input type="checkbox"/>	<input type="checkbox"/>	<b>Issuing electronic money</b>	
<input type="checkbox"/>	<input type="checkbox"/>	Electronic money	

Limitation(s) on your firm's activity(ies)	
<input type="checkbox"/>	Add a new limitation
<input type="checkbox"/>	Delete a current limitation
<input type="checkbox"/>	Amend a current limitation
Enter the limitation(s) below.	

### Requirement(s)

**2.2 Answer this question if you wish to add a new requirement, or amend or delete a current requirement.**

**2.2.1 If you are adding a new requirement to your firm's permission, select either a standard requirement from Appendix A in the notes that accompany this form, or enter a non-standard requirement:**

Standard requirement from Appendix A:

Ref Number	Short description

Non-standard requirement:

--

**2.2.2 If you are amending a current requirement on your firm's permission, enter it along with the proposed changes in the box below.  
If you are deleting a current requirement on your firm's permission, enter it in the box below.**

--

# 3

## Variation of Permission – Client Money

Tell us what it is you wish to do to change your firm's client money permission.

### 3.1 Does your firm wish to change your client money or assets permission?

- No > Continue to Section 4.  
 Yes > Answer the rest of the questions in this section.

### 3.2 What is the firm able to do now, and how does it wish to change its permission for client money?

Firm is currently able to:	Firm wishes to be able to:
<input type="checkbox"/> Hold and control client money	<input type="checkbox"/> Hold and control client money
<input type="checkbox"/> Control but not hold client money	<input type="checkbox"/> Control but not hold client money
<input type="checkbox"/> Not hold and not control client money	<input type="checkbox"/> Not hold and not control client money

### 3.3 Are you applying to stop holding client money?

- No > Continue to next question.  
 Yes > You must include a report from your auditors confirming that you have done this and that it has either been paid back to the clients concerned or transferred to another entity that is authorised to hold it.

#### Have you attached this report?

- Yes > Continue to Section 4.  
 No > Explain why below.

### 3.4 Are you applying to hold client money?

- No > Continue to Section 4.  
 Yes > Continue to next question.

### 3.5 What type of account will your firm use to hold client money? (tick one)

- Statutory trust > Continue to next question.  
 Non-statutory trust > Continue to next question.  
 Other > Provide further details below.

### 3.6 Is the account held at an approved bank that meets the requirements imposed under CASS 4.3?

- Yes > Continue to next question.  
 No > Explain why below.

### 3.7 Have you read and understood the Client Money rules that you are required to follow?

- Yes > Continue to Section 4.  
 No > Explain why below.

# 4

## Reason for Variation

Tell us why you are applying to change your firm's permission.

We need to know why your firm is applying to change its permission. You should give as much information as possible, including:

- how this change will affect your firm and the long-term strategy for your business;
- how this change will affect your firm, business model, business plans and the long term strategy for your business;
- any new operational, legal, market risks that you have identified and will need to consider; and
- details on any outsourcing.

# 5

## Threshold Conditions

We need to know whether the firm will continue to satisfy the threshold conditions as a result of the change in its permission.

The threshold conditions are the minimum conditions a firm is required to satisfy, and continue to satisfy, to be given and retain Part IV 4A Permission. The firm must satisfy us these conditions will continue to be met if we grant the application.

**You may be asked to provide documentary evidence to support of your answers, either during the application process or at a later point.**

### **Legal Status (Banks and Insurers only)**

#### **5.1 Please confirm that after this application your firm will retain its existing legal status.**

- Yes > Continue to next question.  
 No > Give details of how the legal status of the firm will change below.

### **Location of Offices**

#### **5.2 Confirm the following:**

- if you are a body corporate, that your firm's Head Office (and also if you have a Registered Office, your Registered Office) is located within the United Kingdom; or
- if you are not a body corporate and your Head Office is in the United Kingdom, that you carry on business in the United Kingdom.

- Yes > Continue to next question.  
 No > Give further details below.

### **Effective Supervision**

#### **5.3 As a result of this application, will there be any impact on the appropriate regulator's ability to effectively supervise the firm?**

- No > Continue to next question.  
 Yes > Give further details below.

### **Appointment of claims representatives (Insurance Business only)**

#### **5.3 Is the applicant firm proposing to underwrite direct motor liability business within the United Kingdom?**

- No → continue to the next question  
 Yes → Please confirm the following:  
 The applicant will appoint a claims representative in every country within the European Union prior to the permission being granted.

## Close Links

**5.4** As a result of this application, will your firm have any new close links with another person or firm?

- No > Continue to next question.  
 Yes > Give further details below.

## Adequate Appropriate resources / Business to be conducted in a prudent manner

**5.5 5.4** Prudential category

**5.5.1 5.4.1** What is your firm's current prudential category?

**5.5.2 5.4.2** Will the firm's prudential category change as a result of this application?

- No > Continue to question 5.6  
 Yes > What prudential category will your firm be in?

**5.5.3 5.4.3** What will be the firm's new capital resource requirement?

**5.5.4 5.4.4** Is the firm currently able to meet this new capital requirement?

- Yes > Continue to next question.  
 No > Explain why below.

## **Suitability**

**5.6 5.5** Compliance

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check it complies and continues to comply with regulations.

**5.6.1 5.5.1** Do you have in place a Compliance Manual and a Compliance Monitoring Programme that reflects the firm's current business and the proposed change in business, if applicable, for which the firm is applying?

- Yes > Continue to next question.  
 No > Explain why below.

**5.7 5.6** Conduct of Business (COBS) Requirements - Conduct of Business (COBS) Sourcebook

**5.7.1 5.6.1** Is the firm ready, willing and organised to comply with the relevant provisions in COBS, and, if relevant to this application, does the firm have in place the relevant customer disclosure documentation for the permission you are applying for?

- Yes > Continue to next question.  
 No > Explain why below.

# 5

## **Threshold Conditions (cont'd)**

We need to know whether the firm will continue to satisfy the threshold conditions as a result of the change in its permission.

### **5.8 5.7 Systems and Controls (SYSC) Requirements**

#### **5.81 5.7.1 Does the firm continue to meet the SYSC requirements?**

- Yes > Continue to next section.
- No > Explain why below.

**We may contact you for more detailed information to support your application, especially if you are applying to significantly change your firm's current business.**

# 6

## Approved Persons

If a firm changes its permission it may need new Controlled Functions and Approved Persons or it may no longer require certain Controlled Functions.

You should consider the effect of this change on approved persons before submitting your application. If you require help, please call the Approved Persons Helpline on 020 7066 0019 or email [iva@fca.gov.uk](mailto:iva@fca.gov.uk) or [iva@fca.org.uk](mailto:iva@fca.org.uk).

**6.1 Will the change require new approved persons or additional controlled functions for existing approved persons in relation to the application?**

- No > Continue to question 6.3.  
 Yes > Continue to next question.

**6.2 Have you submitted the required Approved Person 'Form A' application form?**

- Yes > Provide the names of applicant(s) and their new controlled functions below.  
 No > Explain why below.

**6.3 Have any individual(s) proposed to perform a new role been assessed as competent to apply the knowledge and skills necessary to engage in or oversee the activities without supervision? And do they have the necessary qualifications (where relevant) and experience?**

- Yes > Continue to next question.  
 No > Explain why below.

**6.4 Does the firm have locum arrangements in place, to cover controlled functions such as Investment Advisers and Investment Managers?**

- Yes > Provide the firm name below.  
 No > Explain why below.

**6.5 The changes you have requested may result in current controlled functions no longer being required. We will remove the specific functions from the profiles of the relevant approved persons. If this applies to your application, do you accept this?**

- Yes > Continue to Section 7.  
 N/A, as no change to controlled functions. > Continue to Section 7.  
 No > Explain why below.

# 7

## EEA Notifications and Third-Country Banking and Investment Groups

We need to know about any connected firms outside the UK but within the EEA (European Economic Area). We also need to know whether the firm is a member of a third-country banking and investment group.

### EEA Notifications

#### 7.1 Is the firm connected with a firm outside the UK but within the EEA?

- No > Continue to next question.  
 Yes > Give details of each connection below.

Name of EEA Regulated Firm	Name of EEA Regulator	Firm's Contact at EEA Regulator (include email address)

### Third-Country Banking and Investment Groups

#### 7.2.1 Is the firm a BIPRU firm?

- No > Continue to Section 8.  
 Yes > Continue to next question.

#### 7.2.2 Is the firm a member of a third-country (i.e. outside of the EEA) banking and investment group?

- No > Continue to Section 8.  
 Yes > We will ask you to give further details once we have received this application.

# 8

## Fees

Changing your firm's permission can generate an application fee and vary your periodic fee.

If an application fee is due, you must pay it in full at the same time as submitting your application (by cheque or credit/debit card). If the fee is not paid in full within **five working days** of the date that you submit this form, your application will be returned to you. This fee is non-refundable; and we do not issue invoices for it.

If the proposed application will move the firm into a new fee block, a fee will apply as listed below. If the firm moves into more than one new fee block, you should pay the highest fee.

**We charge a fee of £250 for applications that will increase your firm's permitted business activities but which do not change your firm's fee blocks. There is no fee to reduce your permission.**

8.1 Which fee block(s) is the firm currently in?

8.2 Indicate which of the following applies to your application.

New Fee Block	Description	Application Fee
<input type="checkbox"/> A3	Friendly Societies	Straightforward - £750
<input type="checkbox"/> A4	Friendly Societies	
<input type="checkbox"/> A12	Advisory arrangers, dealers or brokers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A13	Advisory arrangers, dealers or brokers (not holding or controlling client money and/or assets)	
<input type="checkbox"/> A14	Corporate finance advisers	
<input type="checkbox"/> A18	Home finance providers, advisers and arrangers	
<input type="checkbox"/> A19	Insurance intermediaries	
<input type="checkbox"/> A1	E-money issuers only	Moderately complex - £2,500
<input type="checkbox"/> A2	Home finance providers and administrators	
<input type="checkbox"/> A5	Managing agents at Lloyd's	
<input type="checkbox"/> A7	Fund managers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A9	Operators, trustees and depositories of collective investment schemes	
<input type="checkbox"/> A9	Operators of personal pension schemes	
<input type="checkbox"/> A10	Firms dealing as principal	
<input type="checkbox"/> A1	Deposit acceptors (excluding e-money issuers and credit unions)	Complex - £12,500
<input type="checkbox"/> A3	Firms carrying on insurance activities subject only to prudential regulation (excluding friendly societies)	
<input type="checkbox"/> A4	Firms carrying on insurance activities subject to both prudential and conduct of business regulation (excluding friendly societies)	
<input type="checkbox"/> No change to fee block	Increase in scope of permission, but no change in fee block, e.g. only adding new customer or investment types to your activities, or removing a requirement or limitation	£250
<input type="checkbox"/> No new fee block	Reduction in scope of permission, e.g. only removing an activity, removing a customer or investment type from an activity, or adding a requirement or a limitation	No fee

8.3 Please confirm that you have enclosed a cheque for the correct application fee, where one is due.

- Yes  
 No, I will pay using a credit/debit card

Cheques should be made payable to the Financial Services Conduct Authority, with the firm name and reference number written on the back and enclosed with this form. To make a payment using a credit/debit card, please do not enter the details on this form. We will contact you to ask for the details.

# 9

## Declaration and Signature

### Warning

Knowingly or recklessly giving us information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). Our rules (SUP 15.6.4R) require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to us and to tell us immediately if materially inaccurate information has been provided. Contravening these requirements may lead to disciplinary sanctions or other enforcement action by us. It should not be assumed that information is known to us just because it is in the public domain or has previously been disclosed to us or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

### Data Protection

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~FSA~~ FCA/PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

### Declaration

By submitting this application form

- ✓ I confirm that the information in this application is accurate and complete to the best of my/our knowledge and belief and that I/we have taken all reasonable steps to ensure that this is the case.
- ✓ I am aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~ FCA/PRA information that is false or misleading in a material particular.
- ✓ Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the ~~FSA~~ FCA/PRA on request.
- ✓ I will notify the ~~FSA~~ FCA/PRA immediately if there is a significant change to the information given in the application pack. If I fail to do so, this may result in a delay in the application process or enforcement action.

Date	<input type="text"/>
Name of signatory <sup>1</sup>	<input type="text"/>
Position <sup>2</sup> of signatory	<input type="text"/>
Individual Registration Number (if applicable)	<input type="text"/>
Signature	<input type="text"/>

<sup>1</sup> The signatory must be a suitable person of appropriate seniority at the firm.

<sup>2</sup> e.g. Director, Sole Trader, Compliance Officer, etc.



## Variation of Permission (VOP) Application

### Applications for Insurance Business, Banking, Electronic Money, Lloyd's Market and Funeral Plan Providers – notes

#### Purpose of these Notes

These notes will help you fill in the **Insurance Business, Banking (accepting deposits), Electronic Money, Lloyd's Market and Funeral Plan Providers** form correctly.

If after reading these notes you need more help, you can:

- visit our website: <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml>, where there is also a link to the **Frequently Asked Questions** page [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);
- consult the ~~relevant tailored handbook~~ or the full FSA Handbook: [www.fshandbook.info/FSA/index.jsp](http://www.fshandbook.info/FSA/index.jsp) [www.fshandbook.info/FS/index.jsp](http://www.fshandbook.info/FS/index.jsp);
- call the Firm Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000; or email [fcc@fsa.gov.uk](mailto:fcc@fsa.gov.uk) [fcc@fca.org.uk](mailto:fcc@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

These notes, while aiming to help you, do not replace the rules and guidance in the ~~FSA~~ Handbook.

#### Terms in the Form

The form uses the following terms:

~~'FSA'~~ **FCA/PRA**, **'we'**, **'our'**, or **'us'** refers to the ~~Financial Services Authority~~ **Financial Conduct Authority** and the Prudential Regulation Authority.

**'The firm'** refers to the firm applying for the variation of permission.

**'You'** refers to the person(s) signing the form on behalf of the applicant firm.

#### Contents of this form

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# 1 Contact details and timings for this application

## Contact for this application

### 1.1 Details of the person we should contact about this application.

This should be an individual in the UK.

## Timings for this application

### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

If you wish your application to be granted by a specific date, for example in time for a product launch, we will try to do so. However, the time taken to determine each application is significantly affected by the quality of the application and whether it is complete. If you leave a question blank, do not sign the declaration or do not attach the required supporting information, we will have to treat the application as incomplete. This will increase the time taken for us to assess your application.

We are required by law to determine applications within the earlier of (a) six months of receiving a complete application or (b) 12 months of receiving an incomplete application. However, we aim to make a decision about the application as soon as possible.

# 2 Variation of Permission – activities

It is your responsibility to make sure the regulated activities you request adequately cover the activities the applicant firm intends to carry on. Use this page to request any changes you wish to make to the firm's permission.

You need a Permission Notice that matches the applicant firm's needs and covers every aspect of regulated business it wants to carry on. The Permission Notice shows the range of regulated activities the applicant firm will be authorised to carry on, as well as the investment instruments and type(s) of customer it can deal with for each specific activity. It will also contain what we refer to as 'requirements' and 'limitations'.

Broadly speaking, a limitation is included in the description of a specific regulated activity (e.g. not to deal with retail customers) and will limit how it is carried on, in some way.

A requirement is on the firm to take or not to take a specified action (e.g. not to hold client money). A requirement may extend to activities of the firm which are not regulated activities.

If the applicant firm carries on a regulated activity that is not set out in its permission notice it could be in breach of FSMA and subject to enforcement action.

### Changing Customer Types

Amendments to customer types may affect your exemption status under Dispute Resolution: Complaints, and the Fees Manual (FEES) 6.2.1R. This is particularly relevant if you are adding or removing the customer type 'retail'. Please ensure you notify your normal supervisory contact in writing of any changes to your status under this exemption that this variation of permission may cause.

# 3 Variation of Permission – Client Money

The rules and guidance about how applicant firms hold client money are designed to provide an adequate level of protection for consumers.

### Statutory Trusts and Non-Statutory Trust Accounts

A non-statutory trust account can be used to make advances of credit. This enables a client's premium to be met from the pool of client money held before the client pays the premium to the intermediary and vice versa.

A statutory trust account does not permit this use of credit.

Another important difference between these two types of trust account is the level of minimum capital resource requirements for the firm.

## 3 Variation of Permission – Client Money (cont'd)

- For a non-statutory trust account, the firm's minimum capital resources requirement is the higher of £50,000 or 5% of relevant annual income.
- For a statutory trust account, the firm's minimum capital resources requirement is the higher of £10,000 or 5% of relevant annual income.

You should note that applying for a variation permission in relation to client money may affect your prudential category.

## 4 Reason for Variation

No additional notes.

## 5 Threshold Conditions

Threshold Conditions are the minimum requirements a firm must satisfy to be and to continue to be authorised. When we consider the applicant firm's application we will assess whether you will satisfy, and continue to satisfy, the threshold conditions which are set out in full in the Threshold Conditions (COND) 2 Sourcebook of the FSA Handbook at: [www.fshandbook.info/FSA/html/handbook/COND/2](http://www.fshandbook.info/FSA/html/handbook/COND/2). [www.fshandbook.info/FS/html/handbook/COND/2](http://www.fshandbook.info/FS/html/handbook/COND/2).

### **Legal Status**

~~This is a requirement of Threshold Condition 2.1. The applicant firm must fall into one of the categories listed to apply for authorisation. This is a condition for which the PRA is responsible in relation to Banks and Insurers.~~

### **Location of Offices**

This is a requirement of Threshold Condition 2.2.

### **~~Appointment of claims representatives (Insurance Business only)~~**

~~Threshold Condition 2A requires an applicant firm seeking to carry on, or carrying on, motor vehicle liability insurance business to appoint a claims representative in each country of the European Union other than the United Kingdom.~~

### **Close Links**

If the applicant firm has any close links (links with other firms or individuals), these must not prevent effective FSA supervision of the applicant firm if authorised. This is a requirement of Threshold Condition 2.3.

### **Effective supervision**

The appropriate regulator must be capable of effectively supervising the firm. This is a requirement of Threshold Condition 2.3.

### **Adequate Appropriate resources / Business to be conducted in a prudent manner**

We must be satisfied the applicant firm has adequate resources. We assess the quality and quantity of the applicant firm's resources for its:

- financial resources;
- management;
- staff; and
- systems and controls.

This is a requirement of Threshold Condition 2.4.

# 5

## Threshold Conditions (cont'd)

### Prudential category

We differentiate between our financial requirements by putting applicant firms in different prudential categories. The firm will fall into at least one prudential category; and it may fall into more than one prudential category, depending on its regulated activities.

The prudential categories are set out in the following table.

**Table A**

<b>PRUDENTIAL CATEGORIES FOR NON- INVESTMENT BUSINESS FIRMS</b>		
<b>Sourcebook</b>		<b>Ref</b>
Bank (GENPRU and BIPRU)		B
Building Society (GENPRU and BIPRU)		BS
Friendly Society (IPRU-FSOC)		FS
Insurer (GENPRU, INSPRU and IPRU-INS)		INS
Mortgage Lender (MIPRU)		ML
Mortgage Administrator (MIPRU)		MA
Mortgage and/or insurance intermediary (MIPRU)		MGI
<b>PRUDENTIAL CATEGORIES FOR INVESTMENT BUSINESS FIRMS</b>		
<b>IPRU(INV) Chapter</b>	<b>Sub Category in Chapter</b>	<b>Ref</b>
2 – Professional Firms	N/A	PROF
3 – Securities and Futures Firms (not Investment Firms)	Corporate Finance	NI-CF
	Venture Capital	NI-VC
	Arranger	NI-ARR
	Agency Broker	NI-AB
	Financial Bookmaker	NI-FB
	Non clearing Floor Member	NI-NCFM
	Broad scope	NI-BRA
	Local	LOCAL
	EMP	EMP
	OMP	OMP
4 – Lloyd's Firms	N/A	LLOYD
5 – Investment Management Firms	N/A	IM
6 – Service Companies	N/A	SC
13 – Personal Investment Firms	A1	PI-A1
	A2	PI-A2
	A3	PI-A3
	B1	PI-B1
	B2	PI-B2
	B3	PI-B3
Media Firm	N/A	Media

# 5

## Threshold Conditions (cont'd)

### Suitability

We must be satisfied the applicant firm is 'fit and proper' to be authorised. We assess:

- the competence and ability of management;
- the management's commitment to carrying on the business with integrity; and
- the management's commitment to carrying on the business in compliance with the regulatory regime.

### Compliance

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check that it complies, and continues to comply, with regulations. When assessing this application we need to be satisfied the applicant firm has the appropriate compliance arrangements in place to meet its regulatory obligations. The applicant firm will need, as a **minimum**, to have in place procedures to meet our rules for the subject areas in the table below. These procedures must be ready for inspection at any time.

# 6

## Approved Persons

You must ensure that no individual performs a controlled function until the application has been granted and we have approved the individual to perform the controlled function(s).

### What is an approved person?

An approved person is an individual who is approved by us to perform a controlled function for an authorised firm or an appointed representative. To be approved and continue to be approved to perform a controlled function, an individual must:

- meet, and maintain, our criteria for approval (the 'fit and proper test'); and then
- perform their controlled function(s) in line with the Statement of Principles and Code of Practice for Approved Persons (APER) Sourcebook of the FSA Handbook.

### What is a controlled function?

A controlled function is a function for a regulated business that has particular regulatory significance. For example, overseeing the firm's systems and controls and being responsible for compliance with our rules. There are different controlled functions relevant to the different types of businesses we regulate. Some controlled functions are required for every firm, others will depend on the nature of your business. Each controlled function has a 'CF' number. You can find a full list of all the controlled functions and an explanation of each one

at: [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10). [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10).

The Approved Person 'Form A' application form is found

at: [www.fsa.gov.uk/pubs/other/ivreg\\_forma.pdf](http://www.fsa.gov.uk/pubs/other/ivreg_forma.pdf) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca)

**EEA Notifications**

We need to know about any connected firms outside the UK but within the EEA because we are required by FSMA to contact the relevant EEA Home State Regulators of these connected firms, as part of the application process.

**Third-Country Banking and Investment Groups****Definition of BIPRU firm (currently in the New Glossary definition in CP06/03)**

BIPRU firm has the meaning set out in BIPRU 1.1.6R, which subject to BIPRU 1.1.7R means a firm that is:

- (a) a building society;
- (b) a bank;
- (c) a full scope BIPRU investment firm;
- (d) a BIPRU limited licence firm; or
- (e) a BIPRU limited activity firm.

**Definition of third-country banking and investment group**

A third-country banking and investment group is a banking and investment group that is:

- (a) headed by:
  - (i) a credit institution;
  - (ii) an asset management company;
  - (iii) an investment firm; or
  - (iv) a financial holding company;
 that has its head office outside the EEA; and
- (b) not part of a wider EEA banking and investment group.

**Definition of financial holding company**

A financial holding company is a financial institution that fulfils the following conditions:

- (a) its subsidiary undertakings are either exclusively or mainly credit institutions, investment firms or financial institutions;
- (b) at least one of those subsidiary undertakings is a credit institution or an investment firm; and
- (c) it is not a mixed financial holding company.

**Definition of credit institution** (as defined in articles 4(1) and 107 of the Banking Consolidation Directive (BCD))

A credit institution is:

- (1) an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account; or
- (2) an electronic money institution within the meaning of the E-Money Directive;

but excluding an institution within (2) that does not have the right to benefit from the mutual recognition arrangements under the BCD.

(See also the definitions of BCD credit institution, full credit institution, full BCD credit institution and Zone A credit institution in the Glossary of the FSA Handbook.)

**Definition of investment firm** (as defined in article 4(1) of the Markets in Financial Instruments Directive (MiFID))

in summary) a firm to which MiFID applies including, for some purposes only, a credit institution and UCITS investment firm.

(in full) a firm which is:

- (1) an investment firm with its head office in the EEA (or, if it has a registered office, that office);

(2) a BCD credit institution (only when providing an investment service or activity in relation to the rules implementing the Articles referred to in Article 1(2) of MiFID);

(3) a UCITS investment firm (only when providing the services referred to in Article 5(3) of the UCITS Directive in relation to the rules implementing the articles of MiFID referred to in Article 5(4) of that Directive);

unless, and to the extent that, MiFID does not apply to it as a result of Article 2 (Exemptions) or Article 3 (Optional exemptions) of MiFID.

## 8 Fees

The application fee is an integral part of your application. If you do not send a cheque for the appropriate fee in full with the completed application pack, we will not process your application.

For further information on fees, see FEES 4 Annex [1AR](#) and [1BR](#).

You should note the firm's periodic fee may change as a result of this application.

See ~~[www.fca.gov.uk/fees](http://www.fca.gov.uk/fees)~~ [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk) for further details.

## 9 Declaration and Signature

This must be the person who is responsible for making the application. This should be a suitable person of appropriate seniority at the firm.

## **Appendix A - Standard Requirements**

<b>Ref</b>	<b>Short Description</b>	<b>Requirement (full narrative)</b>
1	Activities only in respect of long term insurance.	The firm may only carry on listed activities in respect of the investments specified for the purpose of its long term insurance business.
2	Corporate finance business only.	The firm must not conduct designated investment business other than corporate finance business.
3	Corporate finance or venture capital only.	The firm must not conduct designated investment business other than corporate finance business or venture capital business.
4	Derivatives as incidental services only.	The firm must not carry on a permitted activity concerning the sale of an option (including a commodity option), future (including commodity future) or contract for difference (including spread bet or rolling spot forex contract), except where the activity is incidental to services to a particular client.
5	Energy Market Participant.	The firm must not conduct designated investment business other than energy market activity.
6	Exempt CAD firm (arranging and advising)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments or investment advice.
7	Exempt CAD firm (arranging only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments.
8	Exempt CAD firm (advising only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except investment advice in relation to one or more financial instruments.
9	*Limited Activity firm	May only deal on own account in MiFID financial instruments for the purpose of (i) fulfilling or executing a client order or (ii) gaining entrance to a clearing and settlement system or a recognised exchange when acting in an agency capacity or executing a client order.
10	*Limited Licence firm	Unable to (i) hold financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the FSA's FCA's Glossary of defined expressions used in the FSA's FCA's Handbook and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
11	*Matched Principal Broker	Unable to: (i) hold investors' financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the FSA's FCA's Glossary of defined expressions used in the FSA's FCA's Handbook; and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
12	*Box Management (i)	Limited to authorised unit trust box management.
13	*Box Management (ii)	Limited to investment company with variable capital (ICVC) box management.
14	*Box Management (iii)	Limited to recognised collective investment scheme (CIS) box management operations.
15	*Box Management( iv)	Limited to unregulated CIS box operations.
16	May control money if settlement through a mandate.	The general requirement not to hold or control CLIENT MONEY does not restrict the firm from controlling CLIENT MONEY if it arises from an agreement under which the firm effects settlement through a mandate or otherwise.
17	May hold/control client money if rebated	The general requirement not to hold or control CLIENT MONEY does not apply if the CLIENT MONEY arises from an agreement

	commission.	under which commission is rebated to the client.
18	MiFID client money/assets restriction	Unable to hold client money or <i>safeguard and administer assets (without) arranging</i> in relation to any investment services and activities (to which MiFID applies).
19	Exempt MiFID firm (Article 2).	Unable to carry on any investment services or activities (to which MiFID applies) applies on a regular basis.
20	Exempt MiFID firm (Article 3)	Must comply with the requirements in regulation 4C (or any successor provision) of the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007
21	No actions to stabilise market price.	The firm must not act in any way to stabilise the market price of any investment.
22	No CORPORATE FIN. BUSINESS unless non-mainstream.	The firm must not carry on any CORPORATE FINANCE BUSINESS that is a REGULATED ACTIVITY unless it is a NON-MAINSTREAM REGULATED ACTIVITY.
23	No pension transfer or opt out.	The firm must not carry on any business relating to a PENSION TRANSFER or OPT OUT.
24	Not to act as Broker Fund Adviser.	The firm must not operate as a BROKER FUND ADVISER.
25	Oil Market Participant.	The firm must not conduct designated investment business which is not an oil market activity.
26	Private customers for regulated CIS only.	The firm may only conduct regulated activities for private customers which are regulated collective investment schemes.

\* These are limitations, rather than requirements, and are included in the list of requirements as they affect a firm's prudential category.

**END OF NOTES**



## Variation of Permission (VOP) Application

### Investment Business

#### Firm Name

#### ~~FSA reference number~~ Firm Reference Number

#### **Important information you should read before completing this form**

##### **Purpose of this form**

This form is **only** for firms wishing to change the scope of their permission for **Investment Business**. You must answer all sections.

If your application is for Mortgage and General Insurance business, or Insurance Business, Banking, E-Money, Lloyds Market and Funeral Plan Providers, there are specific forms for this purpose. If you are completing more than one of these forms (i.e. if your application is for more than one type of business), **you do not have to complete any sections or questions that are duplicated**, e.g. pages 2, 6, and 10-13.

**The notes that accompany the forms will help you complete the questions.** They also explain why we need the information we are asking for.

We will only grant an application to vary the permission of a firm if we are satisfied it meets conditions known as the threshold conditions. We need the information in this form so we can assess whether the applicant firm can continue to satisfy the threshold conditions.

**It is important that you give accurate and complete information and disclose all relevant information. If you do not, you may be committing a criminal offence, it may increase the time taken to assess your application and may call into question your suitability to be authorised.**

Submit your application by post to:

Permissions Department  
~~The Financial Services Authority~~ The Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

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# 1

## Contact details and timings for this application

We need this information in case we need to contact you when we assess this application.

### Contact for this application

#### 1.1 Details of the person we should contact about this application.

Title	
First names	
Surname	
Job title	
Business address	
Postcode	
Phone number (including STD code)	
Email address	

### Timings for this application

#### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

--

We will attempt to process your application as quickly as possible. If you wish your application to be granted by a specific date, we will try to do so. If we cannot, we will contact you with the reason why. However, please note that we must determine an application for a variation of permission once we have received it and deemed it to be complete within six months of it becoming complete.



# 2

## Variation of Permission – Investment Business activities (cont'd)

Tell us what it is you wish to do to change your firm's permission.

### Limitation(s) on your firm's activity(ies)

- Add a new limitation
- Delete a current limitation
- Amend a current limitation

Enter the limitation(s) below, clearly indicating the amendments if applicable.

### Requirement(s)

**2.2 Answer this question if you wish to add a new requirement, or amend or delete a current requirement.**

**2.2.1 If you are adding a new requirement to your firm's permission, select either a standard requirement from Appendix A in the notes that accompany this form, or enter a non-standard requirement:**

- Standard requirement from Appendix A:

Ref Number	Short description

- Non-standard requirement:

**2.2.2 If you are amending a current requirement on your firm's permission, enter it along with the proposed changes in the box below.  
If you are deleting a current requirement on your firm's permission, enter it in the box below.**

# 3

## Variation of Permission – Client Money

Tell us what it is you wish to do to change your firm's client money permission.

### 3.1 Does your firm wish to change your client money or assets permission?

- No > Continue to Section 4.  
 Yes > Answer the relevant questions in this section.

### 3.2 What is the firm able to do now, and how does it wish to change its permission for client money?

Firm is currently able to:	Firm wishes to be able to:
<input type="checkbox"/> Hold and control client money	<input type="checkbox"/> Hold and control client money
<input type="checkbox"/> Control but not hold client money	<input type="checkbox"/> Control but not hold client money
<input type="checkbox"/> Not hold and not control client money	<input type="checkbox"/> Not hold and not control client money

### 3.3 Are you applying to stop holding client money?

- No > Continue to next question.  
 Yes > You must include a report from your auditors confirming that you have done this and that it has either been paid back to the clients concerned or transferred to another entity that is authorised to hold it.

#### Have you attached this report?

- Yes > Continue to Section 4.  
 No > Explain why below.

### 3.4 Are you applying to hold client money?

- No > Continue to Section 4.  
 Yes > Continue to next question.

### 3.5 What type of account will your firm use to hold client money? (tick one)

- Statutory trust > Continue to next question.  
 Non-statutory trust > Continue to next question.  
 Other > Provide further details below.

### 3.6 Is the account held at an approved bank that meets the requirements imposed under CASS 4.3?

- Yes > Continue to next question.  
 No > Explain why below.

### 3.7 Have you read and understood the Client Money rules that you are required to follow?

- Yes > Continue to Section 4.  
 No > Explain why below.

# 4

## Reason for Variation

Tell us why you are applying to change your firm's permission.

We need to know why your firm is applying to change its permission. You should give as much information as possible, including:

- how this change will affect your firm and the long-term strategy for your business;
- any new operational, legal, market risks that you have identified and will need to consider; and
- details on any outsourcing.

# 5

## Threshold Conditions

We need to know whether the firm will continue to satisfy the threshold conditions as a result of the change in its permission.

The threshold conditions are the minimum conditions a firm is required to satisfy, and continue to satisfy, to be given and retain Part IV 4A Permission. The firm must satisfy us these conditions will continue to be met if we grant the application.

**You may be asked to provide documentary evidence to support of your answers, either during the application process or at a later point.**

**Table B** of the document '**Investment Business – Notes**' gives details on what we may ask you to provide to support your application.

### 5.1 Have you reviewed Table B of the Notes, and submitted the supporting information as indicated by your type of application?

- Yes > Continue to next question.  
 No > **Submitting the information now will significantly speed up the application process.**

### Legal Status

#### 5.2 Confirm that after this application your firm will retain its existing legal status.

- Yes > Continue to next question.  
 No > Give details of how the legal status of the firm will change below.

### Location of Offices

#### 5.3.2 Confirm the following:

- if you are a body corporate, that your firm's Head Office (and also if you have a Registered Office, your Registered Office) is located within the United Kingdom; or
- if you are not a body corporate and your Head Office is in the United Kingdom, that you carry on business in the United Kingdom.

- Yes > Continue to next question.  
 No > Give further details below.

### Close Links

#### 5.4 As a result of this application, will your firm have any new close links with another person or firm?

- No > Continue to next question.  
 Yes > Give further details below.

### Effective Supervision

#### 5.3 As a result of this application, will there be any impact on the appropriate regulator's ability to effectively supervise the firm?

- No > Continue to next question.  
 Yes > Give further details below.

### Adequate Appropriate resources

#### 5.5.4 Prudential category

**5.5.1 5.4.1** What is your firm's current prudential category?

**5.5.2 5.4.2** Will the firm's prudential category change as a result of this application?

- No > Continue to question 5-6 5.5.  
 Yes > What prudential category will your firm be in?

**5.5.3 5.4.3** What will be the firm's new capital resource requirement?

**5.5.4 5.4.4** Is the firm currently able to meet this new capital requirement?

- Yes > Continue to next question.  
 No > Explain why below.

**5-6 5.5** Professional Indemnity Insurance

**5-6-1 5.5.1** Are you required to have in place professional indemnity insurance (PII)?

- No > Continue to question 5-7 5.6.  
 Yes > Do you hold a valid quote or policy for PII that covers the current business of the firm, and the proposed change in business, if applicable, for which the firm is applying?  
 Yes > Continue to next question.  
 No > Explain why below.

**Suitability**

**5-7 5.6** Compliance

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check it complies and continues to comply with regulations.

**5-7-1 5.6.1** Do you have in place a Compliance Manual and a Compliance Monitoring Programme that reflects the firm's current business and the proposed change in business, if applicable, for which you are applying?

- Yes > Continue to next question.  
 No > Explain why below.

**5-8 5.7** Conduct of Business Requirements – ~~New~~ Conduct of Business (COBS) Sourcebook

**5-8-1 5.7.1** Is the firm ready, willing and organised to comply with the relevant provisions in COBS, and, if applicable to this application, does the firm have in place the relevant customer disclosure documentation for the permission you are applying for?

- Yes > Continue to next question.  
 No > Explain why below.

**5-9 5.8** Systems and Controls (SYSC) Requirements

**5-9-1 5.8.1** Does the firm continue to meet the SYSC requirements?

- Yes > Continue to next section.

No > Explain why below.

**We may contact you for more detailed information to support your application, especially if you are applying to significantly change your firm's current business.**

# 6

## Approved Persons

If a firm changes its permission it may need to have new Approved Persons and/or additional Controlled Functions or it may no longer need some existing Controlled Functions.

You should consider the effect of this change on approved persons before submitting your application. If you require help, please call the Approved Persons Helpline on 020 7066 0019 or email [iva@fca.gov.uk](mailto:iva@fca.gov.uk) or [iva@fca.org.uk](mailto:iva@fca.org.uk).

### 6.1 Will the change require new approved persons or additional controlled functions for existing approved persons in relation to the application?

- No > Continue to question 6.2.  
 Yes > Have you submitted the required Approved Person 'Form A' application form?  
 Yes > Provide the names of applicant(s) and new controlled functions below.  
 No > Explain why below.

### 6.2 Have any individual(s) proposed to perform a new role (whether an approved person or not) has been assessed as competent to apply the knowledge and skills necessary to engage in or oversee the activities without supervision? And do they have the necessary qualifications (where relevant) and experience?

- No > Explain why below.  
 Yes > Has this individual carried on this role before (e.g. at another firm)?  
 Yes > Continue to question 6.3  
 No > Provide information below on how they have been assessed as competent.

### 6.3 Does the firm have locum arrangements in place, to cover controlled functions such as Investment Advisers and Investment Managers?

- Yes > Provide the firm name below.  
 No > Explain why below.

### 6.4 The changes you have requested may result in current controlled functions no longer being required. We will remove the specific functions from the profiles of the relevant approved persons. If this applies to your application, do you accept this?

- Yes > Continue to Section 7.  
 N/A, as no change to controlled functions. > Continue to Section 7.  
 No > Explain why below.

# 7

## EEA Notifications and Third-Country Banking and Investment Groups

We need to know about any connected firms outside the UK but within the EEA (European Economic Area). We also need to know whether the firm is a member of a third-country banking and investment group.

### EEA Notifications

#### 7.1 Is the firm connected with a firm outside the UK but within the EEA?

- No > Continue to next question.  
 Yes > Give details of each connection below.

Name of EEA Regulated Firm	Name of EEA Regulator	Firm's Contact at EEA Regulator (include email address)

### Third-Country Banking and Investment Groups

#### 7.2.1 Is the firm a BIPRU firm?

- No > Continue to Section 8.  
 Yes > Continue to next question.

#### 7.2.2 Is the firm a member of a third-country (i.e outside of the EEA) banking and investment group?

- No > Continue to Section 8.  
 Yes > We will ask you to give further details once we have received this application.

# 8

## Markets in Financial Instruments Directive (MiFID) and the Capital Requirements Directive (CRD)

We need to know the firm has considered the effect of MiFID and the CRD, and whether it will change as a result of this application.

### MiFID Status

#### 8.1 Is your firm subject to MiFID, and is it subject to the CRD, or will it become subject to them as a result of this application ?

- Yes > Continue to question 8.2.  
 No > Does your firm wish to remain a MiFID exempt firm?  
      Yes > Section complete.  
      No, firm wishes to opt-in to MiFID. > We will contact you for further information. Continue to next question.

#### 8.2 Will your firm be acting as a 'Systematic Internaliser'?

- No > Continue to next question.  
 Yes > Continue to next question.  
 N/A as not dealing on own account > Continue to next question.

#### 8.3 CRD categorisation

##### 8.3.1 Indicate below what is the firm's current categorisation under the CRD and what it will be if this application is granted, selecting one Capital Resource Requirement and one Base Capital Resource Requirement:

Capital Resource Requirement	Current Category	Proposed Category
Full Scope	<input type="checkbox"/>	<input type="checkbox"/>
Limited Activity	<input type="checkbox"/>	<input type="checkbox"/>
Limited Licence	<input type="checkbox"/>	<input type="checkbox"/>
Exempt CAD firm	<input type="checkbox"/>	<input type="checkbox"/>
Non-BIPRU firm	<input type="checkbox"/>	<input type="checkbox"/>
UCITS Investment firm	<input type="checkbox"/>	<input type="checkbox"/>

Base Capital Resource Requirement	Current Category	Proposed Category
Article 7 Recast CAD	<input type="checkbox"/>	<input type="checkbox"/>
Article 8 Recast CAD	<input type="checkbox"/>	<input type="checkbox"/>
BIPRU €50k	<input type="checkbox"/>	<input type="checkbox"/>
BIPRU €125k	<input type="checkbox"/>	<input type="checkbox"/>
BIPRU €730k	<input type="checkbox"/>	<input type="checkbox"/>
Non-BIPRU firm	<input type="checkbox"/>	<input type="checkbox"/>

# 9

## Fees

Changing your firm's permission can generate an application fee and vary your periodic fee.

If an application fee is due, you must pay it in full at the same time as submitting your application (by cheque or credit/debit card). If the fee is not paid in full within **five working days** of the date that you submit this form, your application will be returned to you. This fee is non-refundable; and we do not issue invoices for it.

If the proposed application will move the firm into a new fee block, a fee will apply as listed below. If the firm moves into more than one new fee block, you should pay the highest fee.

**We charge a fee of £250 for applications that will increase your firm's permitted business activities but which do not change your firm's fee blocks. There is no fee to reduce your permission.**

9.1 Which fee block(s) is the firm currently in?

9.2 Indicate which of the following applies to your application.

New Fee Block	Description	Application Fee
<input type="checkbox"/> A3	Friendly Societies	Straightforward - £750
<input type="checkbox"/> A4	Friendly Societies	
<input type="checkbox"/> A12	Advisory arrangers, dealers or brokers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A13	Advisory arrangers, dealers or brokers (not holding or controlling client money and/or assets)	
<input type="checkbox"/> A14	Corporate finance advisers	
<input type="checkbox"/> A18	Home finance providers, advisers and arrangers	
<input type="checkbox"/> A19	Insurance intermediaries	
<input type="checkbox"/> A1	E-money issuers only	Moderately complex - £2,500
<input type="checkbox"/> A2	Home finance providers and administrators	
<input type="checkbox"/> A5	Managing agents at Lloyd's	
<input type="checkbox"/> A7	Fund managers (holding or controlling client money and/or assets)	
<input type="checkbox"/> A9	Operators, trustees and depositories of collective investment schemes	
<input type="checkbox"/> A9	Operators of personal pension schemes	
<input type="checkbox"/> A10	Firms dealing as principal	
<input type="checkbox"/> A1	Deposit acceptors (excluding e-money issuers and credit unions)	Complex - £12,500
<input type="checkbox"/> A3	Firms carrying on insurance activities subject only to prudential regulation (excluding friendly societies)	
<input type="checkbox"/> A4	Firms carrying on insurance activities subject to both prudential and conduct of business regulation (excluding friendly societies)	
<input type="checkbox"/> No change to fee block	Increase in scope of permission, but no change in fee block, e.g. only adding new customer or investment types to your activities, or removing a requirement or limitation	£250
<input type="checkbox"/> No new fee block	Reduction in scope of permission, e.g. only removing an activity, removing a customer or investment type from an activity, or adding a requirement or a limitation	No fee

9.3 Please confirm that you have enclosed a cheque for the correct application fee, where one is due.

- Yes  
 No, I will pay using a credit/debit card

Cheques should be made payable to the ~~Financial Services Authority~~ **Financial Conduct Authority**, with the firm name and reference number written on the back and enclosed with this form. To make a payment using a credit/debit card, please do not enter the details on this form. We will contact you to ask for the details.

# 10 Declaration and Signature

## Warning

Knowingly or recklessly giving us information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). Our rules (SUP 15.6.4R) require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to us and to tell us immediately if materially inaccurate information has been provided. Contravening these requirements may lead to disciplinary sanctions or other enforcement action by us. It should not be assumed that information is known to us just because it is in the public domain or has previously been disclosed to us or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

## Data Protection

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~Financial Services Authority~~ FCA/PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

## Declaration

By submitting this application form

- ✓ I confirm that the information in this application is accurate and complete to the best of my/our knowledge and belief and that I/we have taken all reasonable steps to ensure that this is the case.
- ✓ I am aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~ FCA/PRA information that is false or misleading in a material particular.
- ✓ Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the ~~FSA~~ FCA/PRA on request.
- ✓ I will notify the ~~FSA~~ FCA/PRA immediately if there is a significant change to the information given in the application pack. If I fail to do so, this may result in a delay in the application process or enforcement action.

Date	
Name of signatory <sup>1</sup>	
Position <sup>2</sup> of signatory	
Individual Registration Number (if applicable)	
Signature	

<sup>1</sup> The signatory must be a suitable person of appropriate seniority at the firm.

<sup>2</sup> e.g. Director, Sole Trader, Compliance Officer, etc.



## Variation of Permission (VOP) Application

### Investment Business – notes

#### Purpose of these Notes

These notes will help you fill in the **Investment Business** form correctly.

If after reading these notes you need more help, you can:

- visit our website: <http://www.fsa.gov.uk/Pages/doing/regulated/notify/permissions/index.shtml>, where there is also a link to the [Frequently Asked Questions](http://www.fca.org.uk/your-fca) page; [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);
- consult the relevant tailored handbook or the full FSA Handbook: [www.fcahandbook.info/FSA/index.jsp](http://www.fcahandbook.info/FSA/index.jsp); [www.fshandbook.info/FS/html/handbook](http://www.fshandbook.info/FS/html/handbook);
- call the Firm Contact Centre on 0845 606 9966; or **PRA Firm Enquiries on 020 3461 7000**; or
- email ~~fcc@fsa.gov.uk~~ [fcc@fca.org.uk](mailto:fcc@fca.org.uk) or **PRA.firmenquiries@bankofengland.co.uk**

These notes, while aiming to help you, do not replace the rules and guidance in the FSA Handbook.

#### Terms in the Form

The form uses the following terms:

**'FSA'** **'FCA/PRA'**, **'we'**, **'our'**, or **'us'** refers to the ~~Financial Services Authority~~ Financial Conduct Authority and the Prudential Regulation Authority.

**'The firm'** refers to the firm applying for the variation of permission.

**'You'** refers to the person(s) signing the form on behalf of the applicant firm.

#### Contents of this form

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# 1

## Contact details and timings for this application

### Contact for this application

#### 1.1 Details of the person we should contact about this application.

This should be an individual in the UK.

### Timings for this application

#### 1.2 Does the applicant firm have any timing factors that it would like us to consider?

If you wish your application to be granted by a specific date, for example in time for a product launch, we will try to do so. However, the time taken to determine each application is significantly affected by the quality of the application submitted and whether it is complete. If you leave a question blank, do not sign the declaration or do not attach the required supporting information, we will have to treat the application as incomplete. This will increase the time taken for us to assess your application.

We are required by law to determine applications within the earlier of (a) six months of receiving a complete application or (b) 12 months of receiving an incomplete application. However, we aim to make a decision about the application as soon as possible.

# 2

## Variation of Permission – Investment Business activities

It is your responsibility to make sure the regulated activities you request adequately cover the activities the applicant firm intends to carry on. Use this page to request any changes you wish to make to the firm's permission.

You need a Permission Notice that matches the applicant firm's needs and covers every aspect of regulated business it wants to carry on. The Permission Notice shows the range of regulated activities the applicant firm will be authorised to carry on, as well as the investment instruments and type(s) of customer it can deal with for each specific activity. It will also contain what we refer to as 'requirements' and 'limitations'.

Broadly speaking, a limitation is included in the description of a specific regulated activity (e.g. not to deal with retail customers in relation to that regulated activity) and will limit how it can be carried on, in some way.

A requirement is on the firm to take or not to take a specified action (e.g. not to hold client money). A requirement may extend to activities which are not regulated activities.

If the applicant firm carries on a regulated activity that is not set out in its permission notice it could be in breach of FSMA and subject to enforcement action.

### Changing Customer Types

Amendments to customer types may affect your exemption status under Dispute Resolution: Complaints (DISP) 1.1.12R, and Fees Manual (FEES) 6.2.1R. This is particularly relevant if you are adding or removing the retail customer type. Please ensure you notify your normal supervisory contact in writing of any changes to your status under this exemption that this variation of permission may cause.

# 3

## Variation of Permission – Client Money

The rules and guidance about how applicant firms hold client money are designed to provide an adequate level of protection for consumers.

In relation to investment business, other than MiFID business, these rules are in CASS 4.3: [www.fshandbook.info/FSA/html/handbook/CASS/4/3](http://www.fshandbook.info/FSA/html/handbook/CASS/4/3) [www.fshandbook.info/FS/html/handbook/CASS](http://www.fshandbook.info/FS/html/handbook/CASS). As regards MiFID business, see CASS 7: <http://www.fshandbook.info/FSA/html/handbook/CASS/7>. <http://www.fshandbook.info/FS/html/handbook/CASS/7>.

You should note that applying for a variation permission in relation to client money may affect your prudential category.

# 4

## Reason for Variation

No additional notes.

# 5

## Threshold Conditions

The Threshold Conditions are the minimum requirements a firm must satisfy to be, and to continue to be, authorised. When we consider the applicant firm's application we will assess whether you will satisfy, and continue to satisfy, the threshold conditions which are set out in full in the Threshold Conditions Sourcebook (COND) 2 of the FSA Handbook at: [www.fshandbook.info/FSA/html/handbook/COND/2](http://www.fshandbook.info/FSA/html/handbook/COND/2). [www.fshandbook.info/FS/html/handbook/COND/2](http://www.fshandbook.info/FS/html/handbook/COND/2).

### **Legal Status**

~~This is a requirement of Threshold Condition 2.1. The applicant firm must fall into one of the categories listed to apply for authorisation.~~

### **Location of Offices**

This is a requirement of Threshold Condition 2.2.

### **Close Links**

~~If the applicant firm has any close links (links with other firms or individuals), these must not prevent effective FSA supervision of the applicant firm if authorised. This is a requirement of Threshold Condition 2.3.~~

### **Effective Supervision**

The appropriate regulator must be capable of effectively supervising the firm. This is a requirement of Threshold Condition 2.3.

### **Adequate Appropriate resources**

We must be satisfied the applicant firm has adequate resources. We assess the quality and quantity of the applicant firm's resources for its:

- financial resources;
- management;
- staff; and
- systems and controls.

This is a requirement of Threshold Condition 2.4.

### **Prudential category**

We differentiate between our financial requirements by putting applicant firms in different prudential categories. The firm will fall into at least one prudential category; and it may fall into more than one

prudential category, depending on its regulated activities. The prudential categories are set out in the following table.

# 5

## Threshold Conditions (cont'd)

**Table A**

<b>PRUDENTIAL CATEGORIES FOR NON- INVESTMENT BUSINESS FIRMS</b>		
<b>Sourcebook</b>		<b>Ref</b>
Bank (GENPRU and BIPRU)		B
Building Society (GENPRU and BIPRU)		BS
Friendly Society (IPRU-FSOC)		FS
Insurer (GENPRU, INSPRU and IPRU-INS)		INS
Mortgage Lender (MIPRU)		ML
Mortgage Administrator (MIPRU)		MA
Mortgage and/or insurance intermediary (MIPRU)		MGI
<b>PRUDENTIAL CATEGORIES FOR NON-MiFID INVESTMENT BUSINESS FIRMS</b>		
<b>IPRU(INV) Chapter</b>	<b>Sub Category in Chapter</b>	<b>Ref</b>
1 & 2 – Professional Firms	N/A	PROF
1 & 3 – Securities and Futures Firms (not Investment Firms)	Corporate Finance	NI-CF
	Venture Capital	NI-VC
	Arranger	NI-ARR
	Agency Broker	NI-AB
	Financial Bookmaker	NI-FB
	Non clearing Floor Member	NI-NCFM
	Broadscope	NI-BRA
	Local	LOCAL
	EMP	EMP
	OMP	OMP
1 & 4 – Lloyd's Firms	N/A	LLOYD
1 & 5 – Investment Management Firms	N/A	IM
1 & 6 – Service Companies	N/A	SC
1 & 13 – Personal Investment Firms	B1	PI-B1
	B2	PI-B2
	B3	PI-B3
Media Firm	N/A	Media

# 5

## Threshold Conditions (cont'd)

### Professional Indemnity Insurance

Some types of firms are required to have professional indemnity insurance (PII) in place, depending on the type of business that they conduct. PII is liability insurance that covers businesses if a third party claims to have suffered a loss because of professional negligence. If your firm is required to have PII, unless an exemption applies, you must have compliant PII cover in place before we can grant your application. This must be at least equal to the requirements of the FSA Handbook IPRU (INV) 13 and/or MIPRU 3 and/or IPRU (INV) chapter 9.

All excesses and exclusions identified in the PII policy must have been satisfactorily covered – for example, your firm has adequate capital resources, or has made adequate arrangements to mitigate high excess(es), or increased excess(es) for specific business types. Please note we would not expect your firm to have exclusions for specific business types.

### What if I intend to carry on more than one regulated activity?

If you carry on a combination of investment, home finance and/or insurance mediation regulated activities you will only need to comply with the higher of the prudential requirements as stated in MIPRU and/or IPRU (INV)13 and/or IPRU (INV) chapter 9 for each of these regulated activities.

You do not need to have more than one PII policy to satisfy each prudential requirement in PRU and IPRU (INV). One PII policy could cover the separate limits of indemnity and excesses for each type of regulated activity where appropriate. If you are subject to one or more limits of indemnity (because of the scope of your firm's regulated activities) and more than one limit applies, you only need to provide the highest one.

<http://www.fsa.gov.uk/pages/doing/regulated/Firms/fag/rmar.shtml>

[http://www.fsa.gov.uk/pages/Doing/small\\_firms/advisers/FAQ/pii.shtml](http://www.fsa.gov.uk/pages/Doing/small_firms/advisers/FAQ/pii.shtml)

[http://www.fsa.gov.uk/pubs/policy/04-02/buying\\_pii.pdf](http://www.fsa.gov.uk/pubs/policy/04-02/buying_pii.pdf)

For more information see: [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);

### Suitability

We must be satisfied the applicant firm is 'fit and proper' to be authorised. We assess:

- the competence and ability of management;
- the management's commitment to carrying on the business with integrity; and
- the management's commitment to carrying on the business in compliance with the regulatory regime.

### Compliance

A firm must establish, maintain and carry out a Compliance Monitoring Programme of actions to check it complies, and continues to comply, with regulations. When assessing this application we need to be satisfied the applicant firm has the appropriate compliance arrangements in place to meet its regulatory obligations. The applicant firm will need, as a **minimum**, to have in place procedures to meet our rules for the subject areas in the table below. These procedures must be ready for inspection at any time.

# 5

## Threshold Conditions (cont'd)

### Supporting Information to Submit With Your Application

For applications to add permission to do the following **for the first time**, you **must** supply the documents indicated in the table below with the application. If you do not do this, it will lengthen the application process.

#### Table B

In addition to this, we may contact you for more detailed information to support your application,

	Regulated activities or client money permission
--	---

especially if you are applying to significantly change your firm's current business.

	Advising on investments (except pension transfers and opt outs)	Advising on pension transfers and opt outs	Dealing in investments as principal	Managing Investments	Establishing operating or winding up a regulated/unregulated collective investment scheme	Arranging safeguarding and administration of assets/ safeguarding and administration of assets/ Holding and/or controlling client money or assets	Establishing operating or winding up a personal pension scheme
Evidence of compliance with the capital resource requirements			X	X			
Evidence of satisfaction of the Training and Competence (T&C) requirements for controlled functions in the firm including relevant experience, CV's and qualifications		X		X			
Compliance Manual	X		X	X	X	X	
Compliance monitoring programme (procedures to establish, maintain and carry out regular periodic compliance reviews.)	X		X	X	X	X	
Business Plan – Including rationale and projections	X		X	X	X		X
Details of operational procedures				X	X		X
Confirmation that scheme documentation is in place					X		
Details including value of SIPP's assets and number of clients now and after 12 months							X

## 6

### Approved Persons

You must ensure that no individual performs a controlled function until the application has been granted and we have approved the individual to perform the controlled function(s).

#### What is an approved person?

An approved person is an individual who is approved by us to perform a controlled function for an authorised firm or an appointed representative. To be approved and continue to be approved to perform a controlled function, an individual must:

- meet, and maintain, our criteria for approval (the 'fit and proper test'); and then
- perform their controlled function(s) in line with the Statement of Principles and Code of Practice for Approved Persons (APER) Sourcebook of the FSA Handbook.

#### What is a controlled function?

A controlled function is a function for a regulated business that has particular regulatory significance. For example, overseeing the firm's systems and controls and being responsible for compliance with our rules. There are different controlled functions relevant to the different types of businesses we regulate. Some controlled functions are required for every firm, others will depend on the nature of your business.

Each controlled function has a 'CF' number. You can find a full list of all the controlled functions and an explanation of each one at: [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10) [www.fshandbook.info/FS/html/handbook/SUP/10](http://www.fshandbook.info/FS/html/handbook/SUP/10)

The Approved Person 'Form A' application form is found at: [www.fsa.gov.uk/pubs/other/ivreg\\_forma.pdf](http://www.fsa.gov.uk/pubs/other/ivreg_forma.pdf) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca)

## 7 EEA Notifications and Third-Country Banking and Investment Groups

### EEA Notifications

We need to know about any connected firms outside the UK but within the EEA because we are required by FSMA to contact the relevant EEA Home State Regulators of these connected firms, as part of the application process.

### Third-Country Banking and Investment Groups

#### Definition of BIPRU firm

Has the meaning set out BIPRU 1.1.6 R (The definition of a BIPRU firm), which is in summary a firm that is:

- (a) a building society; or
- (b) a bank; or
- (c) a full scope BIPRU investment firm; or
- (d) a BIPRU limited licence firm; or
- (e) a BIPRU limited activity firm;

but excluding firms of the type listed in BIPRU 1.1.7 R (Exclusion of certain types of firm from the definition of BIPRU firm).

#### Definition of third-country banking and investment group

A third-country banking and investment group is a banking and investment group that is:

- (a) headed by:
  - (i) a credit institution;

- (ii) an asset management company;
- (iii) an investment firm; or
- (iv) a financial holding company;

that has its head office outside the EEA; and

- (b) not part of a wider EEA banking and investment group.

#### Definition of financial holding company

A financial holding company is a financial institution that fulfils the following conditions:

- (a) its subsidiary undertakings are either exclusively or mainly credit institutions, investment firms or financial institutions;
- (b) at least one of those subsidiary undertakings is a credit institution or an investment firm; and
- (c) it is not a mixed financial holding company.

**Definition of credit institution** (as defined in articles 4(1) and 107 of the Banking Consolidation Directive (BCD))

A credit institution is:

(as defined in article 1(1) of the BCD)

- (1) an undertaking whose business is to receive deposits or other repayable funds from the public and to grant credits for its own account; or
- (2) an electronic money institution within the meaning of the E-Money Directive;

but excluding an institution within (2) that does not have the right to benefit from the mutual recognition arrangements under the BCD.

(See also the definitions of BCD credit institution, full credit institution, full BCD credit institution and Zone A credit institution in the Glossary of the FSA Handbook.

**Definition of MiFID investment firm** (as defined in article 4(1)(1) of *MiFID*)

in summary) a firm to which MiFID applies including, for some purposes only, a credit institution and UCITS investment firm.

(in full) a firm which is:

- (1) an investment firm with its head office in the EEA (or, if it has a registered office, that office);
- (2) a BCD credit institution (only when providing an investment service or activity in relation to the rules implementing the Articles referred to in Article 1(2) of MiFID);
- (3) a UCITS investment firm (only when providing the services referred to in Article 5(3) of the UCITS Directive in relation to the rules implementing the articles of MiFID referred to in Article 5(4) of that Directive);

unless, and to the extent that, MiFID does not apply to it as a result of Article 2 (Exemptions) or Article 3 (Optional exemptions) of MiFID.



## Markets in Financial Instruments Directive (MiFID) and the Capital Requirements Directive (CRD)

### MiFID Status

CRD came into effect on 1 January 2007. Broadly speaking, the CRD only applies to firms which MiFID applies. The prudential rules these firms need to follow are contained in the Prudential Sourcebook for Banks, Building Societies and Investment firms (BIPRU) and the General Prudential Sourcebook (GENPRU).

Exempt CAD firms benefit from a lighter regime under the recast Capital Adequacy directive but are nonetheless subject to initial capital requirements (see articles 7 and 8). Exempt BIPRU commodities firms benefit from a transitional regime under the recast CAD (article 48). Please see PERG 13.6 Q54, 57, 58 and 59, <http://fsahandbook.info/FSA/html/handbook/PERG/13/6>  
<http://fshandbook.info/FS/html/handbook/PERG/13/6>

Guidance on MiFID and CRD categorisation and whether firms will be affected by either directive is set out in the Handbook, see PERG 13: <http://fshandbook.info/FS/html/handbook/PERG/13>.

### What is a 'Systematic Internaliser'?

MiFID defines Systematic Internalisers as those investment firms, which, on an organised, frequent and systematic basis, deal on own account by transacting client orders outside a Regulated Market or a Multilateral Trading Facility. This is also commonly known as Over-the-Counter trading.

## CRD categorisation – BIPRU Prudential Rules

### Base Capital Resource Requirement

€50k	<p><b>A BIPRU €50k firm which:</b></p> <ul style="list-style-type: none"> <li>• is not authorised to deal for own account in, or underwrite issues of, financial instruments on a firm commitment basis;</li> <li>• offers one or more of the following services: <ul style="list-style-type: none"> <li>○ reception and transmission of orders;</li> <li>○ execution of orders; or</li> <li>○ management of individual portfolios of investments.</li> </ul> </li> <li>• does not hold client's money and/or securities and is not authorised to do so;</li> <li>• is not a UCITS investment firm; and</li> <li>• does not operate a multilateral trading facility..</li> </ul>
€125k	<p><b>A BIPRU €125K firm which:</b></p> <ul style="list-style-type: none"> <li>• is not authorised to deal for own account in, or underwrite issues of, financial instruments on a firm commitment basis;</li> <li>• offers one or more of the following services: <ul style="list-style-type: none"> <li>○ reception and transmission of orders;</li> <li>○ execution of orders; or</li> <li>○ management of individual portfolios of investments.</li> </ul> </li> <li>• can hold client money or securities, or is authorised to do so;</li> <li>• is not a UCITS investment firm; and</li> <li>• does not operate a multilateral trading facility</li> </ul>
€730k	<p>a BIPRU €730K firm is an investment firm subject to the recast CAD but is not a BIPRU €50K firm, a BIPRU €125K firm or a UCITS investment firm.</p>
<p><b>UCITS investment firm</b></p>	<p>A <i>UCITS investment firm</i> should hold base capital of €125,000 plus an additional amount of own funds, in accordance with the UCITS Directive, equal to 0.02% of the amount by which the value of portfolios under management exceed €250,000,000 (subject to an overall maximum base capital requirement of €10,000,000).</p>



## Markets in Financial Instruments Directive (MiFID) and the Capital Requirements Directive (CRD) (cont'd)

### Capital Resources Requirement

For full scope BIPRU investment firms, the minimum capital resource requirement will be calculated as the higher of the base requirement **or** the sum of the credit, market and operational risk requirements.

For BIPRU limited activity firms, the minimum capital resource requirements will be calculated as the higher of the base requirement **or** the sum of the credit, market risk and the fixed overheads requirement (FOR).

For BIPRU limited licence firms, the minimum capital resource requirements will be calculated as the higher of the base requirement **or** the sum of credit and market risk requirements **or** the FOR.

<b>Full scope BIPRU investment firm</b>	an investment firm that is neither a BIPRU limited activity firm, nor a BIPRU limited licence firm.
<b>BIPRU limited activity firm</b>	an investment firm that deals on own account only for the purpose of fulfilling or executing client orders, or gaining entrance to a clearing and settlement system or a recognised exchange when acting in an agency capacity or executing a client order.
<b>BIPRU limited licence firm</b>	an investment firm that is not authorised to provide the investment services of dealing on own account or underwriting and/or placing financial instruments on a firm commitment basis, or a UCITS investment firm.

For further information, see <http://www.fsa.gov.uk/Pages/About/What/International/basel/info/index.shtml>, [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk);

MiFID firms not generally subject to GENPRU and BIPRU

<b>Firm Category</b>	<b>IPRU (INV) chapters</b>
An exempt CAD firm (which is a Securities and futures firm)	1 & 9
An exempt CAD firm (which is an Investment management firm)	1, 5 & 9
An exempt CAD firm (which is a Personal investment firm)	1 & 13
Securities and futures firm (which is an exempt BIPRU commodities firm)	1 & 3
Locals	1 & 3

## 9 Fees

The application fee is an integral part of your application. If you do not send a cheque for the appropriate fee in full with the completed application pack, we will not process your application.

For further information on fees, see FEES 4 Annex [1AR](#) and [1BR](#).

You should note the firm's periodic fee may change as a result of this application. See [www.fsa.gov.uk/fees](http://www.fsa.gov.uk/fees) [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca) and/or [www.bankofengland.co.uk](http://www.bankofengland.co.uk) for further details.

## 10 Declaration and Signature

This must be the person who is responsible for making the application. This should be a suitable person of appropriate seniority at the firm.

## **Appendix A - Standard Requirements**

<b>Ref</b>	<b>Short Description</b>	<b>Requirement (full narrative)</b>
1	Activities only in respect of long term insurance.	The firm may only carry on listed activities in respect of the investments specified for the purpose of its long term insurance business.
2	Corporate finance business only.	The firm must not conduct designated investment business other than corporate finance business.
3	Corporate finance or venture capital only.	The firm must not conduct designated investment business other than corporate finance business or venture capital business.
4	Derivatives as incidental services only.	The firm must not carry on a permitted activity concerning the sale of an option (including a commodity option), future (including commodity future) or contract for difference (including spread bet or rolling spot forex contract), except where the activity is incidental to services to a particular client.
5	Energy Market Participant.	The firm must not conduct designated investment business other than energy market activity.
6	Exempt CAD firm (arranging and advising)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments or investment advice.
7	Exempt CAD firm (arranging only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except reception and transmission of orders in relation to one or more financial instruments.
8	Exempt CAD firm (advising only)	Unable to carry on any investment service or activity, to which MiFID applies, on a regular basis except investment advice in relation to one or more financial instruments.
9	*Limited Activity firm	May only deal on own account in MiFID financial instruments for the purpose of (i) fulfilling or executing a client order or (ii) gaining entrance to a clearing and settlement system or a recognised exchange when acting in an agency capacity or executing a client order.
10	*Limited Licence firm	Unable to (i) hold financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the FSA's FCA's Glossary of defined expressions used in the FSA's FCA's Handbook and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
11	*Matched Principal Broker	Unable to: (i) hold investors' financial instruments for own account unless it meets the 'matched principal exemption conditions' as defined in the FSA's FCA's Glossary of defined expressions used in the FSA's FCA's Handbook; and (ii) underwrite MiFID financial instruments and/or place MiFID financial instruments on a firm commitment basis.
12	*Box Management (i)	Limited to authorised unit trust box management.
13	*Box Management (ii)	Limited to investment company with variable capital (ICVC) box

		management.
14	*Box Management (iii)	Limited to recognised collective investment scheme (CIS) box management operations.
15	*Box Management( iv)	Limited to unregulated CIS box operations.
16	May control money if settlement through a mandate.	The general requirement not to hold or control CLIENT MONEY does not restrict the firm from controlling CLIENT MONEY if it arises from an agreement under which the firm effects settlement through a mandate or otherwise.
17	May hold/control client money if rebated commission.	The general requirement not to hold or control CLIENT MONEY does not apply if the CLIENT MONEY arises from an agreement under which commission is rebated to the client.
18	MiFID client money/assets restriction	Unable to hold client money or <i>safeguard and administer assets (without) arranging</i> in relation to any investment services and activities (to which MiFID applies).
19	Exempt MiFID firm (Article 2).	Unable to carry on any investment services or activities (to which MiFID applies) applies on a regular basis.
20	Exempt MiFID firm (Article 3)	Must comply with the requirements in regulation 4C (or any successor provision) of the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007
21	No actions to stabilise market price.	The firm must not act in any way to stabilise the market price of any investment.
22	No CORPORATE FIN. BUSINESS unless non-mainstream.	The firm must not carry on any CORPORATE FINANCE BUSINESS that is a REGULATED ACTIVITY unless it is a NON-MAINSTREAM REGULATED ACTIVITY.
23	No pension transfer or opt out.	The firm must not carry on any business relating to a PENSION TRANSFER or OPT OUT.
24	Not to act as Broker Fund Adviser.	The firm must not operate as a BROKER FUND ADVISER.
25	Oil Market Participant.	The firm must not conduct designated investment business which is not an oil market activity.
26	Private customers for regulated CIS only.	The firm may only conduct regulated activities for private customers which are regulated collective investment schemes.

\* These are limitations, rather than requirements, and are included in the list of requirements as they affect a firm's prudential category.

#### END OF NOTES



# Cancellation of Part ~~IV~~ 4A Permission - Application Form

(SUP 6 Ann 6D)

Firm name<sup>†</sup>

("The Firm")

Firm reference number<sup>†</sup>

Address<sup>†</sup>

The Financial ~~Services~~ Conduct Authority  
Permissions Department  
Regulatory Transactions  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 20 7066 1000  
Facsimile +44 (0) 20 7066 1099

Registered as a Limited Company in England and Wales No 1920623. Registered Office as above.

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<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

## NOTES

Please note that before completing this form to cancel all of your firm's regulated activities, you may find it helpful to discuss your proposed application with your usual supervisory contact at the FSA appropriate regulator.

You should ensure that all relevant information and confirmations are included in the form. If not, your application will be delayed whilst we seek the outstanding information and/or confirmations. Ultimately your application will be refused if the outstanding information and/or confirmations are not provided.

For more complex applications e.g. involving banks or insurance companies, we may request some additional information, in which case we will send a separate schedule.

**N.B.** an inwardly passporting EEA firm that is applying to cancel a top-up permission should only deal with matters in relation to that top-up permission in this form.

If you want to cancel some but not all of the regulated activities of your firm's permission then you should use the relevant Variation of Permission form to vary your firm's permission. Where a firm may require a long period in which to wind down (run off) its business, it is usually appropriate for the firm to apply to vary its permission before commencing the wind down. Please contact your normal supervisory contact to discuss your options.

To enable the FSA appropriate regulator to process this application for the cancellation of your firm's Part ~~IV~~ 4A permission, i.e. of all of its regulated activities, your firm should have taken the appropriate steps and be able to answer YES to each question below.

	Yes	No
• Have you notified all your firm's clients of its intention to cancel its permission and how this will affect them? (See SUP 6.4.11) †	<input type="checkbox"/>	<input type="checkbox"/>
• Are your firm's fees paid up to date? (See SUP 6.4.22) †	<input type="checkbox"/>	<input type="checkbox"/>
• Have all of your firm's regulatory returns been submitted up to date? (See SUP 16) †	<input type="checkbox"/>	<input type="checkbox"/>
• Have you already informed your firm's approved persons of this application for cancellation? †	<input type="checkbox"/>	<input type="checkbox"/>
• Can you confirm that there are no unsatisfied or undischarged complaints against the firm that have not been fully dealt with in accordance with your firm's complaints procedures? (See SUP 6.4.10 & 22) †	<input type="checkbox"/>	<input type="checkbox"/>
• If your firm's carrying on of regulated activities has not already ceased, will your firm cease to do so within the next 6 months? (See SUP 6.4.3) †	<input type="checkbox"/>	<input type="checkbox"/>

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

If you and the firm are not able to answer YES to all the questions above, you should NOT be making this application.<sup>†</sup>

## Personal Details

## Section A

- 1** Contact Name for this application<sup>†</sup> §
- 2** Contact's Details: <sup>†</sup>
- a** Position in the firm §
- b** Daytime telephone number §
- c** E-mail address
- d** Individual reference number (IRN), if applicable

§ Denotes a mandatory field

## Application Details Part 1

## Section B1

- 3** On behalf of The Firm, I/we, the undersigned, hereby apply to cancel the Firm's Part IV 4A permission and declare that:<sup>†</sup>

---

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

The firm has ceased conducting all regulated activities from:        /        /

**OR**

The firm will cease conducting all regulated activities from:        /        /

Please note that all regulated activities must cease no later than six months from the date of any application to cancel Part ~~IV~~ 4A permissions (see SUP 6.4.3 G).

If you do not intend to cease regulated activities within the next six months, you should NOT apply at this stage.

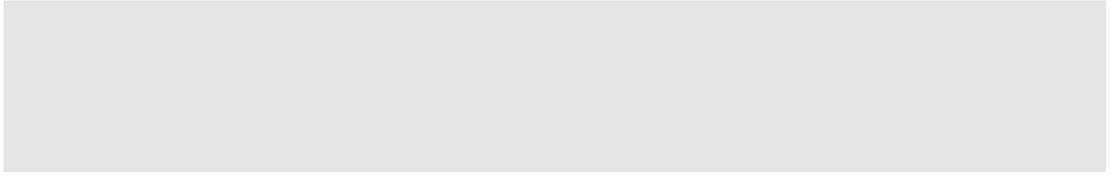
---

**4** What are your firm's reason(s) for cancellation (please tick as appropriate): †

- |  |                          |
|--|--------------------------|
| <b>(a)</b> Ceased to carry on regulated activities                         | <input type="checkbox"/> |
| <b>(b)</b> Proposing only to be authorised through:                        |                          |
| Association of Chartered Certified Accountants                             | <input type="checkbox"/> |
| Institute of Chartered Accountants in England and Wales                    | <input type="checkbox"/> |
| Institute of Chartered Accountants in Scotland                             | <input type="checkbox"/> |
| Law Society  | <input type="checkbox"/> |
| Law Society of Scotland  | <input type="checkbox"/> |
| <b>(c)</b> Business transferred to another regulated firm                  | <input type="checkbox"/> |
| <b>(d)</b> Joining a network   | <input type="checkbox"/> |
| <b>(e)</b> Merging with another regulated firm                             | <input type="checkbox"/> |
| <b>(f)</b> To become an appointed representative of another regulated firm | <input type="checkbox"/> |
| <b>(g)</b> Firm never carried on regulated activities                      | <input type="checkbox"/> |
| <b>(h)</b> Non-availability of professional indemnity insurance cover      | <input type="checkbox"/> |
| <b>(i)</b> Cost of professional indemnity insurance cover                  | <input type="checkbox"/> |
| <b>(j)</b> Other (please provide details)                                  | <input type="checkbox"/> |

---

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 5 Is there any information, relating to the withdrawal of individual approved persons performing controlled functions, of which the <u>FSA appropriate regulator</u> should be aware?<br>† | <input type="checkbox"/> | <input type="checkbox"/> |

Please provide details:

- 
- |   |                          |                          |
|---|--------------------------|--------------------------|
| 6 <b>Does your firm hold or control client money or assets?</b> †   | <input type="checkbox"/> | <input type="checkbox"/> |
| We may ask you for an auditor's report. Please refer to SUP 6.4.15G, 6.4.16G and 6.4.17G.   |                          |                          |
| All client money/client deposits/discharged custody assets and any other property belonging to clients must be repaid before cancellation can proceed. Please refer to SUP 6.2.22 (2)G. |                          |                          |

- 
- |  |                          |                          |
|--|--------------------------|--------------------------|
| 7 <b>Are any of your firm's clients being transferred to another firm that is regulated by the <u>FSA either the FCA or PRA</u>?</b> † | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

7a If 'Yes', number of firms to whom business is being transferred \_\_\_\_\_ †

Please complete Section B2a for each firm to whom business is being transferred.

---

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

(If there is more than one transferee firm, please copy this page and attach to the form)

Name of firm to which business is being transferred<sup>†</sup>  §

a) On what date do you propose to transfer this business?<sup>†</sup>  /  /  §

Yes    No

b) Is this firm currently authorised?<sup>†</sup>

(If not, it must be authorised before the transfer takes place. You can find out whether a firm is authorised by checking the [FSA Financial Services Register](#) ~~on our website~~)

If yes, please enter either its Firms reference number

c) Address of Firm<sup>†</sup>

d) If no, please enter the date on which it is expected to become authorised<sup>†</sup>  /  /

e) Principal compliance contact at firm<sup>†</sup>  §

§ Denotes a mandatory field

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<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

- | 8 | Does your firm: †                                       | Yes                      | No                       |
|---|---|--------------------------|--------------------------|
|   | (i) undertake corporate finance business;               | <input type="checkbox"/> | <input type="checkbox"/> |
|   | (ii) have any investment agreements;                    | <input type="checkbox"/> | <input type="checkbox"/> |
|   | (iii) manage any Collective Investment Schemes;         | <input type="checkbox"/> | <input type="checkbox"/> |
|   | (iv) have any outstanding subordinated loan agreements? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answer yes to any of the above, by signing this Form you will be declaring that, by the date of cancellation, in respect of:

Q8 (i) all mandates have been or will be transferred;

Q8 (ii) your firm has terminated or will be terminating all agreements;

Q8 (iii) schemes managed by the firm have been or will be wound up; and

Q8 (iv) all such loan agreements have been or will be terminated

**9 a) Pensions: Selling or advising between 29 April 1988 and 30 June 1994 †**

Tick as appropriate:

The firm did not undertake the business of pension selling or advising between 29 April 1988 and 30 June 1994-

The firm did undertake the business of pension selling or advising between 29 April 1988 and 30 June 1994 and has completed its review as specified by the rules and guidance issued by the PIA and the FSA.

The firm did undertake the business of pension selling or advising between 29 April 1988 and 30 June 1994 and has not completed its review (as specified by the rules and guidance issued by the PIA and the FSA) and has therefore been in contact with the FSA and carried out all the actions required.

**b) Free Standing Voluntary Contributions ('FSAVCs'): Advising or arranging between 29 April 1988 and 15 August 1999. †**

Tick as appropriate:

The firm did not undertake the business of advising or arranging FSAVCs between 29 April 1988 and 15 August 1999-

The firm did undertake the business of advising or arranging FSAVCs between 29 April 1988 and 15 August 1999 and has completed its review as specified by the rules and guidance issued by the PIA and the FSA.

The firm did undertake the business of advising or arranging FSAVCs between 29 April 1988 and 15 August 1999 and has not completed its review (as specified by the rules and guidance issued by the PIA and the FSA) and has therefore been in contact with the FSA and carried out all the actions required.

**Note: Please only apply to cancel once the resolution of all Pension review and/or FSAVC review issues are near completion.**

---

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Warning**

Knowingly or recklessly giving the FSA appropriate regulator information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FSA appropriate regulator and to notify the FSA appropriate regulator immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA appropriate regulator. It should not be assumed that information is known to the FSA appropriate regulator merely because it is in the public domain or has previously been disclosed to the FSA appropriate regulator or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

**Data Protection<sup>†</sup>**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~Financial Services Authority~~ appropriate regulator to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**Declaration<sup>†</sup>**

By signing this application form

- I/we confirm that this information is accurate and complete to the best of my/our knowledge and belief.
- I am/we are aware that it is a criminal offence knowingly or recklessly to give the FSA appropriate regulator information that is false or misleading in a material particular.
- Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the FSA appropriate regulator on request.
- I/we will notify the FSA appropriate regulator immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.

Tick here to confirm you have read and understood this declaration: <sup>∞</sup>

Date<sup>†</sup>

Name of first signatory<sup>1†</sup>

Position<sup>2</sup> of first signatory<sup>†</sup>

<sup>∞</sup> The above question(s) should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>1</sup> For a sole trader, the signature of the principal is required. For any other firm, the signature of two directors or of two partners, as appropriate, is required.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>2</sup> e.g. Director, Partner or Sole Trader.

Individual Registration Number<sup>†</sup>

Signature<sup>\*</sup>

Name of second signatory\*

Position of second signatory\*

Individual Registration Number<sup>\*</sup>

Signature\*

---

\* The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.

\* The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



Waiver Application number  
(for FSA FCA/PRA use only)

# Waiver - Application Form

Firm name<sup>†</sup>

Firm reference number<sup>†</sup>

Address<sup>†</sup>

Please tick if this firm has a PRA firm within its immediate group

Please return this form to:

**Please return this form via email to EITHER the Central Waivers Team at the FCA (if solo regulated or dual regulated and applying for a waiver or modification of a rule in the FCA Handbook) or the Assessment and Monitoring Team at the PRA (if applying for a waiver or modification of a rule in the PRA Handbook):**

**The Central Waivers Team**

The Financial Services Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 20 7066 1000  
Facsimile +44 (0) 20 7066 1099  
Email: [centralwaiversteam@fca.org.uk](mailto:centralwaiversteam@fca.org.uk)

**Assessment and Monitoring Team**

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone: +44 (0)20 3461 7000  
Email: [PRA-waivers@bankofengland.co.uk](mailto:PRA-waivers@bankofengland.co.uk)

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## NOTES

**SUP 8 Ann 2D** (see SUP 8.3.3D)

### **Application form for a *waiver***

Before completing this form, you may find it helpful to discuss your application with your appropriate supervisory contact at the ~~FSA~~ Financial Conduct Authority or the Prudential Regulation Authority. However, you must still ensure you include all relevant information in this form. If you do not, your application will be delayed while you answer further questions from us.

~~Please read the notes in the next section when you complete this form as they explain or give help for many of the questions.~~

**Before completing this application form please read the notes provided at the end of this form as they explain or give help for many of the questions.**

Does the applicant have any timing factors that it would like us to consider (Yes / No)? †

If Yes, please enter date required? †

## Personal Details

## Section A

**1** Contact name for this application†

§

**2** Contact details: †

**a** Business Address

**b** Position in the firm

§

**c** Daytime telephone number

§

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

§ Denotes a mandatory question

- d Email address
- e Individual reference number (IRN), if applicable
- f Name of Approved Person responsible for this application, if applicable

**Additional Details** **Section A1**

**3 Group applications**

Where applicable, please list the group firms on behalf of which this application is also being made: †

FSA Firm Reference Number	Firm Name

**4** What types of client would be affected if we granted your application? (tick all that apply) †

- Retail Clients
- Professional Clients
- Eligible Counterparty
- Retail Customers (insurance mediation activities only)
- Commercial Customers (insurance mediation activities only)
- Customers (home finance business only)

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Rule(s) to which the application relates**

**Section B**

If you are applying for a waiver or modification of more than one rule, you should copy this section as appropriate and attach the copies to this application.

<b>5</b>	Please state the Handbook rule to which the application relates <sup>†</sup>	§		
			Yes	No
<b>6</b>	Is there a related Handbook Annex? <sup>†</sup>	§	<input type="checkbox"/>	<input type="checkbox"/>
	If yes, Annex Reference			
<b>7</b>	Is there a related Handbook table? <sup>†</sup>	§	<input type="checkbox"/>	<input type="checkbox"/>
	If yes, Table Reference			
<b>8</b>	Which section of the Financial Services and Markets Act 2000 (FSMA) forms the basis for the application for waiver/modification of this rule? <sup>†</sup>	§		
	FSMA <del>44</del> <u>138A</u> (relevant for most rules)	<input type="checkbox"/>	FSMA 250 (relevant for certain rules in the Collective investment scheme sourcebook, see SUP 8.2.3G)	<input type="checkbox"/>
	FSMA 294 (relevant for certain rules in the Recognised Investment Exchanges and Recognised Clearing Houses Sourcebook, see REC 3.3)	<input type="checkbox"/>	OEIC Regulations – Regulation 7 (relevant for certain rules in the Collective investment scheme sourcebook, see SUP 8.2.3G)	<input type="checkbox"/>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

§ Denotes a mandatory question

**9** Are you applying for a waiver or modification of this rule? <sup>†</sup> §

Waiver  Modification

If applying for a modification, please describe the modification you require: <sup>†</sup>

Unmodified Handbook text:

Draft of modified Handbook text:

**10** Are you applying for a variation of an existing waiver/modification which has previously been granted to the firm? <sup>†</sup> § Yes  No

If yes, give the direction reference number

**11** Have you been able to establish whether this rule implements a European directive requirement? (The notes at the end of this form give more guidance for this question.) <sup>†</sup> §

Yes, implements a directive requirement  No implementation of a directive requirement

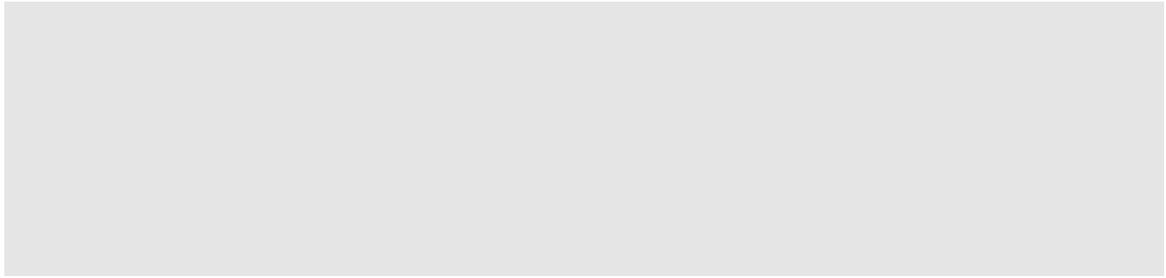
Not known

If yes, please state the matters considered to be relevant in assessing whether the waiver would be compatible with European directive requirements: <sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

§ Denotes a mandatory question

[Type text]



- |           |   | Yes                      | No                       |
|-----------|---|--------------------------|--------------------------|
| <b>12</b> | Have you checked the waivers published by us for a precedent on which this application may be based? <sup>†</sup>   |                          |                          |
|           | Published waivers can be inspected at:<br><a href="http://www.fsa.gov.uk/pages/Library/Other_publications/Waivers/Consolidated/index.shtml">http://www.fsa.gov.uk/pages/Library/Other_publications/Waivers/Consolidated/index.shtml</a> <a href="http://www.fca.org.uk/your-fca">http://www.fca.org.uk/your-fca</a> | <input type="checkbox"/> | <input type="checkbox"/> |

If no, please state why you think it is not relevant in this instance:<sup>†</sup>

- 13** If your application is based on a precedent, please give the direction reference number and preferably highlight the similarities and differences with your application.<sup>†</sup>

---

<sup>§</sup> Denotes a mandatory question

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Direction reference number:

A large, empty grey rectangular area intended for the user to enter a direction reference number.

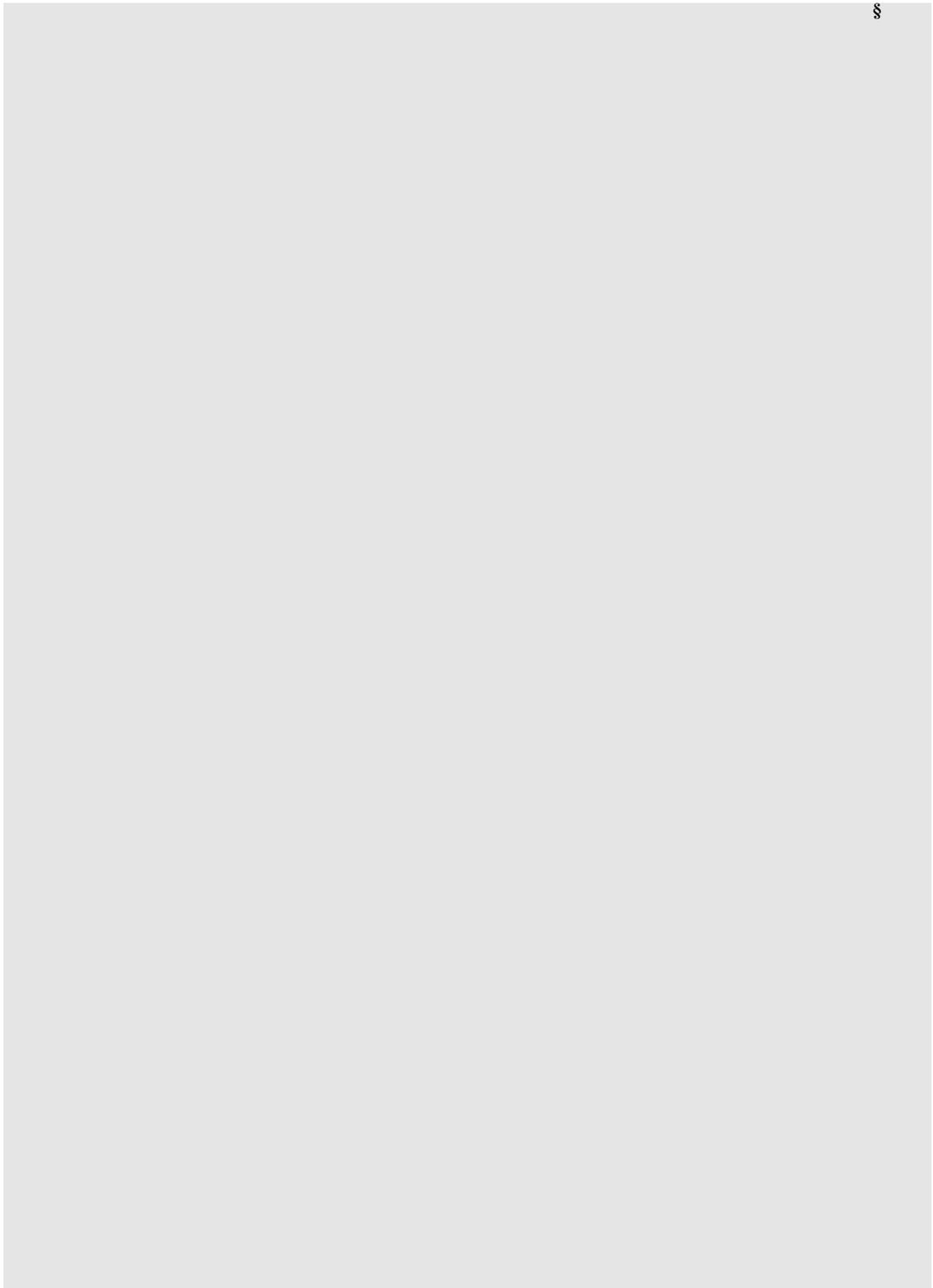
**Additional Details**

**Section D**

- 14** Please give a brief description of the nature of your business and a full and clear explanation of why you are applying for the waiver or modification. You may attach any documents that you wish to submit with this application. †

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



**15** Please give a full and clear explanation of why you think you satisfy the statutory tests: †

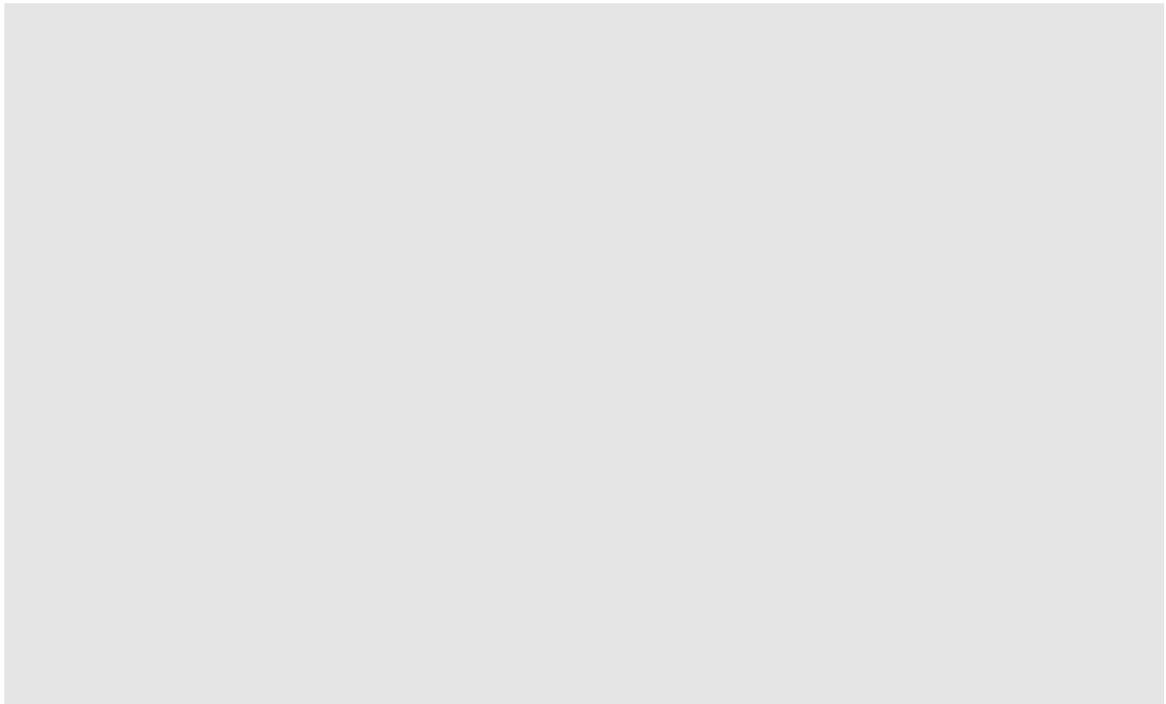
---

§ Denotes a mandatory question

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

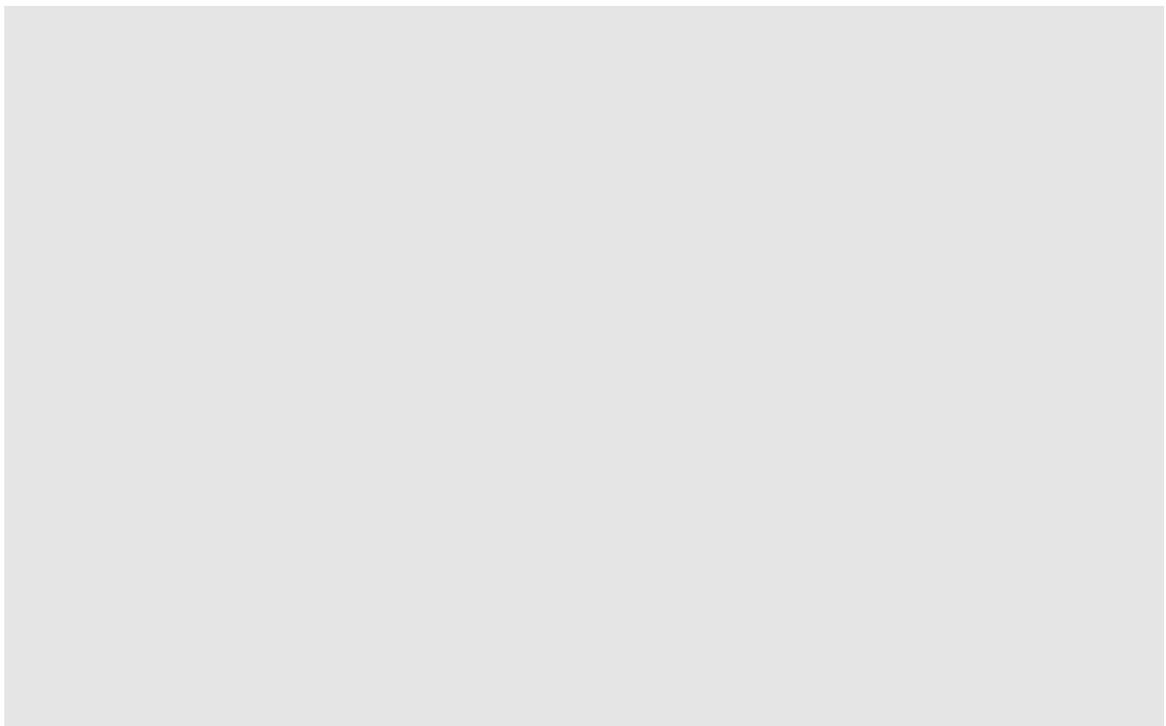
- a** Your compliance with the rules, or with the rules as unmodified, would be unduly burdensome because...

(In answering this question you will need to include detailed figures showing the costs to your firm of complying with the rules as is and as modified.)<sup>†</sup>



**OR**

- b** Your compliance with the rules, or with the rules as unmodified, would not achieve the purpose for which the rules were made because...<sup>†</sup>



**AND**

~~e The waiver or modification would not result in undue risk to persons whose interests the rules are intended to protect because...~~

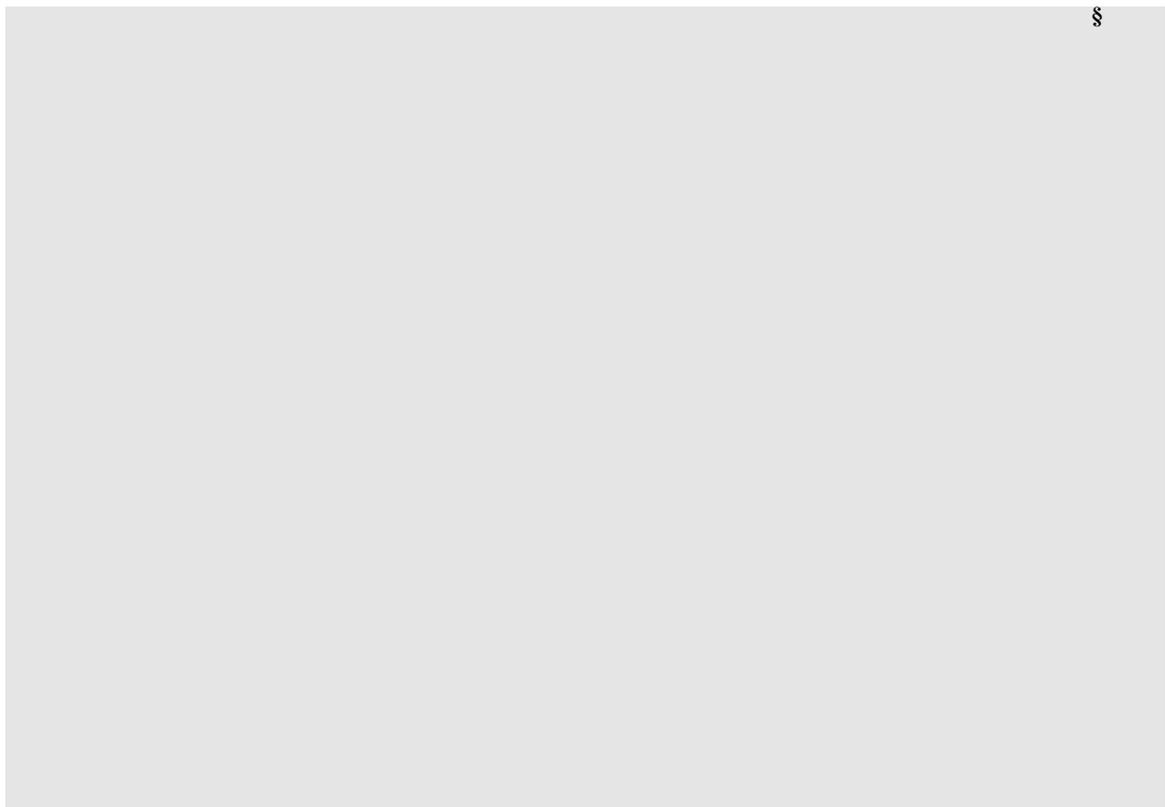
c The direction would not adversely affect the advancement of any of the regulator’s objectives because ...

- If solo regulated (regardless of whether the firm is part of a PRA group) or dual regulated and applying for the waiver/ modification of a rule in the FCA Handbook please reference the FCA’s operational objectives.
- If dual regulated and applying for the waiver/ modification of a rule in the PRA Handbook please reference the PRA’s objectives.
- If dual regulated and applying for the waiver/ modification of a shared rule please reference both regulator’s objectives.

The FCA’s operational objectives: (i) The consumer protection objective  
(ii) The integrity objective  
(iii) The competition objective

Additional guidance regarding the FCA’s operational objectives: <https://fca/about/why-we-do-it/statutory-objectives>

The PRA objectives: i) general objective- promote the safety and soundness of firms its supervises  
ii) insurance objective – to contribute to securing an appropriate degree of protection for those who are or may become policyholders



§

**16** Are you happy for us to publish the waiver? †  
(please see SUP 8.6.7G, Firm's objection to publication)

Yes No  
§

---

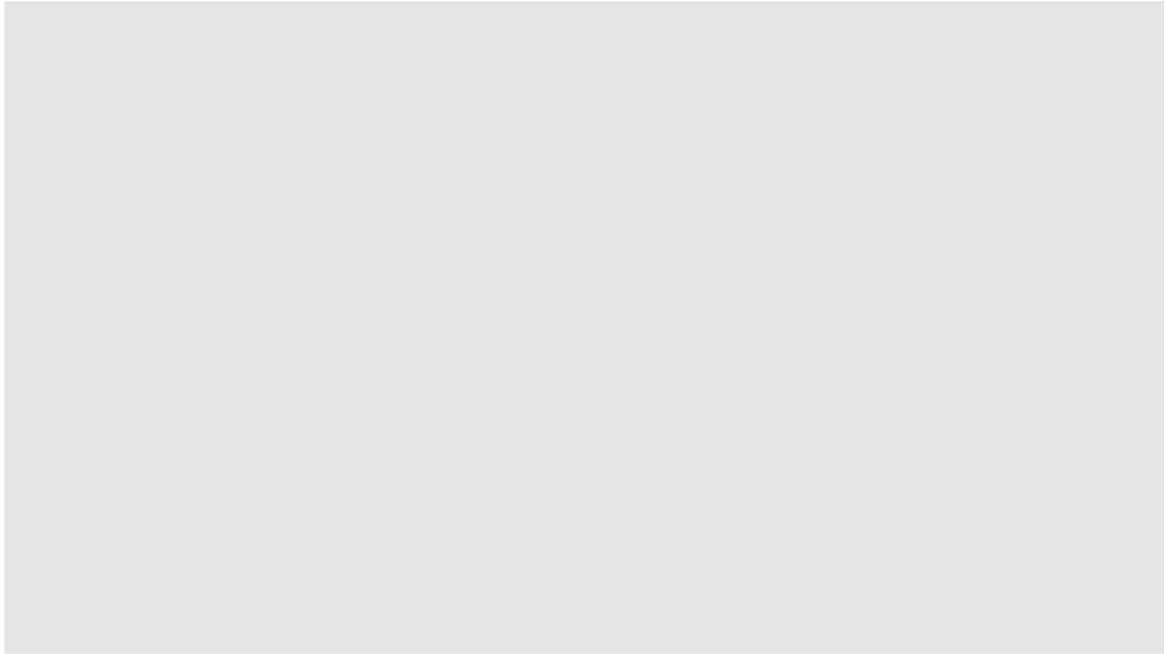
§ Denotes a mandatory question

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

[Type text]

If no, please state your reasons: †

We prefer to publish waivers wherever possible. If you believe you have good grounds for not publishing, you will need to give clear and substantive arguments.



## Supporting Documents

Indicate the required supporting documents to accompany this form<sup>†</sup>

Documents	Mode (by email, fax or post)

Other information (please specify)<sup>†</sup>

--

## Declaration and signatures

## Section E

### Warning

Knowingly or recklessly giving the ~~FSA~~ FCA or the PRA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA or the PRA and to notify the ~~FSA~~ FCA or the PRA immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA or the PRA. It should not be assumed that information is known to the ~~FSA~~ FCA or the PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA or the PRA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

### Data Protection

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~Financial Services Authority~~ FCA or the PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

### Declaration

By submitting this application form:

- I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.
- I am/we are aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~ FCA or the PRA information that is false or misleading in a material particular.
- Some questions do not require supporting evidence. However, the records, which demonstrate the applicant's compliance with the rules in relation to the questions, must be available to the ~~FSA~~ FCA or the PRA on request.
- I/we will notify the ~~FSA~~ FCA or the PRA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.

Date<sup>†</sup>

--

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Name of first signatory<sup>1†</sup>

Position<sup>2</sup> of first signatory<sup>†</sup>

Individual Registration Number<sup>†</sup>

Signature \*

Name of second signatory<sup>†</sup>

Position of second signatory<sup>†</sup>

Individual Registration Number<sup>†</sup>

Signature \*

### Declaration and signature if a third party is named

If the waiver will name a third party (for example, the firm to whom Client Money balance will be transferred to when applying for a waiver of CASS 7.2.15R(2)), please check the box below to confirm that you have the agreement of the third party and enter the third party's name below.

I confirm the information in this form that concerns my circumstances is accurate and complete to the best of my knowledge and belief. I also confirm that I am happy for the waiver to be published, unless otherwise indicated in box 20 of this form\*.

Signature of named Third Party\*

Name and Date<sup>†</sup>

---

<sup>1</sup> For a sole trader, the signature of the principal is required.  
For a limited company, the signature of two directors or one director and the company secretary is required.  
For a partnership, the signature of at least one partner is required.

~~<sup>†</sup> These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.~~

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~\*The above questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.~~

<sup>2</sup> E.g. Director, Partner or Sole Trader.

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*The above questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

## Notes to completing the waivers form

Please note that defined terms used in the text are shown in italics. Definitions can be found in the Handbook Glossary <http://www.fsa.gov.uk/pubs/hb-releases/rel43/rel43glossary.pdf>

Question Number	Notes
Front Cover	If the applicant is not a <i>firm</i> , for example an applicant for a <i>Part IV 4A permission</i> , give its name and indicate that it is not an <i>authorised person</i> . There is no need to give the firm reference number.
Section A	We may contact the <i>approved person</i> , or other designated individual, about the application.  The individual may have responsibility for an application for more than one applicant if they have the authority to do so.
Section A1	If the application is submitted by, or on behalf of, more than one applicant (for example, by more than one firm in a group), the names of each applicant must be given as well as each <del>FSA</del> firm reference number, if applicable.
Section B Question 8	<del>Section 148138A</del> of FSMA is the power used to give most waivers. Section 250 of FSMA and regulation 7 of the <i>OEIC Regulations</i> are relevant only for certain <i>rules</i> in the Collective Investment Schemes sourcebook (see SUP 8.2.3G). Section 294 of FSMA is relevant only for certain <i>rules</i> in the Recognised Investment Exchanges and Recognised Clearing Houses sourcebook (see REC 3.3).
Section B Question 9	Your draft modification must show how you propose to change the original text of the <i>rule(s)</i> . You must do this by underlining inserted text and scoring through deleted text.
Section B Question 10	You can find the Direction reference number on the Direction we send you.
Section B Question 11	We cannot give a <i>waiver</i> that would be incompatible with the <i>United Kingdom's</i> responsibilities under European directives. In many cases, the 'Purpose' section of a chapter or section of the Handbook will identify whether the text implements a directive requirement. We only expect you to take reasonable steps in answering this question; what is reasonable will depend on your resources. If you are unable to confirm which particular European directive requirements the <i>rule</i> to be waived implements, you should reply 'unable to confirm'. You will have to give us details if you are able to identify a particular European directive requirement implemented by the <i>rule</i> to be waived, but think the proposed waiver would not breach that requirement.
Section C	You can find published <i>waivers</i> at: <a href="http://www.fsa.gov.uk/Pages/Library/Other_publications/Waivers/index.shtml">http://www.fsa.gov.uk/Pages/Library/Other_publications/Waivers/index.shtml</a> <del>http://www.fca.org.uk/your-fca</del>

Section D Question 14	<p>We expect you to provide (where applicable):</p> <ul style="list-style-type: none"> <li>• relevant background information about the firm and the context in which you are applying for a <i>waiver</i>;</li> <li>• details of any relevant correspondence with former or other regulators;</li> <li>• details of any relevant correspondence with us;</li> <li>• details of any changes in an a: <ul style="list-style-type: none"> <li>○ <i>rule</i>;</li> <li>○ circumstance; or</li> <li>○ market condition</li> </ul> </li> </ul> <p>that has affected the applicant or prompted your application for a <i>waiver</i>;</p> <ul style="list-style-type: none"> <li>• details of the anticipated benefits that may be received if the <i>waiver</i> was granted (and, if not arguing the 'unduly burdensome' argument, what the estimated impact on the firm and its customers would be if the <i>waiver</i> was not granted); and</li> <li>• an explanation of why the <i>waiver</i> is required.</li> </ul> <p>This list is not exhaustive. You should include any other information that you think is relevant.</p> <p>You should know what information we require and cross-reference it to the answers set out in Question 16, where relevant, to avoid duplication.</p>
Section D Question 15	<p>We cannot give a <i>waiver</i> unless the statutory tests are satisfied. The tests are set out in section 148 138A(4) of FSMA, and reproduced in SUP 8.3.1G. The tests under sections 250 and 294 of FSMA and regulation 7 of the <i>OEIC Regulations</i>, are similar. You need to be aware that both matters ('unduly burdensome' or 'not achieve the purpose'; and '<del>undue risk</del>' 'not affect the advancement of any of the regulator's objectives') noted require detailed explanation and substantive argument before we can process the application. Unless there are satisfactory responses to these matters, we may reject the <i>waiver</i> application, or we may need more information. You should set out only the relevant arguments in support of the unduly burdensome or purpose tests.</p> <p><u>The FCA and the PRA have a duty to coordinate their activities in relation to waivers and rule modifications where there are matters of common regulatory interest or where the grant of a direction by one regulator could adversely affect the advancement of the other regulator's objectives. Where this duty applies, the second regulator may need to evaluate whether approving your application might adversely affect the advancement of its own objectives. In these cases, we may ask you to provide additional supporting information.</u></p>
Section D Question 16	See SUP 8.6.7G (Firm's objection to publication).



Application number  
(for FSA ~~FCA~~ PRA use only)

The ~~FSA has~~ FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on ~~the FSA's website at~~ [http://www.fsa.gov.uk/pubs/forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forma_notes.doc) both FCA and PRA websites at:[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Long Form A – Incoming EEA only Application to perform controlled functions under the approved person regime

~~FSA Handbook Reference: SUP10 Annex 4D~~ FCA Handbook Reference: SUP 10A Annex 4D

PRA Handbook Reference: SUP 10B Annex 4D

1 April ~~2009~~ 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority – Permissions, Decisions & Reporting Division~~  
~~Financial Conduct Authority~~ Prudential Regulation Authority  
~~25 The North Colonnade~~ 20 Moorgate  
~~Canary Wharf~~ London  
~~London E14 5HS~~ United Kingdom  
~~United Kingdom~~ EC2R 6DA

Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.gov.uk](mailto:iva@fca.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fca.gov.uk>  
<http://www.fca.org.uk>

Registered as a Limited Company in England and  
Wales No 1920623. Registered Office as above

Telephone +44 (0) 203 461 7000  
E-mail [PRA.firmenquires@bankofengland.co.uk](mailto:PRA.firmenquires@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8  
Lothbury Road, London, EC2R 7HH

<b>1.01 a</b>	<i>Candidate</i> Individual Reference Number (IRN) †	
<b>b</b>	OR name of previous regulatory body †	
<b>c</b>	AND previous reference number (if applicable) †	
<b>1.02</b>	Title (e.g. Mr, Mrs, Ms, etc) †	
<b>1.03</b>	Surname †	
<b>1.04</b>	ALL forenames †	
<b>1.05</b>	Name commonly known by †	
<b>1.06</b>	Date of birth (dd/mm/yyyy) †	/ /
<b>1.07</b>	National Insurance number †	
<b>1.08</b>	Previous name †	
<b>1.09</b>	Date of name change †	/ /
<b>1.10 a</b>	Nationality †	
<b>b</b>	Passport number (if National Insurance number not available) †	
<b>1.11</b>	Place of birth †	



I have supplied further information related to this page in Section 6 †

YES

NO

1.12 a Private address<sup>†</sup>

[Redacted address field]

b

Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1<sup>†</sup>

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

/

1.14 a Previous address 2<sup>†</sup>

[Redacted address field]

<sup>1</sup> b

Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

/



I have supplied further information related to this page in Section 6

YES

NO

<sup>2</sup>

\_\_\_\_\_

2.01	Name of <i>firm</i> making the application	
2.02	FSA-Firm Reference Number (FRN)	
2.03 a	Who should the <del>FSA-FCA/PRA</del> contact at the <i>firm</i> in relation to this application?	
b	Business Address	
c	Position	
d	Telephone	
e	E-mail	

I have supplied further information related to this page in Section 6    YES <input type="checkbox"/> NO <input type="checkbox"/>
---

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	
<i>c</i>	Contract for services	<input type="checkbox"/>
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<i>e</i>	<i>Appointed representative/tied agent – customer function</i>	<input type="checkbox"/>
	AR firm name and reference number	
<i>f</i>	<i>Appointed representative/tied agent – governing function</i>	<input type="checkbox"/>
	AR firm name and reference number	
<i>g</i>	Other	<input type="checkbox"/>
	Give details	

**3.02** For applications from a single *firm*, please tick the boxes that correspond to the *controlled functions* to be performed.

If the *controlled functions* are to be performed for more than one *firm*, please go to question **3.05**

<b>a</b>	<b><i>Significant influence functions</i></b>	CF 11 <i>Money laundering reporting function</i>	<input type="checkbox"/>
		CF 12 <i>Actuarial function</i>	<input type="checkbox"/>
		CF 12A <i>With-profits actuary function</i>	<input type="checkbox"/>
		CF 12B <i>Lloyd's Actuary function</i>	<input type="checkbox"/>
		CF 29 <i>Significant management function</i>	<input type="checkbox"/>
<b>c</b>	<b><u><i>significant influence functions</i></u></b>	CF 40 <i>Benchmark submission function</i>	<input type="checkbox"/>
		CF 50 <i>Benchmark administration function</i>	<input type="checkbox"/>
<b>b</b>	<b><i>Customer function</i></b>	CF 30 <i>Customer function</i>	<input type="checkbox"/>



I have supplied further information related to this page in Section 6

YES  NO

**3.03** Effective date of *controlled functions* indicated above<sup>†</sup>

[Greyed out area]

**3.04** Job title (mandatory for *controlled function 28 & 29*)<sup>†</sup>

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

YES  NO

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

[Greyed out area]



I have supplied further information related to this page in Section 6

YES  NO

**3.05**

**Complete this section only if the application is on behalf of more than one firm.**

List all *firms* within the *group* (including the *firm* entered in 2.01) for which the *candidate* requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	<b>FSA-Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 6

YES

NO

N.B.: ALL gaps must be accounted for

**4.01**

**Employment details (1)<sup>†</sup>**

<b>a</b>	Period (mm/yyyy)	From	/	To	
<b>b</b>	Nature of employment	<i>a</i>	Employed		<input type="checkbox"/>
		<i>b</i>	Self-employed		<input type="checkbox"/>
		<i>c</i>	Not employed		<input type="checkbox"/>
		<i>d</i>	Full-time education		<input type="checkbox"/>
	If <i>c</i> or <i>d</i> is ticked, please give details				
<b>c</b>	Name of employer				
<b>d</b>	Nature of business				
<b>e</b>	Previous / other names of employer				
<b>f</b>	Last known address of employer				
<b>g</b>	Is/was employer regulated by a regulatory body?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Name of regulatory body	
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, of which <i>firm</i> ?	
<b>i</b>	Position held				
<b>j</b>	Responsibilities				
<b>k</b>	Reason for leaving:	<i>a</i>	Resignation		<input type="checkbox"/>
		<i>b</i>	Redundancy		<input type="checkbox"/>
		<i>c</i>	Retirement		<input type="checkbox"/>
		<i>d</i>	Termination/dismissal		<input type="checkbox"/>
		<i>e</i>	End of contract		<input type="checkbox"/>
		<i>f</i>	Other		<input type="checkbox"/>
	Specify				



I have supplied further information related to this page in Section 6

YES

NO

**4.02 Employment details (2)<sup>†</sup>**

**a** Period (mm/yyyy) From  /  To  /

**b** Nature of employment

<i>a</i>	Employed	<input type="checkbox"/>
<i>b</i>	Self-employed	<input type="checkbox"/>
<i>c</i>	Not employed	<input type="checkbox"/>
<i>d</i>	Full-time education	<input type="checkbox"/>

If *c* or *d* is ticked, please give details

**c** Name of employer

**d** Nature of business

**e** Previous / other names of employer

**f** Last known address of employer

**g** Is/was employer regulated by a regulatory body? YES  NO  Name of regulatory body

**h** Is/was employer an *appointed representative/tied agent*? YES  NO  If yes, of which *firm*?

**i** Position held

**j** Responsibilities

**k** Reason for leaving:

<i>a</i>	Resignation	<input type="checkbox"/>
<i>b</i>	Redundancy	<input type="checkbox"/>
<i>c</i>	Retirement	<input type="checkbox"/>
<i>d</i>	Termination/dismissal	<input type="checkbox"/>
<i>e</i>	End of contract	<input type="checkbox"/>
<i>f</i>	Other	<input type="checkbox"/>

Specify

 I have supplied further information related to this page in Section 6 YES  NO

<p><b>5.01 a</b></p> <p>Has the <i>candidate</i> <b>ever</b> been convicted of any offence (whether spent or not and whether or not in the <i>United Kingdom</i>):</p> <p style="margin-left: 40px;">i. involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences or other dishonesty or</p> <p style="margin-left: 40px;">ii. relating to <i>companies, building societies, industrial and provident societies, credit unions, friendly societies</i>, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, <i>money laundering</i>, market manipulations or <i>insider dealing</i>?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>b</b></p> <p>Is the <i>candidate</i> the subject of any current criminal proceedings?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>c</b></p> <p>Has the <i>candidate</i> <b>ever</b> been given a caution in relation to any criminal offence?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.02</b></p> <p>Has the <i>candidate</i> any convictions for any offences (whether spent or not and whether or not in the United Kingdom) other than those in 5.01 and above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.03 a</b></p> <p>Has the candidate, <b>ever</b> had a County Court Judgement (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not (whether or not in the United Kingdom)?</p> <p>Has the candidate had:</p> <p style="margin-left: 40px;">i. more than 2 CCJs or judgment debts?</p> <p style="margin-left: 40px;">ii. more than £1,000 in total of CCJs or judgment debts?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>b</b></p> <p>Is the candidate aware of:</p> <p style="margin-left: 40px;">i. any proceedings that have begun, or anybody's intention to begin proceedings against the candidate for a CCJ or other judgment debt?</p> <p style="margin-left: 40px;">ii. more than one set of proceedings, or anybody's intention to begin more than one set of proceedings that may lead to a CCJ or other judgment?</p> <p style="margin-left: 40px;">iii. anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from the <i>candidate</i>?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.04</b></p> <p>Does the candidate have any <b>current</b> judgement debts (including CCJs) made under a court order still outstanding, whether in full or in part?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.05</b></p> <p>Has the <i>candidate</i> <b>ever</b> failed to satisfy any such judgment debts within one year of the making of the order?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.06 a</b></p> <p>Is the <i>candidate</i>, or has the <i>candidate</i> <b>ever</b> been, the subject of any bankruptcy proceedings, or proceedings for the sequestration of the <i>candidate's</i> estate?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>

<b>b</b>	Has the <i>candidate</i> <b>ever</b> entered or is in the process of entering into an agreement in favour of the <i>candidate</i> 's creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed).?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>5.07</b>	Does the <i>candidate</i> have any outstanding financial obligations arising from <i>regulated activities</i> , which the <i>candidate</i> has carried on in the past, (whether or not in the <i>United Kingdom</i> )?  (In the case of <i>advisers</i> , this will include any outstanding liabilities arising from commissions paid for the sale of <i>packaged products</i> that have lapsed.)	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>5.08</b>	Has the <i>candidate</i> <b>ever</b> been found guilty of carrying on any unauthorised <i>regulated activities</i> or been investigated for the possible carrying on of unauthorised <i>regulated activities</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>5.09</b>	Is the <i>candidate</i> , or has the <i>candidate</i> <b>ever</b> been, the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>5.10</b>	Has the <i>candidate</i> <b>ever</b> (whether or not in the <i>United Kingdom</i> ) –		
<b>a</b>	been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust whether or not remunerated?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>b</b>	been refused, restricted in, or had suspended, the right to carry on any trade, business or profession for which specific licence, authorisation, registration, membership or other permission is required?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>c</b>	been disqualified from acting as a <i>director</i> of a <i>company</i> or from acting in a management capacity or conducting the affairs of any <i>company</i> , <i>partnership</i> or unincorporated association?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<b>d</b>	been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order, under section 56 of the Financial Services and Markets Act 2000, or received a warning notice that such a direction or order be made?	YES <input type="checkbox"/>	NO <input type="checkbox"/>



I have supplied further information related to this page in Section 6

YES  NO

- 1 In relation to activities regulated by the ~~FSA~~-FCA and/or PRA or any other regulatory body (see note section 5), has:
- i. the *candidate*, or
  - ii. any company, partnership or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with that entity and for a period of three years after the candidate ceased to be associated with it, **ever** –
- a been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body? YES
  - b been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or intervention action by any such body? YES
  - c resigned whilst under investigation by, or been required to resign from, any such body? YES
  - d decided, after making an application for any licence, authorisation, registration, notification, membership or other permission granted by any such body, not to proceed with it? YES
  - e been the subject of any civil action which has resulted in a finding against the *candidate* or it by a court? YES
- 2 **Has any company, partnership, or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the candidate's involvement or within one year of such an involvement –**
- a been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors? YES
  - b been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct? YES
  - c been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation? YES
  - d been convicted of any criminal offence, censured, disciplined or publicly criticised, by any inquiry, by the *Takeover Panel* or any governmental or statutory authority or any other regulatory body (other than as already indicated under 5.11(b) above)? YES
- 3 Is the *candidate* aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the *controlled functions* for which approval is now sought? YES
- I have supplied further information related to this page in Section 6 YES

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
  - Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.

Question	Information

**Declaration of Candidate**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the FSA FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the FSA FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the FSA FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>) (<http://fshandbook.info/fs/html/handbook/APER>) (<http://www.bankofengland.co.uk/PRA>)**

7.01 Candidate's full name<sup>†</sup>

7.02 Signature<sup>\*</sup>

Date<sup>†</sup> / /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Declaration of Firm**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided.

~~APER~~ 4.4.6E7E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. FOR FIRMS UNDERTAKING ANY NON MiFID BUSINESS PLEASE ALSO COMPLETE THE FOLLOWING**

**The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

YES  NO

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

**a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the ~~FSA~~ FCA and/or PRA, will be sent to each of those firms at the same time as submitting the Form to the ~~FSA~~ FCA and/or PRA.**

**c) I confirm the candidate has been made aware of the regulatory responsibilities of proposed role as set out in , the Statements of Principle and Code of Practice for Approved Persons**

**(~~http://fsahandbook.info/FSA/html/handbook/APER~~)(<http://fshandbook.info/fs/html/handbook/APER>)  
(<http://www.bankofengland.co.uk/PRA>)**

7.03	Name of the firm submitting the application <sup>†</sup>	
7.04	Name of person signing on behalf of the firm <sup>†</sup>	
7.05	Job title <sup>†</sup>	
7.06	Signature <sup>*</sup>	
	Date <sup>†</sup>	/ /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in *SUP* 15.7



Application number  
(for FSA FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the FSA's both FCA and PRA websites at: [http://fsa.gov.uk/pubs/forms/imap\\_forma\\_notes.doc](http://fsa.gov.uk/pubs/forms/imap_forma_notes.doc)

[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)

<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Long Form A – UK and Overseas Firms (not Incoming EEA)

### Application to perform controlled functions under the approved persons regime

**FSA Handbook Reference: SUP 10 Annex 4D**

**FCA Handbook Reference: SUP 10A Annex 4D**

**PRA Handbook Reference: SUP 10B Annex 4D**

1 May 2011-1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority Authorisations Division~~

~~Financial Conduct Authority~~

~~25 The North Colonnade~~

~~Canary Wharf~~

~~London E14 5HS~~

~~United Kingdom~~

~~Telephone +44 (0) 845 606 9966~~

~~Facsimile +44 (0) 207 066 0017~~

~~E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)~~

~~Website <http://www.fsa.gov.uk>~~

~~<http://www.fca.org.uk>~~

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

United Kingdom

Telephone +44 (0) 203 461 7000

E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8 Lothbury

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Registered as a Limited Company in  
England and Wales No 1920623. Registered  
Office as above

[Road, London, EC2R 7HH](#)

## Personal identification details

1.01 a	Candidate Individual Reference Number (IRN) <sup>†</sup>	
b	OR name of previous regulatory body <sup>†</sup>	
c	AND previous reference number (if applicable) <sup>†</sup>	
1.02	Title (e.g. Mr, Mrs, Ms, etc) <sup>†</sup>	
1.03	Surname <sup>†</sup>	
1.04	ALL forenames <sup>†</sup>	
1.05	Name commonly known by <sup>†</sup>	
1.06	Date of birth (dd/mm/yyyy) <sup>†</sup>	/ /
1.07	National Insurance number <sup>†</sup>	
1.08	Previous name <sup>†</sup>	
1.09	Date of name change <sup>†</sup>	/ /
1.10 a	Nationality <sup>†</sup>	
b	Passport number (if National Insurance number not available) <sup>†</sup>	
1.11	Place of birth <sup>†</sup>	



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

1.12 a Private address<sup>†</sup>

[Redacted address field]

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1<sup>†</sup>

[Redacted address field]

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To /

1.14 a Previous address 2<sup>†</sup>

[Redacted address field]

<sup>1</sup> b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To /



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

2.01	Name of <i>firm</i> making the application	
2.02	<del>FSA</del> Firm Reference Number (FRN)	
2.03 a	Who should the <del>FSA-FCA/PRA</del> contact at the <i>firm</i> in relation to this application?	
b	Position	
c	Telephone	
d	Fax	
e	E-mail	



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	Employee	<input type="checkbox"/>
<i>b</i>	Group employee	<input type="checkbox"/>
	Name of group	
<i>c</i>	Contract for services	<input type="checkbox"/>
<i>d</i>	Partner/Sole trader	<input type="checkbox"/>
<i>e</i>	Appointed representative/tied agent – customer function	<input type="checkbox"/>
	AR firm name and reference number	
<i>f</i>	Appointed representative/tied agent – governing function	<input type="checkbox"/>
	AR firm name and reference number	
<i>g</i>	Other	<input type="checkbox"/>
	Give details	

**3.02** For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed. If the controlled functions are to be performed for more than one firm, please go to question **3.05**

<b>a</b>	<b>Significant influence functions</b>	CF 1 Director function <input type="checkbox"/> CF 2 Non-executive director function <input type="checkbox"/> CF 3 Chief executive function <input type="checkbox"/> CF 4 Partner function <input type="checkbox"/> CF 5 Director of an unincorporated association function <input type="checkbox"/> CF 6 Small friendly society function <input type="checkbox"/>
	<b>Significant influence functions</b>	CF 8 Apportionment and oversight function <input type="checkbox"/> (this function is not applicable to all firms please refer to Notes for Completing Form A) CF 10 Compliance oversight function <input type="checkbox"/> CF 10a CASS operational oversight function <input type="checkbox"/> CF 11 Money laundering reporting function <input type="checkbox"/> CF 12 Actuarial function <input type="checkbox"/> CF 12A With-profits actuary function <input type="checkbox"/> CF 12B Lloyd's Actuary function <input type="checkbox"/> CF 28 System and controls function <input type="checkbox"/> CF 29 Significant management function <input type="checkbox"/> CF 40 Benchmark submission function <input type="checkbox"/> CF 50 Benchmark administration function <input type="checkbox"/>
<b>b</b>	<b>Customer function</b>	CF 30 Customer function <input type="checkbox"/>

**3.03** Effective date of controlled functions indicated above<sup>†</sup>

**3.04** Job title (mandatory for controlled function 28 & 29)<sup>†</sup>

Please refer to notes on the

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

YES  NO



I have supplied further information related to this page in Section 6<sup>†</sup>

YES  NO

3.05

**Complete this section only if the application is on behalf of more than one firm.**

List all firms within the group (including the firm entered in 2.01) for which the candidate requires approval and the requested controlled function for that firm.<sup>†</sup>

	<b>Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 28 & 29)	<b>Effective date</b>
a					/ /
b					/ /
c					/ /
d					/ /
e					/ /



I have supplied further information related to this page in Section 6

YES

NO

# Employment history in the past 5 years

# Section 4

N.B.: ALL gaps must be accounted for

## 4.01 Employment details (1)<sup>†</sup>

<b>a</b>	Period (mm/yyyy)	From		/		To																			
<b>b</b>	Nature of employment	<table border="0" style="width: 100%;"> <tr> <td style="width: 20px;"><i>a</i></td> <td>Employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Self-employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Not employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Full-time education</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>						<i>a</i>	Employed	<input type="checkbox"/>	<i>b</i>	Self-employed	<input type="checkbox"/>	<i>c</i>	Not employed	<input type="checkbox"/>	<i>d</i>	Full-time education	<input type="checkbox"/>						
<i>a</i>	Employed	<input type="checkbox"/>																							
<i>b</i>	Self-employed	<input type="checkbox"/>																							
<i>c</i>	Not employed	<input type="checkbox"/>																							
<i>d</i>	Full-time education	<input type="checkbox"/>																							
	If c or d is ticked, please give details																								
<b>c</b>	Name of employer																								
<b>d</b>	Nature of business																								
<b>e</b>	Previous / other names of employer																								
<b>f</b>	Last known address of employer																								
<b>g</b>	Is/was employer regulated by a regulatory body?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Name of regulatory body																					
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, of which <i>firm</i> ?																					
<b>i</b>	Position held																								
<b>j</b>	Responsibilities																								
<b>k</b>	Reason for leaving:	<table border="0" style="width: 100%;"> <tr> <td style="width: 20px;"><i>a</i></td> <td>Resignation</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Redundancy</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Retirement</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Termination/dismissal</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>e</i></td> <td>End of contract</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>f</i></td> <td>Other</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>						<i>a</i>	Resignation	<input type="checkbox"/>	<i>b</i>	Redundancy	<input type="checkbox"/>	<i>c</i>	Retirement	<input type="checkbox"/>	<i>d</i>	Termination/dismissal	<input type="checkbox"/>	<i>e</i>	End of contract	<input type="checkbox"/>	<i>f</i>	Other	<input type="checkbox"/>
<i>a</i>	Resignation	<input type="checkbox"/>																							
<i>b</i>	Redundancy	<input type="checkbox"/>																							
<i>c</i>	Retirement	<input type="checkbox"/>																							
<i>d</i>	Termination/dismissal	<input type="checkbox"/>																							
<i>e</i>	End of contract	<input type="checkbox"/>																							
<i>f</i>	Other	<input type="checkbox"/>																							
	Specify																								

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

**4.02 Employment details (2)<sup>†</sup>**

<b>a</b>	Period (mm/yyyy)	From		/		To		/																			
<b>b</b>	Nature of employment	<table border="0" style="width: 100%;"> <tr> <td style="width: 10px;"><i>a</i></td> <td>Employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Self-employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Not employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Full-time education</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>								<i>a</i>	Employed	<input type="checkbox"/>	<i>b</i>	Self-employed	<input type="checkbox"/>	<i>c</i>	Not employed	<input type="checkbox"/>	<i>d</i>	Full-time education	<input type="checkbox"/>						
<i>a</i>	Employed	<input type="checkbox"/>																									
<i>b</i>	Self-employed	<input type="checkbox"/>																									
<i>c</i>	Not employed	<input type="checkbox"/>																									
<i>d</i>	Full-time education	<input type="checkbox"/>																									
	If c or d is ticked, please give details																										
<b>c</b>	Name of employer																										
<b>d</b>	Nature of business																										
<b>e</b>	Previous / other names of employer																										
<b>f</b>	Last known address of employer																										
<b>g</b>	Is/was employer regulated by a regulatory body?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Name of regulatory body																							
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, of which <i>firm</i> ?																							
<b>i</b>	Position held																										
<b>j</b>	Responsibilities																										
<b>k</b>	Reason for leaving:	<table border="0" style="width: 100%;"> <tr> <td style="width: 10px;"><i>a</i></td> <td>Resignation</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Redundancy</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Retirement</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Termination/dismissal</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>e</i></td> <td>End of contract</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>f</i></td> <td>Other</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>								<i>a</i>	Resignation	<input type="checkbox"/>	<i>b</i>	Redundancy	<input type="checkbox"/>	<i>c</i>	Retirement	<input type="checkbox"/>	<i>d</i>	Termination/dismissal	<input type="checkbox"/>	<i>e</i>	End of contract	<input type="checkbox"/>	<i>f</i>	Other	<input type="checkbox"/>
<i>a</i>	Resignation	<input type="checkbox"/>																									
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<i>d</i>	Termination/dismissal	<input type="checkbox"/>																									
<i>e</i>	End of contract	<input type="checkbox"/>																									
<i>f</i>	Other	<input type="checkbox"/>																									
	Specify																										

I have supplied further information related to this page in Section 6<sup>†</sup> YES  NO

<sup>†</sup> **The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**  
**Long Form A – UK and Overseas**  
**Application to perform controlled functions under the approved persons regime**  
**Version 13-14**

**5.01 a** Has the *candidate* **ever** been convicted of any offence (whether spent or not and whether or not in the *United Kingdom*):

- i. involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences or other dishonesty—or
- ii. relating to *companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, money laundering, market manipulations or insider dealing?*

YES  NO

**b** Is the *candidate* the subject of any current criminal proceedings?

YES  NO

**c** Has the *candidate* **ever** been given a caution in relation to any criminal offence?

YES  NO

**5.02** Has the *candidate* any convictions for any offences (whether spent or not and whether or not in the United Kingdom) other than those in 5.01 above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?

YES  NO

**5.03 a** Has the candidate, **ever** had a County Court Judgment (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not, in the United Kingdom or elsewhere?

YES  NO

Has the candidate had:

- i) more than 2 CCJs or judgment debts?
- ii) more than £1,000 in total of CCJs or judgment debts?

YES  NO

YES  NO

**b** Is the candidate aware of:

- i. any proceedings that have begun, or anybody's intention to begin proceedings against the candidate for a CCJ or other judgment debt?
- ii. more than one set of proceedings, or anybody's intention to begin more than one set of proceedings that may lead to a CCJ or other judgment debt?
- iii. anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from the *candidate*?

YES  NO

YES  NO

YES  NO

**5.04** Does the candidate have any **current** judgment debts (including CCJs) made under a court order still outstanding, whether in full or in part?

YES  NO

**5.05** Has the *candidate* **ever** failed to satisfy any such judgment debts within one year of the order being made?

YES  NO

**5.06 a** Is the *candidate*, or has the *candidate* **ever** been, the subject of any bankruptcy proceedings, or proceedings for the sequestration of the *candidate's* estate?

YES  NO



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

**b** Has the *candidate ever* entered or is in the process of entering into an agreement in favour of the *candidate's* creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

YES

NO

**5.07** Does the *candidate* have any outstanding financial obligations arising from *regulated activities*, which the *candidate* has carried out in the past (whether or not in the *United Kingdom* or overseas)?

(In the case of *advisers*, this will include any outstanding liabilities arising from commissions paid for the sale of *packaged products* that have lapsed.)

YES

NO

**5.08** Has the *candidate ever* been found guilty of carrying on any unauthorised *regulated activities* or been investigated for the possible carrying on of unauthorised *regulated activities*?

YES

NO

**5.09** Is the *candidate*, or has the *candidate ever* been, the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?

YES

NO

**5.10** Has the *candidate ever*, (whether or not in the *United Kingdom*) –

**a** been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust whether or not remunerated?

YES

NO

**b** been refused, restricted in, or had suspended, the right to carry on any trade, business or profession for which specific licence, authorisation, registration, membership or other permission is required?

YES

NO

**c** been disqualified from acting as a *director* of a *company* or from acting in a management capacity or conducting the affairs of any *company*, *partnership* or unincorporated association?

YES

NO

**d** been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order, under section 56 of the Financial Services and Markets Act 2000, or received a warning notice that such a direction or order be made?

YES

NO



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

**5.11** In relation to activities regulated by the *FSA FCA* and/or *PRA* or any other regulatory body (see note section 5), has:

i. the *candidate* or

ii. any company, partnership or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with that entity and for a period of three years after the candidate ceased to be associated with it, **ever** –

- |          |   |                              |                             |
|----------|---|------------------------------|-----------------------------|
| <b>a</b> | been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body?             | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>b</b> | been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary action by any such body?  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>c</b> | resigned whilst under investigation by, or been required to resign from, any such body?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>d</b> | decided, after making an application for any licence, authorisation, registration, notification, membership or other permission granted by any such body, not to proceed with it? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>e</b> | been the subject of any civil action which has resulted in a finding against the <i>candidate</i> or it by a court?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |



I have supplied further information related to this page in Section 6

YES  NO

**5.12** **Has any *company, partnership, or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the candidate's involvement or within one year of such an involvement* –**

- |             |   |                              |                             |
|-------------|---|------------------------------|-----------------------------|
| <b>a</b>    | been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>b</b>    | been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>c</b>    | been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation?                        | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>d</b>    | been convicted of any criminal offence, censured, disciplined or publicly criticised, by any inquiry, by the <i>Takeover Panel</i> or any governmental or statutory authority or any other regulatory body (other than as already indicated under 5.11(b) above)? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>5.13</b> | Is the <i>candidate</i> aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the <i>controlled functions</i> for which approval is now sought?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |



I have supplied further information related to this page in Section 6

YES  NO

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - **Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)**
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
  - **Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.**

Question	Information

**Declaration of Candidate**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the ~~FSA~~ FCA and PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

Tick here to confirm you have read and understood this declaration:<sup>en</sup>

7.01 Candidate's full name<sup>†</sup>

7.02 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

## Declarations and signatures

### Declaration of Firm

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

*APER* 4.4.6E-7E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA. It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

In signing this form on behalf of the firm:

- a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.
- b) I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 3.05. I also confirm that a copy of this Form, as submitting to the FSA FCA and/or PRA, will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.
- c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

<http://fshandbook.info/FSA/html/handbook/APER>

<http://fshandbook.info/fs/html/handbook/APER>

<http://www.bankofengland.co.uk/PRA>

7.03	Name of the <i>firm</i> submitting the application <sup>†</sup>	<input type="text"/>
7.04	Name of <i>person</i> signing on behalf of the <i>firm</i> <sup>†</sup>	<input type="text"/>
7.05	Job title <sup>†</sup>	<input type="text"/>
7.06	Signature <sup>*</sup>	<input type="text"/>
	Date <sup>†</sup>	<input type="text"/>

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.



Application number  
(for FSA-FCA/PRA use only)

The ~~FSA has~~ FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on ~~the FSA's website at~~ [http://www.fsa.gov.uk/pubs/forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forma_notes.doc), both FCA and PRA websites at:  
[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)  
<http://www.bankofengland.co.uk/PRA>  
Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Short Form A - Incoming EEA Only Application to perform controlled functions under the approved persons regime

~~FSA Handbook Reference: SUP10 Annex 4D~~  
FCA Handbook Reference: SUP 10A Annex 4D  
PRA Handbook Reference: SUP 10B Annex 4D  
1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~Financial Conduct Services Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.fsa.gov.uk](mailto:iva@fca.org.fsa.gov.uk)  
Website <http://www.fca.org.fsa.gov.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<b>1.01 a</b>	<i>Candidate</i> Individual Reference Number (IRN)	
<b>b</b>	OR name of previous regulatory body	
<b>c</b>	AND previous reference number (if applicable)	
<b>1.02</b>	Title (e.g. Mr, Mrs, Ms, etc)	
<b>1.03</b>	Surname	
<b>1.04</b>	ALL forenames	
<b>1.05</b>	Name commonly known by	
<b>1.06</b>	Date of birth (dd/mm/yyyy)	/ /
<b>1.07</b>	National Insurance number	
<b>1.08</b>	Previous name	
<b>1.09</b>	Date of name change	/ /
<b>1.10 a</b>	Nationality	
<b>b</b>	Passport number (if National Insurance number not available)	
<b>1.11</b>	Place of birth	



I have supplied further information related to this page in Section 6 YES  NO

1.12 a Private address

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

/

1.14 a Previous address 2

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

/



I have supplied further information related to this page in Section 6

YES

NO

Version 6.5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime

2.01	Name of <i>firm</i> making the application	
2.02	Firm Reference Number (FRN)	
2.03 a	Who should the <i>FCA/PRA</i> contact at the <i>firm</i> in relation to this application?	
b	Position	
c	Telephone	
d	Fax	
e	E-mail	



I have supplied further information related to this page in Section 6 YES  NO

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<hr/>		
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>c</i>	<i>Contract for services</i>	<input type="checkbox"/>
<hr/>		
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<hr/>		
<i>e</i>	<i>Appointed representative/tied agent – customer function</i>	<input type="checkbox"/>
	AR firm name and reference number	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>f</i>	<i>Appointed representative/tied agent – governing function</i>	<input type="checkbox"/>
	AR firm name and reference number	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>g</i>	<i>Other</i>	<input type="checkbox"/>
	Give details	<div style="background-color: #cccccc; width: 100%; height: 60px;"></div>

**3.02** For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed.

If the controlled functions are to be performed for more than one firm, please go to question 3.05

<b>a</b>	<b><i>Significant influence functions</i></b>	CF 11 <i>Money laundering reporting function</i>	<input type="checkbox"/>
		CF 12 <i>Actuarial function</i>	<input type="checkbox"/>
		CF 12A <i>With-profits actuary function</i>	<input type="checkbox"/>
		CF 12B <i>Lloyd's Actuary function</i>	<input type="checkbox"/>
<hr/>		CF 29 <i>Significant management function</i>	<input type="checkbox"/>
<b>b</b>	<b><i>significant influence functions continued</i></b>	CF 40 <i>Benchmark submission function</i>	<input type="checkbox"/>
		CF 50 <i>Benchmark administration function</i>	<input type="checkbox"/>
<hr/>		CF 30 <i>Customer function</i>	<input type="checkbox"/>



I have supplied further information related to this page in Section 6

YES

NO

**3.03** Effective date of *controlled functions* indicated above

/ /

**3.04** Job title (mandatory for *controlled functions* 29)

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm? †

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

YES  NO



I have supplied further information related to this page in Section 6

YES  NO

Version 6 5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime

**3.05**

**Complete this section only if the application is on behalf of more than one firm.**

List all firms within the group (including the firm entered in 2.01) for which the candidate requires approval and the requested controlled function for that firm.

	<b>FSA Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 6

YES

NO

**Version 6 5**

**† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**

**Short Form A - Incoming EEA**

**Application to perform controlled function under the approved persons regime**

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FCA and/or PRAFSA of the revised detail.

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FCA and/or PRAFSA of the revised detail.

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.

Question	Information

Version 6 5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime

**Declaration of Candidate**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

a) I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application'

b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

(<http://fsahandbook.info/FSA/html/handbook/APER>),

(<http://fshandbook.info/fs/html/handbook/APER>)

(<http://www.bankofengland.co.uk/PRA>)

7.01 Candidate's full name<sup>†</sup>

7.02 Signature<sup>\*</sup>

Date<sup>†</sup> / /

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.

**Version 6 5**

**† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**

**Short Form A - Incoming EEA**

**Application to perform controlled function under the approved persons regime**

## Declaration of Firm

Knowingly or recklessly giving the ~~FSA FCA and/or PRA~~ information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA FCA and/or PRA~~ and to notify the ~~FSA FCA and/or PRA~~ immediately if materially inaccurate information has been provided.

APER 4.4.7 6 E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA FCA and/or PRA~~, failure to inform the ~~FSA FCA and/or PRA~~ of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA FCA and/or PRA~~. It should not be assumed that information is known to the ~~FSA FCA and/or PRA~~ merely because it is in the public domain or has previously been disclosed to the ~~FSA FCA and/or PRA~~ or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3.**

**FOR FIRMS UNDERTAKING ANY NON MIFID BUSINESS PLEASE ALSO COMPLETE THE FOLLOWING**

**The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

YES  NO

With reference to the above, the ~~FSA FCA and/or PRA~~ may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

**a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the ~~FSA FCA and/or PRA~~, will be sent to each of those firms at the same time as submitting the Form to the ~~FSA FCA and/or PRA~~.**

**c) I confirm the candidate has been made aware of the regulatory responsibilities of proposed role as set out in, the Statements of Principle and Code of Practice for Approved Persons.**

**(<http://fsahandbook.info/FSA/html/handbook/APER>),**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

Tick here to confirm you have read and understood this declaration: <sup>∞</sup>

**7.03** Name of the firm submitting the application<sup>†</sup>

**7.04** Name of person signing on behalf of the firm<sup>†</sup>

**7.05** Job title<sup>†</sup>

**7.06** Signature<sup>\*</sup>

Date<sup>†</sup> / /

<sup>∞</sup>The above question(s) should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>†</sup>The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup>The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.

Version 6 5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime



Application number  
(for FSA FCA/PRA use only)

The ~~FSA~~ has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the ~~FSA's website~~ both FCA and PRA websites at:  
[http://www.fsa.gov.uk/pubs/forms/imap\\_forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_forma_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)  
<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Short Form A – UK and Overseas Firms (not Incoming EEA)

### Application to perform controlled functions under the approved persons regime

~~FSA~~ FCA Handbook Reference: SUP 10A Annex 4D

PRA Handbook Reference: SUP 10B Annex 4D

~~1 May 2014~~ 1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority~~ Financial  
Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail ~~iva@fsa.gov.uk~~ iva@fca.org.uk

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
E-mail PRA.firmenquiries@bankofengland.co.uk  
Website www.bankofengland.co.uk/PRA

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

1.01 a	Candidate <del>FSA</del> Individual Reference Number (IRN) †	
b	OR name of previous regulatory body †	
c	AND previous reference number (if applicable) †	
1.02	Title (e.g. Mr, Mrs, Ms, etc) †	
1.03	Surname †	
1.04	ALL forenames †	
1.05	Name commonly known by †	
1.06	Date of birth (dd/mm/yyyy) †	/ /
1.07	National Insurance number †	
1.08	Previous name †	
1.09	Date of name change †	/ /
1.10 a	Nationality †	
b	Passport number (if National Insurance number not available) †	
1.11	Place of birth †	



**I have supplied further information related to this page in Section 6 †**    YES     NO

1.12 a	Private address †	
--------	-------------------	--

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**b** Postcode<sup>†</sup>

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

**1.13 a** Previous address 1<sup>†</sup>

**b** Postcode

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  /

**1.14 a** Previous address 2<sup>†</sup>

**1 b** Postcode<sup>†</sup>

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  /

**➔** I have supplied further information related to this page in Section 6<sup>†</sup> YES  NO

2

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<b>2.01</b>	Name of <i>firm</i> making the application	
<b>2.02</b>	FSA Firm Reference Number (FRN)	
<b>2.03 a</b>	Who should the <del>FSA</del> <u>FCA/PRA</u> contact at the <i>firm</i> in relation to this application?	
<b>b</b>	Position	
<b>c</b>	Telephone	
<b>d</b>	Fax	
<b>e</b>	E-mail	


**I have supplied further information related to this page in Section 6**
 YES  NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<p><b>3.01</b> Nature of the arrangement between the candidate and the applicant.</p>	<p>a Employee <input type="checkbox"/></p>	
	<p>b Group employee <input type="checkbox"/></p> <p>Name of group <span style="background-color: #cccccc; display: inline-block; width: 300px; height: 15px;"></span></p>	
	<p>c Contract for services <input type="checkbox"/></p>	
	<p>d Partner/Sole trader <input type="checkbox"/></p>	
	<p>e Appointed representative/tied agent – customer function <input type="checkbox"/></p> <p>AR firm name and reference number <span style="background-color: #cccccc; display: inline-block; width: 300px; height: 15px;"></span></p>	
	<p>f Appointed representative/tied agent – governing function <input type="checkbox"/></p> <p>AR firm name and reference number <span style="background-color: #cccccc; display: inline-block; width: 300px; height: 15px;"></span></p>	
	<p>g Other <input type="checkbox"/></p> <p>Give details <span style="background-color: #cccccc; display: inline-block; width: 300px; height: 15px;"></span></p>	

**3.02** For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed.  
 If the controlled functions are to be performed for more than one firm, please go to question 3.05

<p><b>a Significant influence functions</b></p>	<p>CF 1 Director function <input type="checkbox"/></p>	
	<p>CF 2 Non-executive director function <input type="checkbox"/></p>	
	<p>CF 3 Chief executive function <input type="checkbox"/></p>	
	<p>CF 4 Partner function <input type="checkbox"/></p>	
	<p>CF 5 Director of an unincorporated association function <input type="checkbox"/></p>	
	<p>CF 6 Small friendly society function <input type="checkbox"/></p>	
	<p><b>Significant influence functions continued</b></p>	<p>CF 8 Apportionment and oversight function <input type="checkbox"/>  <small>(this function is not applicable to all firms please refer to Notes for Completing Form A)</small></p>
		<p>CF 10 Compliance oversight function <input type="checkbox"/></p>
		<p>CF 10Aa CASS operational oversight function <input type="checkbox"/></p>
		<p>CF 11 Money Laundering reporting function <input type="checkbox"/></p>
		<p>CF 12 Actuarial function <input type="checkbox"/></p>
		<p>CF 12A With-profits actuary function <input type="checkbox"/></p>
		<p>CF 12B Lloyd's Actuary function <input type="checkbox"/></p>
		<p>CF 28 System and controls function <input type="checkbox"/></p>
		<p>CF 29 Significant management function <input type="checkbox"/></p>
<p><b>b significant influence functions continued</b></p>		<p>CF 40 Benchmark submission function <input type="checkbox"/></p>
	<p>CF 50 Benchmark administration function <input type="checkbox"/></p>	
	<p>CF 30 Customer function <input type="checkbox"/></p>	

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



I have supplied further information related to this page in Section 6

YES

NO

**3.03** Effective date of *controlled functions* indicated above<sup>†</sup>

**3.04** Job title (mandatory for *controlled function* 28 & 29)<sup>†</sup>

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

YES  NO

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**3.05 Complete this section only if the application is on behalf of more than one firm.**

List all *firms* within the *group* (including the *firm* entered in 2.01) for which the *candidate* requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	<b>Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> <small>(mandatory for controlled function 28 &amp; 29)</small>	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 6

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long form A as opposed to a Short Form A informing the ~~FSA~~ FCA and/or PRA of the revised detail.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FSA FCA and/or PRA of the revised detail.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

6.00

- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
- If this application relates to a Significant influence controlled function then please provide full details of
  - why the candidate is competent and capable to carry out the controlled function(s) applied for.
  - why the appointment complements the firm's business strategy, activity and market in which it operates.
  - how the appointment was agreed including details of any discussions at governing body level (where applicable).
- Please also include here any additional information indicated in previous sections of the Form.
- **Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)**
- If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
- **Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.**

Question	Information
	Please indicate how many additional sheets are being submitted

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Declaration of *Candidate***

Knowingly or recklessly giving the *FSA FCA and/or PRA* information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the *FSA FCA and/or PRA* merely because it is in the public domain or has previously been disclosed to the *FSA FCA and/or PRA* or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the *FSA FCA and/or PRA* to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the *FSA FCA and/or PRA* may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the *FSA FCA and/or PRA* to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

7.01 *Candidate's* full name<sup>‡</sup>

7.02 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>‡</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Declaration of Firm

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

*APER* 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA.

It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm:**

**believes on the basis of due and diligent enquiries made to date that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. The firm also**

**believes, on the basis of due and diligent enquiry, that the candidate is competent (including having achieved the relevant qualifications) to fulfil the duties required in the performance of such function(s).**

**In signing this form on behalf of the firm:**

a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA, will be sent to each of those firms at the same time as submitting the Form to the FSA FCA and/or PRA.

c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

(<http://fsahandbook.info/FSA/html/handbook/APER>)

(<http://fshandbook.info/fs/html/handbook/APER>)

(<http://www.bankofengland.co.uk/PRA>)

7.03 Name of the firm submitting the application<sup>‡</sup>

7.04 Name of person signing on behalf of the firm<sup>‡</sup>

7.05 Job title<sup>‡</sup>

7.06 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

‡ The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in *SUP* 15.7

## **Guidance Notes to assist with the completion of the Long and/or Short Form A for UK, Overseas and Incoming EEA firms for an application to perform controlled function(s) under the approved persons regime.**

PLEASE NOTE: A *CANDIDATE* MUST NOT PERFORM ANY *CONTROLLED FUNCTION* UNTIL THE *FSA FCA and/or PRA* HAS GRANTED APPROVAL.

Full details of the *approved persons* regime and the application process are given in chapter 10 (Section 10.12) of the Supervision manual ('*SUP*').

For more information on the factors which the FSA takes into account when considering applications, please refer to the Fit and Proper Test for Approved Persons ('*FIT*') in the FSA Handbook.

### **The purpose of this Form What is the Form A used for?**

This Form is referred to in the relevant direction in SUP 10.12. This Form must be used where the *candidate* is an individual seeking approval to perform *controlled functions*. The *firm* is the applicant.

The Form A is used by an authorised firm which seeks the *FCA and/or PRA's* approval under section 59 of the Financial Services and Markets Act 2000 ("FSMA") for a particular individual to perform controlled functions. The Form A is referred to in the Supervision Manual ("*SUP*") [<http://fshandbook.info/FS/html/handbook/SUP>] which is part of the Handbook. Full details of the *approved persons* regime and the application process are given in Chapter 10 of *SUP* (*SUP* 10A of the *FCA* manual and 10B of the *PRA* manual).

The applicant is the *firm* that makes the application for approval. The *candidate* is the individual in respect of whom the application is made. The Form A must be completed by the *firm* with information provided by the *candidate*. Both the *firm* and the *candidate* must sign the Form A.

Applications for corporate *candidates* must be made using an adapted Form A that will be supplied by the *FSA FCA and/or PRA* upon request.

### **Important information about the Form A**

The Form A is of the **utmost importance** to the *FCA and/or PRA* assessment of the fitness and propriety of the *candidate*.

**All** information relevant to the application must be provided to the *FCA and/or PRA* with the Form A. This applies even if the information is, or is believed to be, already known to the *FCA and/or PRA*, as a result of it being in the public domain, or has been previously disclosed to the *FCA and/or PRA* or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included; if in doubt, disclose it.

If the *firm* or *candidate* becomes aware of further information which might be relevant to the application following submission of the Form A, it should provide it to the *FCA and/or PRA* immediately. The obligation to provide full, frank and unambiguous information does not stop with the submission of the Form A.

The information supplied by the *candidate* should be verified by the *firm* wherever possible. If the *FCA and/or PRA* vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected.

The *firm* is responsible for the accuracy of the data and completion of the Form A. If the Form A is not fully and correctly completed, the *FCA and/or PRA* may need to return it for proper completion. This could significantly delay the *FCA and/or PRA's* decision on whether to grant approval to perform the requested *controlled functions*.

The FCA and/or PRA may require the applicant to provide further information at any time after receiving an application and before determining whether approval is to be granted or not. It may direct the format in which this information is provided, for example, in an interview with the candidate.

### **Key assumptions about the firm and the candidate**

The FCA and/or PRA relies on the information contained in the Form A and makes certain assumptions about the firm and the candidate in considering the information contained in the form. It is very important that the candidate and the firm are aware of these assumptions:

1. it is assumed that the candidate is **not performing the controlled function applied for**. A candidate must not perform any controlled function until the FCA and/or PRA, has granted approval. If the firm permits the candidate to perform controlled functions without FCA and/or PRA approval it may be in breach of section 59 of FSMA and the candidate may also be in breach of his/her regulatory obligations;
2. it is assumed that the firm and the candidate know and understand the factors which the FCA and/or PRA takes into account when considering the fitness and propriety of the candidate. These factors are set out in the part of the Handbook entitled the Fit and Proper Test for Approved Persons ("**FIT**") [<http://fshandbook.info/FS/html/handbook/FIT>];
3. it is assumed that the candidate knows and understands the obligations and responsibilities of an approved person. These are set out in the part of the Handbook entitled the Statements of Principle and Code of Practice for Approved Persons ("APER") [<http://fshandbook.info/FS/html/handbook/APER>]; and
4. finally, it is assumed that both the firm and the candidate have read and understood these guidance notes in completing the Form A. **The responsibility for the accuracy and completeness of the information supplied rests with the candidate and the firm.** Seeking legal and/or compliance advice about how to complete the Form A will **not** discharge that responsibility.

### **Completing this Form Practical notes for completing the Form A**

Expressions in the Form A and in these guidance notes which appear in italics have the meaning given in the Glossary to the Handbook (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the Glossary) [<http://fshandbook.info/FS/html/handbook/Glossary>].

The Form A must be completed in black ink and (if in manuscript) in BLOCK LETTERS. It is now possible to complete the Form A online, using the FCA's Online Notifications and Applications ("ONA") system. See the FCA ONA pages for details of this:

[<http://www.fca.org.uk/your-fca>]; and/or  
<http://www.bankofengland.co.uk/PRA>

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick Select the appropriate box where a yes/no answer is required. Where you answer "yes" you must:

- (1) provide Further details should be given in section 6 (Supplementary Information) of the Form A. # If there is insufficient space for a detailed answer then you may attach further pages; and
- (2) tick "yes" at the bottom of the relevant page of the Form A to confirm that you have provided additional information.

Additional information can be attached to the Form. It must be securely attached to the Form and you must indicate at section 6.0 the number of additional sheets attached.

If you want to attach additional information to the Form A it must be securely attached, for example by stapling it to the Form A and you should state in section 6 (Supplementary Information) the number of additional sheets attached.

~~Do not assume that information is known to the FSA merely because it is in the public domain, or has been previously disclosed to the FSA or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included. The information supplied by the candidate should be verified by the firm wherever possible. If the FSA's vetting checks reveal any matters that have not been disclosed, then applications will be subject to investigation and the candidate's suitability to be approved will be called into question. A person who knowingly or recklessly provides information to the FSA that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the Act regardless of the status of their application.~~

~~Expressions in this Form in italics have the meaning given in the Glossary to the FSA's Handbook (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the Glossary).~~

~~The firm is responsible for the accuracy of the data and completion of the Form. If the Form is not fully and correctly completed, the FSA may need to return it for proper completion. This could significantly delay the FSA's decision on whether to grant approval to perform the requested controlled functions~~

~~The FSA may require the applicant to provide further information at any time after receiving an application and before determining whether approval is to be granted or not.~~

~~**If a firm has provided, or has information that reasonably suggests that it may have provided, the FSA with information which was or has become false, misleading, incomplete or inaccurate, in a material particular, it must notify the FSA immediately.. Failure to notify the FSA may result in a delay in processing or rejection.**~~

## **SHORTENED APPLICATION FORM**

### **The two types of Form A: Short Form A and Long Form A**

There are two types of Form A; a Long Form A and a Short Form A. The key difference is that the Long Form A requires detailed information about the fitness and propriety of the candidate.

Please use the shortened application form if any of the following conditions apply The Short Form A may be used if any of the following conditions apply:

- (1) ~~an approved person individual who is already an approved person~~ is applying to perform an additional *controlled function* under an *arrangement* with the same *firm*; or
- (2) the *candidate* has ceased to perform a *controlled function* under an *arrangement* with *firm A* and now requires approval to perform a *controlled function* under an *arrangement* with *firm B*. These can be two entirely different *firms* and not just two *firms* in the same group (**however**, see the important exception below at paragraph (3)); or
- (3) ~~an approved person individual who is already an approved person with another firm, firm B,~~ is applying to perform a *controlled function* for a different firm, *firm A* and is already authorised approved for that particular group of functions (i.e. either SIF functions: CF1-12B, CF28, CF29, or 30 40 or 50) for another firm. For example, if a the individual is approved to perform CF2 non-executive director is applying to be approved as a CF2 for an additional firm for firm B and now seeks a second, additional approval to be CF1 director for another firm, firm A.

~~A Submission of a CV is only applicable to short form applicants if they have never previously held a significant function or, if the previous submission of their CV when applying for a significant function, has altered from their previous application or the application is for a governing function of an appointed representative. It should be attached securely to the Form.~~

You should submit a curriculum vitae ('CV') with the Short Form A if:

- (1) the candidate has never previously held a significant influence function (CF1-12B, 28, 29, 40 or 50); or
- (2) the candidate's CV has altered from the last time they applied for a significant influence function (i.e. it has changed from the last time the FCA and/or PRA had sight of the CV)

The CV should be attached securely to the Short Form A by stapling it. If you are submitting the Short Form A online, using ONA, the CV should be attached to the application electronically. For help using ONA, refer to:

<http://www.fca.org.uk/your-fca> **and/or**  
<http://www.bankofengland.co.uk/PRA>

~~However, a full Form A must be completed in full if:~~ The Long Form A **must** be completed if:

- (1) the candidate ceased to be an approved person more than six months ago;
- (2) the candidate or approved person is seeking approval in respect of a significant influence function for the first time, or has not been approved in a significant influence function within the last 6 months; or
- (3) there have been any changes to the answers provided in section 5 of the application form, there have been any matters arising in relation to the candidate's fitness and propriety which mean that their answers to Section 5 of the Long Form A (Fitness and Propriety) may have changed since they last completed a Form A (i.e. since they last made an application for approval).

For example, such matters could include (but are not limited to), where:

- the candidate has been investigated by the FCA and/or PRA, by another regulatory body or an authorised firm;
- the candidate has had CCJs registered against their name or has entered into a voluntary arrangement with creditors (whether formal or informal);
- the candidate has been the subject of a criminal investigation or convicted of criminal offences; or
- the candidate has been the subject of any civil action.

**If you are in any doubt whether a Short Form A is acceptable, please submit a Long Form A and make full disclosure of all issues which could potentially be relevant. A Long Form A is acceptable in all circumstances. If in doubt, disclose.**

## **SECTION 1 – CANDIDATE PERSONAL IDENTIFICATION DETAILS**

The information collected in this section (including nationality, place of birth, date of birth, previous names) is used to assist us in verifying the identity of the candidate thereby enabling us to discharge our statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. This information will not be disclosed for any other purpose without the permission of the applicant ~~candidate~~.

~~If the candidate has more than one previous name (surname or forenames), passport number or nationality, or is known by any other names, provide details in section 6. (please see 1.08, 4.10)~~

~~1.01: If the *candidate* does not have an *FSA* Individual Reference Number or does not know it, include the name of the previous regulator and the previous Individual Reference Number, as applicable. For individuals who have previously been approved with the *FSA*, their reference number can be found on the Register of Individuals on the *FSA* website.~~

~~1.12 to 14: A full 3 year history for *United Kingdom* addresses must be given for the candidate. Any gaps must be fully explained or a statement provided in either the address history or section 6 of the form, stating that the individual resides abroad.~~

~~The information collected in this section (including nationality, place of birth, date of birth, previous names) is used to assist us in verifying the identity of the candidate thereby enabling us to discharge our statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. This information will not be disclosed for any other purpose without the permission of the applicant.~~

~~1.01a: For individuals who have previously been approved with the *FCA* and/or *PRA* their *FCA* and/or *PRA* Individual Reference Number (“IRN”) can be found on the Register of Individuals on the *FCA* and/or *PRA* websites:  
<http://www.fca.org.uk/your-fca>; and/or  
<http://www.bankofengland.co.uk/PRA>~~

~~If the *candidate* has been approved before but does not know their Individual Reference Number and it is not on the Register of Individuals then leave this box blank. Equally, if the candidate does not have an IRN because they have not been an approved person before then leave this box blank.~~

~~1.01b If the *candidate* has previously been an approved person but with a predecessor organisation of the *FCA* and/or *PRA* (for example the Personal Investment Authority) then include the name of the previous regulator here. In addition, please provide the date(s) of approval and the name(s) of the firm(s) involved in the supplementary section in section 6.~~

~~1.01c If the *candidate* has previously been an approved person but with a predecessor organisation of the *FCA* and/or *PRA* then include the previous Individual Reference Number, here.~~

~~1.05: If the *candidate* is commonly known by a different name other than that which appears on their passport or national insurance card then put this name here. This may include, for example, a shortened version of their full name or where they are known by a middle name or names given as a result of naming conventions whether for religious or other reasons. If the candidate has more than one alternative name, please give all other names known by in section 6.~~

~~1.08 If the *candidate* has changed their name (surname or forenames), for example due to marriage, then please put this previous name in the box. If the *candidate* has more than one previous name, please provide details of all the previous names in section 6.~~

~~1.10a If the *candidate* has more than one nationality, please provide details in section 6 as to all nationalities held and the reasons for this.~~

~~1.10b If the *candidate* has more than one passport number, please provide details in section 6 as to all passport numbers held and the reasons for this.~~

~~1.12 to 14: A full 3 year history for all *United Kingdom* addresses must be given for the *candidate*. Any gaps must be fully explained in either the address history section of the form here or, if more space is needed, in section 6 of the form. If any gaps are as a result of the *candidate* being resident outside the UK, please state this and give details of where the *candidate* resided during this period. It is open to the *candidate* to provide a written statement if this is simpler which should be attached to the Form A.~~

## SECTION 2 – FIRM IDENTIFICATION DETAILS

~~2.01 & 2.02: This section identifies the *firm* making the application by *FSA Firm Reference Number (FRN) and name.*~~

2.01 This is the name of the *firm* that is the *applicant* for the purposes of section 59 FSMA. Where the *candidate* will be working at a subsidiary or appointed representative of the *firm* then this will be given at question 3.05 of the Form A.

2.02: This is the *FCA* and/or *PRA Firm Reference Number (FRN)* of the *firm* that is the *applicant* for the purposes of section 59 FSMA. The FRN can be found on the Register of Firms on the *FCA* and/or *PRA* websites: [\[http://www.fca.org.uk/Pages/register/index.shtml\]](http://www.fca.org.uk/Pages/register/index.shtml); and/or <http://www.bankofengland.co.uk/PRA>

2.03: The *firm* must ~~indicate~~ give a point of contact for any queries in connection with the application and must provide a telephone contact number and e-mail address. Please note that this need not be the same person that signs the Form A on behalf of the *firm* but should be someone who is able to field and/or answer any questions that the *FCA* and/or *PRA* may have in relation to the application. The signatory will be responsible for the accuracy of the information in the form.

## SECTION 3 – ARRANGEMENTS AND CONTROLLED FUNCTIONS

~~The *firm* must tick the box in 3.01 that most accurately describes its *arrangement* with the *candidate*.~~

In this section, the *firm* should describe its *arrangement* with the *candidate*.

Unless the *firm* indicates otherwise, the *FCA* and/or *PRA* assumes that the *arrangement* detailed by the *firm* on the Form A includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the *FCA* and/or *PRA*. However, where the responsibilities of the individual fall outside the description of the *controlled function* the *firm* must consider what further approval is necessary. Permitting an individual to perform a *controlled function* without *FCA* and/or *PRA* approval is a breach of section 59 of FSMA.

*Firms* wishing to seek guidance with regard to ~~MiFID~~ the Markets in Financial Instruments Directive (MiFID) and how it applies to the selection of *controlled functions* should refer to the MiFID Practical Guide at:

[http://www.fca.gov.uk/pubs/international/mifid\\_guide.pdf](http://www.fca.gov.uk/pubs/international/mifid_guide.pdf)  
<http://www.fca.org.uk/your-fca>; and/or  
<http://www.bankofengland.co.uk/PRA>

~~For applications from~~ Where the application is for the *candidate* to perform the controlled function(s) at a single *firm*, the *firm* should ~~complete~~ answer questions 3.02, 3.03 & and 3.04 indicating the *controlled functions* required by selecting the appropriate box in 3.02.

However, if the application is being made on behalf of a *candidate* who ~~will carry out~~ proposes to perform *controlled functions* for more than one *firm*, then question 3.05 must be used also be answered to describe the *controlled functions* and the relationships between the *candidate* and ~~these firms~~ each *firm* for which the *candidate* proposes to perform the controlled function.

~~3.01: If this application relates to more than one *appointed representative*, provide details in section 6.~~

Please select the box in 3.01 that most accurately describes the *arrangement* with the *candidate*.

If the *candidate* will perform a controlled function on behalf of the *firm* for an *appointed representative* of the *firm* then select the appropriate box at 3.01e or 3.01f and detail the *firm* name and FRN. If the *candidate* proposes to perform *controlled functions* for more than one *appointed representative*, then

the details of each *appointed representative*, including the firm name and FRN should be provided in section 6.

3.02: ~~If the *controlled function 29* is requested, the specific job title of the *candidate* must be included.~~

Guidance about the particular controlled functions can be found in Chapter 10 of the Supervision manual. SUP 10A of the FCA manual and 10B of the PRA manual.

3.03: ~~The effective date is the date on which the *firm* wishes the *candidate* to begin performing *controlled functions* (subject to approval). **This should be left blank unless there is a reason for the effective date to be beyond the FSA's published standard response times.**~~

This box should be left blank in all cases unless there is a reason to **delay the commencement of the performance of the controlled functions** (subject to approval) until a date which is after the FCA and/or PRA published standard response times, details of which can be found at:

<http://www.fca.org.uk/your-fca>; and/or  
<http://www.bankofengland.co.uk/PRA>

The FCA and/or PRA will assume that the *firm* wishes an application to be determined as soon as possible unless this box is completed and the reason for the delay set out in section 6 of the Form A.

**Please note that the *candidate* must not perform the controlled function until the FCA and/or PRA approval has been granted. To do so will mean that both the *firm* and the *candidate* may be in breach of FCA and/or PRA rules and principles.**

3.04a If the *candidate* seeks approval for a *significant influence function*, the specific job title of the *candidate* must be included.

3.04b Insurance mediation

This is not a *controlled function* in its own right. However, every *firm* that carries on insurance mediation activities must appoint an approved person(s) who will be responsible for insurance mediation activities at the *firm* (as detailed at MIPRU 2.2;

<http://fshandbook.info/FS/html/handbook/MIPRU/2/2>

This responsibility must be allocated to a member of the governing body of the firm or in certain circumstances, a senior manager. (i.e. an individual that is applying for approval as CF1, 3-8 or 29).

Please note that insurance mediation is not applicable to *Appointed Representatives*.

Unless the *firm* indicates otherwise, the FSA assumes that the *arrangement* given on the application form includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate*'s responsibilities within the broad description of a *controlled function* without needing further approval from the FSA.

#### **SECTION 4 – EMPLOYMENT HISTORY FOR PAST 5 YEARS (Not applicable for a short application)**

A full five-year employment history for the *candidate* must be provided including their current employment at the time of application, with all gaps explained. If the record of employment does not go back five years, all periods of education and unemployment must be indicated. Full details of any periods of self-employment must be included.

Always give the address of the actual place of employment, rather than a central head office.

If there are insufficient pages to provide all of a *candidate's* employment history, either add the information at section 6 or photocopy page 7 and attach the additional pages.

“Regulatory body” in this context means the bodies listed in the notes to section 5 (overleaf).

State the position held by the *candidate* and a brief explanation of his or her duties. If the *candidate's* job title included the word “*director*” but his or her duties did not include those associated with the title of *director*, as defined in the *Glossary*, this should be indicated.

The reason for leaving each employer must be given. If there were any issues arising on leaving that could affect the Fitness and Propriety of the individual, these must be fully explained in section 6. Previous employers may be contacted and the omission of relevant details may result in applications being delayed and, in some cases, possibly rejected.

***Candidates who are applying for significant influence functions (CF1 to 12 CF1-12B, 28; or 29; 40 or 50) are required to submit a copy of their curriculum vitae (CV), in addition to completing section 4 of this Form, unless the application is for a governing function of an appointed representative. It should be attached securely to the Form.***

***This is only applicable to short form applicants if they have never previously held a significant influence function or if the previous submission of their CV when applying for a significant function, has altered from their previous application their CV has altered from the version submitted with their previous application for a significant influence function.***

## **SECTION 5 – FITNESS AND PROPRIETY (Not applicable for a short application)**

Answer the question by ticking the relevant ‘yes’ or ‘no’ box. If the answer to any of the questions is ‘yes’, give complete details in section 6 and attach relevant supporting documentation.

5.01 to 5.02 It is for senior management to decide what checks should be made. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (‘the Order’)(see Articles 3 and 4 of the Order) the *FSA FCA* and/or *PRA* and the firm have a right to ask about spent, as well as unspent, criminal convictions for employment purposes about candidates for *approved person* status [see Section 5.05 of Form A –(Application to perform controlled functions under the approved persons regime.)]

Cautions are not within the ambit of the Rehabilitation of Offenders Act 1974. Hence cautions never become spent and if asked, a *candidate* must inform a potential employer and the *FSA FCA* and/or *PRA* whether he/she has received a caution.

5.03 to 5.06: Court judgments (e.g. County Court Judgments) and arrangements with creditors (e.g. Individual Voluntary Arrangements) are covered by questions 5.03 to 5.06. Any outstanding County Court Judgments or arrangements with creditors must be listed in section 6, and the circumstances surrounding them explained. The *FSA-FCA* and/or *PRA* will conduct credit checks.

“Regulatory body” in this context refers to:

- i) the self-regulatory organisations including *IMRO, SFA, PIA, LAUTRO, FIMBRA, AFBD* and *TSA*;
- ii) the statutory bodies including the *FSA, Financial Conduct Authority, Prudential Regulation Authority, the Financial Services Authority, SIB, the Society of Lloyd’s, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England; HM Treasury – Insurance Directorate (formerly of the DTI) and the recognised bodies*;
- iii) the *designated professional bodies*; and
- iv) the equivalent of all such regulators overseas.

5.09 This question covers internal investigation by an authorised *firm* in addition to investigations by a regulatory body **at any time**.

## SECTION 6 – SUPPLEMENTARY INFORMATION

This section provides space for additional information. It should be used to disclose additional information about "yes" answers in section 5 of the full Form A and any information which is not the subject of a specific question in section 5, but ~~is~~ might be relevant to the consideration of fitness and propriety, including in relation to the reasons for leaving the firms listed in section 4. For more information on the factors which the ~~FSA~~ FCA and/or PRA ~~takes~~ may take into account when considering applications, please refer to "FIT" in the ~~FSA~~ Handbook.

List here all directorships currently held or previously held in the past **10** years by the *candidate*.

~~Relevant documents~~ Supporting documentation must also be provided, such as evidence of the settlements of ~~County Court Judgments~~ CCJs.

## SECTION 7 – DECLARATIONS & SIGNATURES

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the *candidate*. Signatures MUST NOT be dated more than 3 months prior to the date of submission of the application. The ~~FSA~~ FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59~~(5)~~(7B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12~~B~~, 28, ~~or~~ 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ FCA and/or PRA. The candidate should not sign the declaration on behalf of the firm unless he is a sole trader or the sole director in a limited company. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*. All signatures submitted on forms should be originals.

It is a criminal offence under section 398 of the Financial Services and Markets Act 2000 to knowingly or recklessly provide the FCA and/or PRA with false or misleading information.

Incoming *EEA Firms* undertaking non-MiFID business must confirm by using the tick box that the *candidate* is competent to perform the *controlled function(s)* for which this application is made.

N.B. Please keep these notes before returning the completed Form to the FCA and/or PRA.

**If you have any questions or need additional information, please contact the Firm Contact Centre FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or e-mail [iva@FSA.gov.uk](mailto:iva@FSA.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY~~  
~~Permissions, Decisions and Reporting~~  
~~Financial Conduct Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom

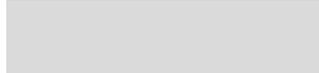
Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



Application number  
(for ~~FSA~~ FCA/PRA use only)



The ~~FSA~~ has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the ~~FSA's website at~~

~~[http://www.fsa.gov.uk/pubs/forms/imap\\_formb\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_formb_notes.doc)~~ FCA and PRA website at

[http://media.fshandbook.info/Forms/notes/imap\\_formb\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formb_notes.doc)

[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form B

# Notice to withdraw an application to perform controlled functions under the approved persons regime

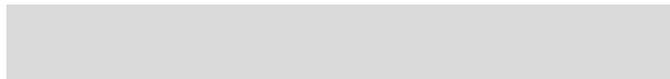
*FSA Handbook Reference: SUP 10 Annex 5R 1 November 2007*

*FCA Handbook Reference: SUP 10A Annex 5R*

*PRA Handbook Reference: SUP 10B Annex 5R*

1 April 2013

Name of *candidate*  
(to be completed by applicant)



Name of *firm*  
(as entered in 2.01)



~~The Financial Services Authority  
Permissions, Decisions & Reporting Division~~

Financial Conduct Authority

25 The North Colonnade

Canary Wharf

London E14 5HS

United Kingdom

Telephone +44 (0) 845 606 9966

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

United Kingdom

Telephone +44 (0) 203 461 7000

Facsimile +44 (0) 207 066 0017  
E-mail ~~iva@fca.gov.uk~~ [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fca.gov.uk>  
<http://www.fca.org.uk>

Registered as a Limited Company in England and Wales No 1920623. Registered Office as above

Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and Wales No 07854923. Registered Office: 8 Lothbury Road, London, EC2R 7HH

## Personal identification details

## Section 1

1.01 *Candidate FSA* Individual Reference Number (IRN)

1.02 Title (e.g. Mr, Mrs, Ms, etc)

1.03 Surname

1.04 ALL forenames

1.05 Date of birth

1.06 National Insurance number

1.07 *Candidate's* private address



I have supplied further information related to this page in Section 4

YES

NO

2.01 Name of *firm*

2.02 ~~FSA~~ Firm Reference Number (FRN)

2.03 a Who should the ~~FSA~~ FCA/PRA contact at the *firm* in relation to this notice?

b Position

c Telephone

d Fax

e E-mail

2.04 *Firms included on application Form (including applicant firm)*

	<del>FSA</del> FRN	Name of <i>firm</i>	Controlled functions
a	<input type="text"/>	<input type="text"/>	<input type="text"/>
b	<input type="text"/>	<input type="text"/>	<input type="text"/>
c	<input type="text"/>	<input type="text"/>	<input type="text"/>
d	<input type="text"/>	<input type="text"/>	<input type="text"/>
e	<input type="text"/>	<input type="text"/>	<input type="text"/>



I have supplied further information related to this page in Section 4

YES

NO

**3.01** Indicate the reason for withdrawal

<i>a</i>	Internal movement of staff	<input type="checkbox"/>
<i>b</i>	Termination of employment or contract	<input type="checkbox"/>
<i>c</i>	Resignation	<input type="checkbox"/>
<i>d</i>	Redundancy	<input type="checkbox"/>
<i>e</i>	Withdrawal of offer of employment	<input type="checkbox"/>
<i>f</i>	End of contract	<input type="checkbox"/>
<i>g</i>	Suspension	<input type="checkbox"/>
<i>h</i>	Other GIVE DETAILS IN SECTION 4	<input type="checkbox"/>



I have supplied further information related to this page in Section 4

YES

NO

**4.01** Include here any issues that arose in relation to this withdrawal, such as resignation or termination of contract. Indicate clearly which question supplementary information relates to.

Question	Information

**4.02** How many additional sheets are being submitted?

**DECLARATION OF CANDIDATE**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000). It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

5.01 Candidate's full name

5.02 Signature

Date / /

**DECLARATION BY APPOINTED REPRESENTATIVE OR OTHER FIRM** (if applicable)

**We concur that the application to perform *controlled functions* under the *approved persons* regime made in respect of the above *candidate* should be withdrawn with immediate effect.**

5.03 Name of appointed representative or other *firm*

5.04 Name of *person* signing on behalf of the *firm*

5.05 Job title

5.06 Signature

Date / /

**DECLARATION BY FIRM**

Knowingly or recklessly giving the ~~FSA FCA and/or PRA~~ information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA FCA and/or PRA~~ and to notify the ~~FSA FCA and/or PRA~~ immediately if materially inaccurate information has been provided. APER 4.4.6E 7E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA FCA and/or PRA~~, failure to inform the ~~FSA FCA and/or PRA~~ of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA FCA and/or PRA~~. It should not be assumed that information is known to the ~~FSA FCA and/or PRA~~ merely because it is in the public domain or has previously been disclosed to the ~~FSA FCA and/or PRA~~ or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

5.07	Name of <i>firm</i>	
5.08	Name of <i>person</i> signing on behalf of the <i>firm</i>	
5.09	Job title	
5.10	Signature	
	Date	/ /

## Notes to assist in completing the Form B - Notice to withdraw an application to perform *controlled functions* under the approved persons regime

Full details of the *approved persons* regime and the application process are given in ~~chapter 10 (section 10.12)~~ SUP 10A and SUP 10B of the FCA's and PRA's Supervision manual manuals.

### The purpose of this form

This Form is referred to in ~~the relevant rule in SUP 10.12~~ SUP 10A.13 and SUP 10B.11 of the FCA's and PRA's Supervision manuals. This Form must be used when a *firm* or applicant wishes to withdraw an application to perform *controlled functions* under the *approved persons* regime (Form A) **before** the application has been determined and with immediate effect.

Firms are asked to email ~~IVA@fsa.gov.uk~~ iva.fca@org.uk and/or PRA.firmenquiries@bankofengland.co.uk as soon as it is apparent that an application is to be withdrawn, in order that the Approval process can be halted at the earliest opportunity.

### Completing this Form

The Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

A Notice to withdraw an application may be submitted in relation to all or some of the *controlled functions* or *firms* listed on the original application (Form A). If it is submitted in relation to only some of the *controlled functions* or *firms*, you must list at section 4.01 the *controlled functions* and *firms* to which the withdrawal relates. If section 4.01 is left blank it will be assumed that the withdrawal relates to all of the *controlled functions* listed on the original application.

Any issues that arose in relation to this withdrawal, such as resignation or termination of contract, must be explained in section 4.01.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 4.02 the number of additional sheets attached.

Under section 61(5) of the Financial Services & Markets Act (Determination of applications) the *firm* may withdraw the application only if it also has the consent of the *candidate* and the *person* by whom the *candidate* is or would have been employed, if this is not the *firm* making the application

**Along with the candidate, an appropriate individual must sign the declaration for the *firm* submitting the Form. The ~~FSA~~ FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section ~~59(5)(7B)~~ of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ FCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.**

N.B.: Detach and Please keep these notes before returning the completed Form to the ~~FSA~~ FCA and/or PRA.

~~Firm Contact Centre on 0845 606 9966 or via e-mail at iva@fsa.gov.uk~~

**If you have any questions or need additional information, please contact the FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or e-mail iva@fca.org.uk or PRA.firmenquiries@bankofengland.co.uk.**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT~~

FINANCIAL CONDUCT AUTHORITY  
25 THE NORTH COLONNADE  
CANARY WHARF  
LONDON E14 5HS

PRUDENTIAL REGULATION AUTHORITY  
20 MOORGATE  
LONDON  
EC2R 6DA  
UNITED KINGDOM

UNITED KINGDOM



Application number  
(for FSA FCA/PRA use only)



The ~~FSA has~~ FCA and PRA have produced notes which will assist both the applicant and the approved person in answering the questions in this form. Please read these notes, which are available on the ~~FSA's~~ FCA and PRA website at [http://fsahandbook.info/FSA/docs/notes/imap\\_formc\\_notes.doc](http://fsahandbook.info/FSA/docs/notes/imap_formc_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_formc\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formc_notes.doc)  
[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Both the applicant and the approved person will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

# Form C

## Notice of ceasing to perform controlled functions

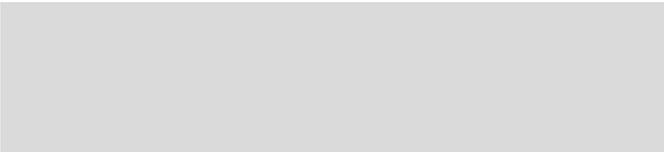
~~FSA FCA Handbook Reference: SUP 10A Annex 6R (Notification under SUP 10.13.6R)(Notifications)~~

~~PRA Handbook Reference: SUP 10B Annex 6R (Notifications)~~

1 April 2013

Name of *approved person*<sup>†</sup>  
(to be completed by applicant)

Name of *firm*<sup>†</sup>



~~The Financial Services Authority - Permissions, Decisions & Reporting Division~~

~~Financial Conduct Authority~~

~~25 The North Colonnade~~

~~Canary Wharf~~

~~London E14 5HS~~

~~United Kingdom~~

~~Telephone +44 (0) 845 606 9966~~

~~Facsimile +44 (0) 207 066 0017~~

~~E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)~~

~~Website <http://www.fsa.gov.uk>~~

~~<http://www.fca.org.uk>~~

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

United Kingdom

Telephone +44 (0) 203 461 7000

E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> ~~These questions should be completed whether submissions of this form is online or in one of the other ways set out in SUP 15.7~~

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

**Personal identification details****Section 1**1.01 *FSA* Individual Reference Number (IRN) †1.02 Title†  
(e.g. Mr, Mrs, Ms, etc)

1.03 Surname†

1.04 ALL forenames†

1.05 Date of birth†

1.06 National Insurance number†

1.07 *Approved person's* private address†**Firm identification details****Section 2**2.01 Name of *firm* \*2.02 *FSA Firm* Reference Number (FRN) \*2.03 a Who should the *FSA FCA/PRA* contact at the *firm* in relation to this notice? †

b Business address†

c Position†

d Telephone†

e Mobile†

f Fax†

g E-mail†

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

† The above question(s) appears on an electronic form submission and a paper form submission

† The above question(s) appears on an electronic form submission and a paper form submission

3.01 List all *controlled functions* which the *approved person* is ceasing to perform. The effective date is the date the *person* will cease to perform the functions.

If the reason for ceasing to perform the *controlled function* is indicated in column B, the FSA FCA and/ or PRA should be notified in accordance with ~~SUP 10.13.7R~~ and ~~SUP 10.13.8G~~ 10A.14.10R, SUP 10A.14.11G, SUP 10B.12.12.R and SUP 10B.12.13G (that is, within one *business day*, by telephone, fax or email) that this Form will be submitted

	FRN <sup>†</sup>	Name of firm <sup>†</sup>	Controlled function <sup>†</sup>	Effective date <sup>†</sup>	Reason <sup>†</sup>	
					A	B Full explanation in 4.02
a				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>
b				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>
c				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<b>d</b>			/ /	Internal move- ment of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other <input type="checkbox"/> (specify in 4.02)
<b>e</b>			/ /	Internal move- ment of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other <input type="checkbox"/> (specify in 4.02)



I have supplied further information related to this page in Section 4<sup>†</sup>

YES

NO

<sup>‡</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 <sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

**4.01** Is there any other information the approved person or the firm considers to be relevant to the application? †

Please provide full details†

**4.02** Please indicate clearly which question the supplementary information relates to. †

Question	Information

**4.03** How many additional sheets are being submitted? †

---

† The above question(s) appears on an electronic form submission and a paper form submission

## Supporting Documents

Indicate the required supporting documents to accompany this form<sup>†</sup>

Documents	Mode (by email, fax or post)

Other information (please specify)<sup>†</sup>

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<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Warning<sup>†</sup>**

Knowingly or recklessly giving the ~~Financial Services Authority (FSA)~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and 15.6.4R require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided.

APER 4.4.6E ~~7E~~ provides that, where an approved person is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of Statement of Principle 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection<sup>†</sup>**

For the purpose of complying with the Data Protection Act, the personal information in this Form may be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation and will not be disclosed for any other purpose without the permission of the applicant.

**I confirm that a permanent copy of this application, signed by the firm, will be retained for an appropriate period, for inspection at the ~~FSA's~~ FCA's and/or PRA's request.** Confirm that you have read and understood the declaration:

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the explanatory relating to the Form.**

Tick here to confirm you have read and understood this declaration: ∞

First name of the person signing on behalf of the firm<sup>†</sup>

Surname of the person signing on behalf of the firm<sup>†</sup>

Date<sup>†</sup>

Signature<sup>\*</sup>

Job title<sup>†</sup>

Name of firm<sup>†</sup>

∞ These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

## Notes to assist in completing the Form C - Notice of ceasing to perform *controlled functions*

Full details of the *approved persons* regime and the application process are given in ~~chapter 10 of the Supervision Manual~~ SUP 10A and SUP 10B of the FCA's and PRA's Supervision manuals.

### The purpose of this Form

This Form is referred to in ~~the relevant rule in SUP 10.13~~ SUP 10A.14 and SUP 10B.12 of the FCA's and PRA's Supervision manuals. This Form must be used when an *approved person* ceases to perform one or more *controlled functions*.

If an *approved person* ceases to perform *controlled functions* in respect of a number of *firms* within the same *group*, a single Form C may be used, ensuring all *firms* are clearly marked on the Form.

A *firm* must submit to the ~~FSA~~ FCA and/or PRA a completed Form C no later than seven *business days* after an *approved person* ceases to perform a *controlled function*

Additionally, a forward dated request will not be actioned by the ~~FSA~~ FCA and/or PRA until 7 days before the stated effective day becomes operable.

If a *firm* has reasonable grounds for believing that it will submit a qualified Form C, it must notify the ~~FSA~~ FCA and/or PRA of the fact as soon as practicable.

The Form C is qualified if:

1. the *firm* submitting Form C reasonably believes that the information it contains may affect the ~~FSA's~~ FCA and/or PRA's assessment of an *approved person's* fitness and propriety; or
2. a *firm* dismisses, or suspends, an *approved person* from its employment; or
3. an *approved person* resigns whilst under investigation by the *firm*, the ~~FSA~~ FCA and/or PRA or any other regulatory body.
4. *Firms* are reminded that they should be open and honest with the ~~FSA~~ FCA and PRA as per Principle 11. Any information provided must be factual and able to be substantiated. The ~~FSA~~ FCA and/or PRA reserves the right to use the information provided in carrying out its regulatory functions.

Notification of a qualified Form C must be made in writing by either fax or email and should be made, where possible, within one *business day* of the *firm* becoming aware of the information. If the *firm* does not submit Form C, it should inform the ~~FSA~~ FCA and/or PRA in due course of the reason. This could be done using Form D, if appropriate.

A *firm* is responsible for notifying the ~~FSA~~ FCA and/or PRA if any *approved person* has ceased to perform a *controlled function* under an *arrangement* entered into by its *appointed representative* or former *appointed representative*.

### Completing this Form

This Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 4.02 the number of additional sheets attached.

The reasons why an *approved person* is no longer performing *controlled functions* must be indicated on the Form. However, if an *approved person* has been dismissed or requested to resign, or the *firm* has any doubts about their fitness and propriety (3.01 column B), a full explanation of the reason for the dismissal or resignation must be provided in section 4.01 (supplementary information). If the *firm* ticks the box marked 'Suspension', the *firm* will have to reapply (using Form A) for the individual to perform *controlled functions* again.

The *firm* must also include details of any other matter that the *firm* is aware of and which in its reasonable opinion is relevant in connection with the *approved person* ceasing to perform their *controlled function*.

An appropriate individual must sign the declaration for the *firm* submitting the Form. The ~~FSA~~ FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(5)(7B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ FCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

Only the *firm* that made the original application (Form A) may sign this Form except where that individual is the only remaining individual at the firm (e.g. Sole Trader).

N.B.: ~~Detach and~~ Please keep these notes before returning the completed Form to the ~~FSA~~ FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT~~

THE FINANCIAL CONDUCT AUTHORITY  
25 THE NORTH COLONNADE  
CANARY WHARF  
LONDON E14 5HS  
UNITED KINGDOM

PRUDENTIAL REGULATION AUTHORITY  
20 MOORGATE  
LONDON  
EC2R 6DA  
UNITED KINGDOM



Application number  
(for FSA FCA/PRA use only)

The ~~FSA~~ FCA and PRA have produced notes which will assist both the applicant and the approved person in answering the questions in this form. Please read these notes, which are available on the ~~FSA's~~ FCA and PRA's website at: [http://fsahandbook.info/FSA/docs/notes/imap\\_formd\\_notes.doc](http://fsahandbook.info/FSA/docs/notes/imap_formd_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_formd\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formd_notes.doc)  
[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA).

Both the applicant and the approved person will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form D

# Notification of changes in personal information or application details

~~FSA FCA Handbook Reference: SUP 10A Annex 7R (Notification under SUP 10.13.18R)~~

PRA Handbook Reference: SUP 10B Annex 7R

1 April 2013

Name of individual  
(to be completed by applicant)

Name of *firm*  
(as entered in 2.01)

~~The Financial Services Authority~~  
~~Permissions, Decisions & Reporting Division~~  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fca.org.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

## Contact Details

Contact for this notification

	Title <sup>†</sup>	
	First Name <sup>†</sup>	
	Surname <sup>†</sup>	
	Job Title <sup>†</sup>	
	Business address <sup>†</sup>	
	Post code <sup>†</sup>	
	Phone number (including STD code) <sup>†</sup>	
	Email address <sup>†</sup>	
	Mobile No <sup>†</sup>	
	Fax No. <sup>†</sup>	

---

<sup>†</sup>The above question(s) appears on an electronic form submission and a paper form submission

**1.01** If any of the details have changed please provide new details below  
*Approved person* FSA Individual Reference Number (IRN) †

**DETAILS TO BE CHANGED**

**1.02** Title (e.g. Mr, Mrs, Ms, etc) †

**1.03** Surname †

**1.04** ALL forenames †

**1.05** Date of birth † //

**1.06** National Insurance number †

**1.07** Nationality †

**1.08** Passport number †

**1.09** Other changes in application details and matters relating to fitness and propriety †

**1.10** Effective date of change † //

**1.11** Reason for change †

➔ I have supplied further information related to this page in Section 3 YES  NO

Do you want to notify us of a change of arrangement between the approved person and the firm? †

Does the change in arrangement relate to an appointed representative? †

Current appointed representative details? †

AR FRN	Firm Name

Do you want to add an appointed representative? †-

Do you want to remove an appointed representative? †

As a result of this removal you will need to consider whether to submit a withdrawal of a CF and/or an Appointed Representative termination

Please select the appointed representative to remove †-

AR FRN	Firm Name	Remove

Effective Date †-



---

†-The above question(s) appears on an electronic form submission and a paper form submission

2.01 Name of *firm*

2.02 Firm Reference Number (FRN) <sup>±</sup>

2.03 Other *firms* for whom the individual performs *controlled functions* ‡

	<b>FSA FRN</b>	<b>Name of firm</b>	<b>Controlled function</b>
a	<input type="text"/>	<input type="text"/>	<input type="text"/>
b	<input type="text"/>	<input type="text"/>	<input type="text"/>
c	<input type="text"/>	<input type="text"/>	<input type="text"/>
d	<input type="text"/>	<input type="text"/>	<input type="text"/>
e	<input type="text"/>	<input type="text"/>	<input type="text"/>



I have supplied further information related to this page in Section 3

YES  NO

# Fitness and Propriety<sup>†</sup>

Do you want to notify us of a change to the approved person's fitness and propriety?

1. Has the approved person ever been convicted of any offence (whether spent or not and whether or not in the United Kingdom); (i) involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences and/or other dishonesty; or (ii) relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, money laundering, market manipulations and/or insider dealing?

Enter full details in this section

2. Is the approved person the subject of any current criminal proceedings?

Enter full details in this section

3. Has the approved person ever been given a caution in relation to any criminal offence?

Enter full details in this section

4. Has the approved person any convictions for any offences other than those listed above, whether or not in the United Kingdom (excluding traffic offences unless these traffic offences resulted in a ban from driving or involved driving without insurance)?

Enter full details in this section

5. Has the approved person ever had a County Court Judgement (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not, in the United Kingdom or elsewhere?

Enter full details in this section

6. Has the approved person had more than two CCJs or judgement debts?

Enter full details in this section

7. Has the approved person had more than £1,000 in total of CCJs or judgement debts?

Enter full details in this section

8. Is the approved person aware of:

a). any proceedings that have begun, or anybody's intention to begin proceedings, against the approved person for a CCJ or other judgement debt?

Enter full details in this section

b). more than one set of proceedings, or anybody's intention to begin more than one set of proceedings, that may lead to a CCJ or other judgement debt?

Enter full details in this section

c). anybody's intention to claim more than £1,000 of CCJs or judgement debts in total from the approved person?

Enter full details in this section

9. Does the approved person have any current judgement debts (including CCJs) made under a court order still outstanding, whether in full or in part?

Enter full details in this section

10. Has the approved person ever failed to satisfy any such judgement debts within one year of the order being made?

Enter full details in this section

11. Is the approved person or has the approved person ever been the subject of any bankruptcy proceedings, or proceedings for the sequestration of the approved person's estate?

Enter full details in this section

12. Has the approved person ever entered into, or is in the process of entering into, an agreement in favour of the approved person's creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

Enter full details in this section

13. Does the approved person have any outstanding financial obligations arising from regulated activities, which the approved person has carried out in the past, in the United Kingdom or overseas? (In the case of advisers, this will include any outstanding liabilities arising from commissions paid for the sale of packaged products that have lapsed).

Enter full details in this section

14. Has the approved person ever been found guilty of carrying on any unauthorised regulated activities or been investigated for possible carrying on of unauthorised regulated activities?

Enter full details in this section

15. Is the approved person, or has the approved person, ever been the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?

Enter full details in this section

16. Has the approved person ever, either in the United Kingdom or elsewhere:

- a). been refused entry to, or been dismissed, suspended or asked to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust, whether or not remunerated?

Enter full details in this section

- b). been refused, restricted in or had suspended, the right to carry on any trade, business, or profession for which specific licence, authorisation, registration, membership or other permission is required?

Enter full details in this section

c). been disqualified from acting as a director of a company or from acting in a management capacity or conducting the affairs of any company, partnership or unincorporated association?

Enter full details in this section

d). been the subject of a disqualification direction under section 59 of the Financial Services Act 1986; a prohibition order under section 56 of the Financial Services and Markets Act 2000; or received a warning notice that such a direction or order be made?

Enter full details in this section

17. In relation to activities regulated by the FSA FCA and/or PRA or any other regulatory body, has:

- i. the approved person, or
- ii. any company, partnership or unincorporated association of which the approved person is or has been a controller, director, senior manager, partner or company secretary, during the approved person's association with that entity and for a period of three years after the approved person ceased to be association with it, ever:

a). been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership, or other permission granted by any such body?

Enter full details in this section

b). been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary action by any such body?

Enter full details in this section

c). resigned while under investigation by, or been required to resign from any such body?

Enter full details in this section

d). decided, after making an application for any licence, authorisation, registration, notification, membership, other permission granted by any such body, not to proceed with it?

Enter full details in this section

e). been the subject of any civil action which has resulted in a finding against the approved person or it by a court?

Enter full details in this section

18. Has any company, partnership, or unincorporated association of which the approved person is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the approved person's involvement or within one year of such an involvement:

a) been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?

Enter full details in this section

b) been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct?

Enter full details in this section

c) been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation?

Enter full details in this section

d) been convicted of any criminal offence, censured, disciplined or publicly criticised by any inquiry, by the Takeover Panel or any governmental or statutory authority or any other regulatory body (other than as already indicated under 17(b) above)?

Enter full details in this section

19. Is the approved person aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the controlled functions for which approval is now sought?

Enter full details in this section

Enter Date of change:



- 3.01** Is there any other information the approved person or the firm considers to be relevant to the application? †  
Please provide full details †
- 3.02** Please indicate clearly which question the supplementary information relates to.

Question	Information

**3.03** How many additional sheets are being submitted?+



I have supplied further information related to this page in Section 3 YES  NO

~~† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

## Supporting Documents<sup>‡</sup>

Indicate the required supporting documents to accompany this form.

Documents	Mode (by email, fax, post)

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~~‡ These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7.~~

**DECLARATION OF APPROVED PERSON ‡**

The *firm* must ask the individual to make the declaration only where the *firm* becomes aware of information that would reasonably be material to the assessment of the *approved person's* continuing fitness and propriety.

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000). It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection ‡**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the FSA FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

The FSA FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. I authorise the FSA FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. I also understand that the results of these checks may be disclosed to my employer.

4.01 Full name of *approved person*  
i.e. Title, forenames, SURNAME ‡

4.02 Signature\*

Date‡ / /

**Tick to confirm you have read and understood this declaration:**

**DECLARATION OF FIRM ‡**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided. APER 4.4.6E 7E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA. It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

4.03 Name of the *firm* ‡

4.04 Name of *person* signing  
on behalf of the *firm* ‡

4.05 Position ‡

4.06 Signature\*

~~‡ These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

Date // 

These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7

~~These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7.~~

## Notes to assist in completing the Form D - Notification of changes in personal information or application details

Full details of the *approved persons* regime and the application process are given in ~~Chapter 10.13 of the Supervision manual~~ SUP 10A and SUP 10B of the FCA and PRA's Supervision manuals.

### The purpose of this Form

This is Form D referred to in ~~the relevant guidance and rule in SUP 10.13~~ SUP10A.14 and SUP 10B.12 of the FCA and PRA's Supervision manuals. The *firm* must use this Form to inform the FSA/FCA and/or PRA of changes in the personal details of an *approved person* or a change in the details of an application to perform *controlled functions*). It is not necessary to notify the FSA/FCA and/or PRA of changes in an *approved person's* private address.

The *firm* must also keep the FSA/FCA and/or PRA informed of any significant circumstances directly affecting an *approved person* and which any reasonable person would consider relevant to the *approved person's* position under the ~~FSA rules.~~ rules of the FCA and/or PRA.

The *firm* is required to notify the FSA/FCA and/or PRA of any matter, in relation to an *approved person*, that would normally be declared when giving the information required for section 5 of the application to perform controlled functions or matters considered in *FIT 2*

Do not use this Form if the *approved person* requires approval in respect of further *controlled functions* or has ceased to perform *controlled functions*.

### Completing this Form

This Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

Where a person is an *approved person* in respect of a number of *firms* within the same *group*, a single Form may be used, ensuring all *firms* are clearly marked on the Form.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 3.02 the number of additional sheets attached.

An appropriate individual must sign the declaration for the *firm* submitting the Form. The FSA/FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(57B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions 1 to 12B, 28, & 29, 40, or 50*) or someone to whom the *firm* has delegated the authority to notify the FSA/FCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

Only the *firm* that made the original application (application to perform controlled functions) may sign this Form.

N.B.: ~~Detach and keep~~ Please keep these notes before returning the completed Form to the FSA-FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom~~

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom



Application number  
(for FSA FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the FSA's FCA and PRA's websites at [http://www.fsa.gov.uk/pubs/forms/imap\\_forme\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_forme_notes.doc) [http://media.fshandbook.info/Forms/notes/imap\\_forme\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forme_notes.doc) and [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA).

Both the applicant and the candidate will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form E

# Internal transfer of an approved person

FSA FCA Handbook Reference: SUP 10A Annex 8D

PRA Handbook Reference: SUP 10B Annex 8D

~~4 May 2014~~ 1 April 2013

Name of ~~approved person~~ candidate<sup>†</sup>  
(to be completed by applicant firm)

Name of firm<sup>†</sup>  
(as entered in 2.01)

~~The Financial Services Authority~~ Financial  
Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Personal identifications details

## Section 1

1.01 FSA Individual Reference Number (IRN)<sup>†</sup>

1.02 Title  
(e.g. Mr, Mrs, Ms, etc)<sup>†</sup>

1.03 Surname<sup>†</sup>

1.04 ALL forenames<sup>†</sup>

1.05 Date of birth<sup>†</sup>

1.06 National Insurance number<sup>†</sup>

## Firm identification details

## Section 2

2.01 Name of *firm*

2.02 ~~FSA~~-Firm Reference Number (FRN)

2.03 a Who should the ~~FSA~~ FCA/PRA contact at the *firm* in relation to this application?

b Position

c Telephone

d Fax

e E-mail



I have supplied further information  
related to this page in Section 5

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**3.01** List all *controlled functions* which the *approved person* is ceasing to perform. The effective date is the date the *person* will cease to perform the functions.

	<b>FSA FRN<sup>†</sup></b>	<b>Name of firm<sup>†</sup></b>	<b>Controlled function<sup>†</sup></b>	<b>Effective date<sup>†</sup></b>
a				//
b				//
c				//
d				//
e				//



I have supplied further information related to this page in Section 5

YES

NO

**4.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<hr/>		
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	
<hr/>		
<i>c</i>	<i>Contract for services</i>	<input type="checkbox"/>
<hr/>		
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<hr/>		
<i>e</i>	<i>Appointed representative – customer function</i>	<input type="checkbox"/>
	Name of AR	
<hr/>		
<i>f</i>	<i>Appointed representative – governing function</i>	<input type="checkbox"/>
	Name of AR	
<hr/>		
<i>g</i>	<i>Other</i>	<input type="checkbox"/>
	Give details	

**4.02** For applications from a single *firm*, please tick the boxes that correspond to the *controlled functions* to be performed.  
If the *controlled functions* are to be performed for more than one *firm*, please go to question 4.05

**a** **Significant influence functions**

CF 1	Director function	<input type="checkbox"/>
CF 2	Non- executive director function	<input type="checkbox"/>
CF 3	Chief executive function	<input type="checkbox"/>
CF 4	Partner function	<input type="checkbox"/>
CF 5	Director of an unincorporated association function	<input type="checkbox"/>
CF 6	Small friendly society function	<input type="checkbox"/>



I have supplied further information related to this page in Section 5 YES  NO

**Significant influence functions**  
*continued*

CF 8	Apportionment and oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 9	EEA investment business oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 10	Compliance oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 10 A	CASS operational oversight function	<input type="checkbox"/>
CF 11	Money laundering reporting function	<input type="checkbox"/>
CF 12	Actuarial function	<input type="checkbox"/>
CF 12A	With-profits actuary function	<input type="checkbox"/>
CF 12B	Lloyd's Actuary function	<input type="checkbox"/>
CF 28	System and controls function	<input type="checkbox"/>
CF 29	Significant management function	<input type="checkbox"/>
<b>b</b>	<b><u>significant influence functions</u></b> <i>continued</i>	
CF 40	Benchmark submission function	<input type="checkbox"/>
CF 50	Benchmark administration function	<input type="checkbox"/>
<b>c</b>	<b>Customer function</b>	
CF 30	Customer function	<input type="checkbox"/>

**4.03** Effective date of controlled functions indicated above †

/ /

**4.04** Job title (mandatory for controlled function 28 & 29) †



I have supplied further information related to this page in Section 5

YES

NO

**4.05** List all *firms* within the *group* (including the *firm* entered in 4.02) for which the applicant requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	<b>FSA Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for <i>controlled function</i> 28 & 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 5

YES

NO



---

**5.01** Is there any other information the *candidate* or the *firm* considers to be relevant to the application?

YES NO 

If yes, please provide details below or on a separate sheet of paper and clearly identify the section and question to which the additional information relates.

Question	Information

**5.02** How many additional sheets are being submitted?

**DECLARATION OF CANDIDATE**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

APER 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://FSHandbook.info/FS/html/handbook/APER>)**

**([www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA))**

6.01 Candidate's full name<sup>†</sup>

6.02 Signature<sup>\*</sup>

Date<sup>†</sup> / /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**DECLARATION OF FIRM**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

APER 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA. It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

In making this application the *firm*

~~believes~~ believes on the basis of due and diligent enquiries made to date that the *candidate* is a fit and proper person to perform the *controlled function(s)* listed in section 4. ~~The firm also~~

~~believes~~ believes on the basis of due and diligent enquiry, that the *candidate* is competent (including having achieved the relevant qualifications) to fulfil the duties required in the performance of such function(s).

**IF UNDERTAKING ANY NON MiFID BUSINESS FOR WHICH YOU HAVE NOT PREVIOUSLY APPLIED FOR AUTHORISATION, PLEASE ALSO COMPLETE THE FOLLOWING**

The *firm* also believes, on the basis of due and diligent enquiry, that the *candidate* is competent to fulfil the duties required of such function(s). YES  NO

I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 4.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA, will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.

In signing this form on behalf of the firm:

a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

b) I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 34.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.

c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

(<http://fsahandbook.info/FSA/html/handbook/APER>)

(<http://FSHandbook.info/FS/html/handbook/APER>)

([www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA))

6.03	Name of the <i>firm</i> submitting the application <sup>†</sup>	
6.04	Name of <i>person</i> signing on behalf of the <i>firm</i> <sup>†</sup>	
6.05	Job title <sup>†</sup>	
6.06	Signature <sup>*</sup>	
	Date <sup>†</sup>	/ /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Notes for Form E

### Internal transfer of an approved person

PLEASE NOTE: A *CANDIDATE* MUST NOT BEGIN PERFORMING ANY *CONTROLLED FUNCTIONS* UNTIL THE ~~FSA~~FSA ~~and/or PRA~~ HAS GRANTED APPROVAL.

Full details of the *approved persons* regime can be found in ~~chapter 10 of the Supervision manual~~ chapter *SUP 10A* and *SUP 10B* of the *FCA* and *PRA's Supervision Manuals*.

The purpose of this Form

This is Form E referred to in ~~SUP 40.13.3D~~ *SUP 10A.14.4D* and *SUP 10B.12.4D* of the *FCA* and *PRA's Supervision Manuals*. A *firm* should use this form when an *approved person* ceases to perform one or more *controlled functions* and the *firm* wishes to apply for approval for the individual in respect of other *controlled functions*. This Form should not be used for a qualified withdrawal (see ~~SUP 40.13.7R~~ *SUP 10A.14.10R* and *SUP 10B.12.12R*). This form may also be used for transfers between *firms* that are part of the same *group*:

1. A *firm* must use Form E where an *approved person* is both ceasing to perform one or more *controlled functions* and needs to be approved in relation to one or more *controlled functions* within the same *firm* or *group*.
2. A *firm* must not use Form E if the *approved person* is to perform a *significant-influence function* for the first time or has ceased to have approval from the *FCA* or *PRA* to perform one more than six months ago.
3. A *firm* must not use Form E if a notification has been made or should be made under *SUP 10A.14.17R* (Changes in fitness to be notified under Form D) or *SUP 10B.12.18R* (the equivalent *PRA rule*) in relation to any *controlled functions* that that *person* is ceasing to perform (as referred to in (1)) or any *controlled function* that he is continuing to perform in relation to that *firm* or a *firm* in the same *group*.

Form C must be used if the individual is ceasing to perform a *controlled function* and the *firm* is not seeking approval in respect of another *controlled function*.

Form A must be completed in full if the *approved person* is seeking approval in respect of a *significant influence function* for the first time.

### Completing this Form

The Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick the appropriate box where a yes/no answer is required. Further details should be given in section 5 (Supplementary Information) if there is insufficient space for a detailed answer.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 5.02 the number of additional sheets attached.

Do not assume that information is known to the ~~FSA~~FSA ~~and/or PRA~~ merely because it is in the public domain, or has been previously disclosed to the ~~FSA~~FSA ~~FCA and/or PRA~~ or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included. The information supplied by the *candidate* should be verified by the *firm* wherever possible. ~~If the FSA's~~ Should the FCA and/or PRA vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected. See ~~SUP 40.12.6G~~ *SUP 10A.13.12G* and *SUP 10B.11.11G*.

Expressions in this Form in italics have the meaning given in the *Glossary* to the ~~FSA's Handbook~~ (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the *Glossary*).

The *firm* is responsible for the completion of the Form. If the Form is not fully and correctly completed, the FSAFCA and/or PRA may need to return it for proper completion. This could significantly delay the FSA's FCA and/or PRA's decision on whether to grant approval to perform the requested *controlled functions* (see ~~SUP 40.12.6G~~ 10A.13.12G and SUP10B.11.11G).

The FSAFCA and/or PRA may require the applicant to provide further information at any time after receiving an application and before determining whether it is to be granted or not (see ~~SUP 40.12.8G~~ 10A.13.14G, SUP10B.11.13G and SUP10B.11.14G ).

**If a *firm* has provided, or has information that reasonably suggests that it may have provided, the FSAFCA and/or PRA with information which was or has become false, misleading, incomplete or inaccurate, in a material particular, it must notify the FSA-FCA and/or PRA immediately (see SUP 15.6.4R). Failure to notify the FSAFCA and/or PRA may result in a delay in processing or rejection.**

#### **SECTION 4 – ARRANGEMENTS AND CONTROLLED FUNCTIONS**

The *firm* must tick the box in 4.01 that most accurately describes its *arrangement* with the *candidate*. For applications from a single *firm*, the *firm* should complete 4.02, 4.03 & 4.04 indicating the *controlled functions* required by selecting the appropriate box in 4.02. However, if the application is being made on behalf of a *candidate* who will carry out *controlled functions* for more than one *firm*, 4.05 must be used to describe the *controlled functions* and the relationships between the *candidate* and those *firms*.

- 4.01: If this application relates to more than one *appointed representative*, provide details in section 5.
- 4.02: If the *controlled function* 29 is requested, the specific job title of the *candidate* must be included.
- 4.03: The effective date is the date on which the *firm* wishes the *candidate* to begin performing *controlled functions* (subject to approval). **This should be left blank unless there is a reason for the effective date to be beyond the FSAFCA and/or PRA published standard response times.** For instance, a *firm* may wish to be sure that a *candidate* has been approved before they take up their post.

Unless the *firm* indicates otherwise, the FSAFCA and/or PRA assumes that the *arrangement* given on the application form includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the FSAFCA and/or PRA.

#### **SECTION 5 – SUPPLEMENTARY INFORMATION**

This section provides extra space for any previous answer and for additional information relevant to this application.

The *firm* must include details of any other matter which the *firm* is aware of and which in its reasonable opinion is relevant in connection with the *approved person* ceasing to perform their *controlled function*. If there is insufficient space, additional sheets may be used.

#### **SECTION 6 – DECLARATIONS AND SIGNATURES**

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the *candidate*. The FSAFCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(5) or 59(7B) of the Financial Services and Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the FSAFCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

N.B. ~~Detach and keep~~ Please keep these notes before returning the completed Form to the FSA/FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, CIS & MUTUALS  
DEPARTMENT~~  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom





Application number  
(for FSA-FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the FSA's website at [http://www.fsa.gov.uk/pubs/forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forma_notes.doc) both FCA and PRA websites at: [http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Long Form A – Incoming EEA only Application to perform controlled functions under the approved person regime

~~FSA Handbook Reference: SUP10 Annex 4D~~ FCA Handbook Reference: SUP 10A Annex 4D

PRA Handbook Reference: SUP 10B Annex 4D

1 April ~~2009~~ 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority – Permissions, Decisions & Reporting Division~~  
~~Financial Conduct Authority~~  
~~25 The North Colonnade~~  
~~Canary Wharf~~  
~~London E14 5HS~~  
~~United Kingdom~~

Prudential Regulation Authority  
20 Moorgate  
London  
United Kingdom  
EC2R 6DA

Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

Registered as a Limited Company in England and  
Wales No 1920623. Registered Office as above

Telephone +44 (0) 203 461 7000  
E-mail [PRA.firmenquires@bankofengland.co.uk](mailto:PRA.firmenquires@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8  
Lothbury Road, London, EC2R 7HH

1.01 a	<i>Candidate</i> Individual Reference Number (IRN) <sup>†</sup>	
b	OR name of previous regulatory body <sup>†</sup>	
c	AND previous reference number (if applicable) <sup>†</sup>	
1.02	Title (e.g. Mr, Mrs, Ms, etc) <sup>†</sup>	
1.03	Surname <sup>†</sup>	
1.04	ALL forenames <sup>†</sup>	
1.05	Name commonly known by <sup>†</sup>	
1.06	Date of birth (dd/mm/yyyy) <sup>†</sup>	/ /
1.07	National Insurance number <sup>†</sup>	
1.08	Previous name <sup>†</sup>	
1.09	Date of name change <sup>†</sup>	/ /
1.10 a	Nationality <sup>†</sup>	
b	Passport number (if National Insurance number not available) <sup>†</sup>	
1.11	Place of birth <sup>†</sup>	



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

1.12 a Private address<sup>†</sup>

[Redacted address field]

b

Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1<sup>†</sup>

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

/

1.14 a Previous address 2<sup>†</sup>

[Redacted address field]

<sup>1</sup> b

Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup>

From

/

To

/



I have supplied further information related to this page in Section 6

YES

NO

<sup>2</sup>

\_\_\_\_\_

2.01	Name of <i>firm</i> making the application	
2.02	FSA-Firm Reference Number (FRN)	
2.03 a	Who should the FSA-FCA/PRA contact at the <i>firm</i> in relation to this application?	
b	Business Address	
c	Position	
d	Telephone	
e	E-mail	

	I have supplied further information related to this page in Section 6	YES <input type="checkbox"/>	NO <input type="checkbox"/>
--	---	------------------------------	-----------------------------

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	
<i>c</i>	Contract for services	<input type="checkbox"/>
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<i>e</i>	<i>Appointed representative/tied agent – customer function</i>	<input type="checkbox"/>
	AR firm name and reference number	
<i>f</i>	<i>Appointed representative/tied agent – governing function</i>	<input type="checkbox"/>
	AR firm name and reference number	
<i>g</i>	Other	<input type="checkbox"/>
	Give details	

**3.02** For applications from a single *firm*, please tick the boxes that correspond to the *controlled functions* to be performed.

If the *controlled functions* are to be performed for more than one *firm*, please go to question **3.05**

<b>a</b>	<b><i>Significant influence functions</i></b>	CF 11 <i>Money laundering reporting function</i>	<input type="checkbox"/>
		CF 12 <i>Actuarial function</i>	<input type="checkbox"/>
		CF 12A <i>With-profits actuary function</i>	<input type="checkbox"/>
		CF 12B <i>Lloyd's Actuary function</i>	<input type="checkbox"/>
		CF 29 <i>Significant management function</i>	<input type="checkbox"/>
<b>c</b>	<b><u><i>significant influence functions</i></u></b>	CF 40 <i>Benchmark submission function</i>	<input type="checkbox"/>
		CF 50 <i>Benchmark administration function</i>	<input type="checkbox"/>
<b>b</b>	<b><i>Customer function</i></b>	CF 30 <i>Customer function</i>	<input type="checkbox"/>



I have supplied further information related to this page in Section 6

YES

NO

**3.03** Effective date of *controlled functions* indicated above<sup>†</sup>

[Greyed out area]

**3.04** Job title (mandatory for *controlled function 28 & 29*)<sup>†</sup>

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

YES  NO

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

[Greyed out area]



I have supplied further information related to this page in Section 6

YES

NO

**3.05**

**Complete this section only if the application is on behalf of more than one firm.**

List all firms within the group (including the firm entered in 2.01) for which the candidate requires approval and the requested controlled function for that firm.<sup>†</sup>

	<b>FSA-Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 6

YES

NO

N.B.: ALL gaps must be accounted for

**4.01**

**Employment details (1)<sup>†</sup>**

<b>a</b>	Period (mm/yyyy)	From	/	To	
<b>b</b>	Nature of employment	<i>a</i>	Employed		<input type="checkbox"/>
		<i>b</i>	Self-employed		<input type="checkbox"/>
		<i>c</i>	Not employed		<input type="checkbox"/>
		<i>d</i>	Full-time education		<input type="checkbox"/>
	If <i>c</i> or <i>d</i> is ticked, please give details				
<b>c</b>	Name of employer				
<b>d</b>	Nature of business				
<b>e</b>	Previous / other names of employer				
<b>f</b>	Last known address of employer				
<b>g</b>	Is/was employer regulated by a regulatory body?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Name of regulatory body	
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, of which <i>firm</i> ?	
<b>i</b>	Position held				
<b>j</b>	Responsibilities				
<b>k</b>	Reason for leaving:	<i>a</i>	Resignation		<input type="checkbox"/>
		<i>b</i>	Redundancy		<input type="checkbox"/>
		<i>c</i>	Retirement		<input type="checkbox"/>
		<i>d</i>	Termination/dismissal		<input type="checkbox"/>
		<i>e</i>	End of contract		<input type="checkbox"/>
		<i>f</i>	Other		<input type="checkbox"/>
	Specify				



I have supplied further information related to this page in Section 6

YES

NO

**4.02 Employment details (2)<sup>†</sup>**

**a** Period (mm/yyyy) From  /  To  /

**b** Nature of employment

<i>a</i>	Employed	<input type="checkbox"/>
<i>b</i>	Self-employed	<input type="checkbox"/>
<i>c</i>	Not employed	<input type="checkbox"/>
<i>d</i>	Full-time education	<input type="checkbox"/>

If *c* or *d* is ticked, please give details

**c** Name of employer

**d** Nature of business

**e** Previous / other names of employer

**f** Last known address of employer

**g** Is/was employer regulated by a regulatory body? YES  NO  Name of regulatory body

**h** Is/was employer an *appointed representative/tied agent*? YES  NO  If yes, of which *firm*?

**i** Position held

**j** Responsibilities

**k** Reason for leaving:

<i>a</i>	Resignation	<input type="checkbox"/>
<i>b</i>	Redundancy	<input type="checkbox"/>
<i>c</i>	Retirement	<input type="checkbox"/>
<i>d</i>	Termination/dismissal	<input type="checkbox"/>
<i>e</i>	End of contract	<input type="checkbox"/>
<i>f</i>	Other	<input type="checkbox"/>

Specify

 I have supplied further information related to this page in Section 6 YES  NO

<p><b>5.01 a</b></p> <p>Has the <i>candidate</i> <b>ever</b> been convicted of any offence (whether spent or not and whether or not in the <i>United Kingdom</i>):</p> <p style="margin-left: 40px;">i. involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences or other dishonesty or</p> <p style="margin-left: 40px;">ii. relating to <i>companies, building societies, industrial and provident societies, credit unions, friendly societies</i>, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, <i>money laundering</i>, market manipulations or <i>insider dealing</i>?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>b</b></p> <p>Is the <i>candidate</i> the subject of any current criminal proceedings?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>c</b></p> <p>Has the <i>candidate</i> <b>ever</b> been given a caution in relation to any criminal offence?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.02</b></p> <p>Has the <i>candidate</i> any convictions for any offences (whether spent or not and whether or not in the United Kingdom) other than those in 5.01 and above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.03 a</b></p> <p>Has the candidate, <b>ever</b> had a County Court Judgement (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not (whether or not in the United Kingdom)?</p> <p>Has the candidate had:</p> <p style="margin-left: 40px;">i. more than 2 CCJs or judgment debts?</p> <p style="margin-left: 40px;">ii. more than £1,000 in total of CCJs or judgment debts?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>b</b></p> <p>Is the candidate aware of:</p> <p style="margin-left: 40px;">i. any proceedings that have begun, or anybody's intention to begin proceedings against the candidate for a CCJ or other judgment debt?</p> <p style="margin-left: 40px;">ii. more than one set of proceedings, or anybody's intention to begin more than one set of proceedings that may lead to a CCJ or other judgment?</p> <p style="margin-left: 40px;">iii. anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from the <i>candidate</i>?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.04</b></p> <p>Does the candidate have any <b>current</b> judgement debts (including CCJs) made under a court order still outstanding, whether in full or in part?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.05</b></p> <p>Has the <i>candidate</i> <b>ever</b> failed to satisfy any such judgment debts within one year of the making of the order?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.06 a</b></p> <p>Is the <i>candidate</i>, or has the <i>candidate</i> <b>ever</b> been, the subject of any bankruptcy proceedings, or proceedings for the sequestration of the <i>candidate's</i> estate?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>

- b** Has the *candidate ever* entered or is in the process of entering into an agreement in favour of the *candidate's* creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed).?
- YES  NO
- 5.07** Does the *candidate* have any outstanding financial obligations arising from *regulated activities*, which the *candidate* has carried on in the past, (whether or not in the *United Kingdom*)?
- (In the case of *advisers*, this will include any outstanding liabilities arising from commissions paid for the sale of *packaged products* that have lapsed.)
- YES  NO
- 5.08** Has the *candidate ever* been found guilty of carrying on any unauthorised *regulated activities* or been investigated for the possible carrying on of unauthorised *regulated activities*?
- YES  NO
- 5.09** Is the *candidate*, or has the *candidate ever* been, the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?
- YES  NO
- 5.10** Has the *candidate ever* (whether or not in the *United Kingdom*) –
- a** been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust whether or not remunerated?
- YES  NO
- b** been refused, restricted in, or had suspended, the right to carry on any trade, business or profession for which specific licence, authorisation, registration, membership or other permission is required?
- YES  NO
- c** been disqualified from acting as a *director* of a *company* or from acting in a management capacity or conducting the affairs of any *company*, *partnership* or unincorporated association?
- YES  NO
- d** been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order, under section 56 of the Financial Services and Markets Act 2000, or received a warning notice that such a direction or order be made?
- YES  NO



I have supplied further information related to this page in Section 6

YES  NO

- 1 In relation to activities regulated by the ~~FSA~~-FCA and/or PRA or any other regulatory body (see note section 5), has:
- i. the *candidate*, or
  - ii. any company, partnership or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with that entity and for a period of three years after the candidate ceased to be associated with it, **ever** –
- a been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body? YES
  - b been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or intervention action by any such body? YES
  - c resigned whilst under investigation by, or been required to resign from, any such body? YES
  - d decided, after making an application for any licence, authorisation, registration, notification, membership or other permission granted by any such body, not to proceed with it? YES
  - e been the subject of any civil action which has resulted in a finding against the *candidate* or it by a court? YES
- 2 **Has any company, partnership, or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the candidate's involvement or within one year of such an involvement –**
- a been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors? YES
  - b been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct? YES
  - c been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation? YES
  - d been convicted of any criminal offence, censured, disciplined or publicly criticised, by any inquiry, by the *Takeover Panel* or any governmental or statutory authority or any other regulatory body (other than as already indicated under 5.11(b) above)? YES
- 3 Is the *candidate* aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the *controlled functions* for which approval is now sought? YES



I have supplied further information related to this page in Section 6 YES

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
  - Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.

Question	Information
----------	-------------

**Declaration of Candidate**

Knowingly or recklessly giving the FSA *FCA and/or PRA* information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the FSA *FCA and/or PRA* merely because it is in the public domain or has previously been disclosed to the FSA *FCA and/or PRA* or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the FSA *FCA and/or PRA* to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the FSA *FCA and/or PRA* may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the FSA *FCA and/or PRA* to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>) (<http://fshandbook.info/fs/html/handbook/APER>) (<http://www.bankofengland.co.uk/PRA>)**

7.01 Candidate's full name<sup>†</sup>

7.02 Signature<sup>\*</sup>

Date<sup>†</sup> / /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Declaration of Firm**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided.

~~APER~~ 4.4.6E7E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. FOR FIRMS UNDERTAKING ANY NON MiFID BUSINESS PLEASE ALSO COMPLETE THE FOLLOWING**

**The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

YES  NO

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

**a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the ~~FSA~~ FCA and/or PRA, will be sent to each of those firms at the same time as submitting the Form to the ~~FSA~~ FCA and/or PRA.**

**c) I confirm the candidate has been made aware of the regulatory responsibilities of proposed role as set out in , the Statements of Principle and Code of Practice for Approved Persons**

**(~~http://fsahandbook.info/FSA/html/handbook/APER~~)(<http://fshandbook.info/fs/html/handbook/APER>)  
(<http://www.bankofengland.co.uk/PRA>)**

7.03	Name of the <i>firm</i> submitting the application <sup>†</sup>	
7.04	Name of <i>person</i> signing on behalf of the <i>firm</i> <sup>†</sup>	
7.05	Job title <sup>†</sup>	
7.06	Signature <sup>*</sup>	
	Date <sup>†</sup>	/ /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in *SUP* 15.7



Application number  
(for FSA FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the FSA's both FCA and PRA websites at: [http://fsa.gov.uk/pubs/forms/imap\\_forma\\_notes.doc](http://fsa.gov.uk/pubs/forms/imap_forma_notes.doc)

[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)

<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Long Form A – UK and Overseas Firms (not Incoming EEA)

### Application to perform controlled functions under the approved persons regime

**FSA Handbook Reference: SUP 10 Annex 4D**

**FCA Handbook Reference: SUP 10A Annex 4D**

**PRA Handbook Reference: SUP 10B Annex 4D**

1 May 2011-1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority Authorisations Division~~

~~Financial Conduct Authority~~

~~25 The North Colonnade~~

~~Canary Wharf~~

~~London E14 5HS~~

~~United Kingdom~~

~~Telephone +44 (0) 845 606 9966~~

~~Facsimile +44 (0) 207 066 0017~~

~~E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)~~

~~Website <http://www.fsa.gov.uk>~~

~~<http://www.fca.org.uk>~~

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

United Kingdom

Telephone +44 (0) 203 461 7000

E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8 Lothbury

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Long Form A – UK and Overseas

Application to perform controlled functions under the approved persons regime

Version 13-14

Registered as a Limited Company in  
England and Wales No 1920623. Registered  
Office as above

Road, London, EC2R 7HH

## Personal identification details

1.01 a	Candidate Individual Reference Number (IRN) <sup>†</sup>	
b	OR name of previous regulatory body <sup>†</sup>	
c	AND previous reference number (if applicable) <sup>†</sup>	
1.02	Title (e.g. Mr, Mrs, Ms, etc) <sup>†</sup>	
1.03	Surname <sup>†</sup>	
1.04	ALL forenames <sup>†</sup>	
1.05	Name commonly known by <sup>†</sup>	
1.06	Date of birth (dd/mm/yyyy) <sup>†</sup>	/ /
1.07	National Insurance number <sup>†</sup>	
1.08	Previous name <sup>†</sup>	
1.09	Date of name change <sup>†</sup>	/ /
1.10 a	Nationality <sup>†</sup>	
b	Passport number (if National Insurance number not available) <sup>†</sup>	
1.11	Place of birth <sup>†</sup>	



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

1.12 a Private address<sup>†</sup>

[Redacted address field]

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1<sup>†</sup>

[Redacted address field]

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To /

1.14 a Previous address 2<sup>†</sup>

[Redacted address field]

<sup>1</sup> b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / To /



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

2.01	Name of <i>firm</i> making the application	
2.02	<del>FSA</del> Firm Reference Number (FRN)	
2.03 a	Who should the <del>FSA-FCA/PRA</del> contact at the <i>firm</i> in relation to this application?	
b	Position	
c	Telephone	
d	Fax	
e	E-mail	



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	Employee	<input type="checkbox"/>
<i>b</i>	Group employee	<input type="checkbox"/>
	Name of group	
<i>c</i>	Contract for services	<input type="checkbox"/>
<i>d</i>	Partner/Sole trader	<input type="checkbox"/>
<i>e</i>	Appointed representative/tied agent – customer function	<input type="checkbox"/>
	AR firm name and reference number	
<i>f</i>	Appointed representative/tied agent – governing function	<input type="checkbox"/>
	AR firm name and reference number	
<i>g</i>	Other	<input type="checkbox"/>
	Give details	

**3.02** For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed. If the controlled functions are to be performed for more than one firm, please go to question **3.05**

<b>a</b>	<b>Significant influence functions</b>	CF 1 Director function <input type="checkbox"/> CF 2 Non-executive director function <input type="checkbox"/> CF 3 Chief executive function <input type="checkbox"/> CF 4 Partner function <input type="checkbox"/> CF 5 Director of an unincorporated association function <input type="checkbox"/> CF 6 Small friendly society function <input type="checkbox"/>
	<b>Significant influence functions</b>	CF 8 Apportionment and oversight function <input type="checkbox"/> (this function is not applicable to all firms please refer to Notes for Completing Form A) CF 10 Compliance oversight function <input type="checkbox"/> CF 10a CASS operational oversight function <input type="checkbox"/> CF 11 Money laundering reporting function <input type="checkbox"/> CF 12 Actuarial function <input type="checkbox"/> CF 12A With-profits actuary function <input type="checkbox"/> CF 12B Lloyd's Actuary function <input type="checkbox"/> CF 28 System and controls function <input type="checkbox"/> CF 29 Significant management function <input type="checkbox"/> CF 40 Benchmark submission function <input type="checkbox"/> CF 50 Benchmark administration function <input type="checkbox"/>
<b>b</b>	<b>Customer function</b>	CF 30 Customer function <input type="checkbox"/>

**3.03** Effective date of controlled functions indicated above<sup>†</sup>

**3.04** Job title (mandatory for controlled function 28 & 29)<sup>†</sup>  
Please refer to notes on the

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 Long Form A – UK and Overseas Application to perform controlled functions under the approved persons regime Version 13-14

requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

YES  NO



I have supplied further information related to this page in Section 6<sup>†</sup>

YES  NO

3.05

Complete this section only if the application is on behalf of more than one *firm*.

List all *firms* within the *group* (including the *firm* entered in 2.01) for which the *candidate* requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	Firm Reference Number	Name of firm	Controlled function	Job title (mandatory for controlled function 28 & 29)	Effective date
a					/ /
b					/ /
c					/ /
d					/ /
e					/ /



I have supplied further information related to this page in Section 6

YES

NO

# Employment history in the past 5 years

# Section 4

N.B.: ALL gaps must be accounted for

## 4.01 Employment details (1)<sup>†</sup>

<b>a</b>	Period (mm/yyyy)	From	/	To	
<b>b</b>	Nature of employment	<i>a</i>	Employed		<input type="checkbox"/>
		<i>b</i>	Self-employed		<input type="checkbox"/>
		<i>c</i>	Not employed		<input type="checkbox"/>
		<i>d</i>	Full-time education		<input type="checkbox"/>
	If <i>c</i> or <i>d</i> is ticked, please give details				
<b>c</b>	Name of employer				
<b>d</b>	Nature of business				
<b>e</b>	Previous / other names of employer				
<b>f</b>	Last known address of employer				
<b>g</b>	Is/was employer regulated by a regulatory body?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
				Name of regulatory body	
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
				If yes, of which <i>firm</i> ?	
<b>i</b>	Position held				
<b>j</b>	Responsibilities				
<b>k</b>	Reason for leaving:	<i>a</i>	Resignation		<input type="checkbox"/>
		<i>b</i>	Redundancy		<input type="checkbox"/>
		<i>c</i>	Retirement		<input type="checkbox"/>
		<i>d</i>	Termination/dismissal		<input type="checkbox"/>
		<i>e</i>	End of contract		<input type="checkbox"/>
		<i>f</i>	Other		<input type="checkbox"/>
	Specify				

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Application to perform controlled functions under the approved persons regime  
 Version 13-14

**4.02 Employment details (2)<sup>†</sup>**

<b>a</b>	Period (mm/yyyy)	From		/		To		/																			
<b>b</b>	Nature of employment	<table border="0" style="width: 100%;"> <tr> <td style="width: 5%;"><i>a</i></td> <td style="width: 85%;">Employed</td> <td style="width: 10%; text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Self-employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Not employed</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Full-time education</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>								<i>a</i>	Employed	<input type="checkbox"/>	<i>b</i>	Self-employed	<input type="checkbox"/>	<i>c</i>	Not employed	<input type="checkbox"/>	<i>d</i>	Full-time education	<input type="checkbox"/>						
<i>a</i>	Employed	<input type="checkbox"/>																									
<i>b</i>	Self-employed	<input type="checkbox"/>																									
<i>c</i>	Not employed	<input type="checkbox"/>																									
<i>d</i>	Full-time education	<input type="checkbox"/>																									
	If c or d is ticked, please give details																										
<b>c</b>	Name of employer																										
<b>d</b>	Nature of business																										
<b>e</b>	Previous / other names of employer																										
<b>f</b>	Last known address of employer																										
<b>g</b>	Is/was employer regulated by a regulatory body?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	Name of regulatory body																							
<b>h</b>	Is/was employer an <i>appointed representative/tied agent</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, of which <i>firm</i> ?																							
<b>i</b>	Position held																										
<b>j</b>	Responsibilities																										
<b>k</b>	Reason for leaving:	<table border="0" style="width: 100%;"> <tr> <td style="width: 5%;"><i>a</i></td> <td style="width: 85%;">Resignation</td> <td style="width: 10%; text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>b</i></td> <td>Redundancy</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>c</i></td> <td>Retirement</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>d</i></td> <td>Termination/dismissal</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>e</i></td> <td>End of contract</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td><i>f</i></td> <td>Other</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>								<i>a</i>	Resignation	<input type="checkbox"/>	<i>b</i>	Redundancy	<input type="checkbox"/>	<i>c</i>	Retirement	<input type="checkbox"/>	<i>d</i>	Termination/dismissal	<input type="checkbox"/>	<i>e</i>	End of contract	<input type="checkbox"/>	<i>f</i>	Other	<input type="checkbox"/>
<i>a</i>	Resignation	<input type="checkbox"/>																									
<i>b</i>	Redundancy	<input type="checkbox"/>																									
<i>c</i>	Retirement	<input type="checkbox"/>																									
<i>d</i>	Termination/dismissal	<input type="checkbox"/>																									
<i>e</i>	End of contract	<input type="checkbox"/>																									
<i>f</i>	Other	<input type="checkbox"/>																									
	Specify																										

I have supplied further information related to this page in Section 6<sup>†</sup> YES  NO

<sup>†</sup> **The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**  
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**Application to perform controlled functions under the approved persons regime**  
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<p><b>5.01 a</b></p> <p>Has the <i>candidate</i> <b>ever</b> been convicted of any offence (whether spent or not and whether or not in the <i>United Kingdom</i>):</p> <p style="margin-left: 20px;">i. involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences or other dishonesty—or</p> <p style="margin-left: 20px;">ii. relating to <i>companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, money laundering, market manipulations or insider dealing?</i></p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>b</b></p> <p>Is the <i>candidate</i> the subject of any current criminal proceedings?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>c</b></p> <p>Has the <i>candidate</i> <b>ever</b> been given a caution in relation to any criminal offence?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.02</b></p> <p>Has the <i>candidate</i> any convictions for any offences (whether spent or not and whether or not in the United Kingdom) other than those in 5.01 above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.03</b></p> <p>Has the candidate, <b>ever</b> had a County Court Judgment (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not, in the United Kingdom or elsewhere?</p> <p><b>a</b></p> <p>Has the candidate had:</p> <p style="margin-left: 20px;">i) more than 2 CCJs or judgment debts?</p> <p style="margin-left: 20px;">ii) more than £1,000 in total of CCJs or judgment debts?</p> <p><b>b</b></p> <p>Is the candidate aware of:</p> <p style="margin-left: 20px;">i. any proceedings that have begun, or anybody's intention to begin proceedings against the candidate for a CCJ or other judgment debt?</p> <p style="margin-left: 20px;">ii. more than one set of proceedings, or anybody's intention to begin more than one set of proceedings that may lead to a CCJ or other judgment debt?</p> <p style="margin-left: 20px;">iii. anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from the <i>candidate</i>?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.04</b></p> <p>Does the candidate have any <b>current</b> judgment debts (including CCJs) made under a court order still outstanding, whether in full or in part?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.05</b></p> <p>Has the <i>candidate</i> <b>ever</b> failed to satisfy any such judgment debts within one year of the order being made?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p><b>5.06 a</b></p> <p>Is the <i>candidate</i>, or has the <i>candidate</i> <b>ever</b> been, the subject of any bankruptcy proceedings, or proceedings for the sequestration of the <i>candidate's</i> estate?</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

**b** Has the *candidate* **ever** entered or is in the process of entering into an agreement in favour of the *candidate's* creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

YES

NO

**5.07** Does the *candidate* have any outstanding financial obligations arising from *regulated activities*, which the *candidate* has carried out in the past (whether or not in the *United Kingdom* or overseas)?

(In the case of *advisers*, this will include any outstanding liabilities arising from commissions paid for the sale of *packaged products* that have lapsed.)

YES

NO

**5.08** Has the *candidate* **ever** been found guilty of carrying on any unauthorised *regulated activities* or been investigated for the possible carrying on of unauthorised *regulated activities*?

YES

NO

**5.09** Is the *candidate*, or has the *candidate* **ever** been, the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?

YES

NO

**5.10** Has the *candidate* **ever**, (whether or not in the *United Kingdom*) –

**a** been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust whether or not remunerated?

YES

NO

**b** been refused, restricted in, or had suspended, the right to carry on any trade, business or profession for which specific licence, authorisation, registration, membership or other permission is required?

YES

NO

**c** been disqualified from acting as a *director* of a *company* or from acting in a management capacity or conducting the affairs of any *company*, *partnership* or unincorporated association?

YES

NO

**d** been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order, under section 56 of the Financial Services and Markets Act 2000, or received a warning notice that such a direction or order be made?

YES

NO



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

**5.11** In relation to activities regulated by the *ESA FCA* and/or *PRA* or any other regulatory body (see note section 5), has:

i. the *candidate* or

ii. any company, partnership or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with that entity and for a period of three years after the candidate ceased to be associated with it, **ever** –

- |          |   |                              |                             |
|----------|---|------------------------------|-----------------------------|
| <b>a</b> | been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership or other permission granted by any such body?             | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>b</b> | been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary action by any such body?  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>c</b> | resigned whilst under investigation by, or been required to resign from, any such body?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>d</b> | decided, after making an application for any licence, authorisation, registration, notification, membership or other permission granted by any such body, not to proceed with it? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>e</b> | been the subject of any civil action which has resulted in a finding against the <i>candidate</i> or it by a court?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |



I have supplied further information related to this page in Section 6

~~YES  NO~~

**5.12** **Has any *company, partnership, or unincorporated association of which the candidate is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the candidate's involvement or within one year of such an involvement* –**

- |             |   |                              |                             |
|-------------|---|------------------------------|-----------------------------|
| <b>a</b>    | been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>b</b>    | been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>c</b>    | been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation?                        | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>d</b>    | been convicted of any criminal offence, censured, disciplined or publicly criticised, by any inquiry, by the <i>Takeover Panel</i> or any governmental or statutory authority or any other regulatory body (other than as already indicated under 5.11(b) above)? | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| <b>5.13</b> | Is the <i>candidate</i> aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the <i>controlled functions</i> for which approval is now sought?   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |



I have supplied further information related to this page in Section 6

YES  NO

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - **Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)**
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
  - **Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.**

Question	Information

**Declaration of *Candidate***

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the ~~FSA~~ FCA and PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

Tick here to confirm you have read and understood this declaration:<sup>en</sup>

7.01 *Candidate's* full name<sup>†</sup>

7.02 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

## Declarations and signatures

### Declaration of Firm

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided.

~~APER~~ 4.4.6E-7E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the *firm* believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

In signing this form on behalf of the firm:

- a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.
- b) I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 3.05. I also confirm that a copy of this Form, as submitting to the ~~FSA~~ FCA and/or PRA, will be sent to each of those *firms* at the same time as submitting the Form to the ~~FSA~~ FCA and/or PRA.
- c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

~~(<http://fsahandbook.info/FSA/html/handbook/APER>)~~

~~(<http://fshandbook.info/fs/html/handbook/APER>)~~

~~(<http://www.bankofengland.co.uk/PRA>)~~

7.03	Name of the <i>firm</i> submitting the application <sup>†</sup>	<input type="text"/>
7.04	Name of <i>person</i> signing on behalf of the <i>firm</i> <sup>†</sup>	<input type="text"/>
7.05	Job title <sup>†</sup>	<input type="text"/>
7.06	Signature <sup>*</sup>	<input type="text"/>
	Date <sup>†</sup>	<input type="text"/>

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.



Application number  
(for FSA-FCA/PRA use only)

The ~~FSA has~~ FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on ~~the FSA's website at~~ [http://www.fsa.gov.uk/pubs/forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forma_notes.doc), both FCA and PRA websites at: [http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc) <http://www.bankofengland.co.uk/PRA>  
Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Short Form A - Incoming EEA Only Application to perform controlled functions under the approved persons regime

~~FSA Handbook Reference: SUP10 Annex 4D~~  
FCA Handbook Reference: SUP 10A Annex 4D  
PRA Handbook Reference: SUP 10B Annex 4D  
1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~Financial Conduct Services Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.fsa.gov.uk](mailto:iva@fca.org.fsa.gov.uk)  
Website <http://www.fca.org.fsa.gov.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<b>1.01 a</b>	<i>Candidate</i> Individual Reference Number (IRN)	
<b>b</b>	OR name of previous regulatory body	
<b>c</b>	AND previous reference number (if applicable)	
<b>1.02</b>	Title (e.g. Mr, Mrs, Ms, etc)	
<b>1.03</b>	Surname	
<b>1.04</b>	ALL forenames	
<b>1.05</b>	Name commonly known by	
<b>1.06</b>	Date of birth (dd/mm/yyyy)	/ /
<b>1.07</b>	National Insurance number	
<b>1.08</b>	Previous name	
<b>1.09</b>	Date of name change	/ /
<b>1.10 a</b>	Nationality	
<b>b</b>	Passport number (if National Insurance number not available)	
<b>1.11</b>	Place of birth	



I have supplied further information related to this page in Section 6 YES  NO

1.12 a Private address

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

1.13 a Previous address 1

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

/

1.14 a Previous address 2

[Redacted address field]

b

Postcode

c Dates resident at this address (mm/yyyy)

From

/

To

/



I have supplied further information related to this page in Section 6

YES

NO

Version 6.5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime

2.01	Name of <i>firm</i> making the application	
2.02	Firm Reference Number (FRN)	
2.03 a	Who should the <i>FCA/PRA</i> contact at the <i>firm</i> in relation to this application?	
b	Position	
c	Telephone	
d	Fax	
e	E-mail	



I have supplied further information related to this page in Section 6 YES  NO

**3.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<hr/>		
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>c</i>	<i>Contract for services</i>	<input type="checkbox"/>
<hr/>		
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<hr/>		
<i>e</i>	<i>Appointed representative/tied agent – customer function</i>	<input type="checkbox"/>
	AR firm name and reference number	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>f</i>	<i>Appointed representative/tied agent – governing function</i>	<input type="checkbox"/>
	AR firm name and reference number	<div style="background-color: #cccccc; width: 100%; height: 15px;"></div>
<hr/>		
<i>g</i>	<i>Other</i>	<input type="checkbox"/>
	Give details	<div style="background-color: #cccccc; width: 100%; height: 60px;"></div>

**3.02** For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed.

If the controlled functions are to be performed for more than one firm, please go to question 3.05

<b>a</b>	<b><i>Significant influence functions</i></b>	CF 11 <i>Money laundering reporting function</i>	<input type="checkbox"/>
		CF 12 <i>Actuarial function</i>	<input type="checkbox"/>
		CF 12A <i>With-profits actuary function</i>	<input type="checkbox"/>
		CF 12B <i>Lloyd's Actuary function</i>	<input type="checkbox"/>
		<hr/>	
<b>b</b>	<b><i>significant influence functions continued</i></b>	CF 40 <i>Benchmark submission function</i>	<input type="checkbox"/>
		CF 50 <i>Benchmark administration function</i>	<input type="checkbox"/>
<hr/>			
<b>c</b>	<b><i>Customer function</i></b>	CF 30 <i>Customer function</i>	<input type="checkbox"/>



I have supplied further information related to this page in Section 6

YES

NO

**3.03** Effective date of *controlled functions* indicated above

/ /

**3.04** Job title (mandatory for *controlled functions* 29)

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm? †

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)

YES  NO



I have supplied further information related to this page in Section 6

YES  NO

Version 6 5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime

**3.05**

**Complete this section only if the application is on behalf of more than one firm.**

List all firms within the group (including the firm entered in 2.01) for which the candidate requires approval and the requested controlled function for that firm.

	<b>FSA Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 6

YES

NO

**Version 6 5**

**† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**

**Short Form A - Incoming EEA**

**Application to perform controlled function under the approved persons regime**

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FCA and/or PRA/PSA of the revised detail.

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FCA and/or PRA/PSA of the revised detail.

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.

Question	Information

**Declaration of *Candidate***

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

**a) I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application'**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>),**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

<b>7.01</b>	<i>Candidate's</i> full name <sup>†</sup>	
<b>7.02</b>	Signature <sup>*</sup>	
	Date <sup>†</sup>	/ /

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.

**Version 6 5**

**† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7**

**Short Form A - Incoming EEA**

**Application to perform controlled function under the approved persons regime**

## Declaration of Firm

Knowingly or recklessly giving the ~~FSA FCA and/or PRA~~ information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA FCA and/or PRA~~ and to notify the ~~FSA FCA and/or PRA~~ immediately if materially inaccurate information has been provided.

APER 4.4.7 6 E provides that, where an *approved person* is responsible for reporting matters to the ~~FSA FCA and/or PRA~~, failure to inform the ~~FSA FCA and/or PRA~~ of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA FCA and/or PRA~~. It should not be assumed that information is known to the ~~FSA FCA and/or PRA~~ merely because it is in the public domain or has previously been disclosed to the ~~FSA FCA and/or PRA~~ or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm believes on the basis of due and diligent enquiry that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3.**

**FOR FIRMS UNDERTAKING ANY NON MIFID BUSINESS PLEASE ALSO COMPLETE THE FOLLOWING**

**The firm also believes, on the basis of due and diligent enquiry, that the candidate is competent to fulfil the duties required in the performance of such function(s).**

YES  NO

With reference to the above, the ~~FSA FCA and/or PRA~~ may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

**In signing this form on behalf of the firm:**

**a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the ~~FSA FCA and/or PRA~~, will be sent to each of those firms at the same time as submitting the Form to the ~~FSA FCA and/or PRA~~.**

**c) I confirm the candidate has been made aware of the regulatory responsibilities of proposed role as set out in, the Statements of Principle and Code of Practice for Approved Persons.**

**(<http://fsahandbook.info/FSA/html/handbook/APER>),**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

Tick here to confirm you have read and understood this declaration: <sup>∞</sup>

**7.03** Name of the firm submitting the application<sup>†</sup>

**7.04** Name of person signing on behalf of the firm<sup>†</sup>

**7.05** Job title<sup>†</sup>

**7.06** Signature<sup>\*</sup>

Date<sup>†</sup> / /

<sup>∞</sup>The above question(s) should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>†</sup>The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup>The above question(s) should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if submission of this form is online.

Version 6 5

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Short Form A - Incoming EEA

Application to perform controlled function under the approved persons regime



Application number  
(for FSA FCA/PRA use only)

The ~~FSA~~ has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the ~~FSA's website~~ both FCA and PRA websites at:  
[http://www.fsa.gov.uk/pubs/forms/imap\\_forma\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_forma_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_forma\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forma_notes.doc)  
<http://www.bankofengland.co.uk/PRA>

Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Short Form A – UK and Overseas Firms (not Incoming EEA)

### Application to perform controlled functions under the approved persons regime

~~FSA~~ FCA Handbook Reference: SUP 10A Annex 4D

PRA Handbook Reference: SUP 10B Annex 4D

~~1 May 2014~~ 1 April 2013

Name of *candidate*<sup>†</sup>  
(to be completed by applicant firm)

Name of *firm*<sup>†</sup>  
(as entered in 2.01)

*Firm* reference number<sup>†</sup>  
(as entered in 2.02)

~~The Financial Services Authority~~  
~~Conduct Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail ~~iva@fsa.gov.uk~~ iva@fca.org.uk

Financial

Prudential Regulation Authority

20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
E-mail PRA.firmenquiries@bankofengland.co.uk  
Website www.bankofengland.co.uk/PRA

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

1.01 a	Candidate <del>FSA</del> Individual Reference Number (IRN) <sup>†</sup>	
b	OR name of previous regulatory body <sup>†</sup>	
c	AND previous reference number (if applicable) <sup>†</sup>	
1.02	Title (e.g. Mr, Mrs, Ms, etc) <sup>†</sup>	
1.03	Surname <sup>†</sup>	
1.04	ALL forenames <sup>†</sup>	
1.05	Name commonly known by <sup>†</sup>	
1.06	Date of birth (dd/mm/yyyy) <sup>†</sup>	/ /
1.07	National Insurance number <sup>†</sup>	
1.08	Previous name <sup>†</sup>	
1.09	Date of name change <sup>†</sup>	/ /
1.10 a	Nationality <sup>†</sup>	
b	Passport number (if National Insurance number not available) <sup>†</sup>	
1.11	Place of birth <sup>†</sup>	



**I have supplied further information related to this page in Section 6<sup>†</sup>**    YES     NO

1.12 a	Private address <sup>†</sup>	
--------	------------------------------	--

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**b** Postcode<sup>†</sup>

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)

**1.13 a** Previous address 1<sup>†</sup>

**b** Postcode

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  /

**1.14 a** Previous address 2<sup>†</sup>

**1 b** Postcode<sup>†</sup>

**c** Dates resident at this address (mm/yyyy)<sup>†</sup> From  /  To  /

**➔** I have supplied further information related to this page in Section 6<sup>†</sup> YES  NO

2

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<b>2.01</b>	Name of <i>firm</i> making the application	
<b>2.02</b>	FSA Firm Reference Number (FRN)	
<b>2.03 a</b>	Who should the <del>FSA</del> <u>FCA/PRA</u> contact at the <i>firm</i> in relation to this application?	
<b>b</b>	Position	
<b>c</b>	Telephone	
<b>d</b>	Fax	
<b>e</b>	E-mail	


**I have supplied further information related to this page in Section 6**
YES 
NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

3.01	Nature of the arrangement between the candidate and the applicant.	a	Employee	<input type="checkbox"/>
		b	Group employee	<input type="checkbox"/>
			Name of group	
		c	Contract for services	<input type="checkbox"/>
		d	Partner/Sole trader	<input type="checkbox"/>
		e	Appointed representative/tied agent – customer function	<input type="checkbox"/>
			AR firm name and reference number	
		f	Appointed representative/tied agent – governing function	<input type="checkbox"/>
			AR firm name and reference number	
		g	Other	<input type="checkbox"/>
	Give details			

3.02 For applications from a single firm, please tick the boxes that correspond to the controlled functions to be performed.  
 If the controlled functions are to be performed for more than one firm, please go to question 3.05

a	<b>Significant influence functions</b>	CF 1	Director function	<input type="checkbox"/>
		CF 2	Non-executive director function	<input type="checkbox"/>
		CF 3	Chief executive function	<input type="checkbox"/>
		CF 4	Partner function	<input type="checkbox"/>
		CF 5	Director of an unincorporated association function	<input type="checkbox"/>
		CF 6	Small friendly society function	<input type="checkbox"/>
	<b>Significant influence functions continued</b>	CF 8	Apportionment and oversight function <i>(this function is not applicable to all firms please refer to Notes for Completing Form A)</i>	<input type="checkbox"/>
		CF 10	Compliance oversight function	<input type="checkbox"/>
		CF 10Aa	CASS operational oversight function	<input type="checkbox"/>
		CF 11	Money Laundering reporting function	<input type="checkbox"/>
		CF 12	Actuarial function	<input type="checkbox"/>
		CF 12A	With-profits actuary function	<input type="checkbox"/>
		CF 12B	Lloyd's Actuary function	<input type="checkbox"/>
		CF 28	System and controls function	<input type="checkbox"/>
		CF 29	Significant management function	<input type="checkbox"/>
b	<b>significant influence functions continued</b>	CF 40	Benchmark submission function	<input type="checkbox"/>
		CF 50	Benchmark administration function	<input type="checkbox"/>
c	<b>Customer function</b>	CF 30	Customer function	<input type="checkbox"/>

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



I have supplied further information related to this page in Section 6

YES

NO

3.03 Effective date of *controlled functions* indicated above<sup>†</sup>

3.04 Job title (mandatory for *controlled function* 28 & 29)<sup>†</sup>

Please refer to notes on the requirements for submitting a CV

**Insurance mediation**

Will the candidate be responsible for Insurance mediation at the firm?

YES  NO

(Note: Yes can only be selected if the individual is applying for (CF1, 3-8 or 29)



I have supplied further information related to this page in Section 6<sup>†</sup>

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**3.05 Complete this section only if the application is on behalf of more than one firm.**

List all *firms* within the *group* (including the *firm* entered in 2.01) for which the *candidate* requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	<b>Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for controlled function 28 & 29)	<b>Effective date</b>
<b>a</b>					/ /
<b>b</b>					/ /
<b>c</b>					/ /
<b>d</b>					/ /
<b>e</b>					/ /



I have supplied further information related to this page in Section 6

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long form A as opposed to a Short Form A informing the ~~FSA~~ FCA and/or PRA of the revised detail.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

This section has been removed. However if there has been a change to the detail in this section since your last approval, you must submit a Long Form A as opposed to a Short Form A informing the FSA FCA and/or PRA of the revised detail.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

- 6.00
- If there is any other information the *candidate* or the *firm* considers to be relevant to the application, it must be included here.
  - If this application relates to a Significant influence controlled function then please provide full details of
    - why the candidate is competent and capable to carry out the controlled function(s) applied for.
    - why the appointment complements the firm's business strategy, activity and market in which it operates.
    - how the appointment was agreed including details of any discussions at governing body level (where applicable).
  - Please also include here any additional information indicated in previous sections of the Form.
  - **Please include a list of all directorships currently or previously held by the *candidate* in the past 10 years (where *director* has the meaning given in the *Glossary*.)**
  - If there is insufficient space, please continue on a separate sheet of paper and clearly identify the section and question to which the additional information relates.
  - **Full details must be provided here if there were any issues that could affect the Fitness and Propriety of the individual that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.**

Question	Information
	<p style="text-align: center;">Please indicate how many additional sheets are being submitted</p>

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Declaration of *Candidate***

Knowingly or recklessly giving the *FSA FCA and/or PRA* information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the *FSA FCA and/or PRA* merely because it is in the public domain or has previously been disclosed to the *FSA FCA and/or PRA* or another regulatory body. If there is any doubt about the relevance of information, it should be included.

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the *FSA FCA and/or PRA* to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the *FSA FCA and/or PRA* may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the *FSA FCA and/or PRA* to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://fshandbook.info/fs/html/handbook/APER>)**

**(<http://www.bankofengland.co.uk/PRA>)**

7.01 *Candidate's* full name<sup>‡</sup>

7.02 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

<sup>‡</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Declaration of Firm

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP* 15.6.1R and *SUP* 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

*APER* 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle* 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA.

It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**In making this application the firm:**

**believes on the basis of due and diligent enquiries made to date that the candidate is a fit and proper person to perform the controlled function(s) listed in section 3. The firm also**

**believes, on the basis of due and diligent enquiry, that the candidate is competent (including having achieved the relevant qualifications) to fulfil the duties required in the performance of such function(s).**

**In signing this form on behalf of the firm:**

a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

b) I confirm that I have authority to make this application, and sign this Form, on behalf of each firm identified in section 3.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA, will be sent to each of those firms at the same time as submitting the Form to the FSA FCA and/or PRA.

c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

(<http://fsahandbook.info/FSA/html/handbook/APER>)

(<http://fshandbook.info/fs/html/handbook/APER>)

(<http://www.bankofengland.co.uk/PRA>)

7.03 Name of the firm submitting the application<sup>‡</sup>

7.04 Name of person signing on behalf of the firm<sup>‡</sup>

7.05 Job title<sup>‡</sup>

7.06 Signature<sup>\*</sup>

Date<sup>‡</sup> / /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

‡ The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in *SUP* 15.7

## **Guidance Notes to assist with the completion of the Long and/or Short Form A for UK, Overseas and Incoming EEA firms for an application to perform controlled function(s) under the approved persons regime.**

PLEASE NOTE: A *CANDIDATE* MUST NOT PERFORM ANY *CONTROLLED FUNCTION* UNTIL THE ~~FSA~~ FCA and/or PRA HAS GRANTED APPROVAL.

Full details of the ~~approved persons regime~~ and the application process are given in chapter 10 (Section 10.12) of the Supervision manual ('*SUP*').

For more information on the factors which the FSA takes into account when considering applications, please refer to the Fit and Proper Test for Approved Persons ('*FIT*') in the FSA Handbook.

### **The purpose of this Form What is the Form A used for?**

This Form is referred to in the relevant direction in SUP 10.12. This Form must be used where the *candidate* is an individual seeking approval to perform *controlled functions*. The *firm* is the applicant.

The Form A is used by an authorised firm which seeks the *FCA* and/or *PRA*'s approval under section 59 of the Financial Services and Markets Act 2000 ("FSMA") for a particular individual to perform controlled functions. The Form A is referred to in the Supervision Manual ("*SUP*") [<http://fshandbook.info/FS/html/handbook/SUP>] which is part of the Handbook. Full details of the *approved persons* regime and the application process are given in Chapter 10 of *SUP* (*SUP* 10A of the *FCA* manual and 10B of the *PRA* manual).

The applicant is the *firm* that makes the application for approval. The *candidate* is the individual in respect of whom the application is made. The Form A must be completed by the *firm* with information provided by the *candidate*. Both the *firm* and the *candidate* must sign the Form A.

Applications for corporate *candidates* must be made using an adapted Form A that will be supplied by the ~~FSA~~ FCA and/or PRA upon request.

### **Important information about the Form A**

The Form A is of the **utmost importance** to the *FCA* and/or *PRA* assessment of the fitness and propriety of the *candidate*.

**All** information relevant to the application must be provided to the *FCA* and/or *PRA* with the Form A. This applies even if the information is, or is believed to be, already known to the *FCA* and/or *PRA*, as a result of it being in the public domain, or has been previously disclosed to the *FCA* and/or *PRA* or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included; if in doubt, disclose it.

If the *firm* or *candidate* becomes aware of further information which might be relevant to the application following submission of the Form A, it should provide it to the *FCA* and/or *PRA* immediately. The obligation to provide full, frank and unambiguous information does not stop with the submission of the Form A.

The information supplied by the *candidate* should be verified by the *firm* wherever possible. If the *FCA* and/or *PRA* vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected.

The *firm* is responsible for the accuracy of the data and completion of the Form A. If the Form A is not fully and correctly completed, the *FCA* and/or *PRA* may need to return it for proper completion. This could significantly delay the *FCA* and/or *PRA*'s decision on whether to grant approval to perform the requested *controlled functions*.

The FCA and/or PRA may require the applicant to provide further information at any time after receiving an application and before determining whether approval is to be granted or not. It may direct the format in which this information is provided, for example, in an interview with the candidate.

### **Key assumptions about the firm and the candidate**

The FCA and/or PRA relies on the information contained in the Form A and makes certain assumptions about the firm and the candidate in considering the information contained in the form. It is very important that the candidate and the firm are aware of these assumptions:

1. it is assumed that the candidate is **not performing the controlled function applied for**. A candidate must not perform any controlled function until the FCA and/or PRA, has granted approval. If the firm permits the candidate to perform controlled functions without FCA and/or PRA approval it may be in breach of section 59 of FSMA and the candidate may also be in breach of his/her regulatory obligations;
2. it is assumed that the firm and the candidate know and understand the factors which the FCA and/or PRA takes into account when considering the fitness and propriety of the candidate. These factors are set out in the part of the Handbook entitled the Fit and Proper Test for Approved Persons (“FIT”) [<http://fshandbook.info/FS/html/handbook/FIT>];
3. it is assumed that the candidate knows and understands the obligations and responsibilities of an approved person. These are set out in the part of the Handbook entitled the Statements of Principle and Code of Practice for Approved Persons (“APER”) [<http://fshandbook.info/FS/html/handbook/APER>]; and
4. finally, it is assumed that both the firm and the candidate have read and understood these guidance notes in completing the Form A. **The responsibility for the accuracy and completeness of the information supplied rests with the candidate and the firm.** Seeking legal and/or compliance advice about how to complete the Form A will **not** discharge that responsibility.

### **Completing this Form Practical notes for completing the Form A**

Expressions in the Form A and in these guidance notes which appear in italics have the meaning given in the Glossary to the Handbook (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the Glossary) [<http://fshandbook.info/FS/html/handbook/Glossary>].

The Form A must be completed in black ink and (if in manuscript) in BLOCK LETTERS. It is now possible to complete the Form A online, using the FCA’s Online Notifications and Applications (“ONA”) system. See the FCA ONA pages for details of this:

[<http://www.fca.org.uk/your-fca>]; and/or  
<http://www.bankofengland.co.uk/PRA>

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick Select the appropriate box where a yes/no answer is required. Where you answer “yes” you must:

- (1) provide Further details should be given in section 6 (Supplementary Information) of the Form A. If there is insufficient space for a detailed answer then you may attach further pages; and
- (2) tick “yes” at the bottom of the relevant page of the Form A to confirm that you have provided additional information.

Additional information can be attached to the Form. It must be securely attached to the Form and you must indicate at section 6.0 the number of additional sheets attached.

If you want to attach additional information to the Form A it must be securely attached, for example by stapling it to the Form A and you should state in section 6 (Supplementary Information) the number of additional sheets attached.

~~Do not assume that information is known to the FSA merely because it is in the public domain, or has been previously disclosed to the FSA or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included. The information supplied by the candidate should be verified by the firm wherever possible. If the FSA's vetting checks reveal any matters that have not been disclosed, then applications will be subject to investigation and the candidate's suitability to be approved will be called into question. A person who knowingly or recklessly provides information to the FSA that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the Act regardless of the status of their application.~~

~~Expressions in this Form in italics have the meaning given in the Glossary to the FSA's Handbook (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the Glossary).~~

~~The firm is responsible for the accuracy of the data and completion of the Form. If the Form is not fully and correctly completed, the FSA may need to return it for proper completion. This could significantly delay the FSA's decision on whether to grant approval to perform the requested controlled functions~~

~~The FSA may require the applicant to provide further information at any time after receiving an application and before determining whether approval is to be granted or not.~~

~~**If a firm has provided, or has information that reasonably suggests that it may have provided, the FSA with information which was or has become false, misleading, incomplete or inaccurate, in a material particular, it must notify the FSA immediately.. Failure to notify the FSA may result in a delay in processing or rejection.**~~

## **SHORTENED APPLICATION FORM**

### **The two types of Form A: Short Form A and Long Form A**

There are two types of Form A; a Long Form A and a Short Form A. The key difference is that the Long Form A requires detailed information about the fitness and propriety of the candidate.

Please use the shortened application form if any of the following conditions apply The Short Form A may be used if any of the following conditions apply:

- (1) ~~an approved person individual who is already an approved person~~ is applying to perform an additional *controlled function* under an *arrangement* with the same *firm*; or
- (2) the *candidate* has ceased to perform a *controlled function* under an *arrangement* with *firm A* and now requires approval to perform a *controlled function* under an *arrangement* with *firm B*. These can be two entirely different *firms* and not just two *firms* in the same group (**however**, see the important exception below at paragraph (3)); or
- (3) ~~an approved person individual who is already an approved person with another firm, firm B, is applying to perform a controlled function for a different firm, firm A and is already authorised approved for that particular group of functions (i.e. either SIF functions: CF1-12B, CF28, CF29, or 30 40 or 50) for another firm. For example, if a the individual is approved to perform CF2 non-executive director is applying to be approved as a CF2 for an additional firm for firm B and now seeks a second, additional approval to be CF1 director for another firm, firm A.~~

~~A Submission of a CV is only applicable to short form applicants if they have never previously held a significant function or, if the previous submission of their CV when applying for a significant function, has altered from their previous application or the application is for a governing function of an appointed representative. It should be attached securely to the Form.~~

You should submit a curriculum vitae ('CV') with the Short Form A if:

- (1) the candidate has never previously held a significant influence function (CF1-12B, 28, 29, 40 or 50); or
- (2) the candidate's CV has altered from the last time they applied for a significant influence function (i.e. it has changed from the last time the FCA and/or PRA had sight of the CV)

The CV should be attached securely to the Short Form A by stapling it. If you are submitting the Short Form A online, using ONA, the CV should be attached to the application electronically. For help using ONA, refer to:

<http://www.fca.org.uk/your-fca> and/or  
<http://www.bankofengland.co.uk/PRA>

However, a full Form A must be completed in full if: The Long Form A **must** be completed if:

- (1) the candidate ceased to be an approved person more than six months ago;
- (2) the candidate or approved person is seeking approval in respect of a significant influence function for the first time, or has not been approved in a significant influence function within the last 6 months; or
- (3) there have been any changes to the answers provided in section 5 of the application form. there have been any matters arising in relation to the candidate's fitness and propriety which mean that their answers to Section 5 of the Long Form A (Fitness and Propriety) may have changed since they last completed a Form A (i.e. since they last made an application for approval).

For example, such matters could include (but are not limited to), where:

- the candidate has been investigated by the FCA and/or PRA, by another regulatory body or an authorised firm;
- the candidate has had CCJs registered against their name or has entered into a voluntary arrangement with creditors (whether formal or informal);
- the candidate has been the subject of a criminal investigation or convicted of criminal offences; or
- the candidate has been the subject of any civil action.

**If you are in any doubt whether a Short Form A is acceptable, please submit a Long Form A and make full disclosure of all issues which could potentially be relevant. A Long Form A is acceptable in all circumstances. If in doubt, disclose.**

## **SECTION 1 – CANDIDATE PERSONAL IDENTIFICATION DETAILS**

The information collected in this section (including nationality, place of birth, date of birth, previous names) is used to assist us in verifying the identity of the candidate thereby enabling us to discharge our statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. This information will not be disclosed for any other purpose without the permission of the applicant candidate.

~~If the candidate has more than one previous name (surname or forenames), passport number or nationality, or is known by any other names, provide details in section 6. (please see 1.08, 4.10)~~

~~1.01: If the *candidate* does not have an FSA Individual Reference Number or does not know it, include the name of the previous regulator and the previous Individual Reference Number, as applicable. For individuals who have previously been approved with the FSA, their reference number can be found on the Register of Individuals on the FSA website.~~

~~1.12 to 14: A full 3 year history for *United Kingdom* addresses must be given for the candidate. Any gaps must be fully explained or a statement provided in either the address history or section 6 of the form, stating that the individual resides abroad.~~

~~The information collected in this section (including nationality, place of birth, date of birth, previous names) is used to assist us in verifying the identity of the candidate thereby enabling us to discharge our statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. This information will not be disclosed for any other purpose without the permission of the applicant.~~

~~1.01a: For individuals who have previously been approved with the FCA and/or PRA their FCA and/or PRA Individual Reference Number ("IRN") can be found on the Register of Individuals on the FCA and/or PRA websites: <http://www.fca.org.uk/your-fca>; and/or <http://www.bankofengland.co.uk/PRA>~~

~~If the *candidate* has been approved before but does not know their Individual Reference Number and it is not on the Register of Individuals then leave this box blank. Equally, if the candidate does not have an IRN because they have not been an approved person before then leave this box blank.~~

~~1.01b If the *candidate* has previously been an approved person but with a predecessor organisation of the FCA and/or PRA (for example the Personal Investment Authority) then include the name of the previous regulator here. In addition, please provide the date(s) of approval and the name(s) of the firm(s) involved in the supplementary section in section 6.~~

~~1.01c If the *candidate* has previously been an approved person but with a predecessor organisation of the FCA and/or PRA then include the previous Individual Reference Number, here.~~

~~1.05: If the *candidate* is commonly known by a different name other than that which appears on their passport or national insurance card then put this name here. This may include, for example, a shortened version of their full name or where they are known by a middle name or names given as a result of naming conventions whether for religious or other reasons. If the candidate has more than one alternative name, please give all other names known by in section 6.~~

~~1.08 If the *candidate* has changed their name (surname or forenames), for example due to marriage, then please put this previous name in the box. If the *candidate* has more than one previous name, please provide details of all the previous names in section 6.~~

~~1.10a If the *candidate* has more than one nationality, please provide details in section 6 as to all nationalities held and the reasons for this.~~

~~1.10b If the *candidate* has more than one passport number, please provide details in section 6 as to all passport numbers held and the reasons for this.~~

~~1.12 to 14: A full 3 year history for all *United Kingdom* addresses must be given for the *candidate*. Any gaps must be fully explained in either the address history section of the form here or, if more space is needed, in section 6 of the form. If any gaps are as a result of the *candidate* being resident outside the UK, please state this and give details of where the *candidate* resided during this period. It is open to the *candidate* to provide a written statement if this is simpler which should be attached to the Form A.~~

## SECTION 2 – FIRM IDENTIFICATION DETAILS

~~2.01 & 2.02: This section identifies the *firm* making the application by *FSA Firm Reference Number (FRN)* and name.~~

2.01 This is the name of the *firm* that is the *applicant* for the purposes of section 59 FSMA. Where the *candidate* will be working at a subsidiary or appointed representative of the *firm* then this will be given at question 3.05 of the Form A.

2.02: This is the *FCA* and/or *PRA Firm Reference Number (FRN)* of the *firm* that is the *applicant* for the purposes of section 59 FSMA. The FRN can be found on the Register of Firms on the *FCA* and/or *PRA* websites: [<http://www.fca.org.uk/Pages/register/index.shtml>]; and/or <http://www.bankofengland.co.uk/PRA>

2.03: The *firm* must ~~indicate~~ give a point of contact for any queries in connection with the application and must provide a telephone contact number and e-mail address. Please note that this need not be the same person that signs the Form A on behalf of the *firm* but should be someone who is able to field and/or answer any questions that the *FCA* and/or *PRA* may have in relation to the application. The signatory will be responsible for the accuracy of the information in the form.

## SECTION 3 – ARRANGEMENTS AND CONTROLLED FUNCTIONS

~~The *firm* must tick the box in 3.01 that most accurately describes its *arrangement* with the *candidate*.~~

In this section, the *firm* should describe its *arrangement* with the *candidate*.

Unless the *firm* indicates otherwise, the *FCA* and/or *PRA* assumes that the *arrangement* detailed by the *firm* on the Form A includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the *FCA* and/or *PRA*. However, where the responsibilities of the individual fall outside the description of the *controlled function* the *firm* must consider what further approval is necessary. Permitting an individual to perform a *controlled function* without *FCA* and/or *PRA* approval is a breach of section 59 of FSMA.

*Firms* wishing to seek guidance with regard to MiFID the Markets in Financial Instruments Directive (MiFID) and how it applies to the selection of *controlled functions* should refer to the MiFID Practical Guide at:

[http://www.fca.gov.uk/pubs/international/mifid\\_guide.pdf](http://www.fca.gov.uk/pubs/international/mifid_guide.pdf)  
<http://www.fca.org.uk/your-fca>; and/or  
<http://www.bankofengland.co.uk/PRA>

~~For applications from~~ Where the application is for the *candidate* to perform the controlled function(s) at a single *firm*, the *firm* should ~~complete~~ answer questions 3.02, 3.03 & and 3.04 indicating the *controlled functions* required by selecting the appropriate box in 3.02.

However, if the application is being made on behalf of a *candidate* who ~~will carry out~~ proposes to perform *controlled functions* for more than one *firm*, then question 3.05 ~~must be used~~ also be answered to describe the *controlled functions* and the relationships between the *candidate* and ~~these firms~~ each *firm* for which the *candidate* proposes to perform the controlled function.

~~3.01: If this application relates to more than one *appointed representative*, provide details in section 6.~~

Please select the box in 3.01 that most accurately describes the *arrangement* with the *candidate*.

If the *candidate* will perform a controlled function on behalf of the *firm* for an *appointed representative* of the *firm* then select the appropriate box at 3.01e or 3.01f and detail the *firm* name and FRN. If the *candidate* proposes to perform *controlled functions* for more than one *appointed representative*, then

the details of each *appointed representative*, including the firm name and FRN should be provided in section 6.

3.02: ~~If the *controlled function 29* is requested, the specific job title of the *candidate* must be included.~~

Guidance about the particular controlled functions can be found in Chapter 10 of the Supervision manual. SUP 10A of the FCA manual and 10B of the PRA manual.

3.03: ~~The effective date is the date on which the *firm* wishes the *candidate* to begin performing *controlled functions* (subject to approval). **This should be left blank unless there is a reason for the effective date to be beyond the FSA's published standard response times.**~~

This box should be left blank in all cases unless there is a reason to **delay the commencement of the performance of the controlled functions** (subject to approval) until a date which is after the FCA and/or PRA published standard response times, details of which can be found at:

<http://www.fca.org.uk/your-fca>; and/or  
<http://www.bankofengland.co.uk/PRA>

The FCA and/or PRA will assume that the *firm* wishes an application to be determined as soon as possible unless this box is completed and the reason for the delay set out in section 6 of the Form A.

**Please note that the *candidate* must not perform the *controlled function* until the FCA and/or PRA approval has been granted. To do so will mean that both the *firm* and the *candidate* may be in breach of FCA and/or PRA rules and principles.**

3.04a If the *candidate* seeks approval for a *significant influence function*, the specific job title of the *candidate* must be included.

3.04b Insurance mediation

This is not a *controlled function* in its own right. However, every *firm* that carries on insurance mediation activities must appoint an approved person(s) who will be responsible for insurance mediation activities at the *firm* (as detailed at MIPRU 2.2;

<http://fshandbook.info/FS/html/handbook/MIPRU/2/2>

This responsibility must be allocated to a member of the governing body of the firm or in certain circumstances, a senior manager. (i.e. an individual that is applying for approval as CF1, 3-8 or 29).

Please note that insurance mediation is not applicable to *Appointed Representatives*.

Unless the *firm* indicates otherwise, the FSA assumes that the *arrangement* given on the application form includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the FSA.

#### **SECTION 4 – EMPLOYMENT HISTORY FOR PAST 5 YEARS (Not applicable for a short application)**

A full five-year employment history for the *candidate* must be provided including their current employment at the time of application, with all gaps explained. If the record of employment does not go back five years, all periods of education and unemployment must be indicated. Full details of any periods of self-employment must be included.

Always give the address of the actual place of employment, rather than a central head office.

If there are insufficient pages to provide all of a *candidate's* employment history, either add the information at section 6 or photocopy page 7 and attach the additional pages.

“Regulatory body” in this context means the bodies listed in the notes to section 5 (overleaf).

State the position held by the *candidate* and a brief explanation of his or her duties. If the *candidate's* job title included the word “*director*” but his or her duties did not include those associated with the title of *director*, as defined in the *Glossary*, this should be indicated.

The reason for leaving each employer must be given. If there were any issues arising on leaving that could affect the Fitness and Propriety of the individual, these must be fully explained in section 6. Previous employers may be contacted and the omission of relevant details may result in applications being delayed and, in some cases, possibly rejected.

***Candidates who are applying for significant influence functions (CF1 to 12 CF1-12B, 28; or 29; 40 or 50) are required to submit a copy of their curriculum vitae (CV), in addition to completing section 4 of this Form, unless the application is for a governing function of an appointed representative. It should be attached securely to the Form. This is only applicable to short form applicants if they have never previously held a significant influence function or if the previous submission of their CV when applying for a significant function, has altered from their previous application their CV has altered from the version submitted with their previous application for a significant influence function.***

## **SECTION 5 – FITNESS AND PROPRIETY (Not applicable for a short application)**

Answer the question by ticking the relevant ‘yes’ or ‘no’ box. If the answer to any of the questions is ‘yes’, give complete details in section 6 and attach relevant supporting documentation.

5.01 to 5.02 It is for senior management to decide what checks should be made. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (‘the Order’)(see Articles 3 and 4 of the Order) the *FSA FCA* and/or *PRA* and the firm have a right to ask about spent, as well as unspent, criminal convictions for employment purposes about candidates for *approved person* status [see Section 5.05 of Form A –(Application to perform controlled functions under the approved persons regime.)]

Cautions are not within the ambit of the Rehabilitation of Offenders Act 1974. Hence cautions never become spent and if asked, a *candidate* must inform a potential employer and the *FSA FCA* and/or *PRA* whether he/she has received a caution.

5.03 to 5.06: Court judgments (e.g. County Court Judgments) and arrangements with creditors (e.g. Individual Voluntary Arrangements) are covered by questions 5.03 to 5.06. Any outstanding County Court Judgments or arrangements with creditors must be listed in section 6, and the circumstances surrounding them explained. The *FSA-FCA* and/or *PRA* will conduct credit checks.

“Regulatory body” in this context refers to:

- i) the self-regulatory organisations including *IMRO, SFA, PIA, LAUTRO, FIMBRA, AFBD* and *TSA*;
- ii) the statutory bodies including the *FSA, Financial Conduct Authority, Prudential Regulation Authority, the Financial Services Authority, SIB, the Society of Lloyd's, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England; HM Treasury – Insurance Directorate (formerly of the DTI) and the recognised bodies*;
- iii) the *designated professional bodies*; and
- iv) the equivalent of all such regulators overseas.

5.09 This question covers internal investigation by an authorised *firm* in addition to investigations by a regulatory body **at any time**.

## SECTION 6 – SUPPLEMENTARY INFORMATION

This section provides space for additional information. It should be used to disclose additional information about "yes" answers in section 5 of the full Form A and any information which is not the subject of a specific question in section 5, but ~~is~~ might be relevant to the consideration of fitness and propriety, including in relation to the reasons for leaving the firms listed in section 4. For more information on the factors which the ~~FSA~~ FCA and/or PRA ~~takes~~ may take into account when considering applications, please refer to "FIT" in the ~~FSA~~ Handbook.

List here all directorships currently held or previously held in the past **10** years by the *candidate*.

~~Relevant documents~~ Supporting documentation must also be provided, such as evidence of the settlements of ~~County Court Judgments~~ CCJs.

## SECTION 7 – DECLARATIONS & SIGNATURES

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the *candidate*. Signatures MUST NOT be dated more than 3 months prior to the date of submission of the application. The ~~FSA~~ FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59~~(5)~~(7B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12~~B~~, 28, ~~or~~ 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ FCA and/or PRA. The candidate should not sign the declaration on behalf of the firm unless he is a sole trader or the sole director in a limited company. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*. All signatures submitted on forms should be originals.

It is a criminal offence under section 398 of the Financial Services and Markets Act 2000 to knowingly or recklessly provide the FCA and/or PRA with false or misleading information.

Incoming *EEA Firms* undertaking non-MiFID business must confirm by using the tick box that the *candidate* is competent to perform the *controlled function(s)* for which this application is made.

N.B. Please keep these notes before returning the completed Form to the FCA and/or PRA.

**If you have any questions or need additional information, please contact the Firm Contact Centre FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or e-mail [iva@FSA.gov.uk](mailto:iva@FSA.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY~~  
~~Permissions, Decisions and Reporting~~  
~~Financial Conduct Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom

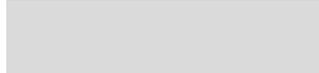
Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



Application number  
(for ~~FSA~~ FCA/PRA use only)



The ~~FSA~~ has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the ~~FSA's website at~~

~~[http://www.fsa.gov.uk/pubs/forms/imap\\_formb\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_formb_notes.doc)~~ FCA and PRA website at

[http://media.fshandbook.info/Forms/notes/imap\\_formb\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formb_notes.doc)

[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Both the applicant and the candidate will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form B

# Notice to withdraw an application to perform controlled functions under the approved persons regime

*FSA Handbook Reference: SUP 10 Annex 5R 1 November 2007*

*FCA Handbook Reference: SUP 10A Annex 5R*

*PRA Handbook Reference: SUP 10B Annex 5R*

1 April 2013

Name of *candidate*  
(to be completed by applicant)



Name of *firm*  
(as entered in 2.01)



~~The Financial Services Authority~~  
~~Permissions, Decisions & Reporting Division~~  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000

Facsimile +44 (0) 207 066 0017  
E-mail ~~iva@fca.gov.uk~~ [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website ~~http://www.fsa.gov.uk~~  
<http://www.fca.org.uk>  
Registered as a Limited Company in England  
and Wales No 1920623. Registered Office as  
above

Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8 Lothbury  
Road, London, EC2R 7HH

## Personal identification details

## Section 1

1.01 *Candidate FSA* Individual Reference Number (IRN)

1.02 Title  
(e.g. Mr, Mrs, Ms, etc)

1.03 Surname

1.04 ALL forenames

1.05 Date of birth

1.06 National Insurance number

1.07 *Candidate's* private address



I have supplied further information related to this page in Section 4

YES

NO

2.01 Name of *firm*

2.02 ~~FSA~~ Firm Reference Number (FRN)

2.03 a Who should the ~~FSA~~ FCA/PRA contact at the *firm* in relation to this notice?

b Position

c Telephone

d Fax

e E-mail

2.04 *Firms included on application Form (including applicant firm)*

	<del>FSA</del> FRN	Name of <i>firm</i>	Controlled functions
a	<input type="text"/>	<input type="text"/>	<input type="text"/>
b	<input type="text"/>	<input type="text"/>	<input type="text"/>
c	<input type="text"/>	<input type="text"/>	<input type="text"/>
d	<input type="text"/>	<input type="text"/>	<input type="text"/>
e	<input type="text"/>	<input type="text"/>	<input type="text"/>



I have supplied further information related to this page in Section 4 YES  NO

**3.01** Indicate the reason for withdrawal

<i>a</i>	Internal movement of staff	<input type="checkbox"/>
<i>b</i>	Termination of employment or contract	<input type="checkbox"/>
<i>c</i>	Resignation	<input type="checkbox"/>
<i>d</i>	Redundancy	<input type="checkbox"/>
<i>e</i>	Withdrawal of offer of employment	<input type="checkbox"/>
<i>f</i>	End of contract	<input type="checkbox"/>
<i>g</i>	Suspension	<input type="checkbox"/>
<i>h</i>	Other GIVE DETAILS IN SECTION 4	<input type="checkbox"/>



I have supplied further information related to this page in Section 4

YES

NO

**4.01** Include here any issues that arose in relation to this withdrawal, such as resignation or termination of contract. Indicate clearly which question supplementary information relates to.

Question	Information

**4.02** How many additional sheets are being submitted?

**DECLARATION OF CANDIDATE**

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000). It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

5.01 Candidate's full name

5.02 Signature

Date / /

**DECLARATION BY APPOINTED REPRESENTATIVE OR OTHER FIRM** (if applicable)

**We concur that the application to perform *controlled functions* under the *approved persons* regime made in respect of the above *candidate* should be withdrawn with immediate effect.**

5.03 Name of appointed representative or other *firm*

5.04 Name of *person* signing on behalf of the *firm*

5.05 Job title

5.06 Signature

Date / /

**DECLARATION BY FIRM**

Knowingly or recklessly giving the ~~FSA FCA and/or PRA~~ information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). *SUP 15.6.1R* and *SUP 15.6.4R* require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA FCA and/or PRA~~ and to notify the ~~FSA FCA and/or PRA~~ immediately if materially inaccurate information has been provided. ~~APER 4.4.6E 7E~~ provides that, where an *approved person* is responsible for reporting matters to the ~~FSA FCA and/or PRA~~, failure to inform the ~~FSA FCA and/or PRA~~ of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA FCA and/or PRA~~. It should not be assumed that information is known to the ~~FSA FCA and/or PRA~~ merely because it is in the public domain or has previously been disclosed to the ~~FSA FCA and/or PRA~~ or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

<b>5.07</b>	Name of <i>firm</i>	
<b>5.08</b>	Name of <i>person</i> signing on behalf of the <i>firm</i>	
<b>5.09</b>	Job title	
<b>5.10</b>	Signature	
	Date	/ /

## Notes to assist in completing the Form B - Notice to withdraw an application to perform *controlled functions* under the approved persons regime

Full details of the *approved persons* regime and the application process are given in ~~chapter 10 (section 10.12)~~ *SUP 10A* and *SUP 10B* of the *FCA's* and *PRA's* ~~Supervision manual~~ Supervision manuals.

### The purpose of this form

This Form is referred to in ~~the relevant rule in SUP 10.12~~ *SUP 10A.13* and *SUP 10B.11* of the *FCA's* and *PRA's* Supervision manuals. This Form must be used when a *firm* or applicant wishes to withdraw an application to perform *controlled functions* under the *approved persons* regime (Form A) **before** the application has been determined and with immediate effect.

Firms are asked to email ~~IVA@fsa.gov.uk~~ [iva.fca@org.uk](mailto:iva.fca@org.uk) and/or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk) as soon as it is apparent that an application is to be withdrawn, in order that the Approval process can be halted at the earliest opportunity.

### Completing this Form

The Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

A Notice to withdraw an application may be submitted in relation to all or some of the *controlled functions* or *firms* listed on the original application (Form A). If it is submitted in relation to only some of the *controlled functions* or *firms*, you must list at section 4.01 the *controlled functions* and *firms* to which the withdrawal relates. If section 4.01 is left blank it will be assumed that the withdrawal relates to all of the *controlled functions* listed on the original application.

Any issues that arose in relation to this withdrawal, such as resignation or termination of contract, must be explained in section 4.01.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 4.02 the number of additional sheets attached.

Under section 61(5) of the Financial Services & Markets Act (Determination of applications) the *firm* may withdraw the application only if it also has the consent of the *candidate* and the *person* by whom the *candidate* is or would have been employed, if this is not the *firm* making the application

**Along with the candidate, an appropriate individual must sign the declaration for the *firm* submitting the Form. The ~~FSA~~ *FCA* and/or *PRA* considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(5)(7B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ *FCA* and/or *PRA*. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.**

N.B.: Detach and Please keep these notes before returning the completed Form to the ~~FSA~~ *FCA* and/or *PRA*.

~~Firm Contact Centre on 0845 606 9966 or via e-mail at iva@fsa.gov.uk~~

**If you have any questions or need additional information, please contact the *FCA* Customer Contact Centre on 0845 606 9966 or *PRA* Firm Enquiries on 020 3461 7000 or e-mail [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT~~

FINANCIAL CONDUCT AUTHORITY  
25 THE NORTH COLONNADE  
CANARY WHARF  
LONDON E14 5HS

PRUDENTIAL REGULATION AUTHORITY  
20 MOORGATE  
LONDON  
EC2R 6DA  
UNITED KINGDOM

UNITED KINGDOM



Application number  
(for *FSA FCA/PRA* use only)



The ~~FSA has~~ FCA and PRA have produced notes which will assist both the applicant and the approved person in answering the questions in this form. Please read these notes, which are available on the ~~FSA's~~ FCA and PRA website at [http://fsahandbook.info/FSA/docs/notes/imap\\_formc\\_notes.doc](http://fsahandbook.info/FSA/docs/notes/imap_formc_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_formc\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formc_notes.doc)  
[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

Both the applicant and the approved person will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

# Form C

## Notice of ceasing to perform controlled functions

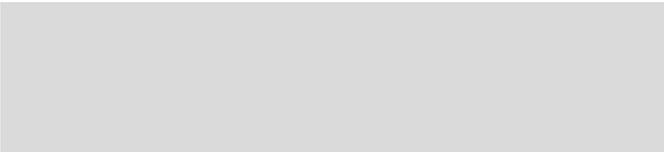
~~FSA FCA Handbook Reference: SUP 10A Annex 6R (Notification under SUP 10.13.6R)~~(Notifications)

~~PRA Handbook Reference: SUP 10B Annex 6R (Notifications)~~

1 April 2013

Name of *approved person*<sup>†</sup>  
(to be completed by applicant)

Name of *firm*<sup>†</sup>



~~The Financial Services Authority - Permissions, Decisions & Reporting Division~~

~~Financial Conduct Authority~~

~~25 The North Colonnade~~

~~Canary Wharf~~

~~London E14 5HS~~

~~United Kingdom~~

~~Telephone +44 (0) 845 606 9966~~

~~Facsimile +44 (0) 207 066 0017~~

~~E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)~~

~~Website <http://www.fsa.gov.uk>~~

~~<http://www.fca.org.uk>~~

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

United Kingdom

Telephone +44 (0) 203 461 7000

E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> ~~These questions should be completed whether submissions of this form is online or in one of the other ways set out in SUP 15.7~~

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

**Personal identification details****Section 1**1.01 *FSA* Individual Reference Number (IRN) †1.02 Title†  
(e.g. Mr, Mrs, Ms, etc)

1.03 Surname†

1.04 ALL forenames†

1.05 Date of birth†

1.06 National Insurance number†

1.07 *Approved person's* private address†**Firm identification details****Section 2**2.01 Name of *firm* \*2.02 *FSA Firm* Reference Number (FRN) \*2.03 a Who should the *FSA FCA/PRA* contact at the *firm* in relation to this notice? †

b Business address†

c Position†

d Telephone†

e Mobile†

f Fax†

g E-mail†



---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

† The above question(s) appears on an electronic form submission and a paper form submission

† The above question(s) appears on an electronic form submission and a paper form submission

3.01 List all *controlled functions* which the *approved person* is ceasing to perform. The effective date is the date the *person* will cease to perform the functions.

If the reason for ceasing to perform the *controlled function* is indicated in column B, the FSA FCA and/ or PRA should be notified in accordance with ~~SUP 10.13.7R~~ and ~~SUP 10.13.8G~~ 10A.14.10R, SUP 10A.14.11G, SUP 10B.12.12.R and SUP 10B.12.13G (that is, within one *business day*, by telephone, fax or email) that this Form will be submitted

	FRN <sup>†</sup>	Name of firm <sup>†</sup>	Controlled function <sup>†</sup>	Effective date <sup>†</sup>	Reason <sup>†</sup>	
					A	B Full explanation in 4.02
a				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>
b				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>
c				/ /	Internal movement of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other (specify in 4.02) <input type="checkbox"/>

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<b>d</b>			/ /	Internal move- ment of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other <input type="checkbox"/> (specify in 4.02)
<b>e</b>			/ /	Internal move- ment of staff <input type="checkbox"/> Resignation <input type="checkbox"/> Redundancy <input type="checkbox"/> Retirement <input type="checkbox"/> End of contract <input type="checkbox"/>	Dismissal/ termination of employment or contract <input type="checkbox"/> Suspension <input type="checkbox"/> Other <input type="checkbox"/> (specify in 4.02)



I have supplied further information related to this page in Section 4<sup>†</sup> YES  NO

<sup>‡</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 <sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

**4.01** Is there any other information the approved person or the firm considers to be relevant to the application? †

Please provide full details†

**4.02** Please indicate clearly which question the supplementary information relates to. †

Question	Information

**4.03** How many additional sheets are being submitted? †

---

† The above question(s) appears on an electronic form submission and a paper form submission

## Supporting Documents

Indicate the required supporting documents to accompany this form<sup>†</sup>

Documents	Mode (by email, fax or post)

Other information (please specify)<sup>†</sup>

--

---

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Warning<sup>†</sup>**

Knowingly or recklessly giving the ~~Financial Services Authority (FSA)~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and 15.6.4R require an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided.

APER 4.4.6E ~~7E~~ provides that, where an approved person is responsible for reporting matters to the ~~FSA~~ FCA and/or PRA, failure to inform the ~~FSA~~ FCA and/or PRA of materially significant information of which he is aware is a breach of Statement of Principle 4. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection<sup>†</sup>**

For the purpose of complying with the Data Protection Act, the personal information in this Form may be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation and will not be disclosed for any other purpose without the permission of the applicant.

**I confirm that a permanent copy of this application, signed by the firm, will be retained for an appropriate period, for inspection at the ~~FSA's~~ FCA's and/or PRA's request.** Confirm that you have read and understood the declaration:

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the explanatory relating to the Form.**

Tick here to confirm you have read and understood this declaration: ∞

First name of the person signing on behalf of the firm<sup>†</sup>

Surname of the person signing on behalf of the firm<sup>†</sup>

Date<sup>†</sup>

Signature<sup>\*</sup>

Job title<sup>†</sup>

Name of firm<sup>†</sup>

∞ These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>\*</sup> The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

## Notes to assist in completing the Form C - Notice of ceasing to perform *controlled functions*

Full details of the *approved persons* regime and the application process are given in ~~chapter 10 of the Supervision Manual~~ SUP 10A and SUP 10B of the FCA's and PRA's Supervision manuals.

### The purpose of this Form

This Form is referred to in ~~the relevant rule in SUP 10.13~~ SUP 10A.14 and SUP 10B.12 of the FCA's and PRA's Supervision manuals. This Form must be used when an *approved person* ceases to perform one or more *controlled functions*.

If an *approved person* ceases to perform *controlled functions* in respect of a number of *firms* within the same *group*, a single Form C may be used, ensuring all *firms* are clearly marked on the Form.

A *firm* must submit to the ~~FSA~~ FCA and/or PRA a completed Form C no later than seven *business days* after an *approved person* ceases to perform a *controlled function*

Additionally, a forward dated request will not be actioned by the ~~FSA~~ FCA and/or PRA until 7 days before the stated effective day becomes operable.

If a *firm* has reasonable grounds for believing that it will submit a qualified Form C, it must notify the ~~FSA~~ FCA and/or PRA of the fact as soon as practicable.

The Form C is qualified if:

1. the *firm* submitting Form C reasonably believes that the information it contains may affect the ~~FSA's~~ FCA and/or PRA's assessment of an *approved person's* fitness and propriety; or
2. a *firm* dismisses, or suspends, an *approved person* from its employment; or
3. an *approved person* resigns whilst under investigation by the *firm*, the ~~FSA~~ FCA and/or PRA or any other regulatory body.
4. *Firms* are reminded that they should be open and honest with the ~~FSA~~ FCA and PRA as per Principle 11. Any information provided must be factual and able to be substantiated. The ~~FSA~~ FCA and/or PRA reserves the right to use the information provided in carrying out its regulatory functions.

Notification of a qualified Form C must be made in writing by either fax or email and should be made, where possible, within one *business day* of the *firm* becoming aware of the information. If the *firm* does not submit Form C, it should inform the ~~FSA~~ FCA and/or PRA in due course of the reason. This could be done using Form D, if appropriate.

A *firm* is responsible for notifying the ~~FSA~~ FCA and/or PRA if any *approved person* has ceased to perform a *controlled function* under an *arrangement* entered into by its *appointed representative* or former *appointed representative*.

### Completing this Form

This Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 4.02 the number of additional sheets attached.

The reasons why an *approved person* is no longer performing *controlled functions* must be indicated on the Form. However, if an *approved person* has been dismissed or requested to resign, or the *firm* has any doubts about their fitness and propriety (3.01 column B), a full explanation of the reason for the dismissal or resignation must be provided in section 4.01 (supplementary information). If the *firm* ticks the box marked 'Suspension', the *firm* will have to reapply (using Form A) for the individual to perform *controlled functions* again.

The *firm* must also include details of any other matter that the *firm* is aware of and which in its reasonable opinion is relevant in connection with the *approved person* ceasing to perform their *controlled function*.

An appropriate individual must sign the declaration for the *firm* submitting the Form. The ~~FSA~~ FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(5)(7B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the ~~FSA~~ FCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

Only the *firm* that made the original application (Form A) may sign this Form except where that individual is the only remaining individual at the firm (e.g. Sole Trader).

N.B.: ~~Detach and~~ Please keep these notes before returning the completed Form to the ~~FSA~~ FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT~~

THE FINANCIAL CONDUCT AUTHORITY  
25 THE NORTH COLONNADE  
CANARY WHARF  
LONDON E14 5HS  
UNITED KINGDOM

PRUDENTIAL REGULATION AUTHORITY  
20 MOORGATE  
LONDON  
EC2R 6DA  
UNITED KINGDOM



Application number  
(for FSA FCA/PRA use only)

The ~~FSA~~ FCA and PRA have produced notes which will assist both the applicant and the approved person in answering the questions in this form. Please read these notes, which are available on the ~~FSA's~~ FCA and PRA's website at: [http://fsahandbook.info/FSA/docs/notes/imap\\_formd\\_notes.doc](http://fsahandbook.info/FSA/docs/notes/imap_formd_notes.doc)  
[http://media.fshandbook.info/Forms/notes/imap\\_formd\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formd_notes.doc)  
[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA).

Both the applicant and the approved person will be treated by the ~~FSA~~ FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form D

# Notification of changes in personal information or application details

~~FSA FCA Handbook~~ Reference: SUP 10A Annex 7R (~~Notification under SUP 10.13.18R~~)

PRA Handbook Reference: SUP 10B Annex 7R

1 April 2013

Name of individual  
(to be completed by applicant)

Name of *firm*  
(as entered in 2.01)

~~The Financial Services Authority~~  
~~Permissions, Decisions & Reporting Division~~  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fca.org.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

## Contact Details

Contact for this notification

	Title <sup>†</sup>	
	First Name <sup>†</sup>	
	Surname <sup>†</sup>	
	Job Title <sup>†</sup>	
	Business address <sup>†</sup>	
	Post code <sup>†</sup>	
	Phone number (including STD code) <sup>†</sup>	
	Email address <sup>†</sup>	
	Mobile No <sup>†</sup>	
	Fax No. <sup>†</sup>	

---

<sup>†</sup>The above question(s) appears on an electronic form submission and a paper form submission

**1.01** If any of the details have changed please provide new details below  
 Approved person ~~FSA~~ Individual Reference Number (IRN) †

**DETAILS TO BE CHANGED**

**1.02** Title (e.g. Mr, Mrs, Ms, etc) †

**1.03** Surname †

**1.04** ALL forenames †

**1.05** Date of birth † //

**1.06** National Insurance number †

**1.07** Nationality †

**1.08** Passport number †

**1.09** Other changes in application details and matters relating to fitness and propriety †

**1.10** Effective date of change † //

**1.11** Reason for change †



I have supplied further information related to this page in Section 3

YES

NO

Do you want to notify us of a change of arrangement between the approved person and the firm? †

Does the change in arrangement relate to an appointed representative? †

Current appointed representative details? †

AR FRN	Firm Name

Do you want to add an appointed representative? †-

Do you want to remove an appointed representative? †

As a result of this removal you will need to consider whether to submit a withdrawal of a CF and/or an Appointed Representative termination

Please select the appointed representative to remove †-

AR FRN	Firm Name	Remove

Effective Date †-

---

†-The above question(s) appears on an electronic form submission and a paper form submission

2.01 Name of *firm*

2.02 Firm Reference Number (FRN) <sup>‡</sup>

2.03 Other *firms* for whom the individual performs *controlled functions* †

	<b>FSA FRN</b>	<b>Name of firm</b>	<b>Controlled function</b>
a	<input type="text"/>	<input type="text"/>	<input type="text"/>
b	<input type="text"/>	<input type="text"/>	<input type="text"/>
c	<input type="text"/>	<input type="text"/>	<input type="text"/>
d	<input type="text"/>	<input type="text"/>	<input type="text"/>
e	<input type="text"/>	<input type="text"/>	<input type="text"/>



I have supplied further information related to this page in Section 3

YES  NO

# Fitness and Propriety<sup>†</sup>

Do you want to notify us of a change to the approved person's fitness and propriety?

1. Has the approved person ever been convicted of any offence (whether spent or not and whether or not in the United Kingdom); (i) involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences and/or other dishonesty; or (ii) relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, money laundering, market manipulations and/or insider dealing?

Enter full details in this section

2. Is the approved person the subject of any current criminal proceedings?

Enter full details in this section

3. Has the approved person ever been given a caution in relation to any criminal offence?

Enter full details in this section

4. Has the approved person any convictions for any offences other than those listed above, whether or not in the United Kingdom (excluding traffic offences unless these traffic offences resulted in a ban from driving or involved driving without insurance)?

Enter full details in this section

5. Has the approved person ever had a County Court Judgement (CCJ) or other judgement debt, whether satisfied or not and whether discharged or not, in the United Kingdom or elsewhere?

Enter full details in this section

6. Has the approved person had more than two CCJs or judgement debts?

Enter full details in this section

7. Has the approved person had more than £1,000 in total of CCJs or judgement debts?

Enter full details in this section

8. Is the approved person aware of:

a). any proceedings that have begun, or anybody's intention to begin proceedings, against the approved person for a CCJ or other judgement debt?

Enter full details in this section

b). more than one set of proceedings, or anybody's intention to begin more than one set of proceedings, that may lead to a CCJ or other judgement debt?

Enter full details in this section

c). anybody's intention to claim more than £1,000 of CCJs or judgement debts in total from the approved person?

Enter full details in this section

9. Does the approved person have any current judgement debts (including CCJs) made under a court order still outstanding, whether in full or in part?

Enter full details in this section

10. Has the approved person ever failed to satisfy any such judgement debts within one year of the order being made?

Enter full details in this section

11. Is the approved person or has the approved person ever been the subject of any bankruptcy proceedings, or proceedings for the sequestration of the approved person's estate?

Enter full details in this section

12. Has the approved person ever entered into, or is in the process of entering into, an agreement in favour of the approved person's creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

Enter full details in this section

13. Does the approved person have any outstanding financial obligations arising from regulated activities, which the approved person has carried out in the past, in the United Kingdom or overseas? (In the case of advisers, this will include any outstanding liabilities arising from commissions paid for the sale of packaged products that have lapsed).

Enter full details in this section

14. Has the approved person ever been found guilty of carrying on any unauthorised regulated activities or been investigated for possible carrying on of unauthorised regulated activities?

Enter full details in this section

15. Is the approved person, or has the approved person, ever been the subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?

Enter full details in this section

16. Has the approved person ever, either in the United Kingdom or elsewhere:

- a). been refused entry to, or been dismissed, suspended or asked to resign from, any profession, vocation, office or employment, or from any fiduciary office or position of trust, whether or not remunerated?

Enter full details in this section

- b). been refused, restricted in or had suspended, the right to carry on any trade, business, or profession for which specific licence, authorisation, registration, membership or other permission is required?

Enter full details in this section

c). been disqualified from acting as a director of a company or from acting in a management capacity or conducting the affairs of any company, partnership or unincorporated association?

Enter full details in this section

d). been the subject of a disqualification direction under section 59 of the Financial Services Act 1986; a prohibition order under section 56 of the Financial Services and Markets Act 2000; or received a warning notice that such a direction or order be made?

Enter full details in this section

17. In relation to activities regulated by the FSA FCA and/or PRA or any other regulatory body, has:

- i. the approved person, or
- ii. any company, partnership or unincorporated association of which the approved person is or has been a controller, director, senior manager, partner or company secretary, during the approved person's association with that entity and for a period of three years after the approved person ceased to be association with it, ever:

a). been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership, or other permission granted by any such body?

Enter full details in this section

b). been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary action by any such body?

Enter full details in this section

c). resigned while under investigation by, or been required to resign from any such body?

Enter full details in this section

d). decided, after making an application for any licence, authorisation, registration, notification, membership, other permission granted by any such body, not to proceed with it?

Enter full details in this section

e). been the subject of any civil action which has resulted in a finding against the approved person or it by a court?

Enter full details in this section

18. Has any company, partnership, or unincorporated association of which the approved person is or has been a controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the approved person's involvement or within one year of such an involvement:

a) been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?

Enter full details in this section

b) been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct?

Enter full details in this section

c) been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation?

Enter full details in this section

d) been convicted of any criminal offence, censured, disciplined or publicly criticised by any inquiry, by the Takeover Panel or any governmental or statutory authority or any other regulatory body (other than as already indicated under 17(b) above)?

Enter full details in this section

19. Is the approved person aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the controlled functions for which approval is now sought?

Enter full details in this section

Enter Date of change:



- 3.01** Is there any other information the approved person or the firm considers to be relevant to the application? †  
Please provide full details †
- 3.02** Please indicate clearly which question the supplementary information relates to.

Question	Information

**3.03** How many additional sheets are being submitted? †



I have supplied further information related to this page in Section 3 YES  NO

~~† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

## Supporting Documents<sup>‡</sup>

Indicate the required supporting documents to accompany this form.

Documents	Mode (by email, fax, post)

---

~~‡ These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7.~~

**DECLARATION OF APPROVED PERSON ‡**

The *firm* must ask the individual to make the declaration only where the *firm* becomes aware of information that would reasonably be material to the assessment of the *approved person's* continuing fitness and propriety.

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000). It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**Data Protection ‡**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the FSA FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

The FSA FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. I authorise the FSA FCA and/or PRA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. I also understand that the results of these checks may be disclosed to my employer.

4.01 Full name of *approved person*  
i.e. Title, forenames, SURNAME ‡

4.02 Signature\*

Date‡ / /

**Tick to confirm you have read and understood this declaration:**

**DECLARATION OF FIRM ‡**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided. APER 4.4.6E 7E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA. It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

4.03 Name of the *firm* ‡

4.04 Name of *person* signing  
on behalf of the *firm* ‡

4.05 Position ‡

4.06 Signature\*

~~‡ These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

Date // 

These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7

~~These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7.~~

## Notes to assist in completing the Form D - Notification of changes in personal information or application details

Full details of the *approved persons* regime and the application process are given in ~~Chapter 10.13 of the Supervision manual~~ SUP 10A and SUP 10B of the FCA and PRA's Supervision manuals.

### The purpose of this Form

This is Form D referred to in ~~the relevant guidance and rule in SUP 10.13~~ SUP10A.14 and SUP 10B.12 of the FCA and PRA's Supervision manuals. The *firm* must use this Form to inform the FSA/FCA and/or PRA of changes in the personal details of an *approved person* or a change in the details of an application to perform *controlled functions*). It is not necessary to notify the FSA/FCA and/or PRA of changes in an *approved person's* private address.

The *firm* must also keep the FSA/FCA and/or PRA informed of any significant circumstances directly affecting an *approved person* and which any reasonable person would consider relevant to the *approved person's* position under the ~~FSA rules.~~ rules of the FCA and/or PRA.

The *firm* is required to notify the FSA/FCA and/or PRA of any matter, in relation to an *approved person*, that would normally be declared when giving the information required for section 5 of the application to perform controlled functions or matters considered in *FIT 2*

Do not use this Form if the *approved person* requires approval in respect of further *controlled functions* or has ceased to perform *controlled functions*.

### Completing this Form

This Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

Where a person is an *approved person* in respect of a number of *firms* within the same *group*, a single Form may be used, ensuring all *firms* are clearly marked on the Form.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 3.02 the number of additional sheets attached.

An appropriate individual must sign the declaration for the *firm* submitting the Form. The FSA/FCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(57B) of the Financial Services & Markets Act (the *significant influence functions – controlled functions 1 to 12B, 28, & 29, 40, or 50*) or someone to whom the *firm* has delegated the authority to notify the FSA/FCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

Only the *firm* that made the original application (application to perform controlled functions) may sign this Form.

N.B.: ~~Detach and keep~~ Please keep these notes before returning the completed Form to the FSA-FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, MUTUALS AND POLICY  
DEPARTMENT  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom~~

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom



Application number  
(for FSA FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the candidate in answering the questions in this form. Please read these notes, which are available on the FSA's FCA and PRA's websites at [http://www.fsa.gov.uk/pubs/forms/imap\\_forme\\_notes.doc](http://www.fsa.gov.uk/pubs/forms/imap_forme_notes.doc) [http://media.fshandbook.info/Forms/notes/imap\\_forme\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_forme_notes.doc) and [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA).

Both the applicant and the candidate will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form E

# Internal transfer of an approved person

FSA FCA Handbook Reference: SUP 10A Annex 8D

PRA Handbook Reference: SUP 10B Annex 8D

~~1 May 2011~~ 1 April 2013

Name of ~~approved person~~ candidate<sup>†</sup>  
(to be completed by applicant firm)

Name of firm<sup>†</sup>  
(as entered in 2.01)

~~The Financial Services Authority~~ Financial  
Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
Email [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Personal identifications details

## Section 1

1.01 FSA Individual Reference Number (IRN)<sup>†</sup>

1.02 Title  
(e.g. Mr, Mrs, Ms, etc)<sup>†</sup>

1.03 Surname<sup>†</sup>

1.04 ALL forenames<sup>†</sup>

1.05 Date of birth<sup>†</sup>

1.06 National Insurance number<sup>†</sup>

## Firm identification details

## Section 2

2.01 Name of *firm*

2.02 ~~FSA~~-Firm Reference Number (FRN)

2.03 a Who should the ~~FSA~~ FCA/PRA contact at the *firm* in relation to this application?

b Position

c Telephone

d Fax

e E-mail



I have supplied further information  
related to this page in Section 5

YES

NO

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**3.01** List all *controlled functions* which the *approved person* is ceasing to perform. The effective date is the date the *person* will cease to perform the functions.

	<b>FSA FRN<sup>†</sup></b>	<b>Name of firm<sup>†</sup></b>	<b>Controlled function<sup>†</sup></b>	<b>Effective date<sup>†</sup></b>
<b>a</b>				//
<b>b</b>				//
<b>c</b>				//
<b>d</b>				//
<b>e</b>				//



I have supplied further information related to this page in Section 5

YES

NO

**4.01** Nature of the arrangement between the candidate and the applicant.

<i>a</i>	<i>Employee</i>	<input type="checkbox"/>
<hr/>		
<i>b</i>	<i>Group employee</i>	<input type="checkbox"/>
	Name of group	
<hr/>		
<i>c</i>	<i>Contract for services</i>	<input type="checkbox"/>
<hr/>		
<i>d</i>	<i>Partner/Sole trader</i>	<input type="checkbox"/>
<hr/>		
<i>e</i>	<i>Appointed representative – customer function</i>	<input type="checkbox"/>
	Name of AR	
<hr/>		
<i>f</i>	<i>Appointed representative – governing function</i>	<input type="checkbox"/>
	Name of AR	
<hr/>		
<i>g</i>	<i>Other</i>	<input type="checkbox"/>
	Give details	

**4.02** For applications from a single *firm*, please tick the boxes that correspond to the *controlled functions* to be performed.  
 If the *controlled functions* are to be performed for more than one *firm*, please go to question 4.05

<b>a</b>	<b>Significant influence functions</b>	<table border="0"> <tr> <td>CF 1</td> <td><i>Director function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>CF 2</td> <td><i>Non- executive director function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>CF 3</td> <td><i>Chief executive function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>CF 4</td> <td><i>Partner function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>CF 5</td> <td><i>Director of an unincorporated association function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>CF 6</td> <td><i>Small friendly society function</i></td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> </table>	CF 1	<i>Director function</i>	<input type="checkbox"/>	CF 2	<i>Non- executive director function</i>	<input type="checkbox"/>	CF 3	<i>Chief executive function</i>	<input type="checkbox"/>	CF 4	<i>Partner function</i>	<input type="checkbox"/>	CF 5	<i>Director of an unincorporated association function</i>	<input type="checkbox"/>	CF 6	<i>Small friendly society function</i>	<input type="checkbox"/>
CF 1	<i>Director function</i>	<input type="checkbox"/>																		
CF 2	<i>Non- executive director function</i>	<input type="checkbox"/>																		
CF 3	<i>Chief executive function</i>	<input type="checkbox"/>																		
CF 4	<i>Partner function</i>	<input type="checkbox"/>																		
CF 5	<i>Director of an unincorporated association function</i>	<input type="checkbox"/>																		
CF 6	<i>Small friendly society function</i>	<input type="checkbox"/>																		

➔ I have supplied further information related to this page in Section 5    YES     NO

**Significant influence functions**  
*continued*

CF 8	Apportionment and oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 9	EEA investment business oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 10	Compliance oversight function (Non-MiFID business Only)	<input type="checkbox"/>
CF 10 A	CASS operational oversight function	<input type="checkbox"/>
CF 11	Money laundering reporting function	<input type="checkbox"/>
CF 12	Actuarial function	<input type="checkbox"/>
CF 12A	With-profits actuary function	<input type="checkbox"/>
CF 12B	Lloyd's Actuary function	<input type="checkbox"/>
CF 28	System and controls function	<input type="checkbox"/>
CF 29	Significant management function	<input type="checkbox"/>
<b>b</b>	<b><u>significant influence functions</u></b> <i>continued</i>	
CF 40	Benchmark submission function	<input type="checkbox"/>
CF 50	Benchmark administration function	<input type="checkbox"/>
<b>c</b>	<b>Customer function</b>	
CF 30	Customer function	<input type="checkbox"/>

**4.03** Effective date of controlled functions indicated above †

/ /

**4.04** Job title (mandatory for controlled function 28 & 29) †



I have supplied further information related to this page in Section 5

YES

NO

**4.05** List all *firms* within the *group* (including the *firm* entered in 4.02) for which the applicant requires approval and the requested *controlled function* for that *firm*.<sup>†</sup>

	<b>FSA Firm Reference Number</b>	<b>Name of firm</b>	<b>Controlled function</b>	<b>Job title</b> (mandatory for <i>controlled function</i> 28 & 29)	<b>Effective date</b>
<b>a</b>					//
<b>b</b>					//
<b>c</b>					//
<b>d</b>					//
<b>e</b>					//



I have supplied further information related to this page in Section 5

YES

NO



---

**5.01** Is there any other information the *candidate* or the *firm* considers to be relevant to the application?

YES NO 

If yes, please provide details below or on a separate sheet of paper and clearly identify the section and question to which the additional information relates.

Question	Information

**5.02** How many additional sheets are being submitted?

**DECLARATION OF CANDIDATE**

Knowingly or recklessly giving the *FSA FCA and/or PRA* information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

APER 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the *FSA FCA and/or PRA*, failure to inform the *FSA FCA and/or PRA* of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the *FSA FCA and/or PRA*. It should not be assumed that information is known to the *FSA FCA and/or PRA* merely because it is in the public domain or has previously been disclosed to the *FSA FCA and/or PRA* or another regulatory body. If there is any doubt about the relevance of information, it should be included.

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

For the purposes of complying with the Data Protection Act, the personal information provided in this Form will be used by the *FSA FCA and/or PRA* to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the applicant.

With reference to the above, the *FSA FCA and/or PRA* may seek to verify the information given in this Form including answers pertaining to fitness and propriety. This may include a credit reference check.

In signing the form below:

**a) I authorise the *FSA FCA and/or PRA* to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. Individual candidates may be required to apply to the Criminal Records Bureau for a search to be made as to whether any criminal records are held in relation to them and to disclose the result of that search to us. I also understand that the results of these checks may be disclosed to the firm submitting this application.**

**b) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.**

**c) I confirm that I understand the regulatory responsibilities of my proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons**

**(<http://fsahandbook.info/FSA/html/handbook/APER>)**

**(<http://FSHandbook.info/FS/html/handbook/APER>)**

**([www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA))**

6.01 Candidate's full name<sup>†</sup>

6.02 Signature<sup>\*</sup>

Date<sup>†</sup> / /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**DECLARATION OF FIRM**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

APER 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA. It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

In making this application the *firm*

~~believes~~ believes on the basis of due and diligent enquiries made to date that the *candidate* is a fit and proper person to perform the *controlled function(s)* listed in section 4. ~~The firm also~~

~~believes~~ believes on the basis of due and diligent enquiry, that the *candidate* is competent (including having achieved the relevant qualifications) to fulfil the duties required in the performance of such function(s).

**IF UNDERTAKING ANY NON MiFID BUSINESS FOR WHICH YOU HAVE NOT PREVIOUSLY APPLIED FOR AUTHORISATION, PLEASE ALSO COMPLETE THE FOLLOWING**

The *firm* also believes, on the basis of due and diligent enquiry, that the *candidate* is competent to fulfil the duties required of such function(s). YES  NO

I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 4.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA, will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.

In signing this form on behalf of the firm:

a) I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

b) I confirm that I have authority to make this application, and sign this Form, on behalf of each *firm* identified in section 4.05. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.

c) I confirm the candidate has been made aware of the regulatory responsibilities of the proposed role as set out in the Statements of Principle and Code of Practice for Approved Persons

(<http://fsahandbook.info/FSA/html/handbook/APER>)

(<http://FSHandbook.info/FS/html/handbook/APER>)

([www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA))

6.03	Name of the <i>firm</i> submitting the application <sup>†</sup>	
6.04	Name of <i>person</i> signing on behalf of the <i>firm</i> <sup>†</sup>	
6.05	Job title <sup>†</sup>	
6.06	Signature <sup>*</sup>	
	Date <sup>†</sup>	/ /

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## Notes for Form E

### Internal transfer of an approved person

PLEASE NOTE: A *CANDIDATE* MUST NOT BEGIN PERFORMING ANY *CONTROLLED FUNCTIONS* UNTIL THE ~~FSA~~FSA ~~and/or PRA~~ HAS GRANTED APPROVAL.

Full details of the *approved persons* regime can be found in ~~chapter 10 of the Supervision manual~~ chapter *SUP 10A* and *SUP 10B* of the *FCA* and *PRA's Supervision Manuals*.

The purpose of this Form

This is Form E referred to in ~~SUP 40.13.3D~~ *SUP 10A.14.4D* and *SUP 10B.12.4D* of the *FCA* and *PRA's Supervision Manuals*. A *firm* should use this form when an *approved person* ceases to perform one or more *controlled functions* and the *firm* wishes to apply for approval for the individual in respect of other *controlled functions*. This Form should not be used for a qualified withdrawal (see ~~SUP 40.13.7R~~ *SUP 10A.14.10R* and *SUP 10B.12.12R*). This form may also be used for transfers between *firms* that are part of the same *group*:

1. A *firm* must use Form E where an *approved person* is both ceasing to perform one or more *controlled functions* and needs to be approved in relation to one or more *controlled functions* within the same *firm* or *group*.
2. A *firm* must not use Form E if the *approved person* is to perform a *significant-influence function* for the first time or has ceased to have approval from the *FCA* or *PRA* to perform one more than six months ago.
3. A *firm* must not use Form E if a notification has been made or should be made under *SUP 10A.14.17R* (Changes in fitness to be notified under Form D) or *SUP 10B.12.18R* (the equivalent *PRA rule*) in relation to any *controlled functions* that that *person* is ceasing to perform (as referred to in (1)) or any *controlled function* that he is continuing to perform in relation to that *firm* or a *firm* in the same *group*.

Form C must be used if the individual is ceasing to perform a *controlled function* and the *firm* is not seeking approval in respect of another *controlled function*.

Form A must be completed in full if the *approved person* is seeking approval in respect of a *significant influence function* for the first time.

### Completing this Form

The Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick the appropriate box where a yes/no answer is required. Further details should be given in section 5 (Supplementary Information) if there is insufficient space for a detailed answer.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 5.02 the number of additional sheets attached.

Do not assume that information is known to the ~~FSA~~FSA ~~and/or PRA~~ merely because it is in the public domain, or has been previously disclosed to the ~~FSA~~FSA ~~FCA and/or PRA~~ or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included. The information supplied by the *candidate* should be verified by the *firm* wherever possible. ~~If the FSA's~~ ~~Should the FCA and/or PRA~~ vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected. See ~~SUP 40.12.6G~~ *SUP 10A.13.12G* and *SUP 10B.11.11G*.

Expressions in this Form in italics have the meaning given in the *Glossary* to the ~~FSA's Handbook~~ (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the *Glossary*).

The *firm* is responsible for the completion of the Form. If the Form is not fully and correctly completed, the FSAFCA and/or PRA may need to return it for proper completion. This could significantly delay the FSA's FCA and/or PRA's decision on whether to grant approval to perform the requested *controlled functions* (see ~~SUP 40.12.6G~~ 10A.13.12G and SUP10B.11.11G).

The FSAFCA and/or PRA may require the applicant to provide further information at any time after receiving an application and before determining whether it is to be granted or not (see ~~SUP 40.12.8G~~ 10A.13.14G, SUP10B.11.13G and SUP10B.11.14G ).

**If a *firm* has provided, or has information that reasonably suggests that it may have provided, the FSAFCA and/or PRA with information which was or has become false, misleading, incomplete or inaccurate, in a material particular, it must notify the FSA-FCA and/or PRA immediately (see SUP 15.6.4R). Failure to notify the FSAFCA and/or PRA may result in a delay in processing or rejection.**

#### **SECTION 4 – ARRANGEMENTS AND CONTROLLED FUNCTIONS**

The *firm* must tick the box in 4.01 that most accurately describes its *arrangement* with the *candidate*. For applications from a single *firm*, the *firm* should complete 4.02, 4.03 & 4.04 indicating the *controlled functions* required by selecting the appropriate box in 4.02. However, if the application is being made on behalf of a *candidate* who will carry out *controlled functions* for more than one *firm*, 4.05 must be used to describe the *controlled functions* and the relationships between the *candidate* and those *firms*.

- 4.01: If this application relates to more than one *appointed representative*, provide details in section 5.
- 4.02: If the *controlled function* 29 is requested, the specific job title of the *candidate* must be included.
- 4.03: The effective date is the date on which the *firm* wishes the *candidate* to begin performing *controlled functions* (subject to approval). **This should be left blank unless there is a reason for the effective date to be beyond the FSAFCA and/or PRA published standard response times.** For instance, a *firm* may wish to be sure that a *candidate* has been approved before they take up their post.

Unless the *firm* indicates otherwise, the FSAFCA and/or PRA assumes that the *arrangement* given on the application form includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the FSAFCA and/or PRA.

#### **SECTION 5 – SUPPLEMENTARY INFORMATION**

This section provides extra space for any previous answer and for additional information relevant to this application.

The *firm* must include details of any other matter which the *firm* is aware of and which in its reasonable opinion is relevant in connection with the *approved person* ceasing to perform their *controlled function*. If there is insufficient space, additional sheets may be used.

#### **SECTION 6 – DECLARATIONS AND SIGNATURES**

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the *candidate*. The FSAFCA and/or PRA considers that an appropriate individual would either be an individual approved for a *controlled function* described under section 59(5) or 59(7B) of the Financial Services and Markets Act (the *significant influence functions – controlled functions* 1 to 12B, 28, & 29, 40 or 50) or someone to whom the *firm* has delegated the authority to notify the FSAFCA and/or PRA. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

N.B. ~~Detach and keep~~ Please keep these notes before returning the completed Form to the FSA/FCA and/or PRA.

**If you have any questions or need additional information, please contact the ~~Firm Contact Centre~~ FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail at iva@fsa.gov.uk iva@fca.org.uk or PRA.firmenquiries@bankofengland.co.uk.**

PLEASE RETURN COMPLETED FORM TO:

~~THE FINANCIAL SERVICES AUTHORITY  
INDIVIDUALS, CIS & MUTUALS  
DEPARTMENT~~  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom

# Add an appointed representative or tied agent form

Notification under SUP 12.7.1R (i.e. the form in SUP 12 Ann 3R)

6 February 2008

Firm name (i.e. the principal firm)<sup>†</sup>

("The firm")

Firm reference number<sup>§\*</sup>

Address<sup>§\*</sup>

Please return the form to:

The Financial Services Authority  
Financial Conduct Authority  
**Individuals, Mutuals and Policy Department**  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44(0) 20 7066 0019 +44 (0) 845 606 9966  
Facsimile +44(0) 20 7066 0017 +44 (0) 207 066 0017  
E-mail iva@fca.org.uk  
Website http://www.fca.org.uk

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*

These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

<sup>§</sup> Denotes a mandatory field

Registered as a Limited Company in England and  
Wales No 1920623. Registered Office as above.

## NOTES

This form should be used to notify the ~~FSA~~ FCA of a new appointed representative or tied agent. It is the form required by SUP 12.7.1R which is set out in SUP 12 Ann 3R.

For the purposes of this form, references to 'appointed representative' include 'tied agent' unless the context otherwise requires.

### Personal Details

### Section A

**1** Contact name for this form (this is not necessarily the same person making the declaration at the end of the form)<sup>†</sup>

§

**2** Contact's details:

**a** position in the *firm*<sup>†</sup>

§

**b** daytime telephone number<sup>†</sup>

§

**c** e-mail address<sup>†</sup>

**d** individual reference number (IRN), if applicable<sup>\*</sup>

**e** business address<sup>†</sup>

**f** post code<sup>†</sup>

**g** mobile phone<sup>†</sup>

**h** fax number<sup>†</sup>

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

§ Denotes a mandatory field

1 Name of the appointed representative<sup>†</sup> §

Appointed Representative FRN (if known) \*

2 Address of the appointed representative<sup>†</sup> §

Postcode:

3 Trading name(s) of the appointed representative, if different to the name given in question 1 above<sup>†</sup>

4 Telephone number of the appointed representative<sup>†</sup>

5 Fax number of the appointed representative<sup>†</sup>

6 Email address of the appointed representative<sup>†</sup>

7 Website address of the appointed representative<sup>†</sup>

8 Legal status of the appointed representative <sup>†</sup> §

Private limited company	<input type="checkbox"/>	Public limited company	<input type="checkbox"/>
Partnership	<input type="checkbox"/>	Limited partnership	<input type="checkbox"/>
Limited liability partnership	<input type="checkbox"/>	Unincorporated association	<input type="checkbox"/>
Sole trader	<input type="checkbox"/>	Other, please specify below	<input type="checkbox"/>

§ / /

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\* These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

§ Denotes a mandatory field

9 Date of appointment (if an appointed representative carrying on insurance mediation activities or a tied agent) or commencement of activities (if any other kind of appointed representative) <sup>†</sup>§

Yes No

10 Is the appointed representative an introducer appointed representative? <sup>†</sup>§

11 Will the appointed representative undertake designated investment business? <sup>†</sup>§

12 Will the appointed representative undertake home finance activities? <sup>†</sup>§

13 Is the application in respect of: <sup>†</sup>§

(1) an appointed representative who will carry on insurance mediation activities?

If question 13(1) is answered “yes”, you must complete the 3 fields immediately below:

Name of main contact for ~~FSA~~ Financial Services register:

Title <sup>†</sup>

Forename(s) <sup>†</sup>

Surname <sup>†</sup>

or

(2) a tied agent?

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 <sup>§</sup> Denotes a mandatory field



## Warning<sup>‡</sup>

Knowingly or recklessly giving the FSA FCA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000).

SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and to notify the FSA FCA immediately if materially inaccurate information has been provided.

Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA Appropriate Regulator.

It should not be assumed that information is known to the FSA FCA merely because it is in the public domain or has previously been disclosed to the FSA FCA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

## Data Protection<sup>‡</sup>

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the FSA FCA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

## Review and submission<sup>†</sup>

The ability to submit this form is given to an appropriate user or users by the firm's principal compliance contact.

Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the FSA FCA on request.

## Declaration<sup>‡</sup>

### By submitting this notification:

- **I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.**
- **I am/we are aware that it is a criminal offence knowingly or recklessly to give the FSA FCA information that is false or misleading in a material particular.**
- **I/we will notify the FSA FCA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.**

Signature<sup>\*</sup> \_\_\_\_\_

Name of signatory<sup>‡</sup> \_\_\_\_\_

Date<sup>‡</sup>

/ /

Position in firm<sup>‡</sup> \_\_\_\_\_

Individual Registration Number (if applicable)

Tick here to confirm you have read and understood this declaration: ∞

---

<sup>\*</sup> These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

∞ These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.



# Appointed representative or tied agent - change details – ~~ONA~~ Version

Notification under *SUP 12.7.7R* (i.e. the form in *SUP 12 Ann 4R*)

Firm name (i.e. the principal firm) <sup>†</sup>

("The firm")

Firm reference number <sup>\*</sup>

Address<sup>\*</sup>

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~

~~<sup>‡</sup> The above question(s) appears on a paper form submission only. That section does not appear on an electronic form submission~~

Please return this form to: ~~The Financial Services Authority,  
Individuals, Mutuals and Policy Department~~

Financial Conduct Authority

25 The North Colonnade

Canary Wharf

London E14 5HS

United Kingdom

Telephone +44 (0) 845 606 9966

Facsimile +44 (0) 207 066 0017

E-mail [iva@fca.org.uk](mailto:iva@fca.org.uk)

Website <http://www.fca.org.uk>

Registered as a Limited Company in England and Wales No 1920623.

Registered Office as above

## NOTES

This form should be used to change the details of an existing appointed representative or tied agent. It is the form required by SUP 12.7.7R which is set out in SUP 12 Ann 4R.

For the purposes of this form, references to 'appointed representative' include 'tied agent' unless the context otherwise requires.

**N.B. if all the changes made on the form do not take effect from the same date, you should use more than one form for each set of changes that take effect on the same date.**

## Personal Details

## Section A

1 Contact Name for this form (this is not necessarily the same person making the declaration at the end of the form)<sup>†</sup>

§

2 Contact's details:

a position in the *firm*<sup>†</sup>

§

b daytime telephone number<sup>†</sup>

§

c e-mail address<sup>†</sup>

d business address<sup>†</sup>

e post code<sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>‡</sup> ~~The above question(s) appears on an electronic form submission and a paper form submission~~

f mobile phone number<sup>†</sup>

g fax number<sup>†</sup>

## Change Details of an Existing Appointed Representative

## Section B

What is the name of the appointed representative whose details are to be amended?<sup>†</sup>

§

What is this appointed representative's Firm Reference Number? (If not known, this can be found on the ~~FSA~~ Financial Services Register on our website at [www.fsa.gov.uk](http://www.fsa.gov.uk) ~~www.fca.org.uk~~ www.fca.org.uk)<sup>†</sup>

§

Yes

1 a. Do you wish to suspend the appointed representative?<sup>†</sup>

If 'Yes', please give the reasons for this:<sup>†</sup>

If you have any additional information to add to the reason above please attach it to this form<sup>†</sup>.

Yes

b. Do you wish to reinstate the appointed representative?<sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~



I have supplied further information  
related to this page in Section 3<sup>†</sup>

YES

NO

2 Do you wish to change the name of the appointed representative? <sup>†</sup>  Yes

If 'Yes', what is the new name of the appointed representative? <sup>†</sup>

§

3a Do you wish to change the legal status of the appointed representative? <sup>†</sup>  Yes

If 'Yes', what is the new legal status of the appointed representative? <sup>†</sup>

Private limited company	<input type="checkbox"/>	Public limited company	<input type="checkbox"/>
Partnership	<input type="checkbox"/>	Limited partnership	<input type="checkbox"/>
Limited liability partnership	<input type="checkbox"/>	Unincorporated association	<input type="checkbox"/>
Sole trader	<input type="checkbox"/>	Other, please specify below	<input type="checkbox"/>

3b Has the name change been approved by Companies House? <sup>†</sup>  Yes  No  N/A

**N.B.** If the appointed representative is a UK registered company or LLP, the name of the appointed representative can only be changed if the change has already been approved by Companies House.

4 Do you wish to change the address of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please enter the new address: <sup>†</sup>

§

Postcode:

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~

- 5 Do you wish to change the trading name(s) of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please provide details below. If you wish to amend a trading name please enter the name to be deleted in the box on the left and add the new one in the box on the right.

Please detail the trading name(s) to be deleted below: <sup>†</sup>

Please detail the trading name(s) to be added below: <sup>†</sup>

--	--

- 6 Do you wish to change the telephone number of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please enter the new telephone number: <sup>†</sup>

§

- 7 Do you wish to change the fax number of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please enter the new fax number: <sup>†</sup>

§

- 8 Do you wish to change the E-mail address of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please enter the new e-mail address: <sup>†</sup>

§

- 9 Do you wish to change the website address of the appointed representative? <sup>†</sup>  Yes

If 'Yes', please enter the new website address: <sup>†</sup>

§

- 10 Is the appointed representative currently an introducer appointed representative? <sup>†</sup>  Yes  No

Do you wish to change this? If 'Yes', please provide details below: <sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~

[Redacted]

- 11 Do you wish to change the details of the Main Contact for the ~~FSA~~ Financial Services Register for this appointed representative? <sup>†</sup>  Yes  No

If 'Yes', please give the new details:

Title<sup>†</sup>

[Redacted]

Forename(s) <sup>†</sup>

[Redacted]

Surname<sup>†</sup>

[Redacted]

- 12 Does the appointed representative undertake home finance activities? <sup>†</sup>  Yes  No
- Do you wish to change this? If 'Yes', please provide details below: <sup>†</sup>

[Redacted]

- 13 Does the appointed representative undertake designated investment business activities? <sup>†</sup>  Yes  No
- Do you wish to change this? If 'Yes', please provide details below: <sup>†</sup>

[Redacted]

- 14 Is the change in respect of an appointed representative who is carrying on or proposes to carry on insurance mediation activities or a tied agent? <sup>†</sup>  Yes  No
- If so please provide details below: <sup>†</sup>

[Redacted]

- 15 Please enter the date on which these changes take effect: <sup>†</sup> § / / [Redacted]

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~

**3.01** Is there any other information the approved person or the firm considers to be relevant to the application? †

Yes

No

If so, please provide full details†

**3.02** Please indicate clearly which question the supplementary information relates to. †

Question	Information

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~‡ The above question(s) appears on an electronic form submission and a paper form submission~~

**3.03** How many additional sheets are being submitted? †

## Supporting Documents

Indicate the required supporting documents to accompany this form<sup>†</sup>.

Documents	Mode (Send by email, Post, or Fax)

Other information (please specify)<sup>‡</sup>:

--

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>‡</sup> ~~The above question(s) appears on an electronic form submission and a paper form submission~~

**Warning<sup>†</sup>**

Knowingly or recklessly giving the FSAFCA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FSAFCA and to notify the FSAFCA immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSAFCA. It should not be assumed that information is known to the FSAFCA merely because it is in the public domain or has previously been disclosed to the FSAFCA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

**Data Protection<sup>†</sup>**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the FSAFCA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the FSAFCA on request.

**Declaration<sup>†</sup>**

**By submitting this notification:**

- **I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.**
- **I am/we are aware that it is a criminal offence knowingly or recklessly to give the FSAFCA information that is false or misleading in a material particular.**
- **I/we will notify the FSAFCA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.**

Signature<sup>\*</sup>

Name of signatory<sup>†</sup>.

Date<sup>†</sup>

Position in *firm*<sup>†</sup>

Individual Reference Number (if applicable)<sup>†</sup>

Tick here to confirm you have read and understood this declaration: <sup>∞</sup>

---

\*The above questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>∞</sup> These questions should only be completed if submission of this form is online. It should not be completed if the form is being submitted in one of the other ways set out in SUP 15.7.

<sup>\*</sup> The above question(s) appears on a paper form submission only. That section does not appear on an electronic form submission

<sup>†</sup> The above question(s) appears on an electronic form submission and a paper form submission

<sup>∞</sup> The above question(s) appears on the electronic form submission only. It does not appear on a paper form submission.



# Appointed Representative - Termination

Notification under SUP 12.8.1R (i.e. the form in SUP 12 Ann 5R)

Firm name (i.e. the principal firm)<sup>†</sup>

("The firm")

Firm reference number\*

Address\*

~~Please return this form to:~~

~~The Financial Services Authority  
Individuals, Mutuals and Policy Department  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966~~

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

~~<sup>‡</sup> The above question appears on an electronic form submission and a paper form submission~~

~~<sup>\*</sup> The above question(s) appears on a paper form submission only. That section does not appear on an electronic form submission~~

Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fca.org.uk>

Registered as a Limited Company in England and Wales No 1920623. Registered Office as above.

This form should be used to notify the ~~FSA~~ FCA of the termination of an existing appointed representative arrangement



**1** Contact name for this form †

§

**2** Contact's details:

**a** position in the *firm*†

§

**b** daytime telephone number†

§

**c** e-mail address†

**d** individual reference number (IRN), if applicable†

**e** business address†

**f** post code†

**g** mobile phone†

**h** fax number†

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~‡ The above question(s) appears on an electronic form submission and a paper form submission~~

**If you wish to terminate more than one of your appointed representatives for the same reason and with effect from the same date please complete this section, otherwise proceed to section B2.**

Please list the names, FRNs and postcodes of the appointed representatives you wish to terminate below:

Appointed representative name<sup>†</sup>

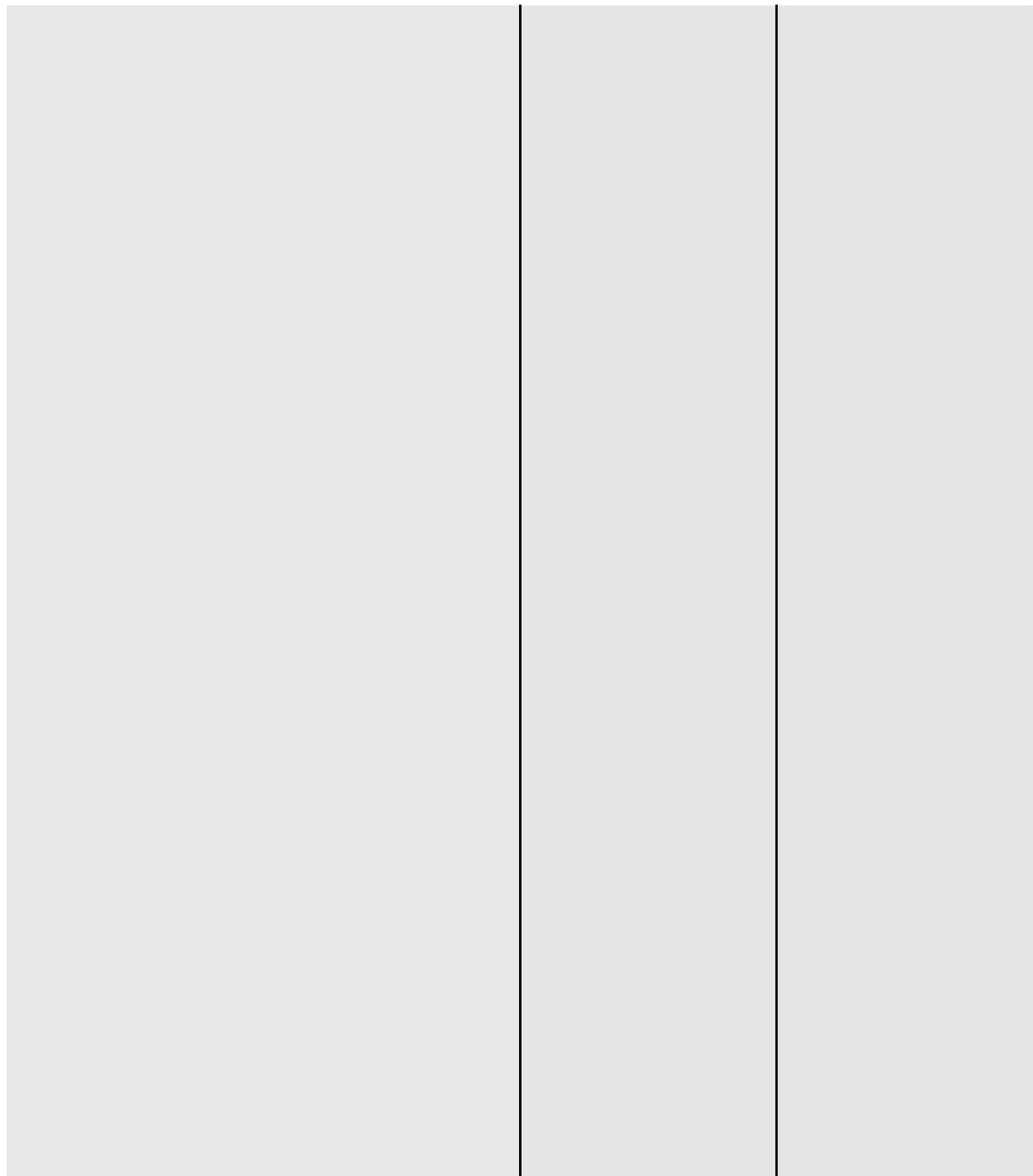
FRN<sup>†</sup>

Postcode<sup>†</sup>

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~



Reason for Termination<sup>†</sup>:

- |  |                          |                                       |                          |
|--|--------------------------|---------------------------------------|--------------------------|
| Resignation/end of contract            | <input type="checkbox"/> | Terminated by Principal               | <input type="checkbox"/> |
| Deceased                               | <input type="checkbox"/> | Redundancy                            | <input type="checkbox"/> |
| Resignation whilst under investigation | <input type="checkbox"/> | Retirement                            | <input type="checkbox"/> |
| Suspension                             | <input type="checkbox"/> | Termination of Employment or Contract | <input type="checkbox"/> |

If the reason for termination is Terminated by Principal please give further details below<sup>†</sup>:

If you have any additional information to add to the reason above please attach it to this form<sup>†</sup>.

Date of Termination: <sup>†</sup>

/ /

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~



Please use this section if you wish to terminate one appointed representative. If you wish to terminate more than one appointed representative but for different reasons please copy this section as appropriate and attach to the form.

In order to terminate an appointed representative please complete the following details:

Please enter the name of the appointed representative<sup>†</sup>:

§

Please enter the FRN of the appointed representative: <sup>†</sup>

§

Please enter the postcode of the appointed representative: <sup>†</sup>

Reason for Termination: <sup>†</sup>

Resignation/end of contract

Terminated by Principal

Deceased

Redundancy

Resignation whilst under investigation

Retirement

Suspension

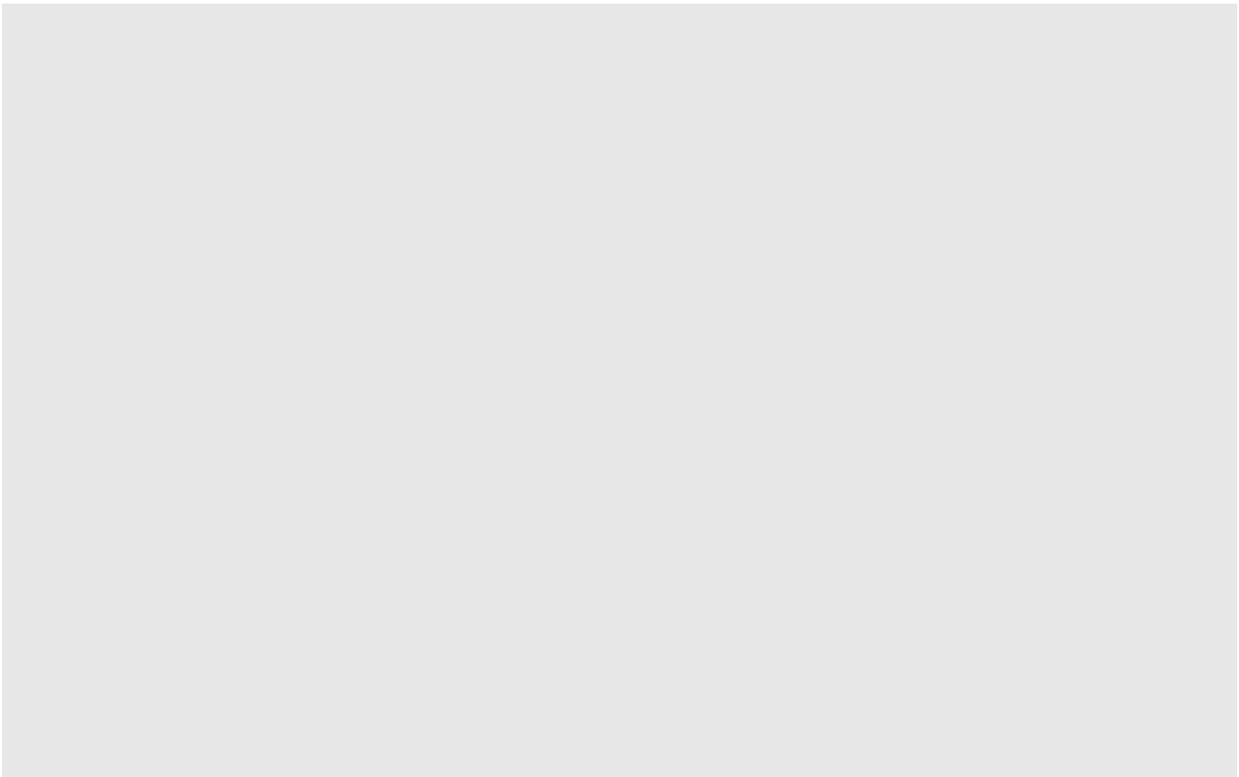
Termination of Employment or Contract

If the reason for termination is Terminated by Principal please give further details below: <sup>†</sup>

---

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~<sup>‡</sup> The above question(s) appears on an electronic form submission and a paper form submission~~



If you have any additional information to add to the reason above please attach it to this form. †

Date of Termination: †:

/ /

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~‡ The above question(s) appears on an electronic form submission and a paper form submission~~

**Warning<sup>†</sup>:**

Knowingly or recklessly giving the ~~FSA~~FCA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~FCA and to notify the ~~FSA~~FCA immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~FCA. It should not be assumed that information is known to the ~~FSA~~FCA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~FCA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

**Data Protection<sup>†</sup>**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~FSA~~FCA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**Review and submission<sup>†</sup>**

The ability to submit this form is given to an appropriate user or users by the firm's principal compliance contact.

Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the ~~FSA~~FCA on request.

**Declaration<sup>†</sup>**

**By submitting this notification**

- **I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.**
- **I am/we are aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~FCA information that is false or misleading in a material particular.**
- **I/we will notify the ~~FSA~~FCA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.**

Date<sup>†</sup>

/ /

Name of signatory<sup>†</sup>

Position in *firm*<sup>†</sup>

Individual Reference Number (if applicable)<sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online.

~~\*The above question(s) appears on an electronic form submission and a paper form submission~~

Signature<sup>\*</sup>



Tick here to confirm you have read and understood this declaration<sup>∞</sup>

---

<sup>\*</sup> ~~The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission.~~

<sup>∞</sup> ~~The above question(s) appears on the electronic form submission only. It does not appear on a paper form submission.~~



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



## Passporting

### Notification of intention to establish a branch in another EEA state (excluding the Payment Services Directive and Electronic Money Directive)

(SUP 13 Annex 1R – Notification under SUP 13.5.1R)

Full name of firm

#### Purpose of this form

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to establish your first *establishment* in a particular *EEA State*. You should also use this form if you are a *UK firm* that wishes to notify us – the regulator – of changes to the details of your current *branch*.

#### Important information you should read before completing this form

A *UK firm* can only use this form if it is entitled to establish a *branch* in another *EEA State* subject to the conditions of a relevant *single market directive* (see Schedule 3 of the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take their own legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in Chapter 13 of the Supervision manual (*SUP*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission (unless the *UK firm* is a *subsidiary* of a *firm* which is a *credit institution* that meets the criteria set out in the *Banking Consolidation Directive*).

#### Filling in the Form

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 10.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 10.
3. All firms should answer sections 1, 2 and 10. Sections 3-9 refer to specific directives and only relevant sections should be completed. However, please answer all questions in the sections relevant to you.
4. If there is not enough space on the form, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.

*If solo regulated send to:*  
The Financial Services Authority *Financial Conduct Authority*  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS  
**Telephone:** +44 (0)20 7066 4000 7188  
**Fax:** +44 (0)20 7066 9798  
**Website:** [www.fsa.gov.uk](http://www.fsa.gov.uk) [www.fca.org.uk](http://www.fca.org.uk)

*If dual regulated send to:*  
The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

**Telephone:** +44(0)20 3461 7000  
**Website:** [www.bankofengland.co.uk](http://www.bankofengland.co.uk)

# 1 Contact details

## 1.1 Details of the person we will contact about this application

Firm reference number †	
Title †	
Contact name†	
Address Line 1†	
Address Line 2†	
Postcode†	
Country†	
Telephone number†	
Fax number†	
Email address†	

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 2 Details about the branch

- 2.1 Please indicate the *EEA State* in which you wish to establish a *branch*.

EEA State †	
-------------	--

- 2.2 Please provide the address in the *EEA State* in which the *branch* will be established and from which we can get information about the business. †

Address: †	
Telephone number: †	Fax number: †

- 2.3 Please list the names of all *managers* of the *branch* (including main agents in respect of insurance applications). †

Title	Forenames	Surname

- 2.4 Tell us the proposed date for the business to start at the branch. †

Date	dd/mm/yy
------	----------

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

### 3 Insurance Mediation Directive (IMD)

- 3.1 Please confirm that the *UK firm* wishes to passport under the IMD by ticking the box below. †

The <i>firm</i> intends to carry on <i>insurance mediation</i> in the <i>EEA State</i> identified in section 2 by establishing a <i>branch</i> .	<input type="checkbox"/>
--	--------------------------

---

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

# 4 Markets in Financial Instruments Directive ('MiFID')

4.1 Please tick the appropriate boxes to show the *investment services* your firm will provide, together with the associated instruments. †

		EEA State														
		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
Financial Instruments	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please refer to page 6 for a full description of MiFID Services and activities.

UK Firms that intend to use a Tied Agent established in the territory of another EEA state are required to complete Annex 1 at the end of this form and tick the appropriate boxes below to show the investment services to be provided by the tied Agent.

§ Please refer to MiFID Article 23(1) for details of the activities that may be provided by a tied agent

		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
Financial Instruments	1	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	2	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	3	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	4	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	5	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	6	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	7	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	8	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	9	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	10	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7A

**Investment services and activities**

- (1) Reception and transmission of orders in relation to one or more financial instruments
- (2) Execution of orders on behalf of clients
- (3) Dealing on own account
- (4) Portfolio management
- (5) Investment advice
- (6) Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis
- (7) Placing of financial instruments without a firm commitment basis
- (8) Operation of Multilateral Trading Facilities

**Ancillary services**

- (1) Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management
- (2) Granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction
- (3) Advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings
- (4) Foreign exchange services where these are connected to the provision of investment services
- (5) Investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments
- (6) Services related to underwriting
- (7) Investment services and activities as well as ancillary services of the type included under Section A or B of Annex 1 related to the underlying of the derivatives included under Section C – 5, 6, 7 and 10 - where these are connected to the provision of investment or ancillary services

**Financial Instruments**

- (1) Transferable securities
- (2) Money-market instruments
- (3) Units in collective investment undertakings
- (4) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash
- (5) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event)
- (6) Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market and/or an MTF
- (7) Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in C.6 and not being for commercial purposes, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are cleared and settled through recognised clearing houses or are subject to regular margin calls
- (8) Derivative instruments for the transfer of credit risk
- (9) Financial contracts for differences
- (10) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates, emission allowances or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event), as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market or an MTF, are cleared and settled through recognised clearing houses or are subject to regular margin calls

**4.2 Please give details of the firm's programme of operations. Describe the particular EEA activities your firm will carry on and the structural organisation of the branch<sup>†</sup>**

(This summary should be completed in English. In some instances, where requested by the host Member State, we may ask you to provide an additional copy translated into the language of the host Member State, for onward transmission to the Competent Authority of that state).

Requirement	Response
<p><b><u>1. Corporate strategy</u></b><sup>†</sup></p> <p>a) How will the branch contribute to the strategy of the firm/group?</p> <p>b) What will the main functions of the branch be?</p>	
<p><b><u>2. Commercial Strategy</u></b><sup>†</sup></p> <p>a) Describe the types of customers/counterparties the branch will be dealing with</p> <p>b) Describe how the firm will obtain and deal with these clients</p>	
<p><b><u>3. Organisational structure</u></b><sup>†</sup></p> <p>a) Briefly describe how the branch fits into the corporate structure of the firm/group? (This may be facilitated by attaching an organisational chart)</p> <p>b) Set out the organisational structure of the branch, showing both functional and legal reporting lines</p> <p>c) Which individual will be responsible for the branch operations on a day to day basis?</p> <p>d) Which individual will be responsible for compliance at the branch?</p> <p>e) Which individual will be responsible for dealing with complaints in relation to the branch?</p> <p>f) How will the branch report to the head office?</p>	

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<p><i>g) Detail any critical outsourcing arrangements<sup>†</sup></i></p>	
<p><b>4. Tied Agents<sup>†</sup></b>  <i>a) Will the branch use tied agents?</i></p> <p><i>b) If the information is available, what is the identity of the tied agents? (Annex 1)</i></p> <p><i>c) What investment services and activities will be provided by the tied agent?</i></p>	
<p><b>5. Systems &amp; Controls<sup>†</sup></b>  <i>Provide a brief summary of arrangements for:</i></p> <p><i>a) Safeguarding client money and assets</i></p> <p><i>b) Compliance with the conduct of business and other obligations that fall under the responsibility of the host state competent authority according to MiFID Article 32(7) and record keeping under Article 13(9)</i></p> <p><i>c) Code of Conduct, including personal account dealing</i></p> <p><i>d) Anti-money laundering</i></p> <p><i>e) Monitoring and control of critical outsourcing agreements (if applicable)</i></p>	
<p><b>6. Auditor details<sup>†</sup></b>  <i>Details of the audit arrangements of the branch (including where applicable, details of the external auditor)</i></p>	
<p><b>7. Profit &amp; loss forecast<sup>†</sup></b>  <i>Attach a forecast statement for profit &amp; loss and cashflow, both over a 12 month period.</i></p>	

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 5 Banking Directive

### 5.1 Please tick the appropriate boxes to show the activities to be provided. †

#### Note to Question

#### 5.1

The box marked § should only be completed by UK credit institutions wishing to passport investment services and activities and ancillary services provided for by the extended scope of MiFID with effect from 1 November 2007.

Activity		
1	Acceptance of deposits and other repayable funds	<input type="checkbox"/>
2	Lending, including, inter alia, consumer credit, mortgage credit, factoring, with or without recourse, and financing of commercial transactions (including forfeiting)	<input type="checkbox"/>
3	Financial leasing	<input type="checkbox"/>
4	Payment services as defined in Article 4(3) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market	<input type="checkbox"/>
5	Issuing and administering other means of payment (e.g. travellers' cheques and bankers' drafts) insofar as this activity is not covered by point 4	<input type="checkbox"/>
6	Guarantees and commitments	<input type="checkbox"/>
7	Trading for own account or for account of customers in:	<input type="checkbox"/>
	(a) money market instruments (cheques, bills, certificates of deposits etc)	<input type="checkbox"/>
	(b) foreign exchange	<input type="checkbox"/>
	(c) financial futures and options	<input type="checkbox"/>
	(d) exchange and interest-rate instruments	<input type="checkbox"/>
	(e) transferable securities	<input type="checkbox"/>
8	Participation in securities issues and the provision of services related to such issues	<input type="checkbox"/>
9	Advice to undertakings on capital structure, industrial strategy, and related questions and advice and services relating to mergers and the purchase of undertakings	<input type="checkbox"/>
10	Money broking	<input type="checkbox"/>
11	Portfolio management and advice	<input type="checkbox"/>
12	Safekeeping and administration of securities	<input type="checkbox"/>
13	Credit reference services	<input type="checkbox"/>
14	Safe custody services	<input type="checkbox"/>
§	Additional MiFID services and activities subject to mutual recognition under the Banking Directive	<input type="checkbox"/>

§ See separate matrix on next page

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

		EEA State <sup>†</sup>														
		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
Financial Instruments	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please refer to page 6 for a full description of MiFID investment services activities and instruments.

UK firms that intend to use a tied agent *established* in the territory of the host state are required to complete 'Annex 1' at the end of this form and tick the appropriate boxes below to show the investment services to be provided by the tied Agent. §

§ Please refer to MiFID Article 23(1) for details of the activities that may be provided by a tied agent

		EEA State §														
		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
Financial Instruments	1	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	2	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	3	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	4	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	5	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	6	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	7	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	8	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	9	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								
	10	<input type="checkbox"/>				<input type="checkbox"/>		<input type="checkbox"/>								

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**5.2 Please give details of the firm's programme of operations. Describe the particular EEA activities your firm will carry on and the structural organisation of the branch<sup>†</sup>**

(This summary should be completed in English. In some instances, where requested by the host Member State, we may ask you to provide an additional copy translated into the language of the host Member State, for onward transmission to the Competent Authority of that state).

Requirement	Response
<p><b><u>1. Business Plan</u></b><sup>†</sup></p> <p>a) <i>How will the branch contribute to the overall strategy of the institution/group?</i></p> <p>b) <i>What will be the main objectives and functions of the branch?</i></p> <p>c) <i>Describe the types of customers/counterparties the branch will be dealing with</i></p> <p>d) <i>Describe how the institution will obtain and deal with these customers/clients</i></p>	
<p><b><u>2. Organisational structure</u></b><sup>†</sup></p> <p>a) <i>Briefly describe how the branch fits into the corporate structure of the group</i></p> <p>b) <i>Description of the administrative structure of the branch (number of business units/premises; number of employees; organisational chart, showing both functional and legal reporting lines)</i></p> <p>c) <i>Details of the branch manager(s) – CV(s) to be supplied</i></p> <p>d) <i>Details of any direct business relations (clients, partners, counterparties) and conditions under which they operate</i></p> <p>e) <i>Details of links with administrative and IT systems of the head office</i></p> <p>f) <i>Details of links with internal control system of the head office</i></p>	
<p><b><u>3. Systems &amp; Controls</u></b><sup>†</sup></p> <p>a) <i>Measures for supervising risk management procedures (includes credit/market/operational/liquidity)</i></p> <p>b) <i>Powers of the branch in respect of granting credit facilities</i></p> <p>c) <i>Details of the audit arrangements of the branch (including where applicable details of the external auditor)</i></p> <p>d) <i>anti-money laundering procedures (including the name of the AML compliance officer)</i></p> <p>e) <i>monitoring and control of critical outsourcing arrangements (if applicable)</i></p>	
<p><b><u>4. Financial information</u></b></p>	

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<p><i>Attach a forecast for over at least a 12 months period, of material items of the Balance Sheet and Profit and Loss.</i></p>	
<p><b>5 Investment activities</b> (if applicable) †</p> <ul style="list-style-type: none"> <li>• <i>Provide details of arrangements for:</i> <ul style="list-style-type: none"> <li>• <i>safeguarding client money and assets</i></li> <li>• <i>compliance with the conduct of business and other obligations that fall under the responsibility of the Competent Authority of the host Member State according to MiFID Article 32(7) and record keeping under MiFID Article 13(9)</i></li> <li>• <i>code of conduct, including personal account dealing</i></li> </ul> </li> <li>• <i>Provide details of the individual who will be responsible for compliance of the branch</i></li> <li>• <i>Provide details of the individual responsible for dealing with complaints in relation to the investment activities of the branch</i></li> </ul>	

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 6 Consolidated Life Assurance Directive

### Note to Question 6.1

For the purpose of this form, 'authorised agent' means an agent or employee of the *insurance undertaking* who has authority (a) to bind the *insurance undertaking* in its relations with third parties and (b) to represent the *insurance undertaking* in its relations with *overseas regulators* and courts in the *EEA State* of the *branch*.

- 6.1 Please provide the name of the *UK firm's* authorised agent. If the firm is a *member of Lloyd's*, please also confirm that the authorised agent has power to accept service of proceedings on behalf of *Lloyd's*.<sup>†</sup>

Name of agent <sup>†</sup>  
If applicable, confirmation that agent has power to accept service of proceedings on behalf of <i>Lloyd's</i> <sup>†</sup> <input type="checkbox"/>

- 6.2 Please tick the appropriate boxes to show the classes of business to be provided.<sup>†</sup>

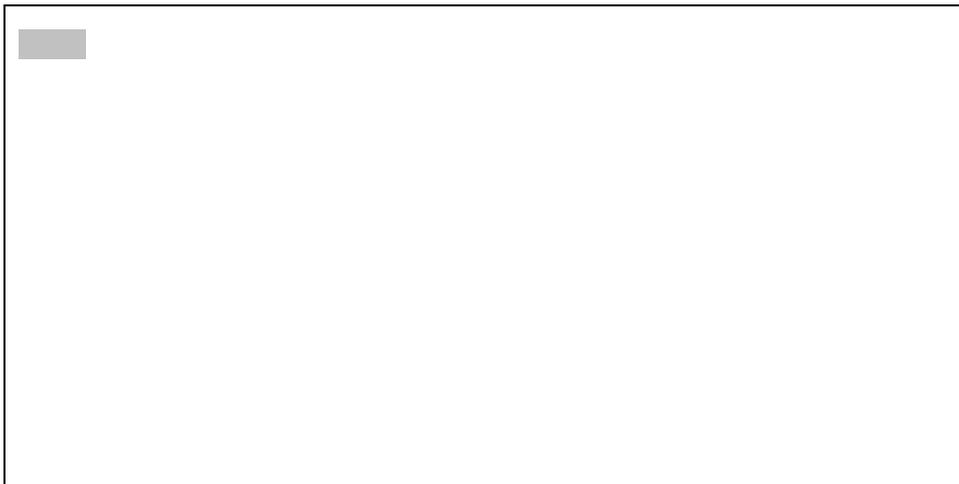
Classes of Business		
I	Life and Annuity	<input type="checkbox"/>
II	Marriage and Birth	<input type="checkbox"/>
III	Linked Long Term	<input type="checkbox"/>
IV	Permanent Health	<input type="checkbox"/>
V	Tontines	<input type="checkbox"/>
VI	Capital redemption	<input type="checkbox"/>
VII	Pension Fund Management	<input type="checkbox"/>
VIII	Collective Insurance	<input type="checkbox"/>
IX	Social Insurance	<input type="checkbox"/>

- 6.3 Please give details of the nature of the commitments to be covered in the *EEA State* concerned.<sup>†</sup>

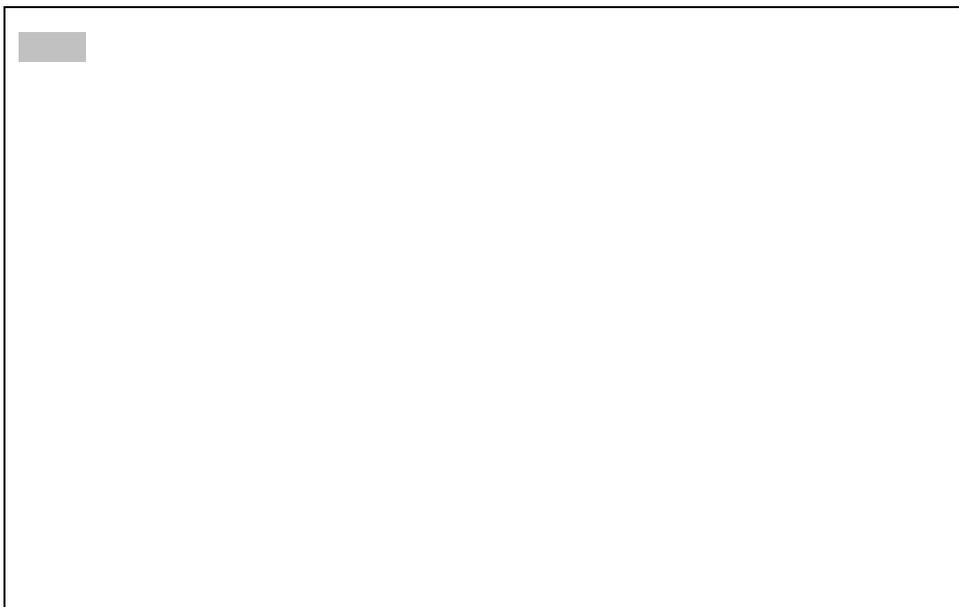
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<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**6.4** Please give details of the structural organisation of the *branch* (you may wish to attach an organisation chart).<sup>†</sup>



**6.5** Please give details of the guiding principles for reinsurance of business carried on, or to be carried on, in the *EEA State* concerned. This should include the *firm's* maximum retention per risk or event after all reinsurance is ceded<sup>†</sup>



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<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 6.6 Please confirm you have attached the following. †

i.	Estimates of the costs of installing administrative services and the organisation for securing business in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>
ii.	Estimates of the resources available to cover the costs detailed in (i) above.	Attached	<input type="checkbox"/>
iii.	For each of the first three years following the establishment of the <i>branch</i> , estimates of the <i>firm's</i> margin of solvency and the margin of solvency required and the method of calculation.	Attached	<input type="checkbox"/>
iv.	For each of the first three years following the establishment of the <i>branch</i> , the details described below with regards to the business carried on in the <i>EEA State</i> concerned (this information should be provided on both optimistic and pessimistic bases, for each type of contract or treaty):		
		a) the number of contracts or treaties expected to be issued;	Attached <input type="checkbox"/>
		b) the total premium income, both gross and net of reinsurance ceded; and	Attached <input type="checkbox"/>
		c) the total sums assured or the total amounts payable each year by way of annuity.	Attached <input type="checkbox"/>
v.	For each of the first three years following the establishment of the <i>branch</i> , the details described below with regards to the business carried on in the <i>EEA State</i> concerned:		
		a) a statement setting out, on both optimistic and pessimistic bases, detailed estimates of income and expenditure for direct business, reinsurance acceptances and reinsurance cessions; and	Attached <input type="checkbox"/>
		b) a statement of estimates relating to the financial resources intended to cover underwriting liabilities.	Attached <input type="checkbox"/>
vi.	Particulars of any associations that exist or are proposed to exist between:		
		a) the directors and controllers of the <i>UK firm</i> ; and	Attached <input type="checkbox"/>
		b) any <i>person</i> who will act as an insurance broker, agent, loss adjuster or reinsurer for the <i>UK firm</i> in the <i>EEA State</i> concerned.	Attached <input type="checkbox"/>
vii.	The names of the principal reinsurers of business to be carried on in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>
viii.	The sources of business in the <i>EEA State</i> concerned (for example, insurance brokers, agents, own employees or direct selling) with the approximate percentage expected	Attached	<input type="checkbox"/>

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

from each of those sources.		
ix. Copies or drafts of:		
a) any separate reinsurance treaties covering business to be written in the <i>EEA State</i> concerned;	Attached	<input type="checkbox"/>
b) any standard agreements which the <i>UK firm</i> will enter into with brokers or agents in the <i>EEA State</i> concerned; and	Attached	<input type="checkbox"/>
c) any agreements which the <i>UK firm</i> will enter into with persons (other than employees of the <i>UK firm</i> ) who will manage the business to be carried on in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>
x. The technical bases that the actuary appointed in accordance with <i>SUP 4.3.1R</i> proposes to use for each class of business to be carried on in the <i>EEA State</i> concerned, including the bases needed for calculating premium rates and mathematical reserves.	Attached	<input type="checkbox"/>
xi. A statement by the actuary so appointed as to whether:		
a) he considers that the premium rates that will be used in the <i>EEA State</i> concerned are suitable; and	Attached	<input type="checkbox"/>
b) he agrees with the information provided under sections 6.5 and 6.6 v (a) and (b).	Attached	<input type="checkbox"/>
xii. The technical bases used to calculate the statements and estimates referred to in sections 6.6 iv and v.	Attached	<input type="checkbox"/>

## 7 First, Second and Third Non-Life Insurance Directives

- 7.1 Please provide the name of *UK firm's* authorised agent. If the firm is a *member of Lloyd's*, please confirm that the authorised agent has power to accept service of proceedings on behalf of *Lloyd's*.<sup>†</sup>

Name of agent <sup>†</sup>  █
If applicable, confirmation that agent has power to accept service of proceedings on behalf of <i>Lloyd's</i> <sup>†</sup>  <input type="checkbox"/>

- 7.2 Please tick the appropriate boxes to show the classes of business to be carried out from the *branch*.<sup>†</sup>

Classes of Business		
1	Accident	<input type="checkbox"/>
2	Sickness	<input type="checkbox"/>
3	Land Vehicles	<input type="checkbox"/>
4	Railway Rolling Stock	<input type="checkbox"/>
5	Aircraft	<input type="checkbox"/>
6	Ships	<input type="checkbox"/>
7	Goods in Transit	<input type="checkbox"/>
8	Fire and Natural Forces	<input type="checkbox"/>
9	Damage to Property	<input type="checkbox"/>
10	Motor Vehicle Liability	<input type="checkbox"/>
11	Aircraft Liability	<input type="checkbox"/>
12	Liability for Ships	<input type="checkbox"/>
13	General Liability	<input type="checkbox"/>
14	Credit	<input type="checkbox"/>
15	Suretyship	<input type="checkbox"/>
16	Miscellaneous Financial Loss	<input type="checkbox"/>
17	Legal Expenses	<input type="checkbox"/>
18	Assistance	<input type="checkbox"/>

**7.3 Please give details of the nature of the risks to be covered in the EEA State(s) concerned.<sup>†</sup>**

**Note to question**

**7.3**

- i. If the *firm* covers, or intends to cover, relevant **motor vehicle risks**, please provide details of the *firm's* membership of the national bureau and the national guarantee fund in the *EEA State* concerned at question 7.3.

'Relevant motor risks' has the meaning given to *motor vehicle liability* in Schedule 1 to the *Regulated Activities Order*.

- ii. If the firm covers (or intends to cover) **health insurance**, please provide the technical bases used, or to be used, for calculating premiums in respect of such risks in question 7.3.

- iii. If the firm covers (or intends to cover) risks relating to **legal expenses insurance**, please state, in question 7.3, the option chosen from those described in Article 3(2) of Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance.

**7.4 Please give details of the structural organisation of the branch (UK firms may wish to attach an organisation chart).<sup>†</sup>**

**7.5 Please give details of the guiding principles as to reinsurance of business carried on, or to be carried on, in the EEA State concerned, including the firm's maximum retention per risk or event after all reinsurance ceded.<sup>†</sup>**

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 7.6 Please confirm you have attached the following. †

i.	Estimates of the costs of installing administrative services and the organisation for securing business in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>
ii.	Estimates of the resources available to cover the costs detailed in (i) above.	Attached	<input type="checkbox"/>
iii.	If contracts of a kind falling within paragraph 18 of Schedule 1 to the <i>Regulated Activities Order</i> (Assistance) are, or are to be, effected or carried out, the resources available for providing assistance.	Attached	<input type="checkbox"/>
iv.	For each of the first three years following the establishment of the <i>branch</i> , estimates of the <i>firm's</i> margin of solvency and the margin of solvency required and the method of calculation.	Attached	<input type="checkbox"/>
v.	For each of the first three years following the establishment of the <i>branch</i> , give the details described below about the business carried on in the <i>EEA State</i> concerned:		
a)	estimates relating to expenses of management (other than cost of installation) and, in particular, those relating to current general expenses and commissions;	Attached	<input type="checkbox"/>
b)	estimates relating to premiums or contributions (both gross and net of all reinsurance ceded) and to claims (after all reinsurance recoveries); and	Attached	<input type="checkbox"/>
c)	estimates relating to the financial resources intended to cover underwriting liabilities.	Attached	<input type="checkbox"/>
vi.	Particulars of any associations that exist or are proposed to exist between:		
a)	the directors and controllers of the <i>UK firm</i> ; and	Attached	<input type="checkbox"/>
b)	any <i>person</i> who will act as an insurance broker, agent, loss adjuster or reinsurer for the <i>UK firm</i> in the <i>EEA State</i> concerned.		
vii.	The names of the principal reinsurers of business to be carried on in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>

Continued over

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

7.6 continued<sup>†</sup>

viii. The sources of business in the <i>EEA State</i> concerned (for example, insurance brokers, agents, own employees or direct selling) with the approximate percentage expected from each of these sources.	Attached	<input type="checkbox"/>
ix. Copies or drafts of:  a) any separate reinsurance treaties covering business to be written in the <i>EEA State</i> concerned;  b) any standard agreements which the <i>UK firm</i> will enter into with brokers or agents in the <i>EEA State</i> concerned; and  c) any agreements which the <i>UK firm</i> will enter into with <i>persons</i> (other than employees of the <i>UK firm</i> ) who will manage the business to be carried on in the <i>EEA State</i> concerned.		
	Attached	<input type="checkbox"/>
	Attached	<input type="checkbox"/>
x. Copies or drafts of any agreements which the <i>UK firm</i> will have with main agents in the <i>EEA State</i> concerned.	Attached	<input type="checkbox"/>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 8 Reinsurance Directive

- 8.1 Please confirm the type(s) of reinsurance activity to be carried out by the branch under the Reinsurance Directive by ticking one of the boxes below. †**

Life reinsurance business	<input type="checkbox"/>
Non-life reinsurance business	<input type="checkbox"/>

- 8.2 Please provide the name and powers of the authorised agent. Please note that the authorised agent should be located at the same address of branch. †**

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 9 Undertakings for Collective Investment in Transferable Securities

9.1 You must select those activities that you wish to carry out under the *UCITS Directive* as listed in article 6(2) and (3) of the *UCITS Directive*.

Management of <i>UCITS</i>	<input type="checkbox"/>
Management of portfolios of investments, including those owned by pension funds, in accordance with mandates given by investors on a discretionary, client-by-client basis, where those portfolios include one or more of the instruments listed in Section C of Annex I to <i>MiFID</i> .	<input type="checkbox"/>
Investment advice concerning one or more of the instruments listed in Section C of Annex I to <i>MiFID</i> .	<input type="checkbox"/>
Safekeeping and administration in relation to <i>units</i> of collective investment undertakings.	<input type="checkbox"/>

9.2 Please give details of the *firm's* programme of operations

**Note to Question**

**9.2**  
Provide a programme of operations setting out the activities and services envisaged according to article 6(2) and (3) and the organisational structure of the *branch* which must include a description of the risk management process.

Provide also a description of the procedures and arrangements for dealing properly with investor complaints, including how it is ensured that there are no restrictions on investors exercising such rights and the arrangements for making information available at the request of the public or the *competent authority* of the *UCITS Home State*;

For a suggested template *firms* may adhere to question 4.2 when preparing a programme of operations

**Note: Other Requirements for UCITS management companies**

In addition to the submission of this notice to the ~~FSA~~ FCA, *management companies* should note, where the application is to manage a *UCITS* in another *EEA State*, they will be required by the rules of the *competent authority* of the *UCITS Home State* implementing article 20 of the *UCITS Directive* to provide them with:

- (1) the written agreement that has been entered into with the *depository*; and
- (2) information on delegation arrangements regarding the functions of investment management and administration, as referred to in Annex II to the *UCITS Directive*.

If the *management company* already manages other *UCITS* of the same type as the company is proposing to manage in the the *UCITS Home State*, article 20 provides that reference to the documentation already provided shall be sufficient for the purposes of (1) and (2).

- 9.3 Please confirm if the information referred to above has been submitted to the *competent authority* of the *UCITS Home State*. If it has not been submitted or if article 20 is not applicable please explain why, including (if applicable) when it is expected that the information will be provided.**


---

## 10 Declaration

### Note to Declaration

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the *firm*.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please take appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

- **I understand it is a criminal offence knowingly or recklessly to give the FSA FCA/PRA information that is false or misleading in a material particular.**
- **I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.**
- **I confirm that I am authorised to sign on behalf of the *firm*.**

Name <sup>†</sup>	
Position <sup>†</sup>	
Signature*	
Date <sup>†</sup>	dd/mm/yy

\*

I enclose the following sections (mark the appropriate section)

Section 1 – Contact Details (mandatory)	<input type="checkbox"/>
Section 2 – Details about the branch (mandatory)	<input type="checkbox"/>
Section 3 – Insurance Mediation Directive	<input type="checkbox"/>
Section 4 – Markets in Financial Instruments Directive	<input type="checkbox"/>
Section 5 – Banking Consolidation Directive	<input type="checkbox"/>
Section 6 – Consolidated Life Assurance Directive	<input type="checkbox"/>
Section 7 – First, Second and Third Non-Life Insurance Directives	<input type="checkbox"/>
Section 8 – Reinsurance directive	<input type="checkbox"/>
Section 9 - Undertakings for Collective Investments in Transferable Securities	<input type="checkbox"/>
Section 10 – Declaration (mandatory)	<input type="checkbox"/>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\* These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

## ANNEX 1 – Tied Agent Notification Form

This form should be used to notify FSA the FCA when a UK firm intends to use a *tied agent established* in the territory of another EEA state.

### Tied Agent Details

1	Name of Tied Agent <sup>†</sup>	<input type="text"/>
2	Address of Tied Agent <sup>†</sup>	<input type="text"/>
3	Trading name(s) of Tied Agent, if different to the name given in question 1 above <sup>†</sup>	<input type="text"/>
4	Telephone number of Tied Agent <sup>†</sup>	<input type="text"/>
5	Fax number of Tied agent <sup>†</sup>	<input type="text"/>
6	E-mail address of Tied Agent <sup>†</sup>	<input type="text"/>
7	Website of Tied Agent <sup>†</sup>	<input type="text"/>
8	Legal Status of Tied Agent <sup>†</sup>	<input type="checkbox"/> Private Limited Company <input type="checkbox"/> Public Limited Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability <input type="checkbox"/> Unincorporated Association <input type="checkbox"/> Sole Trader <input type="checkbox"/> Other, please specify below
		<input type="text"/>
9	Date of commencement of agreement With your firm <sup>†</sup>	<input type="text"/>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



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AUTHORITY



## Passporting Notification of intention to provide cross-border services in another EEA state

MARKETS IN-FINANCIAL INSTRUMENTS DIRECTIVE (SUP13 Annex 2R – Notice under SUP 13.5.2R)

**Full Name of firm:** ‡

**FRN:** \_\_\_\_\_

### Purpose of this form

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to provide *cross border services* in another *EEA State* or a *Recognised Investment Exchange* that wishes to provide access arrangements in another EEA state under the Markets in Financial Instruments Directive ('MiFID').

You may also use this form if you are a *UK firm* that wishes to notify us (~~the FSA~~ the FCA/PRA) of changes to the details of its current *cross border services*.

### Important information you should read before completing this form

A *UK firm* can only use this form if it is entitled to provide *cross border services* into another *EEA State* subject to the conditions of MiFID (see Schedule 3 of the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in Chapter 13 of the Supervision manual (*SUP*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission.

### Filling in the form

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 4.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 4.
3. If there is not enough space on the form, you may need to use separate sheets of paper. Clearly, mark each separate sheet of paper with the relevant question number.

If solo regulated send to:

The Financial Services Authority  
Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS  
**Telephone:** +44 (0)20 7066 1000-7188  
**Fax:** +44 (0)20 70669798  
**Website:** [www.fsa.gov.uk](http://www.fsa.gov.uk) [www.fca.org.uk](http://www.fca.org.uk)  
**E-mail:** [passport.notifications@fca.org.uk](mailto:passport.notifications@fca.org.uk)  
Registered as a Limited Company

If dual regulated send to:

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

**Telephone:** +44(0)20 3461 7000

**Website:** [www.bankofengland.co.uk](http://www.bankofengland.co.uk)  
**E-mail:** [pra-Passporting@bankofengland.co.uk](mailto:pra-Passporting@bankofengland.co.uk)  
Registered as a Limited Company in England and  
Wales No 07854923. Registered Office: 8 Lothbury  
Road, London, EC2R 7HH.

# 1 Contact details

## 1.1 Details of the person we will contact about this notification

FSA-Firm reference number †	
Title †	
Contact name†	
Address Line 1†	
Address Line 2†	
Postcode†	
Country†	
Telephone number†	
Fax number †	
Email address †	

---

†-These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 2 Details of the services to be provided

2.1 Please indicate the *EEA State(s)* into which services are to be provided. †

States required	
Austria	<input type="checkbox"/>
Belgium	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>
Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>
Finland	<input type="checkbox"/>
France	<input type="checkbox"/>
Germany	<input type="checkbox"/>
Gibraltar	<input type="checkbox"/>
Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>
Iceland	<input type="checkbox"/>
Ireland	<input type="checkbox"/>
Italy	<input type="checkbox"/>
Latvia	<input type="checkbox"/>
Liechtenstein	<input type="checkbox"/>
Lithuania	<input type="checkbox"/>
Luxembourg	<input type="checkbox"/>
Malta	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>
Norway	<input type="checkbox"/>
Poland	<input type="checkbox"/>
Portugal	<input type="checkbox"/>
Romania	<input type="checkbox"/>
Slovak Republic	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>
Spain	<input type="checkbox"/>
Sweden	<input type="checkbox"/>
All States	<input type="checkbox"/>

### Note to Question 2.1

*UK firms* have the right to provide *cross border services* to Gibraltar. So, references in this form to an *EEA State* include references to Gibraltar (see the Financial Services and Markets Act (Gibraltar) Order 2001).

Recognised Investment Exchanges completing box 2.1 will be indicating the EEA states in which they intend to provide access arrangements.

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**2.2** If the *firm* intends to provide services into more than one *EEA State*, will these services vary for each State? †

Yes ▶

No ▶

**2.3** Tell us the proposed date for the business to start. †

Date	
------	--

# 3 Markets in Financial Instruments Directive ('MiFID')

3.1 Please tick the appropriate boxes to show the *investment services* to be provided, together with the associated instruments (if the answer to question 2.2 as 'Yes', please complete a separate matrix for each *EEA State*). Recognised Investment Exchanges should complete only box 3.2<sup>†</sup>

		EEA State														
		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
Financial Instruments	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

UK firms that intend to use a tied agent to provide cross-border services in the territory of the host state are required to complete 'Annex 1' at the end of this form.

A full description of MiFID service activities and instruments can be found on the next page.

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Investment services and activities**

- (1) Reception and transmission of orders in relation to one or more financial instruments
- (2) Execution of orders on behalf of clients
- (3) Dealing on own account
- (4) Portfolio management
- (5) Investment advice
- (6) Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis
- (7) Placing of financial instruments without a firm commitment basis
- (8) Operation of Multilateral Trading Facilities

**Ancillary services**

- (1) Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management
- (2) Granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction
- (3) Advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings
- (4) Foreign exchange services where these are connected to the provision of investment services
- (5) Investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments
- (6) Services related to underwriting
- (7) Investment services and activities as well as ancillary services of the type included under Section A or B of Annex 1 related to the underlying of the derivatives included under Section C – 5, 6, 7 and 10 - where these are connected to the provision of investment or ancillary services

**Financial Instruments**

- (1) Transferable securities
- (2) Money-market instruments
- (3) Units in collective investment undertakings
- (4) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash
- (5) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event)
- (6) Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market and/or an MTF
- (7) Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in C.6 and not being for commercial purposes, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are cleared and settled through recognised clearing houses or are subject to regular margin calls
- (8) Derivative instruments for the transfer of credit risk
- (9) Financial contracts for differences
- (10) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates, emission allowances or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event), as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market or an MTF, are cleared and settled through recognised clearing houses or are subject to regular margin calls

**3.2 Please give details of the *firm's* programme of operations, including a description of the particular EEA activities the firm will carry on.<sup>†</sup>**

**Note to Question**

**3.2**

*UK firms* should consider the following points when preparing a programme of operations:

- details about the services to be provided into the other *EEA State(s)*, including a description of the way in which the proposed services will be conducted;
- details of any other business (i.e. non-investment business) which is currently being (or will be) provided into the other *EEA State(s)*;
- a description of the type of *client* or counterpart with whom the services will be conducted; and
- details of the systems of internal controls over the services to be provided into the other *EEA State(s)* that will be used by management in the *UK* to monitor such activities.

*UK firms* requiring specific information about the content and level of detail of information to be provided are encouraged to contact the Passport Notification Unit (contact details are given on page 16).

**Recognised Investment Exchanges should state whether they are providing access arrangements in respects of a regulated market or MTF, or both.**

**Where a Recognised Investment Exchange intends to make access arrangements for different types of market in different EEA States, it should specify which arrangements it intends to make in each of those states.**

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 4 Declaration

### Note to Declaration

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the firm.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please seek appropriate professional advice before supplying information to us.

There will be a delay in processing the notification if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the notification process.

- I understand it is a criminal offence knowingly or recklessly to give the **FSA FCA/PRA** information that is false or misleading in a material particular.
- I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.
- I confirm that I am authorised to sign on behalf of the *firm*/Recognised Investment Exchange

Name <sup>†</sup>	
Position <sup>†</sup>	
IRN (if applicable)	
Signature*	
Date <sup>†</sup>	dd/mm/yy

\*

I enclose the following sections (mark the appropriate section)

Section 1 – Contact details (mandatory)	<input type="checkbox"/>
Section 2 – Details of the services (mandatory)	<input type="checkbox"/>
Section 3 – Markets in Financial Instruments Directive	<input type="checkbox"/>
Section 4 – Declaration (mandatory)	<input type="checkbox"/>
Annex 1 – Tied Agent Details	<input type="checkbox"/>

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

## ANNEX 1 – Tied Agent Notification Form

This form should be used to notify the FSA FCA/PRA when a *UK firm* intends to use a *tied agent* to provide cross-border services in the territory of another *EEA state*.

### Tied Agent Details

1	Name of Tied Agent <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
2	Address of Tied Agent <sup>†</sup>	<input style="width: 100%; height: 100px;" type="text"/>
3	Trading name(s) of Tied Agent, if different to the name given in question 1 above <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
4	Telephone number of Tied Agent <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
5	Fax number of Tied agent <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
6	E-mail address of Tied Agent <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
7	Website of Tied Agent <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>
8	Legal Status of Tied Agent <sup>†</sup>	<input type="checkbox"/> Private Limited Company <input type="checkbox"/> Public Limited Company <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability <input type="checkbox"/> Unincorporated Association <input type="checkbox"/> Sole Trader <input type="checkbox"/> Other, please specify below
		<input style="width: 100%; height: 30px;" type="text"/>
9	Date of commencement of agreement with your firm <sup>†</sup>	<input style="width: 100%; height: 30px;" type="text"/>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Warning**

Knowingly or recklessly giving the FSA FCA/PRA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA/PRA and to notify the FSA FCA/PRA immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA/PRA. It should not be assumed that information is known to the FSA FCA/PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA/PRA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

**Data Protection**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the Financial Conduct Authority to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the FSA FCA/PRA on request.

**Declaration****By submitting this notification**

- **I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.**
- **I am/we are aware that it is a criminal offence knowingly or recklessly to give the FSA FCA/PRA information that is false or misleading in a material particular.**
- **I/we will notify the FSA FCA/PRA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application notification process or enforcement action.**

Date<sup>†</sup>

\_\_\_\_\_

Name of signatory<sup>†</sup>

\_\_\_\_\_

Position in firm<sup>†</sup>

\_\_\_\_\_

Individual Registration Number<sup>†</sup>  
(if applicable)

\_\_\_\_\_



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AUTHORITY

## Passporting Notification of intention to provide cross-border services in another EEA state

(SUP 13 Annex 3R – Notice under SUP 13.5.2R)

**Full name of Firm name:** † –

**FRN:**

### Purpose of this form

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to provide *cross border services* in another *EEA State* under the *Consolidated Life Assurance Directive* and/or the *Third Non-Life Insurance Directive*.

You may also use this form if you are a *UK firm* that wishes to notify us (the ~~FSA~~) the PRA of changes to the details of its current *cross border services*.

### Important information you should read before completing this form

A *UK firm* can only use this form if it is entitled to provide *cross border services* into another *EEA State* subject to the conditions of the *Consolidated Life Assurance Directive* and/or the *Third Non-Life Insurance Directive* (see Schedule 3 of the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in Chapter 13 of the Supervision manual (*SUP*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission.

### Filling in the form

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 5.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 5.
3. If there is not enough space on the form, you may need to use separate sheets of paper. Clearly, mark each separate sheet of paper with the relevant question number.

The Financial Services Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS  
Telephone: +44 (0)20 7066 1000  
Fax: +44 (0)20 7066 9798  
Website: [www.fsa.gov.uk](http://www.fsa.gov.uk)

#### Send to:

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

Telephone: +44(0)20 3461 7000  
Website: [www.bankofengland.co.uk](http://www.bankofengland.co.uk)  
E-mail: [pra-passporting@bankofengland.co.uk](mailto:pra-passporting@bankofengland.co.uk)

In this form the FSA uses the following terms:

'FSA', 'we', 'our', or 'us' refers to the Financial Services Authority;  
'Applicant firm' refers to the firm applying for authorisation and

# 1 Contact details

## 1.1 Details of the person we will contact about this application

FSA Firm reference number †	
Title †	
Contact name †	
Address Line 1 †	
Address Line 2 †	
Postcode †	
Country †	
Telephone number †	
Fax number †	
Email address †	

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP-15-7

## 2 Details of the services to be provided

2.1 Please indicate the *EEA State(s)* into which services are to be provided.

States required	
Austria	<input type="checkbox"/>
Belgium	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>
Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>
Finland	<input type="checkbox"/>
France	<input type="checkbox"/>
Germany	<input type="checkbox"/>
Gibraltar	<input type="checkbox"/>
Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>
Iceland	<input type="checkbox"/>
Ireland	<input type="checkbox"/>
Italy	<input type="checkbox"/>
Latvia	<input type="checkbox"/>
Liechtenstein	<input type="checkbox"/>
Lithuania	<input type="checkbox"/>
Luxembourg	<input type="checkbox"/>
Malta	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>
Norway	<input type="checkbox"/>
Poland	<input type="checkbox"/>
Portugal	<input type="checkbox"/>
Romania	<input type="checkbox"/>
Slovak Republic	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>
Spain	<input type="checkbox"/>
Sweden	<input type="checkbox"/>
All States	<input type="checkbox"/>

### Note to Question 2.1

*UK firms* have the right to provide *cross border services* to Gibraltar. So, references in this form to an *EEA State* include references to Gibraltar (see the Financial Services and Markets Act (Gibraltar) Order 2001).

2.2 If the *firm* intends to provide services into more than one *EEA State*, will these services vary for each State? <sup>‡</sup>

- Yes ▶   
No ▶

2.3 Tell us the proposed date for the business to start. <sup>‡</sup>

Date	dd/mm/yy
------	----------

### 3 Consolidated Life Assurance Directive

- 3.1 Please tick the appropriate boxes to show the classes of business to be provided (if the answer to question 2.2 was 'Yes' please complete a separate matrix for each *EEA State*).<sup>‡</sup>

EEA State		
Classes of Business		
I	Life and Annuity	<input type="checkbox"/>
II	Marriage and Birth	<input type="checkbox"/>
III	Linked Long Term	<input type="checkbox"/>
IV	Permanent Health	<input type="checkbox"/>
V	Tontines	<input type="checkbox"/>
VI	Capital redemption	<input type="checkbox"/>
VII	Pension Fund Management	<input type="checkbox"/>
VIII	Collective Insurance	<input type="checkbox"/>
IX	Social Insurance	<input type="checkbox"/>

- 3.2 Please give details of the nature of the commitments to be covered in the *EEA State(s)* concerned.<sup>†</sup>

<sup>‡</sup> These questions should be completed where the submission of this form is online or in one of the other ways set out in SUP 15.7

## 4 First, Second and Third Non-Life Insurance Directives

- 4.1 Please tick the appropriate boxes to show the classes of business to be provided (if the answer to question 2.2 was 'Yes', please complete a separate matrix for each EEA State).<sup>†</sup>

EEA State:

Classes of Business		
1	Accident	<input type="checkbox"/>
2	Sickness	<input type="checkbox"/>
3	Land Vehicles	<input type="checkbox"/>
4	Railway Rolling Stock	<input type="checkbox"/>
5	Aircraft	<input type="checkbox"/>
6	Ships	<input type="checkbox"/>
7	Goods in Transit	<input type="checkbox"/>
8	Fire and Natural Forces	<input type="checkbox"/>
9	Damage to Property	<input type="checkbox"/>
10	Motor Vehicle Liability (refer to note 4.2.1 on next page)	<input checked="" type="checkbox"/>
11	Aircraft Liability	<input type="checkbox"/>
12	Liability for Ships	<input type="checkbox"/>
13	General Liability	<input type="checkbox"/>
14	Credit	<input type="checkbox"/>
15	Suretyship	<input type="checkbox"/>
16	Miscellaneous Financial Loss	<input type="checkbox"/>
17	Legal Expenses (refer to note 4.2.3 on next page)	<input type="checkbox"/>
18	Assistance	<input type="checkbox"/>

<sup>†</sup> These questions should be completed where the submission of this form is online or in one of the other ways set out in SUP 15.7

**4.2 You must provide details of the nature of the risks to be covered in the EEA State(s) concerned.<sup>†</sup>**

**Note to Question**

**4.2**

1) If the *firm* covers, or intends to cover, relevant **motor vehicle risks**, please provide the following additional information in section 4.2 (if required by the *EEA State* concerned as part of the *consent notice*):

- the name and address of the claims representative; and
- details of the *firm's* membership of the national bureau and the national guarantee fund in the *EEA State* concerned.

'Relevant motor risks' has the meaning given to *motor vehicle liability* in Schedule 1 to the *Regulated Activities Order*. 'Claims representative' has the meaning given to it in the *EEA Passport Rights Regulations*.

2) If the *firm* covers (or intends to cover) **health insurance**, please provide the technical bases used, or to be used, for calculating premiums in respect of such risks in section 4.2.

3) If the *firm* covers (or intends to cover) risks relating to **legal expenses insurance**, please state in section 4.2 the option chosen from those described in Article 3(2) of Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance.

<sup>†</sup> These questions should be completed where the submission of this form is online or in one of the other ways set out in SUP-15.7

## 5 Declaration

### **Note to Declaration**

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the *firm*.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please seek appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

- **I understand it is a criminal offence knowingly or recklessly to give the FSA PRA/FCA information that is false or misleading in a material particular.**
- **I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.**
- **I confirm that I am authorised to sign on behalf of the *firm*.**

Name <sup>†</sup>	
Position <sup>†</sup>	
IRN (if applicable)	
Signature <sup>‡</sup>	
Date <sup>†</sup>	dd/mm/yy

I enclose the following sections (mark the appropriate section) <sup>\*</sup>

Section 1 – Contact details (mandatory)	<input type="checkbox"/>
Section 2 – Details of the services (mandatory)	<input type="checkbox"/>
Section 3 - Consolidated Life Directive	<input type="checkbox"/>
Section 4 – First, Second and Third Non-Life Insurance Directives	<input type="checkbox"/>
Section 5 – Declaration (mandatory)	<input type="checkbox"/>

<sup>†</sup> These questions should be completed where the submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. They should not be completed if the submission of this form is online



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY

## Passporting Notification of intention to provide cross-border services in another EEA state

**Full name Name of firm: †**

**FRN:**

**BANKING CONSOLIDATION DIRECTIVE**

**(SUP 13 Annex 4R-Notice under SUP 13.5.2R)**

### Purpose of this form

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to provide *cross border services* in another *EEA State* under the *Banking Consolidation Directive*.

You may also use this form if you are a *UK firm* that wishes to notify ~~us (the FSA)~~ the PRA of changes to the details of its current *cross border services*.

### Important information you should read before completing this form

A *UK firm* can only use this form if it is entitled to provide *cross border services* into another *EEA State* subject to the conditions of the *Banking Consolidation Directive* (see Schedule 3 of the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in ~~Chapter 13~~ of the Supervision manual (*SUP 13*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission (unless the *UK firm* is a *subsidiary* of a *firm* which is a *credit institution* that meets the criteria set out in the *Banking Consolidation Directive*).

### Filling in the form

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 4.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 4.
3. If there is not enough space on the form, you may need to use separate sheets of paper. Clearly, mark each separate sheet of paper with the relevant question number.

The Financial Services Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS, UK  
Telephone +44 (0)20 7066 1000  
Fax +44 (0)20 7066 9798  
Website <http://www.fsa.gov.uk>  
Registered as a Limited Company in England and  
Wales No 1920623. Registered Office as above.

**Send to:** Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
Website [www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)  
E-mail [pra-passporting@bankofengland.co.uk](mailto:pra-passporting@bankofengland.co.uk)

# 1 Contact details

## 1.1 Details of the person we will contact about this notification

FSA Firm reference number <sup>†</sup>	
Title <sup>†</sup>	
Contact name <sup>†</sup>	
Address Line 1 <sup>†</sup>	
Address Line 2 <sup>†</sup>	
Postcode <sup>†</sup>	
Country <sup>†</sup>	
Telephone number <sup>†</sup>	
Fax number <sup>†</sup>	
Email address <sup>†</sup>	

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<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 2 Details of the services to be provided

2.1 Please indicate the *EEA State(s)* into which services are to be provided.<sup>†</sup>

States required	
Austria	<input type="checkbox"/>
Belgium	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>
Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>
Finland	<input type="checkbox"/>
France	<input type="checkbox"/>
Germany	<input type="checkbox"/>
Gibraltar	<input type="checkbox"/>
Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>
Iceland	<input type="checkbox"/>
Ireland	<input type="checkbox"/>
Italy	<input type="checkbox"/>
Latvia	<input type="checkbox"/>
Liechtenstein	<input type="checkbox"/>
Lithuania	<input type="checkbox"/>
Luxembourg	<input type="checkbox"/>
Malta	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>
Norway	<input type="checkbox"/>
Poland	<input type="checkbox"/>
Portugal	<input type="checkbox"/>
Romania	<input type="checkbox"/>
Slovak Republic	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>
Spain	<input type="checkbox"/>
Sweden	<input type="checkbox"/>
All States	<input type="checkbox"/>

### Note to Question 2.1

*UK firms* have the right to provide *cross border services* to Gibraltar. So, references in this form to an *EEA State* include references to Gibraltar (see the Financial Services and Markets Act (Gibraltar) Order 2001).

Recognised Investment Exchanges completing box 2.1 will be indicating *EEA states* in which they intend to provide access arrangements

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

2.2 If the *firm* intends to provide services into more than one *EEA State*, will these services vary for each State? †

- Yes ▶
- No ▶

2.3 Tell us the proposed date for the business to start. †

Date	dd/mm/yy
------	----------

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## 3 Banking Consolidation Directive

- 3.1 You must tick the appropriate boxes to show the activities to be provided (if the answer to question 2.2 was 'Yes', please complete a separate matrix for each EEA State).<sup>†</sup>

### Note to Question

#### 3.1

The Box marked ¥ should only be completed by UK credit institutions wishing to passport investment services and activities and ancillary services provided for by the extended scope of MiFID.

EEA State		
Activity		
1	Acceptance of deposits and other repayable funds	<input type="checkbox"/>
2	Lending, including, inter alia, consumer credit, mortgage credit, factoring, with or without recourse, and financing of commercial transactions (including forfeiting)	<input type="checkbox"/>
3	Financial leasing	<input type="checkbox"/>
4	Payment services as defined in Article 4(3) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market	<input type="checkbox"/>
5	Issuing and administering other means of payment (e.g. travellers' cheques and bankers' drafts) insofar as this activity is not covered by point 4	<input type="checkbox"/>
6	Guarantees and commitments	<input type="checkbox"/>
7	Trading for own account or for account of customers in:	<input type="checkbox"/>
	(a) money market instruments (cheques, bills, certificates of deposits etc)	<input type="checkbox"/>
	(b) foreign exchange	<input type="checkbox"/>
	(c) financial futures and options	<input type="checkbox"/>
	(d) exchange and interest-rate instruments	<input type="checkbox"/>
	(e) transferable securities	<input type="checkbox"/>
8	Participation in securities issues and the provision of services related to such issues	<input type="checkbox"/>
9	Advice to undertakings on capital structure, industrial strategy, and related questions and advice and services relating to mergers and the purchase of undertakings	<input type="checkbox"/>
10	Money broking	<input type="checkbox"/>
11	Portfolio management and advice	<input type="checkbox"/>
12	Safekeeping and administration of securities	<input type="checkbox"/>
13	Credit reference services	<input type="checkbox"/>
14	Safe custody services	<input type="checkbox"/>
¥	Additional MiFID services and activities subject to mutual recognition under the BCD*	<input type="checkbox"/>

¥ See separate matrix on next page

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

		EEA State														
		Investment services and activities								Ancillary services						
		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
<b>Financial Instruments</b>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please refer to page 6-Z for a full description of MiFID Services and activities.

UK Firms that intend to use a Tied Agent established in the territory of another EEA state are required to complete Annex 1 at the end of this form and tick the appropriate boxes below to show the investment services to be provided by the tied Agent.¥

¥Please refer to MiFID Article 23(1) for details of the activities that may be provided by a tied agent

		1	2	3	4	5	6	7	8	1	2	3	4	5	6	7
<b>Financial Instruments</b>	1	<input type="checkbox"/>														
	2	<input type="checkbox"/>														
	3	<input type="checkbox"/>														
	4	<input type="checkbox"/>														
	5	<input type="checkbox"/>														
	6	<input type="checkbox"/>														
	7	<input type="checkbox"/>														
	8	<input type="checkbox"/>														
	9	<input type="checkbox"/>														
	10	<input type="checkbox"/>														

**Investment services and activities**

- (1) Reception and transmission of orders in relation to one or more financial instruments  
(2)

Execution of orders on behalf of clients

- (3) Dealing on own account  
(4) Portfolio management  
(5) Investment advice  
(6) Underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis  
(7) Placing of financial instruments without a firm commitment basis  
(8) Operation of Multilateral Trading Facilities

**Ancillary services**

- (1) Safekeeping and administration of financial instruments for the account of clients, including custodianship and related services such as cash/collateral management  
(2) Granting credits or loans to an investor to allow him to carry out a transaction in one or more financial instruments, where the firm granting the credit or loan is involved in the transaction  
(3) Advice to undertakings on capital structure, industrial strategy and related matters and advice and services relating to mergers and the purchase of undertakings  
(4) Foreign exchange services where these are connected to the provision of investment services  
(5) Investment research and financial analysis or other forms of general recommendation relating to transactions in financial instruments  
(6) Services related to underwriting  
(7) Investment services and activities as well as ancillary services of the type included under Section A or B of Annex 1 related to the underlying of the derivatives included under Section C – 5, 6, 7 and 10 - where these are connected to the provision of investment or ancillary services

**Financial Instruments**

- (1) Transferable securities  
(2) Money-market instruments  
(3) Units in collective investment undertakings  
(4) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to securities, currencies, interest rates or yields, or other derivatives instruments, financial indices or financial measures which may be settled physically or in cash  
(5) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to commodities that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event)  
(6) Options, futures, swaps, and any other derivative contract relating to commodities that can be physically settled provided that they are traded on a regulated market and/or an MTF  
(7) Options, futures, swaps, forwards and any other derivative contracts relating to commodities, that can be physically settled not otherwise mentioned in C.6 and not being for commercial purposes, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are cleared and settled through recognised clearing houses or are subject to regular margin calls  
(8) Derivative instruments for the transfer of credit risk  
(9) Financial contracts for differences

- (10) Options, futures, swaps, forward rate agreements and any other derivative contracts relating to climatic variables, freight rates, emission allowances or inflation rates or other official economic statistics that must be settled in cash or may be settled in cash at the option of one of the parties (otherwise than by reason of a default or other termination event), as well as any other derivative contracts relating to assets, rights, obligations, indices and measures not otherwise mentioned in this Section, which have the characteristics of other derivative financial instruments, having regard to whether, inter alia, they are traded on a regulated market or an MTF, are cleared and settled through recognised clearing houses or are subject to regular margin calls

## 4 Declaration

### Note to Declaration

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the firm.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please seek appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

- I understand it is a criminal offence knowingly or recklessly to give the **FSA-FCA/PRA** information that is false or misleading in a material particular.
- I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.
- I confirm that I am authorised to sign on behalf of the *firm*.

Name †	
Position †	
IRN (if applicable)	
Signature ‡	
Date *	dd/mm/yy

I enclose the following sections (mark the appropriate section) \*

Section 1 – Contact details (mandatory)	<input type="checkbox"/>
Section 2 – Details of the services (mandatory)	<input type="checkbox"/>
Section 3 – Banking Directive	<input type="checkbox"/>
Section 4 – Declaration (mandatory)	<input type="checkbox"/>
Annex 1 – Tied Agent Details	<input type="checkbox"/>

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

‡ These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online

## ANNEX 1 – Tied Agent Notification Form

This form should be used to notify ~~FSA~~ FCA/PRA when a *UK firm* intends to use a *tied agent* to provide cross-border services in the territory of another *EEA state*.

**Tied Agent Details**

1 Name of Tied Agent<sup>†</sup>

2 Address of Tied Agent<sup>†</sup>

3 Trading name(s) of Tied Agent, if different to the name given in question 1 above<sup>†</sup>

4 Telephone number of Tied Agent<sup>†</sup>

5 Fax number of Tied agent<sup>†</sup>

6 E-mail address of Tied Agent<sup>†</sup>

7 Website of Tied Agent<sup>†</sup>

8 Legal Status of Tied Agent<sup>†</sup>

<input type="checkbox"/> Private Limited Company	<input type="checkbox"/> Public Limited Company
<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Limited Liability	<input type="checkbox"/> Unincorporated Association
<input type="checkbox"/> Sole Trader	<input type="checkbox"/> Other, please specify below

9 Date of commencement of agreement with your firm<sup>†</sup>

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY

**Passporting Notification of intention to provide cross border services in another EEA state INSURANCE MEDIATION DIRECTIVE (SUP 13 Annex 5R –Notification under SUP 13.5.2R)**

Full name of firm<sup>‡</sup> FIRM NAME:

FRN:

**Purpose of this form**

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to provide *cross border services* in another *EEA State* under the *Insurance Mediation Directive*.

If you are an Appointed Representative ('AR') then this form **must** be completed by the sponsoring firm on your behalf.

**Important information you should read before completing this form**

A *UK firm* can only use this form if it is entitled to provide *cross border services* into another *EEA State* subject to the conditions of the *Insurance Mediation Directive* (see Schedule 3A of the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in Chapter 13 of the Supervision manual (*SUP*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission.

**Filling in the form**

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 4.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 4.
3. All firms should answer sections 1, 2 and 3.
4. ~~If there is not enough space on the form, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number~~

If dual regulated send to:

The Financial Services Authority

25 The North Colonnade  
Canary Wharf  
London  
E14 5HS

Telephone: +44 (0)20 7066 7188

Fax: +44 (0)20 7066 1000

Website: [www.fsa.gov.uk](http://www.fsa.gov.uk)

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA

Telephone: +44(0)20 3461 7000

Website: [www.bankofengland.co.uk](http://www.bankofengland.co.uk)

E-mail: [pra-passporting@bankofengland.co.uk](mailto:pra-passporting@bankofengland.co.uk)

# 1 Contact details

## 1.1 Details of the person we will contact about this notification

FSA Firm reference number <sup>†</sup>	
Title <sup>†</sup>	
Contact name <sup>†</sup>	
Address Line 1 <sup>†</sup>	
Address Line 2 <sup>†</sup>	
Postcode <sup>†</sup>	
Country <sup>†</sup>	
Telephone number <sup>†</sup>	
Fax number <sup>†</sup>	
Email address <sup>†</sup>	

<sup>†</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 2 Details of the services to be provided

### 2.1 Please indicate the *EEA State(s)* into which services are to be provided.<sup>‡</sup>

States required	
Austria	<input type="checkbox"/>
Belgium	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>
Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>
Finland	<input type="checkbox"/>
France	<input type="checkbox"/>
Germany	<input type="checkbox"/>
Gibraltar	<input type="checkbox"/>
Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>
Iceland	<input type="checkbox"/>
Italy	<input type="checkbox"/>
Ireland	<input type="checkbox"/>
Latvia	<input type="checkbox"/>
Liechtenstein	<input type="checkbox"/>
Lithuania	<input type="checkbox"/>
Luxembourg	<input type="checkbox"/>
Malta	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>
Norway	<input type="checkbox"/>
Poland	<input type="checkbox"/>
Portugal	<input type="checkbox"/>
Romania	<input type="checkbox"/>
Slovak Republic	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>
Spain	<input type="checkbox"/>
Sweden	<input type="checkbox"/>
All States	<input type="checkbox"/>

#### Note to Question

##### 2.1

*UK firms* have the right to provide *cross border services* to Gibraltar. So, references in this form to an *EEA State* include references to Gibraltar (see the Financial Services and Markets Act (Gibraltar) Order 2001).

### 2.2 Tell us the proposed date for the business to start<sup>\* ‡</sup>

Date	dd/mm/yy
------	----------

<sup>‡</sup> These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

<sup>\*</sup> There may be restrictions on the date which business can start which arise from EU law. We will notify you if this applies.

### 3 Insurance Mediation Directive (IMD)

- 3.1 You must confirm that the *UK firm* wishes to passport under the IMD by ticking the box below. †

The <i>firm</i> intends to carry on <i>insurance mediation</i> in the <i>EEA State(s)</i> identified in section 2 by providing <i>cross border services</i> .	<input type="checkbox"/>
---	--------------------------

- 3.2 If this form is in respect of one or more Appointed Representative(s) of the firm then please list below the name(s) and **FSA firm** reference number(s) of those Appointed Representatives

ERN <sup>†</sup> Firm reference number	
Name of Company <sup>†</sup>	
Address Line 1 <sup>†</sup>	
Address Line 2 <sup>†</sup>	
Address Line 3 <sup>†</sup>	
Address Line 4 <sup>†</sup>	
County <sup>†</sup>	
Town <sup>†</sup>	
Postcode/Zip <sup>†</sup>	
EEA State <sup>†</sup>	
Phone Number (including STD code) <sup>†</sup>	
E-mail address <sup>†</sup>	
Mobile number <sup>†</sup>	
Fax number <sup>†</sup>	

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## 4 Declaration

### **Note to Declaration**

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the *firm*.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please seek appropriate professional advice before supplying information to us.

There will be a delay in processing the application notification if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application notification process.

- **I understand it is a criminal offence knowingly or recklessly to give the FSA PRA information that is false or misleading in a material particular.**
- **I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.**
- **I confirm that I am authorised to sign on behalf of the *firm*.**

Name <sup>†</sup>	
Position <sup>†</sup>	
Signature*	
Date*	dd/mm/yy

I enclose the following sections (mark the appropriate section)\*

Section 1 – Contact details (mandatory)	<input type="checkbox"/>
Section 2 – Details of the services (mandatory)	<input type="checkbox"/>
Section 3 – Insurance Mediation Directive	<input type="checkbox"/>
Section 4 – Declaration (mandatory)	<input type="checkbox"/>

† These questions should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

\*These questions should only be completed if the form is being submitted in one of the ways set out in SUP 15.7 other than online submission. It should not be completed if the submission of this form is online



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



## **Passporting** Notification of intention to provide cross-border services in another EEA state. (SUP 13 Annex 6R – Notification under SUP 13.5.2R)

### **Full name of firm**

<b>FIRM NAME:</b>
<b>FRN:</b>

### **Purpose of this form**

You should complete this form if you are a *UK firm* that wishes to exercise a passport right to provide *cross border services* in another *EEA State* under the Undertakings for Collective Investment in Transferable Securities Directive (“the *UCITS Directive*”).

You may also use this form if you are a *UK firm* that wishes to notify us (~~the FSA~~) (the regulator) of changes to the details of its current *cross border services*.

**Important information you should read before completing this form** A *UK firm* can only use this form if it is entitled to provide *cross border services* into another *EEA State* subject to the conditions of the *UCITS Directive* (see Schedule 3 to the Financial Services and Markets Act 2000 (FSMA)). By completing this form, you are confirming this is the case. *UK firms* should consult the legislation or take legal advice both in the *UK* and in the relevant *EEA State(s)* if they are in any doubt.

We give guidance on this in Chapter 13 of the Supervision manual (*SUP*). In particular, a *UK firm* that wants to exercise an *EEA right* must have the specific activity included in its Scope of Permission.

### **Filling in the form**

1. If you are using your computer to complete the form, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed, print the relevant sections and sign the declaration in section 4.
2. If you are filling in the form by hand, use black ink, write clearly and, once you have completed the relevant sections, sign the declaration in section 4.
3. If there is not enough space on the form, you may need to use separate sheets of paper. Clearly, mark each separate sheet of paper with the relevant question number.

---

#### **If solo regulated send to:**

~~The Financial Services Authority~~ Financial Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London  
E14 5HS  
**Telephone:** +44 (0)20 7066 4000 7188  
**Fax:** +44 (0)20 70 66 9798  
**Website:** ~~www.fsa.gov.uk~~ www.fca.org.uk  
**E-mail:** passport.notifications@fca.org.uk

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#### **If dual regulated send to:**

The Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
**Telephone:** +44(0)20 3461 7000  
**Website:** www.bankofengland.co.uk  
**E-mail:** pra-passporting@bankofengland.co.uk

~~Registered as a Limited Company in England and Wales No 1920623. Registered Office as above.~~

# 1 Contact details

## 1.1 Details of the person we will contact about this ~~application~~ notification

FSA <u>Firm</u> reference number	
Contact name	
Telephone number	
Fax number	
Email address	

## 2 Details of the services to be provided

2.1 Please indicate the *EEA State(s)* into which services are to be provided.

States required	
Austria	<input type="checkbox"/>
Belgium	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>
Cyprus	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>
Denmark	<input type="checkbox"/>
Estonia	<input type="checkbox"/>
Finland	<input type="checkbox"/>
France	<input type="checkbox"/>
Germany	<input type="checkbox"/>
Gibraltar	<input type="checkbox"/>
Greece	<input type="checkbox"/>
Hungary	<input type="checkbox"/>
Iceland	<input type="checkbox"/>
Ireland	<input type="checkbox"/>
Italy	<input type="checkbox"/>
Latvia	<input type="checkbox"/>
Liechtenstein	<input type="checkbox"/>
Lithuania	<input type="checkbox"/>
Luxembourg	<input type="checkbox"/>
Malta	<input type="checkbox"/>
Netherlands	<input type="checkbox"/>
Norway	<input type="checkbox"/>
Poland	<input type="checkbox"/>
Portugal	<input type="checkbox"/>
Romania	<input type="checkbox"/>
Slovak Republic	<input type="checkbox"/>
Slovenia	<input type="checkbox"/>
Spain	<input type="checkbox"/>
Sweden	<input type="checkbox"/>
All States	<input type="checkbox"/>

**Note to Question 2.1**

*UK firms* have the right to provide *cross border services* to Gibraltar. References in this form to an *EEA State* include references to Gibraltar (see the Financial Services and Markets Act (Gibraltar) Order 2001).

2.2 If the *firm* intends to provide services into more than one *EEA State*, will these services vary for each State?

- Yes ▶   
 No ▶

2.3 Tell us the proposed date for the business to start.

Date	dd/mm/yy
------	----------

### 3 Undertakings for Collective Investment in Transferable Securities

3.1 You must select those activities that you wish to carry out under the *UCITS Directive* as listed in article 6(2) and (3) of the *UCITS Directive*.

Management of <i>UCITS</i>	<input type="checkbox"/>
Management of portfolios of investments, including those owned by pension funds, in accordance with mandates given by investors on a discretionary, client-by-client basis, where those portfolios include one or more of the instruments listed in Section C of Annex I to <i>MIFID</i> .	<input type="checkbox"/>
Investment advice concerning one or more of the instruments listed in Section C of Annex I to <i>MIFID</i> .	<input type="checkbox"/>
Safekeeping and administration in relation to <i>units</i> of collective investment undertakings.	<input type="checkbox"/>

3.2 Please give details of the *firm's* programme of operations

<p>Note to Question 3.2</p> <p>Provide a programme of operations setting out the activities and services envisaged according to article 6(2) and (3) which must include a description of the risk management process.</p> <p>Provide also a description of the procedures and arrangements for dealing properly with investor complaints including how it is ensured that there are no restrictions on investors exercising such rights and the arrangements for making information available at the request of the public or the <i>competent authority</i> of the <i>UCITS Home State</i>.</p>

**Note: Other Requirements for UCITS management companies**

In addition to the submission of this notice to the FSA *FCA*, *management companies* should note, where the application is to manage a *UCITS* in another *EEA State*, they will be required by the rules of the *competent authority* of the *UCITS Home State* implementing article 20 of the *UCITS Directive* to provide them with:

- (1) the written agreement that has been entered into with the *depository*; and
- (2) information on delegation arrangements regarding functions of investment management and administration, as referred to in Annex II to the *UCITS Directive*.

If the *management company* already manages other *UCITS* of the same type as the company is proposing to manage in the *UCITS Home State*, article 20 provides that reference to the documentation already provided shall be sufficient for the purposes of (1) and (2).

**3.3 Please confirm if the information referred to above has been submitted to the *competent authority* of the *UCITS Home State*. If it has not been submitted or if article 20 is not applicable please explain why, including (if applicable) when it is expected that the information will be provided.**

## 4 Declaration

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please seek appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. And failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

- I understand it is a criminal offence knowingly or recklessly to give the *FSA PRA/FCA* information that is false or misleading in a material particular.
- I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.
- I confirm that I am authorised to sign on behalf of the *firm*.

Name	
Position	
IRN (if applicable)	
Signature	
Date	dd/mm/yy

I enclose the following sections

- Section 1 – Contact details
- Section 2 – Details of the services
- Section 3 – Undertakings for Collective Investment in Transferable Securities
- Section 4 – Declaration

### Note to Declaration

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the *firm*.

## Where to send this form

1) Please address the form to:

- ~~(a) a member of or for the attention of our Passport Notification Unit, or if submitted with an application for *Part IV permission*, our Authorisation Department; and~~  
~~(b) send it to us by one of the methods described in (2) below.~~

~~(2) Please send the form by:~~

- ~~(a) emailing it to [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk), if not submitted with an application for *Part IV Permission*; or~~  
~~(b) leaving the application at our Canary Wharf office (see (a) above) and obtaining a timestamped receipt; or~~  
~~(c) posting it to The Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS; or~~  
~~(d) hand delivering it to a member of the Passport Notification Unit or, if submitted with an application for *Part IV permission*, to the Authorisation Department; or~~  
~~(e) faxing it to the Passport Notification Unit on 020 7066 9798 (if not submitted with an application for *Part IV Permission*).~~

~~**If you have any questions or need additional information, please contact the Passport Notification Unit on 020 7066 1000 or email [passport.notifications@fsa.gov.uk](mailto:passport.notifications@fsa.gov.uk).**~~



**Notice of intention from a UK firm to exercise the right of establishment in another EEA Member State**

**Firm name:**

**Firm reference number:**

**Intended EEA state(s) of establishment:**

**Purpose of this form**

- *auction regulation* to establish a branch and/or use agents located in another *EEA state*.
- This form assists the ~~FSA's~~ *FCA's* supervision of a branch in another *EEA state* and its cooperation with regulators in other *EEA states*.

For general guidance on the exercise of passport rights by *UK firms*, please refer to *SUP 13*.

**Filling in the form**

1. When completing the notification, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed send to the email address below.
2. All relevant questions must be answered in full and all relevant documents attached.

If you have any questions in connection with Auction regulation, please call the Firm Contact Centre on: 0845 606 9966 (Call rates may vary) Overseas call +44 20 7066 1000 or E-mail: [EmissionsTrading@fca.org.uk](mailto:EmissionsTrading@fca.org.uk) [EmissionsTrading@fca.org.uk](mailto:EmissionsTrading@fca.org.uk)

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Emissions Trading Team  
The Financial Services Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London, E14 5HS  
Telephone: +44 (0)20 7066 4000 [7188](tel:+442070667188)

E-mail: [EmissionsTrading@fca.org.uk](mailto:EmissionsTrading@fca.org.uk) [EmissionsTrading@fca.org.uk](mailto:EmissionsTrading@fca.org.uk)

# 1. Contact details of the firm in the UK

## 1.1 Details of the person we can contact about this notification.

Contact name	
FRN	
Position at firm	
Telephone number	+
Email address	@
Web address	www

# 2. Details about the establishment (branch and/or agents)

## 2.1 Branch details

Please provide the address of the proposed EEA branch(es)

Address	
Country	
Telephone	
E-mail at the branch	

## 2.2 Please provide details of the branch manager(s)

<i>Title</i>	<i>Forename</i>	<i>Surname</i>	<i>Direct E-mail:</i>	<i>Direct dial telephone</i>

## 2.3 Please give the proposed date for the business to start at the branch or the date on which business started at the branch (dd/mm/yyyy).

<input type="text"/>							
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**2.4 Do you intend to use an agent located in another EEA state to carry on auction regulation bidding in that EEA state?**

Yes       No

**If 'Yes' please complete sections 2.5 – 2.7.**

**2.5 Agent details**

Name of agent			
Contact name			
Address			
Postcode			
Telephone number			+44(0)
Email address			@

**2.6 If you are using more than one agent, please attach their details to this form using the format above.**

**2.7 Please give the proposed date the agent is to commence business on the firm's behalf or the date on which business commenced (dd/mm/yyyy).**

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### 3. Declaration

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please take appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. Failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

#### Note to declaration

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the firm.

- I understand it is a criminal offence to knowingly or recklessly give the FCA and or PRA information that is false or misleading.
- I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.
- I confirm that I am authorised to sign on behalf of the firm.

Name	
Position	
Telephone	
E-mail	
Signature	
Date	dd/mm/yy

#### Data protection

For the purposes of complying with the Data Protection Act 1998, the personal information in this form will be used by the FSA FCA and or PRA to discharge its statutory functions under the *auction regulation* and other relevant legislation and may be disclosed to third parties for those purposes.

### 4 Where to send this form

Please email the completed form, together with any required documentation to the Emissions Trading team at: [EmissionsTrading@fsa.gov.uk](mailto:EmissionsTrading@fsa.gov.uk) [EmissionsTrading@fca.org.uk](mailto:EmissionsTrading@fca.org.uk)

## Notice of intention to establish a branch in the UK under the auction regulations

Firm name:

Home state reference number:

EEA state of authorisation (home state):

### Purpose of this form

You must complete this notification if you are an *incoming EEA firm* that is seeking to exercise an *EEA right* under the *auction regulation* to establish a branch and/or use agents located in the United Kingdom.

This form enables the ~~FSA~~ FCA to supervise a UK establishment of an *incoming EEA firm's* compliance with the *applicable provisions* that apply to that establishment as set out in the ~~FSA~~ Handbook at SUP 13A Annex 1G (Application of the Handbook to Incoming EEA Firms).

Please note that we require an *incoming EEA firm* with an establishment in the UK to have an approved *Money Laundering Reporting Officer*.

For general guidance on the exercise of passport rights in the UK by *incoming EEA firms*, please refer to SUP 13A (Qualifying for authorisation under the Act).

### Filling in the form

1. When completing the notification, use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question. Once completed please send to the email address below.

2. All relevant questions must be answered in full and all relevant documents attached.

If you have any questions in connection with Auction regulation, please call the Firm Contact Centre on: 0845 606 9966 (Call rates may vary) Overseas call +44 20 7066 1000 or E-mail:

~~EmissionsTrading@fca.gov.uk~~ EmissionsTrading@fca.org.uk

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Emissions Trading Team  
The Financial ~~Services~~ Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London, E14 5HS  
Telephone: +44 (0)20 7066 4000 7188 (option 1)

E-mail: ~~EmissionsTrading@fca.gov.uk~~ EmissionsTrading@fca.org.uk

# 1. Contact details of the firm in the home state

## 1.1 Details of the person we can contact about this notification in the home state.

Contact name	
Position at firm	
Telephone number	+
Email address	
Web address	www

# 2. Details about the establishment

## 2.1 Branch details

Please provide the address of the UK branch from which we can obtain information about the business.

Address			
Postcode			
Telephone number		+44(0)	
Email address at branch		@	

## 2.2 Please provide details of the branch manager(s) and (if different) the Money Laundering Reporting Officer

<i>Title</i>	<i>Forename</i>	<i>Surname</i>	<i>Direct E-mail:</i>	<i>Direct dial number</i>

The Money Laundering Reporting Officer (CF11) is required to be registered as an approved person with the FSA and, as an incoming EEA firm should submit the appropriate form in application for this if it has not done so at the time of submitting this form.

## 2.3 Please give the proposed date for the business to start at the branch or the date on which business started at the branch (dd/mm/yyyy)

□	□	□	□	□	□	□	□	□	□
---	---	---	---	---	---	---	---	---	---

## 2.4 Do you intend to use an agent located in the UK to carry on auction regulation bidding in the UK?

Yes       No

If 'Yes' please complete sections 2.5 – 2.7

**2.5 Agent details**

Name of agent	
Contact name	
Address	
Postcode	
Telephone number	+44(0)
E-mail address	@

**2.6 If you are using more than one agent, please attach their details to this form using the format above.**

**2.7 Please give the proposed date the agent is to commence business on the firm's behalf or the date on which business commenced (dd/mm/yyyy)**

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### 3. Details about your authorisation

Requirement	Response
<p><b><u>Permission to Conduct the Activity</u></b> Please provide evidence of your authorisation under the <i>auction regulation</i>, including the date on which authorisation was granted by your <b>Home State Regulator</b></p> <p><b>NOTE:</b> a copy of the authorisation letter from your <b>Home State Regulator</b> should normally be sufficient evidence of this.</p>	

## 4. Declaration

### **Note to declaration**

If you are submitting this notification electronically you do not need to provide a signature here. However, you still need to have the authority to make this notification on behalf of the firm.

It is a criminal offence to knowingly or recklessly give us information that is false or misleading. If necessary, please take appropriate professional advice before supplying information to us.

There will be a delay in processing the application if any information is inaccurate or incomplete. Failure to notify us immediately of any significant change to the information provided may result in a serious delay in the application process.

- I understand it is a criminal offence to knowingly or recklessly give the FSA FCA information that is false or misleading.
- I confirm that the information in this form is accurate and complete to the best of my knowledge and belief.
- I confirm that I am authorised to sign on behalf of the firm.

Name	
Position	
Telephone	
E-mail	
Signature	
Date	dd/mm/yy

### **Data protection**

For the purposes of complying with the Data Protection Act 1998, the personal information in this form will be used by the FSA FCA to discharge its statutory functions under the *auction regulation* and other relevant legislation, and may be disclosed to third parties for those purposes.

## Where to send this form

Please email the completed form, together with any required documentation to the Emissions Trading team at:  
[EmmissionsTrading@fsa.gov.uk](mailto:EmmissionsTrading@fsa.gov.uk) [EmmissionsTrading@fca.org.uk](mailto:EmmissionsTrading@fca.org.uk)



Application number [redacted]  
(for FSA FCA/PRA use only)

The FSA has FCA and PRA have produced notes which will assist both the applicant and the notified person in answering the questions in this form. Please read these notes, which are available on the FSA website both FCA and PRA websites at:

[http://www.fsahandbook.info/FSA/docs/notes/imap\\_formc\\_notes.doc](http://www.fsahandbook.info/FSA/docs/notes/imap_formc_notes.doc)

[http://media.fshandbook.info/Forms/notes/imap\\_formf\\_notes.doc](http://media.fshandbook.info/Forms/notes/imap_formf_notes.doc)

<http://www.bankofengland.co.uk/PRA>

Both the applicant and the notified person will be treated by the FSA FCA and PRA as having taken these notes into consideration when completing their answers to the questions in this form.

## Form F - Changes in notified persons

FSA FCA and PRA Handbook Reference: SUP 15 Annex 2R – Notification under SUP 15.4.1R

1 April 2013

Name of notified person<sup>†</sup>  
(to be completed by applicant)

Name of firm<sup>†</sup>

~~The Financial Services Authority~~ Financial  
Conduct Authority  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 845 606 9966  
Facsimile +44 (0) 207 066 0017  
E-mail [iva@fca.org.uk](mailto:iva@fca.org.uk)  
Website <http://www.fsa.gov.uk>  
<http://www.fca.org.uk>

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom  
Telephone +44 (0) 203 461 7000  
E-mail [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)  
Website <http://www.bankofengland.co.uk/PRA>

<sup>†</sup>These The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

‡

## Contact Details

Contact for this application

Title†
First Name†
Surname†
Job Title†
Business address †
Post code†
Phone number (including STD code) †
Email address†
Mobile No†
Fax No. †

These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Form F – Changes in notified persons**

**Version 4: June 2010 Version 5**

Has the notified person previously been approved by FSA?†

Details of notified person

Is the notified person an approved person?

YES  NO

1.01 a If 'yes' Notified person's FSA Individual Reference Number (IRN)†

b OR name of previous regulatory body†

c AND previous reference number†

1.02 Title (e.g. Mr, Mrs, Ms, etc)†

1.03 Surname†

1.04 ALL forenames†

1.05 Name commonly known by†

1.06 Date of birth†

/ /

1.07 National Insurance number†

1.08 Previous name†

1.09 Date of change†

/ /

1.10 Reason for change†

1.11 a Nationality†

b Passport Number† (If National Insurance number not available)

1.12 Place of birth†

➔ I have supplied further information related to this in Section 6†

YES  NO

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

1.13 a Private address<sup>†</sup>

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / /  To PRESENT

(If address has changed in the last three years, please provide addresses for the previous three years.)<sup>†</sup>

1.14 a Previous address 1<sup>†</sup>

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / /  To / /

1.15 a Previous address 2<sup>†</sup>

b Postcode<sup>†</sup>

c Dates resident at this address (mm/yyyy)<sup>†</sup> From / /  To / /

 I have supplied further information related to this in Section 6<sup>†</sup> YES  NO

<sup>†</sup>These The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

# Firm identification details

# Section 2

There are current holder(s) of this notifiable role. Please tick the individuals you wish to withdraw from this role.†

IRN	Name	Remove

2.01 Name of *firm* making the application†

2.02 a ~~FSA~~ Firm Reference Number (FRN)†

2.03 a Name of Home State regulator†

b Country†



I have supplied further information related to this in Section 6†

YES

NO

---

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Notified Positions****Section 3**

3.01 Notified positions individual is taking over. †

a *Firm's* world-wide chief executive where *the person* is situated outside the *United Kingdom*

b The *person*, if not the world-wide chief executive, within the *overseas* firm with a purely strategic responsibility for *UK* operations

c For a *bank*: the two or more *persons* who effectively direct its business in accordance with SYSC 4.2.2

d For a *UK* branch of an *insurer*: the *authorised UK representative*

3.02 Effective date†

/ /

3.03 Individual Reference Number of individual being replaced†

3.04 Name of individual being replaced†



I have supplied further information related to this in Section 6†

YES

NO

**Employment history for past 5 years****Section 4**

These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Form F – Changes in notified persons**

**Version 4: June 2010 Version 5**

Please start with the most recent employment. †

Note: ALL gaps in employment must be accounted for

**4.01 Employment details (1)**

**a** Period (mm/yyyy) † From / To /

**b** Nature of employment †

<i>a</i>	Employed	<input type="checkbox"/>
<i>b</i>	Self-employed	<input type="checkbox"/>
<i>c</i>	Unemployed	<input type="checkbox"/>
<i>d</i>	Full-time education	<input type="checkbox"/>

if b, c or d is ticked, please give details †

**c** Name of employer †

**d** Nature of business †

**e** Previous / other names of employer †

**f** Last known address of employer †

**g** Is / was employer regulated by a regulatory body? † Yes  No  Name of regulatory body

**h** Is / was employer an *appointed representative/tied agent* † Yes  No  If yes, of which firm?

**i** Position held †

**j** Responsibilities †

**k** Reason for leaving †

<i>a</i>	Resignation	<input type="checkbox"/>
<i>b</i>	Redundancy	<input type="checkbox"/>
<i>c</i>	Retirement	<input type="checkbox"/>
<i>d</i>	Termination/dismissal	<input type="checkbox"/>
<i>e</i>	End of contract	<input type="checkbox"/>
<i>f</i>	Other	<input type="checkbox"/>

Specify †

I have supplied further information related to this in Section 6 † YES  NO

**4.02 a** Period (mm/yyyy) † From / To /

- b** Nature of employment<sup>†</sup>
- |   |                     |                          |
|---|---------------------|--------------------------|
| a | Employed            | <input type="checkbox"/> |
| b | Self-employed       | <input type="checkbox"/> |
| c | Unemployed          | <input type="checkbox"/> |
| d | Full-time education | <input type="checkbox"/> |

if b, c or d is ticked, please give details<sup>†</sup>

**c** Name of employer<sup>†</sup>

**d** Nature of business<sup>†</sup>

**e** Previous / other names of employer<sup>†</sup>

**f** Last known address of employer<sup>†</sup>

**g** Is / was employer regulated by a regulatory body?<sup>†</sup> Yes  No  Name of regulatory body

**h** Is / was employer an *appointed representative/tied agent*?<sup>†</sup> Yes  No  If yes, of which *firm*?

**i** Position held<sup>†</sup>

**j** Responsibilities<sup>†</sup>

- k** Reason for leaving<sup>†</sup>
- |   |                       |                          |
|---|-----------------------|--------------------------|
| a | Resignation           | <input type="checkbox"/> |
| b | Redundancy            | <input type="checkbox"/> |
| c | Retirement            | <input type="checkbox"/> |
| d | Termination/dismissal | <input type="checkbox"/> |
| e | End of contract       | <input type="checkbox"/> |
| f | Other                 | <input type="checkbox"/> |

Specify<sup>†</sup>

 I have supplied further information related to this in Section 6<sup>†</sup> YES  NO

<sup>†</sup> These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**4.03 Employment details (3)**

<b>a</b>	Period (mm/yyyy) <sup>†</sup>	From /	To /
<b>b</b>	Nature of employment <sup>†</sup>	a Employed <input type="checkbox"/> b Self-employed <input type="checkbox"/> c Unemployed <input type="checkbox"/> d Full-time education <input type="checkbox"/>	
	if b, c or d is ticked, please give details <sup>†</sup>		
<b>c</b>	Name of employer <sup>†</sup>		
<b>d</b>	Nature of business <sup>†</sup>		
<b>e</b>	Previous / other names of employer <sup>†</sup>		
<b>f</b>	Last known address of employer <sup>†</sup>		
<b>g</b>	Is / was employer regulated by a regulatory body? <sup>†</sup>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Name of regulatory body
<b>h</b>	Is / was employer an <i>appointed representative/tied agent</i> <sup>†</sup>	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, of which <i>firm</i> ?
<b>i</b>	Position held <sup>†</sup>		
<b>j</b>	Responsibilities <sup>†</sup>		
<b>k</b>	Reason for leaving <sup>†</sup>	a Resignation <input type="checkbox"/> b Redundancy <input type="checkbox"/> c Retirement <input type="checkbox"/> d Termination/dismissal <input type="checkbox"/> e End of contract <input type="checkbox"/> f Other <input type="checkbox"/>	
	Specify <sup>†</sup>		

<sup>†</sup> These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**4.04 Employment details (4)**

<b>a</b>	Period (mm/yyyy) †	From /                      To /												
<b>b</b>	Nature of employment †	<table border="0"> <tr><td>a Employed</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>b Self-employed</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>c Unemployed</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>d Full-time education</td><td style="text-align: right;"><input type="checkbox"/></td></tr> </table>	a Employed	<input type="checkbox"/>	b Self-employed	<input type="checkbox"/>	c Unemployed	<input type="checkbox"/>	d Full-time education	<input type="checkbox"/>				
a Employed	<input type="checkbox"/>													
b Self-employed	<input type="checkbox"/>													
c Unemployed	<input type="checkbox"/>													
d Full-time education	<input type="checkbox"/>													
	if b, c or d is ticked, please give details †													
<b>c</b>	Name of employer †													
<b>d</b>	Nature of business †													
<b>e</b>	Previous / other names of employer †													
<b>f</b>	Last known address of employer †													
<b>g</b>	Is / was employer regulated by a regulatory body? †	<table border="0"> <tr> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>Name of regulatory body</td> </tr> <tr> <td colspan="3" style="border: 1px solid gray; height: 20px;"></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Name of regulatory body									
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Name of regulatory body												
<b>h</b>	Is / was employer an <i>appointed representative/tied agent</i> †	<table border="0"> <tr> <td>Yes <input type="checkbox"/></td> <td>No <input type="checkbox"/></td> <td>If yes, of which <i>firm</i>?</td> </tr> <tr> <td colspan="3" style="border: 1px solid gray; height: 20px;"></td> </tr> </table>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes, of which <i>firm</i> ?									
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes, of which <i>firm</i> ?												
<b>i</b>	Position held †													
<b>j</b>	Responsibilities †													
<b>k</b>	Reason for leaving †	<table border="0"> <tr><td>a Resignation</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>b Redundancy</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>c Retirement</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>d Termination/dismissal</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>e End of contract</td><td style="text-align: right;"><input type="checkbox"/></td></tr> <tr><td>f Other</td><td style="text-align: right;"><input type="checkbox"/></td></tr> </table>	a Resignation	<input type="checkbox"/>	b Redundancy	<input type="checkbox"/>	c Retirement	<input type="checkbox"/>	d Termination/dismissal	<input type="checkbox"/>	e End of contract	<input type="checkbox"/>	f Other	<input type="checkbox"/>
a Resignation	<input type="checkbox"/>													
b Redundancy	<input type="checkbox"/>													
c Retirement	<input type="checkbox"/>													
d Termination/dismissal	<input type="checkbox"/>													
e End of contract	<input type="checkbox"/>													
f Other	<input type="checkbox"/>													
	Specify †													

I have supplied further information related to this in Section 6 †      YES       NO

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**4.05 Employment details (5)**

<b>a</b>	Period (mm/yyyy) †	From /	To /
<b>b</b>	Nature of employment †	a Employed <input type="checkbox"/> b Self-employed <input type="checkbox"/> c Unemployed <input type="checkbox"/> d Full-time education <input type="checkbox"/>	
	if b, c or d is ticked, please give details †		
<b>c</b>	Name of employer †		
<b>d</b>	Nature of business †		
<b>e</b>	Previous / other names of employer †		
<b>f</b>	Last known address of employer †		
<b>g</b>	Is / was employer regulated by a regulatory body? †		
<b>h</b>	Is / was employer an <i>appointed representative/tied agent</i> †		
<b>i</b>	Position held †		
<b>j</b>	Responsibilities †		
<b>k</b>	Reason for leaving †		
	Specify †		



I have supplied further information related to this in Section 6 †

YES

NO

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

5.01	a	Has the notified person <b>ever</b> been convicted of any offence (whether spent or not and whether or not in the <i>United Kingdom</i> ): <ul style="list-style-type: none"> <li>i. involving fraud, theft, false accounting, offences against the administration of public justice (such as perjury, perverting the course of justice and intimidation of witnesses or jurors), serious tax offences or other dishonesty or</li> <li>ii. relating to <i>companies, building societies, industrial and provident societies, credit unions, friendly societies</i>, insurance, banking or other financial services, insolvency, consumer credit or consumer protection, <i>money laundering</i>, market manipulations or <i>insider dealing</i>?</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	b	Is the notified person the subject of any current criminal proceedings?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	c	Has the notified person <b>ever</b> been given a caution in relation to any criminal offence	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		* -		
5.02		Has the notified person any convictions for any offences (whether spent or not and whether or not in the United Kingdom) other than those in 5.01 above (excluding traffic offences that did not result in a ban from driving or did not involve driving without insurance)?*	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.03	a	Has the notified person <b>ever</b> had a County Court Judgment (CCJ) or other judgement debt, (whether or not in the United Kingdom) Has the notified person had: <ul style="list-style-type: none"> <li>i. more than 2 CCJs or judgment debts?</li> <li>or</li> <li>ii. more than £1,000 in total of CCJs or judgment debts?</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	b	Is the notified person aware of anybody's intention to: <del>begin</del> <ul style="list-style-type: none"> <li>i. begin more than one set of proceedings against the notified person for a CCJ or other judgment debt? Or</li> <li>ii. claim more than £1,000 of CCJs or judgment debts in total from the notified person</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Yes <input type="checkbox"/>	No <input type="checkbox"/>
			Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.04		Does the notified person have any judgment debts (including CCJs) made under a court order still outstanding, whether in full or in part?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.05		Has the notified person <b>ever</b> failed to satisfy any such judgment debts within one year of the making of the order?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
5.06	a	Is the notified person, or has the notified person <b>ever</b> been, the subject of any bankruptcy proceedings or proceedings for the sequestration of the notified person's estate?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

b Has the notified person **ever** entered or is in the process of entering into an agreement in favour of the notified person's creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

Yes  No



I have supplied further information related to this in Section 6<sup>†</sup>

YES  NO

5.07 Does the notified person have any outstanding financial obligations arising from *regulated activities*, which the notified person has carried on in the past (whether or not in the *United Kingdom*)?

Yes  No

(In the case of *advisers*, this will include any outstanding liabilities arising from commissions paid for the sale of *packaged products* that have lapsed.)

5.08 Has the notified person **ever** been found guilty of carrying on any unauthorised *regulated activities* or been investigated for the possible carrying on of unauthorised *regulated activities*?

Yes  No

5.09 Is the notified person, or has the notified person **ever** been, the subject of an investigation into allegations of misconduct or malpractice in connection with any business activities?

Yes  No

5.10 **Has the notified person ever** (whether or not in the *United Kingdom*) –

a been refused entry to, or been dismissed or requested to resign from, any profession, vocation, office or employment, or any fiduciary office or position of trust, whether or not remunerated?

Yes  No

b been refused, restricted in, or had suspended, the right to carry on any trade, business or profession for which specific licence, authorisation, registration, membership or other permission is required?

Yes  No

c been disqualified by a court from acting as a *director* of a *company* or from acting in a management capacity or conducting the affairs of any *company*, *partnership* or *unincorporated association*?

Yes  No

d been the subject of a disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order, under section 56 of the Financial Services and Markets Act 2000, or received a warning notice that such a direction or order be made?

Yes  No

5.11 In relation to activities regulated by the ~~FSA~~ *FCA* and/or *PRA* or any other regulatory body (see note section 5), has:

i. the notified person, or

ii. any company, partnership or unincorporated association of which the notified person is or has been a controller, director, senior manager, partner or company secretary, during the notified person's association with that entity and for a period of three years after the notified person ceased to be associated with it, **ever** –

a been refused, had revoked, restricted or terminated, any licence, authorisation, registration, notification, membership or other permission granted **by any such body**?

Yes  No

~~These~~ <sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

- b been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or intervention action **by any such body**? Yes  No
- c resigned whilst under investigation by, or been required to resign from, **any such body**? Yes  No
- d decided, after making an application for any licence, authorisation, registration, notification, membership or other permission granted by **any such body**, not to proceed with it? Yes  No
- e been the subject of any civil action which has resulted in a finding against the notified person or it by a court? Yes  No

➔ I have supplied further information related to this in Section 6† YES  NO

**5.12 Has any *company, partnership* or unincorporated association of which the notified person is or has been a *controller, director, senior manager, partner, or company secretary, in the United Kingdom or elsewhere, at any time during the notified person's involvement or within one year of such an involvement* -**

- a been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors? Yes  No
- b been adjudged by a court liable for any fraud, misfeasance, wrongful trading or other misconduct? Yes  No
- c been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the Secretary of State, or any other authority, under any such legislation? Yes  No
- d been convicted of any criminal offence, censured, disciplined or publicly criticised, by any inquiry, by the *Takeover Panel* or any governmental or statutory authority or any other regulatory body (other than as already indicated under 5.11(b)) Yes  No

**5.13** Is the notified person aware of any business interests, employment obligations, or any other situations which may conflict with the performance of the *controlled functions* for which approval is now sought? Yes  No

Enter Date of change:†



I have supplied further information related to this in Section 6<sup>†</sup>

YES

NO

## Supplementary Information †

### Section 6

**6.01** Is there any other information the notified person of the firm considers to be relevant to the application?<sup>†</sup>

Please provide full details<sup>†</sup>

**6.02** Full details must be provided here if there were any issues that arose when leaving an employer listed in section 4 or if any question has been answered 'yes' in section 5.<sup>†</sup>

Please indicate clearly which question additional information relates to.<sup>†</sup>

Question	Information

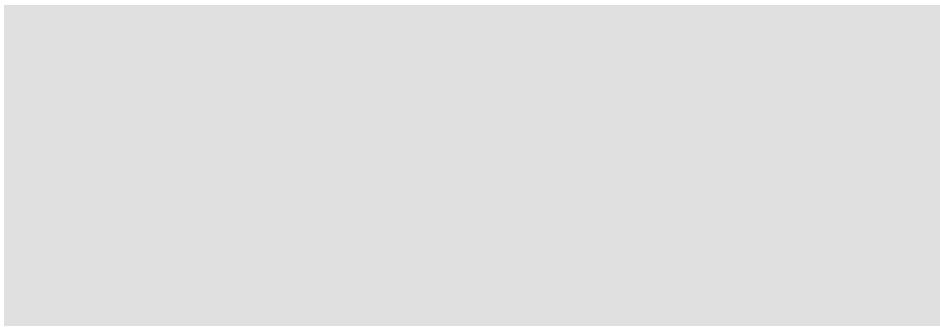
**6.03** Include a list of all directorships currently or previously held by the notified person in the past 10 years (where *director* has the meaning given in the *Glossary*).<sup>†</sup>

**6.04** Is there any other information the notified person or the *firm* considers to be relevant to the application?<sup>†</sup>

Yes  No

If yes, provide details below or on a separate sheet of paper<sup>†</sup>

<sup>†</sup> These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7



## Supporting Documents†

Indicate the required supporting documents to accompany this form.

Documents	Mode (Send by Email, Post, or by Fax)

Other information

--

These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

## DECLARATION OF NOTIFIED PERSON<sup>†</sup>

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA or another *regulatory body*. If there is any doubt about the relevance of information, it should be included.

### Data Protection<sup>†</sup>

For the purposes of complying with the Data Protection Act, the personal information in this Form will be used by the ~~FSA~~ FCA and/or PRA to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**I can confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the Notes to this Form.**

The ~~FSA~~ FCA and/or PRA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. **I authorise the ~~FSA~~ FCA and/or PRA to make such enquiries and seek further information as it thinks appropriate in the course of verifying the information given in this Form. I also understand that the results of these checks may be disclosed to my employer.**

7.01 Notified person's full name<sup>†</sup>

7.02 Signature \*

Date<sup>†</sup> / /

Tick here to confirm you have read and understood this declaration: <sup>∞</sup>

---

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission

<sup>∞</sup> The above question(s) appears on the electronic form submission only. It does not appear on a paper form submission.

<sup>†</sup> The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**DECLARATION OF FIRM<sup>†</sup>**

Knowingly or recklessly giving the FSA FCA and/or PRA information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.1R and SUP 15.6.4R require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the FSA FCA and/or PRA and to notify the FSA FCA and/or PRA immediately if materially inaccurate information has been provided.

APER 4.4.67E provides that, where an *approved person* is responsible for reporting matters to the FSA FCA and/or PRA, failure to inform the FSA FCA and/or PRA of materially significant information of which he is aware is a breach of *Statement of Principle 4*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FSA FCA and/or PRA.

It should not be assumed that information is known to the FSA FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the FSA FCA and/or PRA or another regulatory body. If there is any doubt about the relevance of information, it should be included.

In making this application the *firm* believes on the basis of due and diligent enquiry that the notified person is a fit and proper person to perform the notified position(s) listed in section 3. The *firm* also believes, on the basis of due and diligent enquiry, that the notified person is competent to fulfil the duties required of such function(s).

**I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the Notes to this Form.**

**I confirm that I have authority to make this notification, and sign this Form, on behalf of each *firm* identified in section 7. I also confirm that a copy of this Form, as submitted to the FSA FCA and/or PRA will be sent to each of those *firms* at the same time as submitting the Form to the FSA FCA and/or PRA.**

Name of the *firm* submitting the application<sup>†</sup>

7.03

7.04 Name of *person* signing on behalf of the *firm*<sup>†</sup>

7.05 Job title<sup>†</sup>

7.06 Signature

Date<sup>†</sup>

Tick here to confirm you have read and understood this declaration:

## Completion Checklist

Is the Form fully completed? †

Are ALL forenames included? †

Is there a complete five-year employment history with all gaps explained? †

Is the Form correctly signed and dated by both the *firm* making the application and the notified person? †

Has all supplementary information been included and clearly marked? †

\* The above question(s) appears on a paper form submission only. That question does not appear on an electronic form submission

† The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

These † The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~N.B. Detach and keep the Notes before returning the completed Form to the FSA. †~~

~~These †~~ The above question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

**Form F – Changes in notified persons**

**Version 4: June 2010 Version 5**

## Notes for Form F

### Changes in notified persons

The *rule* for notification is set out in SUP 15.4.1R.

#### The purpose of this Form

This is Form F referred to in SUP 15.4.1R (2).

Membership of the *governing body* of an *overseas firm* with a branch in the *United Kingdom* is not a *controlled function* requiring approval of the ~~FSA~~FCA and/or PRA under the *approved persons* regime. The rule at SUP 15.4.1R (Notified persons) is not made under the powers conferred on the ~~FSA~~FCA and/or PRA by Part V of the *Act* and the *Statements of Principle* do not apply to a *person* notified to the ~~FSA~~FCA and/or PRA under SUP 15.4.1R unless he is also an *approved person*.

An *overseas firm* (excluding an *incoming firm*) must notify the ~~FSA~~FCA and/or PRA within 30 *business days* of any *person* taking up or ceasing to hold the following positions (see SUP 15.4.1R):

- the *firm's* world-wide chief executive if the *person* is based outside the *United Kingdom*;
- the *person*, if not the world-wide chief executive, within the *overseas firm* with a purely strategic responsibility for *UK* operations (see ~~SUP 10.7.4G~~ SUP 10A.7.4G);
- for a *bank*: the two or more *persons* who effectively direct its business in accordance with ~~IPRU (BANK) GN 3.3.1R~~; SYSC 4.2.2;
- for an *insurer*, the *authorised UK representative*.

These notifications must be submitted using this Form. However, if the *person* is an *approved person*, notification can be made by letter giving details of his name and the position to which the notification relates (see SUP 15.4.1R (2)).

If adverse information is revealed about a *person* notified to the ~~FSA~~FCA and/or PRA under SUP 15.4.1R, the ~~FSA~~FCA and/or PRA may exercise its *own-initiative power* against the *firm* (see SUP 15.4.4G).

#### Completing this Form

The Form must be completed in black ink and (if in manuscript) in BLOCK LETTERS.

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick the appropriate box where a yes/no answer is required. Further details should be given in section 6 (Supplementary Information) if there is insufficient space for a detailed answer.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 6.03 the number of additional sheets attached.

Do not assume that information is known to the ~~FSA~~FCA and/or PRA merely because it is in the public domain, or has been previously disclosed to the ~~FSA~~FCA and/or PRA or to another *regulatory body*. In all circumstances, disclosures should be full, frank and unambiguous. If there is any doubt about the relevance of information, it should be included. The information supplied by the notified *person* should be verified by the *firm* wherever possible.

Expressions in this Form in italics have the meaning given in the *Glossary to the FSA'S Handbook* (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the *Glossary*).

The *firm* is responsible for the accuracy of the data and completion of the Form. If the Form is not fully and correctly completed, the FSA/FCA and/or PRA may need to return it for proper completion.

**The FSA/FCA and/or PRA must be informed immediately of any material changes to the information provided in this Form. All changes must be communicated to the FSA/FCA and/or PRA by the *firm* (see SUP 15.6.4R).**

## **SECTION 1 – PERSONAL IDENTIFICATION DETAILS**

If the notified *person* has more than one previous name (surname or forenames), passport number or nationality, or is known by any other names, provide details in section 6.

1.01: If the notified *person* does not have an FSA/FCA and/or PRA Individual Reference Number or does not know it, include the name of the previous regulator and the previous Individual Reference Number, as applicable.

1.13: *United Kingdom* addresses must be given, or a statement stating that the individual resides abroad.

## **SECTION 2 – FIRM IDENTIFICATION DETAILS**

2.01 & 2.02: This section identifies the *firm* making the application by FSA/FCA and/or PRA Firm Reference Number (FRN) and name. If the individual will be performing the notified activity in relation to more than one *firm* and this notification is given on behalf of those other *firms*, please list the names and FSA/FCA and/or PRA Firm Reference Numbers of the other *firms* at section 6.

2.03: The regulatory organisation and country of the *firm's* registered office must also be indicated.

2.04: The *firm* must also indicate a point of contact for any queries in connection with the application.

## **SECTION 3 – CHANGES TO NOTIFIED PERSONS**

The notified position to which this Form relates should be identified, including effective date and, if applicable, the name of individual being replaced.

## **SECTION 4 – EMPLOYMENT HISTORY FOR PAST 5 YEARS**

A full five-year employment history for the notified *person* must be provided – with all gaps explained. If the record of employment does not go back five years, all periods of education and unemployment must be indicated. Full details of any periods of self-employment should also be included.

Always give the address of the actual place of employment, rather than a central head office.

The employment history should be provided in **reverse chronological order**, starting with the most recent period of employment, unemployment etc, but excluding the activity to which this notification relates.

“Regulatory body” in this context means the bodies listed in the notes to section 5 (below).

State the position held by the notified *person* and a brief explanation of his or her duties. If the notified *person's* job title included the word “director” but his or her duties did not include those associated with the title of *director*, as defined in the *Glossary*, this should be indicated.

The reason for leaving each employer must be given. If there were any issues arising on leaving, these must be fully explained in section 6. Previous employers may be contacted.

## **SECTION 5 – FITNESS AND PROPRIETY**

Answer the questions by ticking the relevant 'yes' or 'no' box. If the answer to any of the questions is 'yes', give complete details in section 6 and attach relevant supporting documentation.

When answering question 5.01, all 'spent' convictions must be disclosed by virtue of the Exceptions Order to the Rehabilitation of Offenders Act 1974 and any overseas equivalent of a spent conviction,

5.03-5.06: Court judgments (e.g. County Court Judgments) (and their overseas equivalent) and arrangements with creditors (e.g. Individual Voluntary Arrangements) are covered by questions 5.03 to 5.06. Any outstanding County Court Judgments or arrangements with creditors must be listed in section 6, and the circumstances surrounding them explained.

"Regulatory body" in this context refers to:

- i. self-regulatory organisations including *IMRO, SFA, PIA, LAUTRO, FIMBRA, AFBD* and *TSA*;
- ii. the statutory bodies including the ~~FSA~~ *Financial Conduct Authority, Prudential Regulation Authority, the Financial Services Authority, SIB, the Society of Lloyd's, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England; HM Treasury – Insurance Directorate (formerly of the DTI), HM Revenue & Customs* and the *recognised bodies*;
- iii. the *designated professional bodies*; and
- iv. the equivalent of all such ~~regulators~~ regulatory bodies overseas.

## SECTION 6 – SUPPLEMENTARY INFORMATION

This section provides space for additional information and should be used whenever a question in section 5 is answered 'yes'.

~~List here all directorships currently held or held in the past 10 years by the candidate.~~

~~Relevant documents must also be provided, such as evidence of the settlements of CCJs~~

## SECTION 7 – DECLARATIONS AND SIGNATURES

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the notified *person*. The ~~FSA/FCA~~ and/or PRA considers that an appropriate individual would be someone to whom the *firm* has delegated the authority to notify the ~~FSA/FCA~~ and/or PRA. The *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

N.B. Please keep these notes before returning the completed Form to the FCA and/or PRA.

**If you have any questions or need additional information, please contact the Firm-FCA Customer Contact Centre on 0845 606 9966 or PRA Firm Enquiries on 020 3461 7000 or via e-mail [iva@fsa.gov.uk](mailto:iva@fsa.gov.uk) [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)**

~~Please Return Completed Form to:~~  
~~The Financial Services Authority~~  
~~Individuals, Mutuals and Policy Department~~  
~~Financial Conduct Authority~~  
25 The North Colonnade  
Canary Wharf  
London E14 5HS  
United Kingdom

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



[This form may be completed on screen and printed, or printed for completion by hand.](#)

[NOTE: You cannot save the form if you are completing it using Acrobat Reader. It is therefore advisable to assemble all the information you require before completing the form.](#)

[Print as many copies as you require before quitting](#)

[This form can be saved if you are using the full Acrobat application.](#)

[All fields except Signatures may be completed on screen.](#)

[Text in blue will not print.](#)

## Standing Data

**To update firm name and trading names, website address,  
accounting reference date, auditors, locum, contacts and addresses.**

*SUP 15 Annex 3R – Notifications under SUP 16.10*

(April 2013)

[Click in any field to enter text. Press tab to go to next field.](#)

Firm name †

("The Firm")

Firm reference number †

Address †

**(Please return the form, marked for the attention of the Customer Contact Centre to:)**

Financial Conduct

Services Authority

25 The North Colonnade

~~† These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

Canary Wharf  
London E14 5HS  
United Kingdom  
Telephone +44 (0) 20 7066 1000  
Facsimile +44 (0) 20 7066 1099

Registered as a Limited Company in England and Wales No 1920623. Registered Office as above.

~~\*These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

## NOTES

This form should be used to update your *firm* name and trading name(s), website address, accounting reference date, auditors, locum, contacts and addresses.

### Personal Details

### Section A

1 Contact Name for this notification †

SP  
| \*

2 Contact's Details: †

a Position in the firm †

SP  
| \*

b Daytime telephone number †

SP  
| \*

c E-mail address †

d Individual reference number (IRN), if applicable †

### Change Full Name of Firm

### Section B

If you wish to advise the ~~FSA~~ FCA or PRA of a change to the firm's name please enter the following details, otherwise proceed to Section C1. †

**Note:** this section is not intended to be used by firms that are covered by Industrial & Provident, Friendly Society, Credit Union or Building Society legislation. These firms should contact the FCA's ~~FSA's~~ Mutuals Team.

Current Legal Status:

(a) Private Limited Company

(b) Public Limited Company

(c) Limited Liability Partnership

(d) Limited Partnership

(e) Sole Trader

(f) Unlimited Liability Company

(g) Partnership

(h) **Other, please specify below**

~~† These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

2 Please enter the date on which the change becomes effective<sup>‡</sup> / /  
Yes No N/A

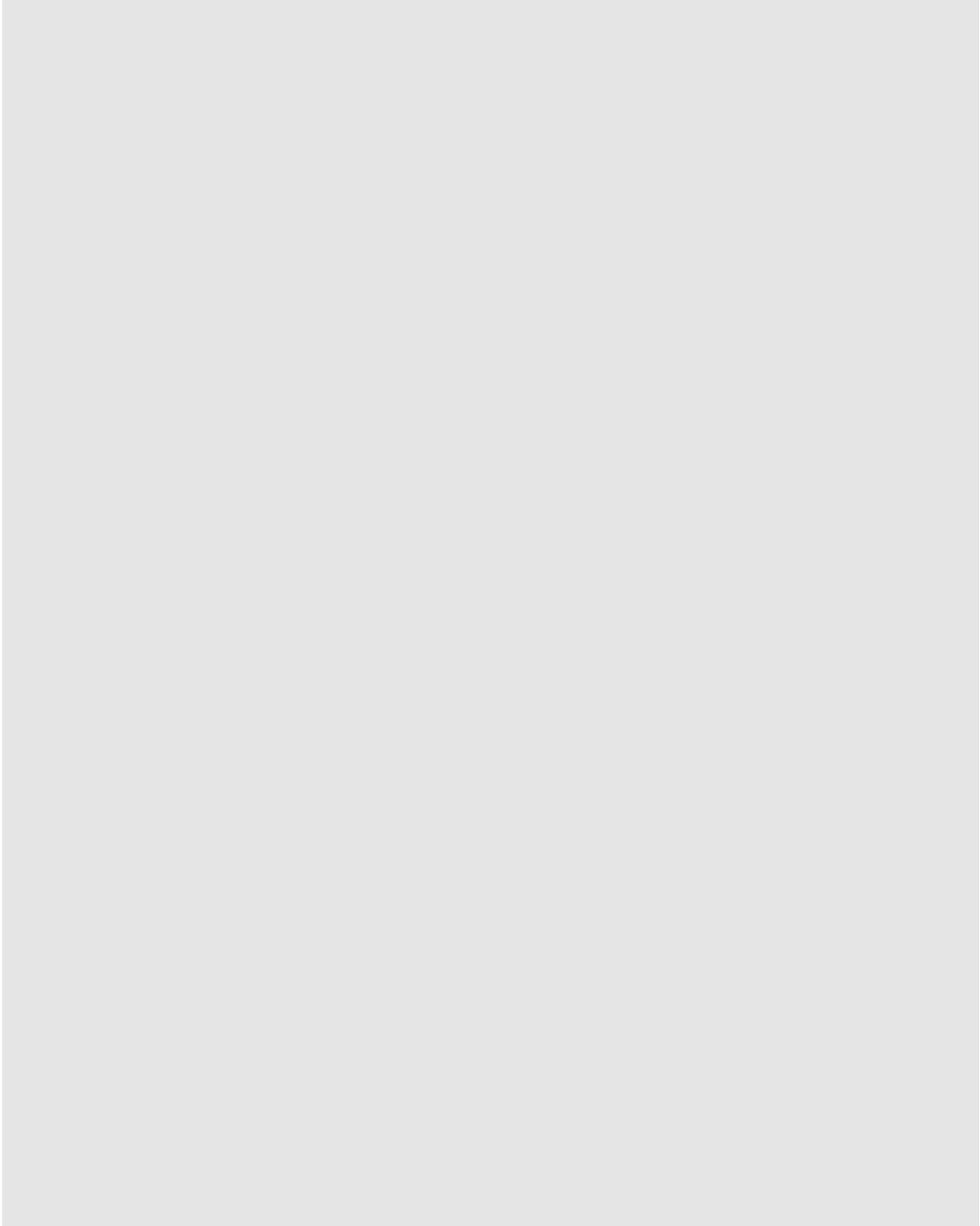
3 Has the change requested been approved by Companies House?<sup>‡</sup>

1 New full name of *firm*

~~‡ These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

**If your *firm* is a UK registered limited company (including PLC), limited partnership (if registered at Companies House), *limited liability partnership* or unlimited liability company, you should only make a change to your *firm* name if the change has already been approved by Companies House.**

If you have answered 'Not Applicable', please explain why below:



4 I confirm that the change requested does not constitute a change of legal status.<sup>‡</sup>

**Add New Trading Name(s) †****Section C1**

If you wish to add a new trading name of the firm please enter the following details, otherwise please proceed to Section C2:

<b>1</b>	New Trading Name	<input type="text"/>	₹	*	-	
<b>1a</b>	Please enter the date on which the change becomes effective	<input type="text"/>	/	<input type="text"/>	/₹	*
<b>2</b>	New Trading Name	<input type="text"/>	₹	*	-	
<b>2a</b>	Please enter the date on which the change becomes effective	<input type="text"/>	/	<input type="text"/>	/₹	*
<b>3</b>	New Trading Name	<input type="text"/>	₹	*	-	
<b>3a</b>	Please enter the date on which the change becomes effective	<input type="text"/>	/	<input type="text"/>	/₹	*
<b>4</b>	New Trading Name	<input type="text"/>	₹	*	-	
<b>4a</b>	Please enter the date on which the change becomes effective	<input type="text"/>	/	<input type="text"/>	/₹	*

**Delete Current Trading Name(s) †****Section C2**

If you wish to delete a trading name of the firm please enter the following details, otherwise please proceed to Section D:

<b>1</b>	Trading name to be deleted	<input type="text"/>	₹*	-			
<b>1a</b>	Please confirm when the trading name must cease:	<input type="text"/>	/	<input type="text"/>	/₹	<b>4a</b>	Please con
<b>1b</b>	I confirm that the above trading name will not be used by the firm from the date indicated above.					<b>4b</b>	I confirm th
<b>2</b>	Trading name to be deleted	<input type="text"/>					
<b>2a</b>	Please confirm when the trading name must cease:	<input type="text"/>	/	<input type="text"/>	/		
<b>2b</b>	I confirm that the above trading name will not be used by the firm from the date indicated above.						
<b>3</b>	Trading name to be deleted	<input type="text"/>					
<b>3a</b>	Please confirm when the trading name must cease:	<input type="text"/>	/	<input type="text"/>	/		
<b>3b</b>	I confirm that the above trading name will not be used by the firm from the date indicated above.						
<b>4</b>	Trading name to be deleted	<input type="text"/>	₹	*	-		

~~† These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

1 \*



1 \*

If you wish to change the contact details of the Complaints Officer or Primary Compliance Contact please enter the following details, otherwise please proceed to Section E1:

**Please note that this will not change your approved person records. If you want to change these records, please complete the appropriate Approved Persons Form.**

Please indicate which contact this change applies to. If you wish to change the details for both please copy this form and record the details for each on separate forms, unless the details are the same.

(a) Complaints Officer

(b) Primary Compliance Contact

1 Title<sup>‡</sup>

SC\*

2 Forename(s)<sup>‡</sup>

SC\*

3 Surname<sup>‡</sup>

SC\*

4 Job Title<sup>‡</sup>

5 Email address<sup>‡</sup>

6 Phone number. This must be a direct dialled number.<sup>‡</sup>

SC\*

7 Fax Number<sup>‡</sup>

8 Please enter the date on which the change becomes effective.<sup>‡</sup>

SC\*

9 Address<sup>‡</sup>

SC\*

Postcode:

10 If you would also like the contact details of the following to be changed, please tick the appropriate boxes. This will amend the contact details in line with the changes recorded above.<sup>‡</sup>

Complaints Contact

Primary Compliance Contact

~~‡ These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~





(c) Customer Services

(d) EEA Branch Address

Page 6

§\* Denotes a mandatory field

~~\* These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

(e) Firm Association Branch

(f) Professional Advisor

Please enter the new address details:

2 Address

§\*

Postcode:

3 Telephone number.

§\*

4 Fax Number

5 Email address

6 Please enter the date on which the change becomes effective.

/ / §\*

~~\*These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

~~\* These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

1 Please enter the following details to change your accounting reference date:

- (a) Current Accounting Reference Date (dd/mm)  /
- (b) New Accounting Reference Date (dd/mm)  /

2 What accounting periods will result from the change? The new accounting reference date that you have entered could result in several different periods depending on whether you want to extend or reduce your periods and which period is the first period affected.

Although the FCA or PRA may accept accounting periods of up to 18 months, SUP 16.3.18G advises firms that accounting periods longer than 15 months may be deemed unacceptable as this may hinder the timely provision of relevant and important information to the FCA or PRA. If a firm wishes to have an accounting period of longer than 18 months (sole traders and certain partnerships), the firm must apply to the FCA in writing.

Please detail the start and end dates for the current accounting period and the two following periods below:

- (a) Current Period  /  to  /
- (b) Next Period  /  to  /
- (c) Next Period 2  /  to  /

**Note the change that you have requested will result in a change to your reporting timetable.**

3 I confirm the change requested above and that it is correctly represented by the accounting periods listed.

Please enter the new website address:

1 Website (format – [www.fca.org](http://www.fca.org) or [www.fsa.gov.uk](http://www.fsa.gov.uk)):

Please enter the following details to change your Auditor's details:

1 Firm name

†These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7

~~\* These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

2 Address

SP\*

Postcode:

3 Telephone number.

SP\*

4 Fax Number

5 Email address

6 Effective date

/ /

SP\*

## Change Locum Details†

## Section H2

Please enter the following details to change your Locum's details:

1 Title

2 Forename(s)

3 Surname

4 Firm name

SP\*

5 Address

SP\*

Postcode:

~~†These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

~~\*These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

6 Telephone number.

[Redacted field] §\*

7 Fax Number

[Redacted field]

8 Email address

[Redacted field]

6 Effective date

[Redacted field] / / §\*



**Warning**

Knowingly or recklessly giving the FCA or PRA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the FCA or PRA and to notify the FCA or PRA *immediately if materially inaccurate information has been provided*. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the FCA or PRA. It should not be assumed that information is known to the FCA or PRA merely because it is in the public domain or has previously been disclosed to the FCA or PRA or another regulatory body. If you are not sure whether a piece of information is relevant, please include it anyway.

**Data Protection**

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the Financial Conduct Services Authority and the Prudential Regulation Authority to discharge their statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

**Declaration**

By submitting this notification form

- I/we confirm that the information contained in this form is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.
- I am/we are aware that it is a criminal offence knowingly or recklessly to give the FCA or PRA information that is false or misleading in a material particular.
- I/we confirm that, for those questions that do not require supporting evidence, the records which demonstrate the firm's compliance with the rules in relation to the questions will be available to the FCA or PRA on request.
- I/we will notify the FCA or PRA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in enforcement action.

Date<sup>‡</sup>

Name of first signatory<sup>1‡</sup>

Position<sup>2</sup> of first signatory<sup>\*</sup>

Individual Reference Number (IRN)<sup>\*</sup>

Signature<sup>\*</sup>

Name of second signatory<sup>1\*</sup>

Position<sup>2</sup> of second signatory<sup>\*</sup>

Individual Reference Number (IRN)<sup>\*</sup>

Signature<sup>\*</sup>

~~‡ These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

~~\* These should only be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 other than online submissions. It should not be completed if the submission of this form is online.~~

~~June 2010~~

<sup>1</sup> For a sole trader, the signature of the principal is required.  
For a limited company, the signature of two directors or one director and the company secretary is required.  
For a partnership, the signature of at least one partner is required.

<sup>2</sup> e.g. director, partner or sole trader

~~†These question(s) should be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7~~

~~\*These should only be completed whether submission of this form is online or in one of the other ways set out in SUP 15.7 other than online submissions. It should not be completed if the submission of this form is online.~~

~~June 2010~~



BANK OF ENGLAND  
PRUDENTIAL REGULATION  
AUTHORITY



# Notification Form

~~(September 2004)~~ (April 2013)

Firm name

("The Firm")

FSA-Firm Reference Number

Address

Please return the form, marked for the attention of your ~~normal~~ relevant supervisory contact ~~to~~ as appropriate:

~~The Financial Services Authority~~

Financial Conduct Authority

25 The North Colonnade

Canary Wharf

London

E14 5HS United Kingdom

[www.fca.org.uk](http://www.fca.org.uk)

[fcc@fca.org.uk](mailto:fcc@fca.org.uk)

Prudential Regulation Authority

20 Moorgate

London

EC2R 6DA

[www.bankofengland.co.uk/PRA](http://www.bankofengland.co.uk/PRA)

[PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk)

Telephone +44 (0) 20 7066 1000

Facsimile +44 (0) 20 7066 1099

Telephone +44 (0) 20 3461 7000

The Financial Conduct Authority is registered as a Limited Company in England and Wales No 1920623. Registered Office as above.

The Prudential Regulation Authority is registered as a Limited Company in England and Wales No 07854923. Registered Office: 8 Lothbury Road, London, EC2R 7HH

1 Contact Name for this form \*

2 Contact's Details:

a Position in the firm \*

b Daytime telephone number \*

c E-mail address

d Individual reference number (IRN), if applicable

There are circumstances where a firm must disclose information to the ~~FSA~~ FCA and/or PRA in a timely manner, including:-

- where a rule has been breached;
- where the firm fails to satisfy a threshold condition (these can be found in ~~the Threshold Conditions Sourcebook ('COND')~~, part of the FSA Handbook; Schedule 6 of the Financial Services and Markets Act 2000);
- where a matter occurs which could have a significant adverse impact on a firm, including its ability to provide adequate services to a customer;
- where a particular notifiable event may have occurred.

A consolidated summary of some of the notification rules is in the ~~FSA~~ Handbook, Schedule 2 of the Supervision Modules (SUP). Also, Principle for Businesses No 11 requires a firm to disclose appropriately any information of which the ~~FSA~~ FCA and/or PRA would reasonably expect notice. Other notification requirements are listed in Schedule 2 of many of the other ~~FSA manuals~~ FCA and PRA Modules within the Handbook. This form allows you to make any of these notifications.

3 To help us process your notification efficiently, please select at least one of the categories below:\*

Finance/capital issues †

For example:

- breach of capital requirements;
- excess in allowed large exposures requirements;
- qualification in audited annual accounts (financial issue); and
- insolvency, bankruptcy or winding up.

Client money issues



For example:

- negative client money account; and
- notifiable issue in client assets report.

Professional indemnity insurance (PII) cover



For example:

- cover not renewed;
- cover exhausted; and
- cover does not meet ~~FSA~~ FCA or PRA requirements.

Complaints, including a decision not to pay a Financial Ombudsman Service award



Fraud, error or other irregularities



For example:

- fraud on the firm (actual or attempted);
- fraud by staff (actual or attempted); and
- money laundering issues.

Litigation/disciplinary issues, including civil, criminal or disciplinary proceedings against the firm or any of its representatives.



Other rule breaches (not included above).



Other notification requirements (not relating to a rule breach)



For example:

- a repayment of a subordinated loan (see the Supervision manual (SUP) 15.3.8(3)(~~a~~b)G for more information); or
- any proposed restructuring, reorganisation or business expansion that could have a significant impact on the firm's risk profile and resources.

~~This form does not cover~~

This Notification should form should not be used for the following purposes:

- changes to Standing Data e.g. change of firm name, address, contact details, website, auditor, accounting reference date). ~~These.~~ (These changes need to be made via the ~~FSA-FCA and PRA~~ Standing Data form); or
- Whistle blowing (i.e. e.g. revealing a suspected wrongdoing in an organisation.) In these circumstances ~~YOU~~ should email ~~whistle@fsa.gov.uk~~ [whistle@fca.org.uk](mailto:whistle@fca.org.uk), or write in or phone us.

Please see our website for more details.  
~~<http://www.fsa.gov.uk/whistle/>~~

Yes No

4 Has the notifiable event occurred? \*



4a If selected 'Yes', on what date did the event occur (record last applicable date)?

/ /

4b If selected 'No', what is the probability of the event occurring?

[Large greyed-out text area for response to 4b]

5 If this notification is about a specific rule, threshold condition and/or principle, please record its reference if known:

[Large greyed-out text area for response to 5]

6 What are the details of the notification? \*

[Large greyed-out text area for response to 6]

7 What (if any) is the impact of the notification?

Yes No N/A

8 If relevant, have you resolved the issue?

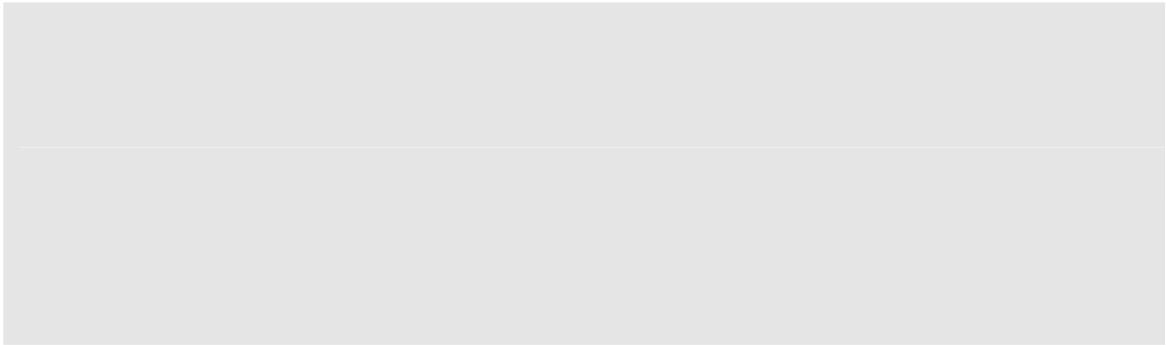
8a If answered 'Yes'. When did you resolve the issue (end date)?

/ /

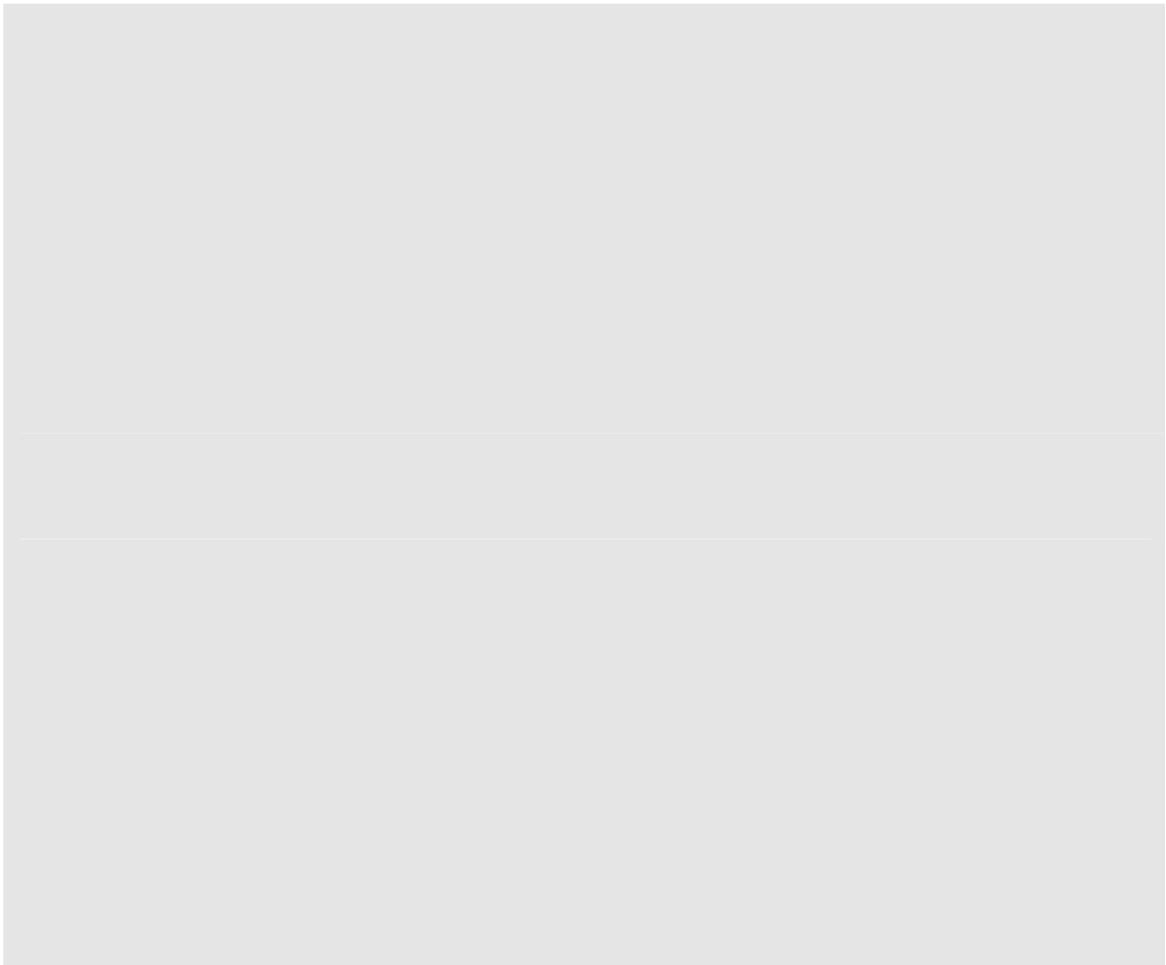
How was the issue resolved?

8b If answered 'No', what action (if any) will you be taking?

8c If answered 'Not applicable', please explain why below:



9 If you have any additional information to add to this form, please enter it below or attach it as a document. (Please remember to mark attachments with the firm's name and FRN, and the question number to which the document relates.)



Warning

Knowingly or recklessly giving the ~~FSA~~ FCA and/or PRA information, which is false or misleading in a material particular, may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). SUP 15.6.4R requires an authorised person to take reasonable steps to ensure the accuracy and completeness of information given to the ~~FSA~~ FCA and/or PRA and to notify the ~~FSA~~ FCA and/or PRA immediately if materially inaccurate information has been provided. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action by the ~~FSA~~ FCA and/or PRA. It should not be assumed that information is known to the ~~FSA~~ FCA and/or PRA merely because it is in the public domain or has previously been disclosed to the ~~FSA~~ FCA and/or PRA. If you are not sure whether a piece of information is relevant, please include it anyway.

Data Protection

For the purposes of complying with the Data Protection Act, the personal information in this form will be used by the ~~Financial Services Authority~~ Financial Conduct Authority and/or the Prudential Regulation Authority to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation. It will not be disclosed for any other purposes without the permission of the applicant.

Declaration

- I/we confirm that this information is accurate and complete to the best of my knowledge and belief and that I have taken all reasonable steps to ensure that this is the case.
- I am/we are aware that it is a criminal offence knowingly or recklessly to give the ~~FSA~~ FCA and/or PRA information that is false or misleading in a material particular.
- Some questions do not require supporting evidence. However, the records, which demonstrate the applicant firm's compliance with the rules in relation to the questions, must be available to the ~~FSA~~ FCA and/or PRA on request.
- I/we will notify the ~~FSA~~ FCA and/or PRA immediately if there is a significant change to the information given in the form. If I/we fail to do so, this may result in a delay in the application process or enforcement action.

Date	<input type="text"/>
Name of first signatory <sup>1</sup>	<input type="text"/>
Position <sup>2</sup> of first signatory	<input type="text"/>
Individual Registration Number	<input type="text"/>
Signature	<input type="text"/>
Name of second signatory	<input type="text"/>
Position of second signatory	<input type="text"/>
Individual Registration Number	<input type="text"/>
Signature	<input type="text"/>

<sup>1</sup> For a sole trader, the signature of the principal is required.  
 For a limited company, the signature of two directors or one director and the company secretary is required.  
 For a partnership, the signature of at least one partner is required.

<sup>2</sup> e.g. Director, Partner or Sole Trader.

**Annex B**

**Amendments to the Perimeter Guidance manual (PERG)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

## Certification – Form A

### Application for a periodical publication certificate

Full name of applicant proprietor

Full name of publication

#### **Important information you should read before completing this form**

This form should only be used to apply for a certificate under article 54 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001, when the application relates to a newspaper, journal, magazine or other periodical publication. It should not be used for an application relating to a service comprising regularly updated news or information in writing or other legible form or a TV or radio programme. Separate forms are available for these.

For further information please refer to PERG 7: <http://fshandbook.info/FS/html/handbook/PERG/7>  
<http://fshandbook.info/FS/html/handbook/PERG/7>

Please keep a copy of the forms you complete and any supporting documents you include with this application for your future reference.

For the purposes of complying with the Data Protection Act 1998, please note that any personal information provided to us will be used to discharge our statutory functions under the Financial Services and Markets Act 2000 (FSMA) and other relevant legislation and may be disclosed to third parties for those purposes.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may call into question your suitability to be certified, you may be committing a criminal offence and could face prosecution under section 398 of FSMA regardless of the status of your application.**

#### **Terms in this application pack**

In this pack, the ~~FSA~~-FCA uses the following terms:

- 'you' refers to the person(s) signing the form on behalf of the applicant firm;
- 'the applicant firm' refers to the firm applying for authorisation;
- 'the ~~FSA~~-FCA', 'we', 'us' or 'our' refers to the Financial ~~Services~~-Conduct Authority;
- FSMA refers to the Financial Services and Markets Act 2000; and
- RAO refers the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.

#### **Contents of this form**

1	Contact details	3
2	Information about the publication	6
3	Application fee	9
4	Declaration of applicant	10

## Filling in the form

**1** If you are using your computer:

- use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question;
- print out all the parts of the form you have completed; and
- sign the declaration.

**2** If you are filling in the form by hand:

- use black ink;
- write clearly; and
- sign the declaration.

**3** If you think a question does not apply to you, write 'not applicable' and explain why.

**4** If you leave a question blank, do not sign the declaration or attach the required supporting information without telling us why, we will have to treat the application as incomplete. This will increase the time we take to assess your application.

**5** If there is not enough space on the forms, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.

**6** Post the application consisting of:

- this form;
- supporting documents; and
- the application fee to us at:

**Permissions Department**  
**The Financial ~~Services~~ Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

## 1

**Contact details**

We need this information in case we need to contact you when we assess your application.

**1.1 Contact details of the applicant proprietor**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Mobile number (optional)	
Fax number (including STD code)	
Email address	

**1.2 Name of publication**

--

**1.3 Contact details of publisher**
 Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Email address	

**1.4 Contact details of editor**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

**1.5 Contact details for the person handling this application** Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

# 2 Information about your publication

## 2.1 How is it published?

If the electronic version differs materially from the hard copy, the two versions will need to be considered in separate applications.

- Hard copy  
 Electronic form  
 Both

## 2.2 How often is it published?

- Daily  
 Weekly  
 Monthly  
 Quarterly  
 Biannual  
 Annual  
 Other ▶ Give details below

## 2.3 What is the purpose(s) of the publication?

Please give details of the principal purpose and indicate if this is likely to change in the near future.

## 2.4 Attach any evidence to support the information given in Question 2.3 and please include details of the documents you have attached below.

- Business plan  
 Statements of editorial policy  
 Marketing literature  
 Other ▶ Give details below

## 2.5 Why is the publication considered to qualify for the exclusion?

## 2.6 Why are you applying for a certificate?

--

2.7 Give details of the estimated average proportion (based on a representative sample of the publication) of material falling within each of the following categories.<sup>1</sup>

a) Investment advice <sup>2</sup>	%
b) Material which leads to or enables dealing in or acquiring financial products (which is not investment advice) <sup>3</sup>	%
c) Material relating to financial products (which is neither advice nor material leading to/enabling dealing in or acquiring financial products investments) <sup>3</sup>	%
d) Material that has nothing at all to do with financial product <sup>3</sup>	%

Please give details of the criteria you use to distinguish material in (b) and (c). You must include examples of the material contained in the publication to illustrate the allocation of material to each category.

--

<sup>1</sup> For further information please refer to PERG 7:  
<http://fshandbook.info/FSA/html/handbook/PERG/7>  
<http://fshandbook.info/FS/html/handbook/PERG/7>

<sup>2</sup> Investment advice means advice of the kind covered by articles 53, 53A, 53B, 53C or 53D RAO taking no account of the exclusion in article 54 RAO.

<sup>3</sup> I.e. securities or relevant investments, as defined in article 3 RAO or regulated mortgage contracts, home reversion plans, home purchase plans or sale and rent back agreements.

**2.8 What are your circulation figures?**

For hard copy publications, give the most recent figures. Show separately any publications available only or partly in electronic form. If the publication is new, give the estimated circulation figures.

	Hard copy	Electronic copy
Number (UK)		
Number (Overseas)		
Period (From) (dd/mm/yyyy)		
Period (To) (dd/mm/yyyy)		

**2.9 How have the figures in Question 2.8 been calculated?****2.10 What is the estimated readership in the UK?**

Please give details of the basis on which your estimate was made.

**2.11 Please provide information about the readership profile.**

Please include details of the source and basis of this information.

**2.12 Are you producing monthly or more frequent publications?**

- Yes ▶ You must attach six representative samples of the publication.
- No ▶ You must attach three representative samples of the publication.
- Samples attached

Please note, we may ask for further samples.

# 3 Application fee

You must send a cheque for the appropriate application fee in full with this application pack; otherwise the application will not be processed.

## The application fee is £2000

You must pay the full application fee by cheque. **It is not refundable** (even if you decide to withdraw your application).

## How to pay

- 1 Make the cheque payable to the Financial ~~Services~~ Conduct Authority. We cannot accept post-dated cheques.
- 2 Write the name of the applicant firm on the back of the cheque.
- 3 Write 'Application for certification' on the back of the cheque.
- 4 Send the cheque with the application pack.

# 4 Declaration of applicant

This declaration must be signed on behalf of the applicant by the editor.

I undertake to notify the ~~FSA~~ FCA of any significant change in the information provided in this form which occurs after the date of submission of the application and prior to my receiving notification of the ~~FSA's~~ FCA's decision concerning the application.

I confirm that the information given in this application is complete and correct to the best of my knowledge and belief.

Signature	
Name	
Date	(dd/mm/yyyy)

## Certification – Form B

### Application for a TV or radio service certificate

Full name of applicant proprietor

Full name of TV or radio service

#### **Important information you should read before completing this form**

This form should be used to apply for a certificate under article 54 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 when the application relates to the broadcast or transmission of TV or radio programmes. It should not be used for an application in relation to a service comprising regularly updated news or information in writing or other legible form or a newspaper or other periodical publication. Separate forms are available for these.

For further information please refer to PERG 7: <http://fsahandbook.info/FSA/html/handbook/PERG/7>  
<http://fshandbook.info/FS/html/handbook/PERG/7>

Please keep a copy of the forms you complete and the supporting documents that you include with this application pack for your future reference.

For the purposes of complying with the Data Protection Act 1998, please note that any personal information provided to us will be used to discharge our statutory functions under the Financial Services and Markets Act 2000 (FSMA) and other relevant legislation and may be disclosed to third parties for those purposes.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may call into question your suitability to be certified, and you may be committing a criminal offence and could face prosecution under section 398 of the FSMA regardless of the status of your application.**

#### **Terms in this application pack**

In this application pack the FSA FCA uses the following terms:

- 'you' refers to the person(s) signing the form on behalf of the applicant firm;
- 'the applicant firm' refers to the firm applying for authorisation;
- 'the FSA' 'the FCA' , 'we', 'us' or 'our' refers to the Financial Conduct Authority;
- 'FSMA' refers to the Financial Services and Markets Act 2000; and
- 'RAO' refers to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.

#### **Contents of this form**

1	Contact details	3	Application form	9
2	Information about the publication	6	Declaration of applicant	10

## Filling in the form

- 1 If you are using your computer:
  - use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question;
  - print out all the parts of the form you have completed; and
  - sign the declaration.
- 2 If you are filling in the form by hand:
  - use black ink;
  - write clearly; and
  - sign the declaration.
- 3 If you think a question does not apply to you, write 'not applicable' and explain why.
- 4 If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we will have to treat the application as incomplete. This will increase the time we take to assess your application.
- 5 If there is not enough space on the forms, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 6 Post the application consisting of:
  - this form;
  - supporting documents; and
  - the application fee to us at:

**Permissions Department**  
**~~The Financial Services Authority~~**  
**The Financial Conduct Authority**  
**25 The North Colonnade**  
**Canary Wharf**  
**LONDON**  
**E14 5HS**

## 1

**Contact details**

We need this information in case we need to contact you when we assess your application.

**1.1 Contact details of the applicant proprietor**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Mobile number (optional)	
Fax number (including STD code)	
Email address	

**1.2 Name of TV or radio service**

--

**1.3 Contact details of TV or radio station**
 Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Email address	

**1.4 Contact details of person in day-to-day control of the service**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

**1.5 Contact details for the person handling this application** Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

# 2 Information about the service

## 2.1 What are the means of provision of service?

Please state whether the service is provided solely by means of broadcast / transmission or is also available in some other form.

## 2.2 What are the broadcasting / transmission times?

## 2.3 What is the purpose(s) of the broadcast / transmission?

Please give details of the principal purpose and indicate if this is likely to change in the near future.

## 2.4 You must attach any supporting evidence to support the information given in Question 2.3. Please give details of the documents you have attached below.

- Business plan  
 Statements of editorial policy  
 Marketing literature  
 Other ▶ Give details below

## 2.5 Why is the service considered to qualify for the exclusion?

**2.6 Why are you applying for a certificate?**

**2.7 Give details of the estimated average proportion of material featured in the service which falls within each of the following categories.<sup>1</sup>**

a) Investment advice <sup>2</sup>	%
b) Material which leads to or enables dealing in or acquiring financial products (which is not investment advice) <sup>3</sup>	%
c) Material relating to financial products (which is neither advice nor material leading to/enabling dealing in or acquiring financial products) <sup>3</sup>	%
d) Material that has nothing at all to do with financial products <sup>3</sup>	%

Please give details of the criteria used to distinguish material in (b) and (c). You must include examples of the material contained in the service to illustrate the allocation of material to each category.

**2.8 What period was used for the estimate given in Question 2.7? (dd/mm/yyyy)**

From

		/			/				
--	--	---	--	--	---	--	--	--	--

To

		/			/				
--	--	---	--	--	---	--	--	--	--

<sup>1</sup> For further information please refer to  
<http://fshandbook.info/FSA/html/handbook/PERG/7>  
<http://fshandbook.info/FS/html/handbook/PERG/7>

<sup>2</sup> Investment advice means advice of the kind covered by articles 53, 53A, 53B, 53C or 53D RAO taking no account of the exclusion in article 54 RAO.

<sup>3</sup> I.e. securities or relevant investments, as defined in article 3 RAO or regulated mortgage contracts, home reversion plans, home purchase plans or sale and rent back agreements.

**2.9 On what basis is this considered to give a representative view?**

--

**2.10 Please provide details of the audience figures**

Give the most recent figures. If the service is new, give the estimated audience figures. Indicate the period to which the figures relate.

Number (UK)	
Number (Overseas)	
Period (From) (dd/mm/yyyy)	
Period (To) (dd/mm/yyyy)	

**2.11 How have the figures in Question 2.10 been calculated?**

--

**2.12 Please provide information about your listener /viewer profile.**

Please give details of the source and basis of information.

--

**2.13 Please confirm that you have contacted the FSA FCA to agree the means by which the FSA FCA can access samples of the service concerned.**

Yes

# 3 Application fee

You must send a cheque for the appropriate application fee in full with this application pack; otherwise the application will not be processed.

## The application fee is £2,000

You must pay the full application fee by cheque. **It is not refundable** (even if you decide to withdraw your application).

## How to pay

- 1 Make the cheque payable to the ~~Financial Services Authority~~ Financial Conduct Authority. We cannot accept post-dated cheques.
- 2 Write the name of the applicant firm on the back of the cheque.
- 3 Write 'Application for certification' on the back of the cheque.
- 4 Send the cheque with the application pack.

# 4 Declaration of applicant

This declaration must be signed on behalf of the applicant by the person in day-to-day control of the service.

I undertake to notify the ~~FSA~~ FCA of any significant change in the information provided in this form which occurs after the date of submission of the application and prior to my receiving notification of the ~~FSA's~~ FCA's decision concerning the application.

I confirm that the information given in this application is complete and correct to the best of my knowledge and belief.

Signature	
Name	
Date	(dd/mm/yyyy)

## Certification – Form C

### Application for news or information service certificate

Full name of applicant proprietor

Full name of news or information service

#### **Important information you should read before completing this form**

This form should only be used if your application is for a certificate under article 54 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 when the application relates to a service comprising regularly updated news or information reading writing or other legible form. This form should not be used for an application relating to a newspaper or other periodical publication or a TV or radio programme. Separate forms are available for these.

For further information please refer to PERG 7: <http://fsahandbook.info/FS/html/handbook/PERG/7>  
<http://fshandbook.info/FS/html/handbook/PERG/7>

Please keep a copy of the forms you complete and the supporting documents that you include with this application pack for your future reference.

For the purposes of complying with the Data Protection Act 1998, please note that any personal information provided to us will be used to discharge our statutory functions under the Financial Services and Markets Act 2000 (FSMA) and other relevant legislation and may be disclosed to third parties for those purposes.

**It is important that you provide accurate and complete information and disclose all relevant information. If you do not, it may call into question your suitability to be certified, and you may be committing a criminal offence and could face prosecution under section 398 of the FSMA regardless of the status of your application.**

#### **Terms in this application pack**

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- 'you' refers to the person(s) signing the form on behalf of the applicant firm;
- 'the applicant firm' refers to the firm applying for authorisation;
- 'the FSA' 'the FCA' , 'we', 'us' or 'our' refers to the ~~Financial Services Authority~~ Financial Conduct Authority;
- 'FSMA' refers to the Financial Services and Markets Act 2000; and
- 'RAO' refers to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.

#### **Contents of this form**

1	Contact details	3
2	Information about the publication	6
3	Application fee	9
4	Declaration of applicant	10

## Filling in the form

- 1 If you are using your computer:
  - use the TAB key to move from question to question and press SHIFT TAB to move back to the previous question;
  - print out all the parts of the form you have completed; and
  - sign the declaration.
- 2 If you are filling in the form by hand:
  - use black ink;
  - write clearly; and
  - sign the declaration.
- 3 If you think a question does not apply to you, write 'not applicable' and explain why.
- 4 If you leave a question blank, do not sign the declaration or do not attach the required supporting information without telling us why, we will have to treat the application as incomplete. This will increase the time we take to assess your application.
- 5 If there is not enough space on the forms, you may need to use separate sheets of paper. Clearly mark each separate sheet of paper with the relevant question number.
- 6 Post the application consisting of:
  - this form;
  - supporting documents; and
  - the application fee to us at:

### Permissions Department

~~The Financial Services Authority~~  
**The Financial Conduct Authority**  
25 The North Colonnade  
Canary Wharf  
LONDON  
E14 5HS

## 1

**Contact details**

We need this information in case we need to contact you when we assess the application.

**1.1 Contact details of the applicant proprietor**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Mobile number (optional)	
Fax number (including STD code)	
Email address	

**1.2 Name of service**

--

**1.3 Contact details of service provider**
 Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Email address	

**1.4 Contact details of person in day-to-day control of the service**

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

**1.5 Contact details for the person handling this application** Tick if same as 1.1

Title	
First names	
Surname	
Address	
Postcode	
Phone number (including STD code)	
Fax number (including STD code)	
Mobile number (optional)	
Email address	

# 2 Information about the service

## 2.1 How is the service provided?

Please state whether the service is provided through a website, intranet, teletext or other. Is the service also available in another form?

## 2.2 How frequent is it?

Is the service available 24 hours per day? If not, indicate dates and times of availability.

## 2.3 What is the purpose(s) of the broadcast / transmission?

Please give details of the principal purpose and indicate if this is likely to change in the near future.

## 2.4 Please attach any supporting evidence to support the information given in Question 2.3. Please give details of the documents you have attached below.

- Business plan
- Statements of policy
- Marketing literature
- Other ▶ Give details below

## 2.5 Why do you consider the service as qualifying for the exclusion?

**2.6 Why are you applying for a certificate?**

--

**2.7 Does the certificate cover the whole service? If not, how much of it does it cover?**

Please define how much of the service the certificate will apply to e.g. if it is a website, will the certificate apply to the whole service or just part of it. If only part, how is the distinction made.

--

**2.8 Give details of the estimated average proportion of material featured in the service which falls within each of the following categories.<sup>1</sup>**

a) Investment advice <sup>2</sup>	%
b) Material which leads to or enables dealing in or acquiring financial products (which is not investment advice) <sup>3</sup>	%
c) Material relating to financial products (which is neither advice nor material leading to/enabling dealing in or acquiring financial products) <sup>3</sup>	%
d) Material that has nothing at all to do with financial products <sup>3</sup>	%

---

<sup>1</sup> PERG 7 contains FSA FCA guidance on material – see

<http://fsahandbook.info/FSA/html/handbook/PERG/7>

<http://fshandbook.info/FS/html/handbook/PERG/7>

<sup>2</sup> Investment advice means advice of the kind covered by article 53, 53A, 53B, 53C or 53D RAO taking no account of the exclusion in article 54 RAO.

<sup>3</sup> I.e. securities or relevant investments, as defined in article 3 RAO or regulated mortgage contracts, home reversion plans, home purchase plans or sale and rent back agreements.

Please give details of the criteria used to distinguish material in (b) and (c). You must include examples of the material contained in the service to illustrate the allocation of material to each category.

**2.9 What period was used for the estimate given in Question 2.8? (dd/mm/yyyy)**

From

		/			/				
--	--	---	--	--	---	--	--	--	--

To

		/			/				
--	--	---	--	--	---	--	--	--	--

**2.10 On what basis do you consider that this offers a representative view?**

**2.11 Please provide us with your audience figures**

Give the most recent figures. If the service is new, give the estimated audience figures. Indicate the period to which the figures relate.

Number (UK)	
Number (Overseas)	
Period (From) (dd/mm/yyyy)	
Period (To) (dd/mm/yyyy)	

**2.12 How have the figures in Question 2.11 been calculated?**

**2.13 Please provide information about the profile and motives of the audience / readership.**

Please give details of the source and basis of information.

**2.14 Please confirm that you have contacted the FSA FCA to agree the means by which we can access samples of your service.**

Yes

# 3 Application fee

You must send a cheque for the appropriate application fee in full with this application pack; otherwise the application will not be processed.

## The application fee is £2,000

You must pay the full application fee by cheque. **It is not refundable** (even if you decide to withdraw your application).

## How to pay

- 1 Make the cheque payable to the ~~Financial Services Authority~~ Financial Conduct Authority. We cannot accept post-dated cheques.
- 2 Write the name of the applicant firm on the back of the cheque.
- 3 Write 'Application for certification' on the back of the cheque.
- 4 Send the cheque with the application pack.

# 4 Declaration of applicant

This declaration must be signed on behalf of the applicant by the person in day-to-day control of the service.

I undertake to notify the ~~FSA~~ FCA of any significant change in the information provided in this form which occurs after the date of submission of the application and prior to my receiving notification of the ~~FSA's~~ FCA's decision concerning the application.

I confirm that the information given in this application is complete and correct to the best of my knowledge and belief.

Signature	
Name	
Date	(dd/mm/yyyy)

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for approval of prospectus by competent authority)	Section 87A	None
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective investment schemes)	Section 137A(1)	Section 137G(1)
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section	Section 213	Section 213

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
217(7) (Insurers in financial difficulties)		
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property schemes)	Section 239	None
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme	Section 278	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
particulars)		
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc) and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	None
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

SCHEDULE A

Part 2

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).	relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).
Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Section 137A(1)	Section 137G(1)
Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)	None
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	None.
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2009/209)	2009/209).	
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209)	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI 2009/209).	None
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
	(SI 2008/346).	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

SCHEDULE A

Part 4

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power under section 165A)	None	Section 165B(6)
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the	Section 210	Section 210

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Electronic Money Regulations 2011 (SI 2011/99.)		
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404: supplementary)	Section 404A	None

SCHEDULE A

Part 5

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 6

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to	Paragraph 5(4) (Notice to UK	Paragraph 5(4) (Notice to UK

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Authority) of Schedule 4 (Treaty Rights)	Regulator) of Schedule 4 (Treaty Rights)	Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None



**LEGAL CUTOVER (FCA AND PRA HANDBOOK MISCELLANEOUS  
AMENDMENTS NO 2) INSTRUMENT 2013**

**WHEREAS:**

- A. The Authority has, in accordance with Article 5 of the Designation Order, appointed persons to exercise functions referred to in Article 5(1) of the Designation Order, which include the function of the Financial Conduct Authority of designating or modifying a Relevant Instrument and the functions of making rules and issuing guidance.
- B. By virtue of Article 5(3)(a) of the Designation Order the persons appointed may discharge the relevant functions as if they were the governing body of the Financial Conduct Authority.
- C. By virtue of Article 7(1) of the Designation Order this Instrument shall be treated as if it had been made by the Financial Conduct Authority acting through its governing body.
- D. Article 2(1)(c) of the Early Commencement Order commenced certain of the Financial Conduct Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- F. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.

**Interpretation**

1 In this Instrument (including the Recitals):

- (1) "Designation Order" means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
- (2) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
- (3) "the 2000 Act" means the Financial Services and Markets Act 2000;
- (4) "the 2012 Act" means the Financial Services Act 2012;
- (5) "the Authority" means the Financial Services Authority;
- (6) "Financial Conduct Authority" means the body corporate referred to in section 1A of the 2000 Act as amended by section 6 of the 2012 Act;
- (7) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act;
- (8) "PRA Relevant Instrument" means a Relevant Instrument designated by the Prudential Regulation Authority under the powers in Article 3(1) of the Designation Order.
- (9) "Relevant Instrument" has the meaning in section 119(6)(b) of the 2012 Act.

**Rules etc. made, given or amended by the Financial Conduct Authority**

- 2 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 3, the Financial Conduct Authority amends each FCA provision in the Annexes to this Instrument.
- 3 The Financial Conduct Authority amends the provisions in paragraph 2 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 2 of Parts 1 to 10 of Schedule A to this Instrument.
- 4 The rule-making powers in paragraph 3 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Financial Conduct Authority**

- 5 The Financial Conduct Authority directs that paragraph 2 of this Instrument comes into force on 1 April 2013.

**Rules etc. made, given or amended by the Prudential Regulation Authority**

- 6 In accordance with Article 2(1)(c) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 7, the Prudential Regulation Authority amends each PRA provision in the Annexes to this Instrument.
- 7 The Prudential Regulation Authority amends the provisions in paragraph 6 in exercise of the powers and related provisions of the 2000 Act, as amended by the 2012 Act, and of other enactments as amended by or under the 2012 Act, listed in column 3 of Parts 1 to 10 of Schedule A to this Instrument.
- 8 The rule-making powers in paragraph 6 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.
- 9 The Prudential Regulation Authority gives as guidance each PRA provision in the Annexes to this instrument that makes an amendment to a provision identified as “PRA” or “FCA/PRA” in a PRA Relevant Instrument.

**Commencement: Prudential Regulation Authority**

- 10 The Prudential Regulation Authority directs that paragraphs 6 and 9 of this Instrument comes into force on 1 April 2013.

**Citation**

- 11 This Instrument may be cited as the Legal Cutover (FCA and PRA Handbook Miscellaneous Amendments No 2) Instrument 2013.

**By order of the persons appointed under Article 5 of the Designation Order to discharge specified functions of the Financial Conduct Authority as if they were its governing body**

19 March 2013

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

### Amendments to the Handbook

The modules of the FCA and PRA Handbooks of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
SYSC	Annex A
FIT	Annex B
TC	Annex C
GEN	Annex D
BIPRU	Annex E
MIPRU	Annex F
IPRU - FSOC	Annex G
IPRU - INV	Annex H
COBS	Annex I
CASS	Annex J
SUP	Annex K
DISP	Annex L
CREDS	Annex M
PROF	Annex N
EMPS	Annex O
OMPS	Annex P
SERV	Annex Q
PERG	Annex R
SUP 16 Annexes	Annex S

## Annex A

### Amendments to cross references in the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
2.1.6 G	SUP 10.7.1 R	10A.7.1 R	
2.1.6 G	SUP 10.1	SUP 10A.1	
3.2.9 G	SUP 10.7.8 R	10A.7.8 R	
4.4.6 G	SUP 10.7.1	10A.7.1 R	
4.4.6 G	SUP 10.1	SUP 10A.1	
5.1.5 G	SUP 10	SUP 10A and SUP 10B	

**Annex B**

**Amendments to cross references in the Fit and Proper Test for Approved Persons sourcebook (FIT)**

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.1.1 G	SUP 10.1.12 G	SUP 10A.1.10 G and SUP 10B.1.10 G	
1.1.1 G	SUP 10.1.13 R	SUP 10A.1.11 R and SUP 10B.1.11 R	
1.1.1 G	SUP 10.1.14 R	SUP 10A.1.13 R SUP 10B.1.12 R	
1.1.2 G	SUP 10	SUP 10A and SUP 10B	
1.2.2 G	SUP 10	SUP 10A and SUP 10B	
2.1.1 G	SUP 10.13.16 R	SUP 10A.14.17 R and SUP 10B.12.18 R	

## Annex C

### Amendments to cross references in the Training and Competence sourcebook (TC)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
2.1.9 R	SUP 10.10.7B R	SUP 10A.10.8 R	

**Annex D**

**Amendments to cross references in General Provisions (GEN)**

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.3.5 G	EG 8 (Variation and cancellation of permission on the FSA's own initiative and intervention against incoming firms)	EG 8 (Variation and cancellation of permission and imposition of requirements on the FCA's own initiative and intervention against incoming firms)	
TP 1.3 (3)(8)	FEES 3.2		Delete

## Annex E

### Amendments to cross references in the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
12.3.9 G	COND 2.5.7 G (6)		Delete
12.3.9 G	Threshold condition 5	Threshold condition 2E, 3D, 4E or 5E as applicable	

## Annex F

### **Amendments to cross references in the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance intermediaries (MIPRU)**

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
2.2.3 G	SUP 10.1.21 R	SUP 10A.1.18 R	

## Annex G

### Amendments to cross references in the Interim Prudential sourcebook for Friendly Societies (IPRU-FSOC)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
Initial Guidance (3) G	APER, Statements of Principle, Code of Practice	APER	

## Annex H

### **Amendments to cross references in the Interim Prudential sourcebook for Investment Business (IPRU-INV)**

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
13.1.2 G	COND (threshold condition 4)	Threshold condition 2D or 3C as applicable	

## Annex I

### Amendments to cross references in the Conduct of Business sourcebook (COBS)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
5.2.2 R	GEN 4, Annex 1 R	GEN 4 Annex 1R or GEN 4 Annex 1AR as appropriate	
6.1.5 G	GEN 4, Annex 1 R	GEN 4 Annex 1R or GEN 4 Annex 1AR as appropriate	

## Annex J

### Amendments to cross references in the Client Assets sourcebook (CASS)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.4.11 G	SUP 10.4.5 R	SUP 10A.4.5 R	
1.4.11 G	SUP 10.7.9 G	10A.7.9 R	

## Annex K

### Amendments to cross references in the Supervision sourcebook (SUP)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
3.2.1 G	COND 2.5.7 G (11)		Delete
4.2.5 G	COND 2.5.7 G (11)		Delete
4.3.5 G	SUP 10	SUP 10B	
4.5.11 G	SUP 10.13.6 R	10B.12.10 R	
4.5.11 G	SUP 10 Annex 6 R	10A Annex 6 R	
4.5.11 G	SUP 10.13.7 R	10B.12.12 R	
4.6.2 G	SUP 10	SUP 10B	
12.2.8 G	SUP 10.1.16 R	SUP 10A.1.15 R	
12.4.4 G	SUP 10, Annex 4	SUP 10A, Annex 4 or SUP 10B, Annex 4	
12.4.5 G	Threshold condition 3 (close links)	Threshold condition 2C or 3B as applicable	
12.4.5C R	SUP 10	SUP 10A and SUP 10B	
12.6.8 G	SUP 10.1.16 R	SUP 10A.1.15 R	
12.6.8 G	SUP 10.1.16A R	SUP 10A.1.16 R	
12.6.8 G	SUP 10.3.2 G	SUP 10A.3.2 G	
12.6.8 G	SUP 10.4.1 R	SUP 10A.4.1 R	
12.6.9 G	SUP 10.12	SUP 10A.13.1 G	
12.7.3A R	SUP 10.12.4A	SUP 10A.13.7	
App 2.3.2 G	Threshold condition 4 (Adequate resources)	Threshold condition 4D or 5D as applicable	
App 2.3.2 G	COND 2.2		Delete

## Annex L

### Amendments to cross references in the Dispute Resolution: Complaints sourcebook (DISP)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.10.3 G	SUP 10.13.20A R	SUP 10A.14.24 R	

**Annex M**

**Amendments to cross references in the Credit Unions New sourcebook (CREDS)**

In this Annex, in the paragraph referred to in column (1), the reference or references in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
5.1.2 G	COND 2.4		Delete
6.1.2 G	COND 2.4		Delete
8.3.8 G	SUP 10.9	SUP 10A.9	
8.3.8 G	SUP 10.9.3 G	SUP 10A.9.4 G	
10.1.3 G	SUP 1	SUP 1A	
10.1.3 G	SUP 10	SUP 10A and SUP 10B	
10.1.3 G	COAF		Delete

**Annex N**

**Amendments to cross references in the Professional Firms sourcebook (PROF)**

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
5.3.5 G	SUP 10.1.18 R	SUP 10A.1.17 R	
5.3.5 G	SUP 10	SUP 10A	
7.2.3 G	SUP 13.3.5 G	SUP 13.3.2G to SUP 13.3.2CG and SUP 13.3.5G	
7.2.4 G	SUP 13.4.3 G		Delete

## Annex O

### Amendments to cross references in the Energy Market Participants sourcebook (EMPS)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.2.2 G	COAF		Delete
1.2.3 G	SUP 10.1.21 R	SUP 10A.1.18 R	
1.2.3 G	SUP 10.1.22 G	SUP 10A.1.19 G	

## Annex P

### Amendments to cross references in the Oil Market Participants sourcebook (OMPS)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.2.2 G	SUP 10.1.21 R	SUP 10A.1.18 R	
1.2.2 G	SUP 10.1.22 G	SUP 10A.1.19 G	

## Annex Q

### Amendments to cross references in the Service Companies sourcebook (SERV)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
1.2.2 G	SUP 10.1.21 R	SUP 10A.1.18 R	
1.2.2 G	SUP 10.1.22 G	SUP 10A.1.19 G	

## Annex R

### Amendments to cross references in the Perimeter Guidance Manual (PERG)

In this Annex, in the paragraph referred to in column (1), the reference in column (2) is replaced by the reference in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
13.7	SUP 10.1	SUP 10A.1	
13.7	APER 1.1.4 G	APER 1.1A.4 G	
13.7	APER 2.1.1A P	APER 2.1A.2 P	
13.7	COND 1.1.4 G	COND 1.1A.7 G	

**Annex S**

**Amendments to cross references in SUP 16 Annexes**

In this Annex, in the Annex referred to in column (1), the reference or words in column (2) is replaced by the reference or the words in column (3), except where indicated in column (4), unless the context otherwise requires.

(1)	(2)	(3)	(4)
Annex 6R Annex 9R Annex 12G Annex 18AR Annex 18BG Annex 27AD Annex 27BG Annex 28BG Annex 29AR	FSA	FCA	Annex 18AR, Section B2: delete FSA;  Annex 18AR, Section D1: delete FSA;  Annex 18AR, Section H: delete FSA  Annex 18BG, page 16: appropriate regulator
Annex 14(1)R Annex 14(2)R Annex 15(1)G Annex 15(2)G	FSA	PRA	Annex 15(1)G, Page 3, first paragraph (Front page): FCA  Annex 15(1)G, Page 4, 1E:

			appropriate regulator
Annex 19BG Annex 24R Annex 25G Annex 31BG	FSA	appropriate regulator	Annex 24R, FSA003, Capital Adequacy (page 5), line 14: delete FSA  Annex 24R, FSA031, Capital Adequacy, Part 4: delete FSA
Annex 24R, FSA028, Question 27	If the answer to 27 above is 'No', then you do not have to complete any more of this data item, but it still needs to be submitted to the FSA.	If the answer to 27 above is 'No', then you do not have to complete any more of this data item, but it still needs to be submitted.	
Annex 15(1)G Annex 15(2)G	Financial Services Authority	FCA	Annex 15(1)G, Page 2: PRA  Annex 15(2)G Page 2, 3 <sup>rd</sup> paragraph: PRA  Annex 15(2)G, Page 23: PRA
Annex 9R	FSA registration number	FCA registration number	
Annex 6R Annex 9R Annex 14(1)R Annex 15G	FSA Handbook	Handbook	

Annex 18BG Annex 19BG			
Annex 25G	FSA Handbook glossary	Handbook glossary	
Annex 9R Annex 14(1)R Annex 14(2)R Annex 19AR Annex 19BG Annex 21R Annex 24R Annex 25G Annex 27BG Annex 29R Annex 29AG	FSA firm reference number	Firm reference number	
Annex 24R	FSA FRN	FRN	
Annex 15G	Part IV permission	Part 4a permission	
Annex 19BG	section 16.7	section 16.12	
Annex 25G	SUP 16.7	SUP 16.12	
Annex 19BG, Section C: Capital, second paragraph	In addition, the FSA operating framework requires us to identify the main risks to our statutory objectives. (...) the specific FSA objectives that are potentially impacted are those relating to market confidence and consumer protection.	In addition, the <u>FCA</u> and the <u>PRA</u> are <u>required</u> to identify the main risks to our statutory objectives. (...) The specific <u>FCA</u> objectives that are potentially impacted are those relating to market confidence and consumer protection.	
Annex 15G, page 2	Customer Contact number 085 606 9966 and International number +44 20 7066 1000	Customer Contact number 0800 111 6768	
Annex 14(1)R Annex 14(2)R	The Financial Services Authority Revenue and Information Management Department	Regulatory Data Group Statistics and Regulatory Data Division (HO5 A-B) Bank of England Threadneedle Street London EC2R 8AH	

	<p>25 The North Colonnade Canary Wharf London E14 5HS United Kingdom</p> <p>Telephone +44 (0) 20 7066 1000</p> <p>Website <a href="http://www.fsa.gov.uk">http://www.fsa.gov.uk</a></p> <p>Registered as a Limited Company in England and Wales No 1920623. Registered Office as above</p>	<p><a href="mailto:creditunionreporting@bankofengland.co.uk">creditunionreporting@bankofengland.co.uk</a></p> <p>Fax: 020 7601 3334</p>	
Annex9R	<p>The Financial Services Authority Revenue and Information Management Department 25 The North Colonnade Canary Wharf London E14 5HS United Kingdom Telephone +44 (0) 20 7066 1000 Website <a href="http://www.fsa.gov.uk">http://www.fsa.gov.uk</a> Registered as a Limited Company in England and Wales No 1920623. Registered Office as above</p>	<p>The Financial Conduct Authority Central Reporting 25 The North Colonnade Canary Wharf London E14 5HS United Kingdom</p> <p><a href="http://www.fca.org.uk">http://www.fca.org.uk</a></p>	

**SCHEDULE A**

**Part 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 59 (Approval for particular arrangements)	Section 59	Section 59
Section 72 (The competent authority)	Part VI	None
Section 73A (Part 6 Rules)	Section 73A	None
Section 74 (The official list)	Section 74	None
Section 75 (Applications for listing)	Section 75	None
Section 77 (Discontinuance and suspension of listing)	Section 77	None
Section 79 (Listing particulars and other documents)	Section 79	None
Section 80 (General duty of disclosure in listing particulars)	Section 80	None
Section 81 (Supplementary listing particulars)	Section 81	None
Section 84 (Matters which may be dealt with by prospectus rules)	Section 84	None
Section 85 (Prohibition of dealing etc in transferable securities without approved prospectus)	Section 85	None
Section 87 (Election to have prospectus)	Section 87	None
Section 87A (Criteria for	Section 87A	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
approval of prospectus by competent authority)		
Section 87B (Exemptions from disclosure)	Section 87B	None
Section 87G (Supplementary prospectus)	Section 87G	None
Section 88 (Sponsors)	Section 88	None
Section 89 (Public censure of sponsor)	Sections 88A-88F	None
Section 89A (Transparency rules)	Section 89A	None
Section 89B (Provision of voteholder information)	Section 89B	None
Section 89C (Provision of information by issuers of transferable securities)	Section 89C	None
Section 89D (Notification of voting rights held by issuer)	Section 89D	None
Section 89E (Notification of proposed amendment of issuer's constitution)	Section 89E	None
Section 89F (Transparency rules: interpretation etc)	Section 89F	None
Section 89G (Transparency rules: other supplementary provisions)	Section 89G	None
Section 89O (Corporate governance rules)	Section 89O	None

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 96 (Obligations of issuers of listed securities)	Section 96	None
Section 96A (Disclosure of information requirements)	Section 96A	None
Section 96C (Suspension of trading)	Section 96C	None
Section 99 (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Section 99(1) and (2) (Fees)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31
Section 100 (Penalties)	Sections 312J and 312K, and schedule 1ZA, Part 2.	None
Section 101 (Part 6 rules: general provisions)	Sections 101 and 137T.	None.
Section 118(8) (Market abuse)	Section 118(8)	None
Section 136(2) (Funding of the legal assistance scheme)	Section 136(2)	None
Section 138 (General rule-making power)	Section 137A	Section 137G
Section 138(1) (General rule-making power)	Section 137A(1)	Section 137G(1)
Section 139 (Miscellaneous ancillary matters)	Section 137B	None
Section 139(4) (Miscellaneous ancillary matters)	Section 137B(3)	None
Section 139A (General rules about remuneration)	Sections 137H and 137I	Sections 137H and 137I
Section 140 (Restrictions on managers of certain collective	Section 137A(1)	Section 137G(1)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
investment schemes)		
Section 141 (Insurance business rules)	Section 137A(1)	Section 137G(1)
Section 142(2) (Insurance business: regulations supplementing Authority's rules)	Section 137A(1)	Section 137G(1)
Section 144 (Price stabilising rules)	Section 137Q	None
Section 145 (Financial promotion rules)	Section 137R	None
Section 146 (Money laundering rules)	Section 137A(1)	None
Section 147 (Control of information rules)	Section 137P	Section 137P
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 149 (Evidential provisions)	Section 138C	Section 138C
Section 150(2) (Actions for damages)	Section 138D(3)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T	Section 137T
Section 213 (The compensation scheme) (including as referred to in section 216(5) (Continuity of long-term insurance policies) and section 217(7) (Insurers in financial difficulties)	Section 213	Section 213

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 214 (General)	Section 214	Section 214
Section 215 (Rights of the scheme in relevant person's insolvency)	Section 215	Section 215
Section 216 (Continuity of long-term insurance policies)	Section 216	Section 216
Section 217 (Insurers in financial difficulties)	Section 217	Section 217
Section 218(2)(b) (Annual report)	Section 218(2)(b)	Section 218(2)(b)
Section 223 (Management expenses)	Section 223	Section 223
Section 223C (Payments in error)	Section 223C	Section 223C
Section 224F (Rules about relevant schemes)	Section 224F	Section 224F
Section 226 (Compulsory jurisdiction) (including as applied by regulation 125 of the Payment Services Regulations 2009 (SI 2009/209))	Section 226	None
Section 226A(7) (Consumer credit jurisdiction)	Section 226A(7)	None
Section 229 (Awards)	Section 229	None
Section 234 (Industry funding)	Section 234	None
Section 238(5) (Restrictions on promotion)	Section 238(5)	None
Section 239 (Single property)	Section 239	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
schemes)		
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 247 (Trust scheme rules)	Section 247	None
Section 248 (Scheme particulars rules)	Section 248	None
Section 278 (Rules as to scheme particulars)	Section 278	None
Section 283(1) (Facilities and information in UK)	Section 283(1)	None
Section 293 (Notification requirements)	Section 293	Section 293
Section 293(1) (Notification requirements)	Section 293(1)	Section 293(1)
Section 295 (Notification: overseas investment exchanges and overseas clearing houses)	Section 295	Section 295
Section 300B (Duty to notify proposal to make regulatory provision)	Section 300B	Section 300B
Section 322 (Rules applicable to former underwriting members)	None	Section 322
Section 332(1) (Rules in relation to persons to whom the general prohibition does not apply)	Section 332(1)	None
Section 340 (Appointment)	Section 340	Section 340

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 17 (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23.	Schedule 1ZB, Paragraph 31.
Paragraph 17(1) (Fees) of Schedule 1 (The Financial Services Authority)	Schedule 1ZA, Paragraph 23(1).	Schedule 1ZB, Paragraph 31(1).
Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12 of Part 2 (Funding) of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	Paragraph 12(1) (Funding of the relevant costs by authorised persons or payment service providers) of Part 2 of Schedule 1A (Further provision about the Consumer Financial Education Body)	None
Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)	Paragraphs 19 (Establishment) and 20 (Services) of Schedule 3 (EEA Passport Rights)
Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI	None
Paragraphs 1 (General), 4 (Rules), and 7 (Fees) of Schedule 7 (The Authority as Competent Authority for Part VI)	Part VI and Schedule 1ZA Paragraph 23	None
Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc)	Paragraphs 7(3) (Annual reports), 13 (Authority's procedural rules), 16B (Procedure for complaints etc)	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	and 16D (Enforcement of money awards) of Schedule 17 (The Ombudsman Scheme)	
Paragraph 13(4) (Authority's procedural rules) of Schedule 17 (The Ombudsman Scheme) to the Act	Paragraph 13(4) of Schedule 17	None

**SCHEDULE A**

**Part 2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 6(1) (FSA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulation 6(1) (FCA rules) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	None
Article 4(1) (Designation of pre-commencement provisions) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 137A(1)	Section 137G(1)
Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	Article 15 (Record-keeping and reporting requirements relating to relevant complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Ombudsman and Complaints Scheme) Order 2001 (SI 2001/2326)	None
The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)	None	The Financial Services and Markets Act 2000 (Variation of Threshold Conditions) Order 2001 (SI 2001/2507)
Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring	Articles 4 (Pending applications), 6 (Post-commencement applications), 9 (Article 9 defaults occurring

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>	<p>before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>	<p>before commencement), 9A (Contributions in relation to mesothelioma claims), 10 (Applications in respect of compulsory liability insurance), 12 (Applications under the new scheme) and 23 (Record-keeping and reporting requirements relating to pre-commencement) of the Financial Services and Markets Act 2000 (Transitional Provisions, Repeals and Savings) (Financial Services Compensation Scheme) Order 2001 (SI 2001/2967).</p>
<p>Articles 9 (Designation of existing provisions to take effect as rules) and 10 (Modifications of existing provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)</p>	<p>Section 137A(1)</p>	<p>Section 137G(1)</p>
<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>Regulation 3 (Consumer contract requirements: modification of rule-making powers) of the Electronic Commerce Directive (Financial Services and Markets) Regulations 2002 (SI 2002/1775)</p>	<p>None</p>

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706)	Regulation 2 (Power of the Authority to make rules under section 138 of the Financial Services and Markets Act 2000) of the Financial Services and Markets Act 2000 (Fourth Motor Insurance Directive) Regulations 2002 (SI 2002/2706).	None.
Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454)	Article 9 (Record-keeping and reporting requirements relating to relevant transitional complaints) of the Financial Services and Markets Act 2000 (Transitional Provisions) (Complaints Relating to General Insurance and Mortgages) Order (SI 2004/454).	None
Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)	Regulation 2(3) (Application for permission) of the Capital Requirements Regulations 2006 (SI 2006/3221)
Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 82 (Reporting requirements) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services Regulations 2009 (SI	Regulations 86 (Proposal to take disciplinary measures) and 93 (Guidance) of and paragraph 1 of Schedule 5 (Disciplinary powers) to the Payments Services	None

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority made rules</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
2009/209)	Regulations 2009 (SI 2009/209).	
Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 92 (Costs of supervision) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 59 (Costs of supervision) of the Electronic Money Regulations 2011 (SI 2011/99).	None
Articles 3 (Further power for Authority to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259)	None	Article 3 (Further power for PRA to make rules concerning mesothelioma claims) and 4 (Modification of FSMA in relation to FSA rules for mesothelioma claims) of the Compensation Act 2006 (Contribution for Mesothelioma Claims) Regulations 2006 (SI 2006/3259).
Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties	Regulations 8 (Applications for registration), 9 (Applications for admission to the register of issuers), 18 (Notification requirements), 20 (Material changes to the regulated covered bond), 24 (Requirements relating to the asset pool), 25 (Change of owner), 36 (financial penalties	None

Column 1	Column 2	Column 3
<p><b>Provisions of other enactments under which the Authority made rules</b></p>	<p><b>Corresponding provisions: Financial Conduct Authority</b></p>	<p><b>Corresponding provisions: Prudential Regulation Authority</b></p>
<p>policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346)</p>	<p>policy statement), 46 (Modifications of primary and secondary legislation) of, and paragraph 5 (fees) to the Schedule (Modifications to primary and secondary legislation) to, the Regulated Covered Bonds Regulations 2008 (SI 2008/346).</p>	

**SCHEDULE A**

**Part 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority issued codes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 64(2) (Conduct: statements and codes)	Section 64(2)	Section 64(2)
Section 119 (The code)	Section 119	None
Section 120 (Provisions included in the Authority's code by reference to the City Code)	Section 120	None
Section 121 (Codes: procedure)	Section 121	None

SCHEDULE A

Part 4

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 63C(1) (Statement of policy)	Section 63C(1)	Section 63C(1)
Section 64 (Conduct: statements and codes)	Section 64	Section 64
Section 64(1) (Conduct: statements and codes)	Section 64(1)	Section 64(1A)
Section 69 (Statement of policy) (including as applied by paragraph 1 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 1 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 69	Section 69
Section 69(1) (Statement of policy)	Section 69(1)	Section 69(1)
Section 93 (Statement of policy)	Section 93	None
Section 93(1) (Statement of policy)	Section 93(1)	None
Section 124 (Statement of policy)	Section 124	None
Section 124(1) (Statement of policy)	Section 124(1)	None
Section 131J(1) (Statement of policy)	Section 131J(1)	None
Section 165B(6) (Safeguards etc in relation to exercise of power)	None	Section 165B(6)

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
under section 165A)		
Section 169(9) (Investigations etc in support of overseas regulator) (including as applied by paragraph 3 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 3 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 169(9)	Section 169(9)
Section 210 (Statements of policy) (including as applied by regulation 86(6) of the Payment Services Regulations 2009 (SI 2009/209) and regulation 53 (6) of the Electronic Money Regulations 2011 (SI 2011/99).)	Section 210	Section 210
Section 210(1) (Statements of policy)	Section 210(1)	Section 210(1)
Section 395 (The Authority's procedures) (including as applied by paragraph 7 of Schedule 5 to the Payment Services Regulations 2009 (SI 2009/209) and paragraph 8 of Schedule 3 to the Electronic Money Regulations 2011 (SI 2011/99).)	Section 395	Section 395
Section 395(5) (The Authority's procedures)	Section 395(5)	Section 395(5)
Section 404(3) (Consumer redress schemes)	Section 404(3)	None
Section 404A (Rules under s404:	Section 404A	None

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
supplementary)		

**SCHEDULE A**

**Part 5**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority issued statements</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 42 (Guidance) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346)	Regulation 44 (Warning notices and decision notices) of the Regulated Covered Bonds Regulations 2008 (SI 2008/346).	None
Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209)	Regulation 93 (Guidance) of the Payment Services Regulations 2009 (SI 2009/209).	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 6

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 51 (Applications under this Part)	Section 55U	Section 55U
Section 60 (Applications for approval)	Section 60	Section 60
Section 148(3) (Modification or waiver of rules)	Section 138A(3)	Section 138A(3)
Section 182 (Notification)	Section 179	None
Section 218A (Authority's power to require information)	Section 218A	Section 218A
Section 242 (Applications for authorisation of unit trust schemes)	Section 242	None
Section 250 (Modification or waiver of rules)	Section 250	None
Sections 250(4) and (5) (Modification or waiver of rules)	Sections 250(4) and (5)	None
Section 270(6)(b) (Schemes authorised in designated countries or territories)	Section 270(6)(b)	None
Section 274 (Applications for recognition of individual schemes)	Section 274	None
Section 287 (Application by an investment exchange)	Section 287	None
Section 294 (Modification or waiver of rules)	Section 294	Section 294

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority directed, required or specified:</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 294(2) (Modification or waiver of rules)	Section 294(2)	Section 294(2)
Section 316 (Direction by Authority)	Section 316	Section 316
Section 317 (The core provisions)	Section 317	Section 317
Section 318 (Exercise of powers through Council)	Section 318	Section 318
Paragraph 5(4) (Notice to Authority) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)	Paragraph 5(4) (Notice to UK Regulator) of Schedule 4 (Treaty Rights)

**SCHEDULE A**

**Part 7**

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority directed, required or specified</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228)	Regulations 7(3) and (4) (Modification or waiver of FSA rules) and 12 (Application for authorisation) of the Open-Ended Investment Companies Regulations 2001 (SI 2001/1228).	<b>None</b>
Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 49 (Reporting requirements) of the Electronic Money Regulations 2011 (SI 2011/99).	None

SCHEDULE A

Part 8

Column 1	Column 2	Column 3
<b>Provisions of the 2000 Act under which the Authority made complaints schemes</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Paragraph 7 (Arrangements for the investigation of complaints) of Schedule 1 (The Financial Services Authority)	Part 6 of the Financial Services Act 2012	Part 6 of the Financial Services Act 2012

**SCHEDULE A**

**Part 9**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of the 2000 Act under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 157 (Guidance)	Section 139A	None
Section 157(1) (Guidance)	Section 139A(1)	None
Section 158A (Guidance on outsourcing by investment firms and credit institutions)	None	None

**SCHEDULE A**

**Part 10**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Article 11(1) (Guidance) of the Financial Services and Markets Act 2000 (Transitional Provisions and Savings) (Rules) Order 2001 (SI 2001/1534)	Section 139A(1)	None
Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	Article 14 (Guidance on continued provisions) of the Financial Services and Markets Act 2000 (Consequential Amendments and Transitional Provisions) (Credit Unions) Order 2002 (SI 2002/1501)	None
Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	Articles 9D (Applications for certificates) and 9F (Revocation of certificate on request) of the Regulated Activities Order	None
Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	Articles 9G (Obtaining information from certified persons etc) and 9H (Rules prohibiting the issue of electronic money at a discount) of the Regulated Activities Order	None
Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009	Section 123 of the Banking Act 2009

Column 1	Column 2	Column 3
<b>Provisions of other enactments under which the Authority gave guidance</b>	<b>Corresponding provisions: Financial Conduct Authority</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Regulation 14 (Guidance) of the Cross-Border Payments in Euro Regulations 2010 (SI 2010/89)	Regulation 15 of the Payments in Euro (Credit Transfers and Direct Debits) Regulations 2012 (SI 2012/3122)	None
Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	Regulation 60 (Guidance) of the Electronic Money Regulations 2011 (SI 2011/99).	None

**FINANCIAL SERVICES COMPENSATION SCHEME (MANAGEMENT EXPENSES  
LEVY LIMIT 2013/2014) (PRA) INSTRUMENT 2013**

**WHEREAS:**

- A. Article 2(1)(c) of the Early Commencement Order commenced certain of the Prudential Regulation Authority's rule making and other powers for the purposes specified in Part 3 of the Schedule to that Order.
- B. The body incorporated as Prudential Regulation Authority Limited is the Prudential Regulation Authority.

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) "Early Commencement Order" means the Financial Services Act 2012 (Commencement No. 1) Order 2013 (SI 2013/113);
  - (2) "the 2000 Act" means the Financial Services and Markets Act 2000;
  - (3) "the 2012 Act" means the Financial Services Act 2012; and
  - (4) "Prudential Regulation Authority" means the body corporate referred to in section 2A(1) of the 2000 Act as amended by section 6 of the 2012 Act.

**Rules amended by the Prudential Regulation Authority**

- 2 In accordance with Article 2(1) of the Early Commencement Order and in the exercise of the powers and related provisions specified in paragraph 3, the Prudential Regulation Authority makes the rule amendment in the Annex to this Instrument.
- 3 The Prudential Regulation Authority makes the rule amendment in the Annex to this Instrument in exercise of the following powers and related provisions of the 2000 Act, as amended by the 2012 Act:
  - (1) Section 137T (General supplementary powers);
  - (2) Section 213 (The compensation scheme);
  - (3) Section 214 (General); and
  - (4) Section 223 (Management expenses).
- 4 The rule-making powers in paragraph 3 are specified for the purpose of section 138G (Rule-making instruments) of the 2000 Act, as amended by the 2012 Act.

**Commencement: Prudential Regulation Authority**

- 5 The Prudential Regulation Authority directs that this Instrument comes into force on 1 April 2013.

**Citation**

6 This Instrument may be cited as the Financial Services Compensation Scheme (Management Expenses Levy Limit 2013/2014) (PRA) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### **6 Annex 1R Financial Services Compensation Scheme – Management Expenses Levy Limit**

This table belongs to FEES 6.4.2R	
Period	Limit on total of all management expenses levies attributable to that period (£)
...	
1 April 2012 to 31 March 2013	£1,000,000,000
1 April 2013 to 31 March 2014	£ <u>94,400,000</u>

**PRUDENTIAL REGULATION AUTHORITY HANDBOOK DESIGNATION  
(CORRECTION NO 1) INSTRUMENT 2013**

**WHEREAS:**

- A. By virtue of Article 2 (1) of the Designation Order, the PRA made the FCA and PRA Handbook Designation Instrument to designate any relevant instrument, or part of a relevant instrument, which was made, issued, given or imposed by the Financial Services Authority as the PRA considered it necessary or expedient in accordance with the 2012 Act.
- B. By virtue of Article 4(3) of the Designation Order, the PRA may designate a relevant FSA instrument on or after the commencement date where such instrument was not designated before the commencement date.

**Interpretation**

- 1. In this Instrument (including the Recitals):
  - i. “Designation Order” means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - ii. “the 2000 Act” means the Financial Services and Markets Act 2000;
  - iii. “the 2012 Act” means the Financial Services Act 2012;
  - iv. “PRA” means the Prudential Regulation Authority, the body corporate referred to in section 2A(1) of the 2000 Act, as amended by section 6 of the 2012 Act;
  - v. “Handbook” means the Financial Services Authority’s Handbook of Rules and Guidance (and including, for this purpose, the Handbook Guides and Regulatory Guides published by the Authority alongside the Handbook of Rules and Guidance) in each case as published on the FSA’s Handbook website at 11h59 pm on 27 February 2013;
  - vi. “Relevant Instrument” has the meaning in section 119(6)(b) of the 2012 Act;
  - vii. “FSA Instrument” means an instrument published by the FSA, by which the FSA made, issued, gave, imposed or amended a Relevant Instrument;
  - viii. “PRA Relevant Instrument” means a Relevant Instrument designated by the Prudential Regulation Authority under paragraph 2;
  - ix. “Commencement date” means 1 April 2013.
  - x. “FCA and PRA Handbook Designation Instrument 2013” means the PRA Instrument 2013/3 which the PRA made on 7 March 2013.

**Designation of rules etc by the Prudential Regulation Authority**

- 2. In exercise of the power in Articles 2(1) and 4(3) and in accordance with Article 3(1) of the Designation Order the Prudential Regulation Authority designates the following Relevant Instruments:
  - i. the rules set out in each FSA Instrument (or part of such instrument) by which the FSA made, issued, gave, imposed or amended the part or provision of the Handbook identified with an “x” in the columns headed “PRA designated” in Schedule B to this instrument;
  - ii. (if a part or provision of the Handbook was made, issued, given, imposed or amended by the FSA other than by an FSA Instrument), the rules as set out in the part or provision of the Handbook identified with an “x” in the column headed “PRA designated” in Schedule B to this Instrument.

3. As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that:
  - i. the PRA Relevant Instruments falling within paragraph 2(i) were made, issued, given or imposed by the FSA under the provisions set out in the relevant FSA Instrument;
  - ii. the PRA Relevant Instruments collectively were made, issued, given or imposed by the FSA under the provisions set out in column 1 of Schedule A to this Instrument; and
  - iii. the PRA Relevant Instruments collectively are treated as made, issued, given or imposed by the Prudential Regulation Authority under the corresponding provisions set out in column 2 of Schedule A to this Instrument.
4. In accordance with Article 2(2)(a) of the Designation Order, each PRA Relevant Instrument is treated as having been made, issued, given or imposed by the Prudential Regulation Authority.
5. As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the designation of each PRA Relevant Instrument comes into effect on 4 April 2013.
6. In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies each PRA Relevant Instrument (or part of such Instrument) as specified in Part 2 of Schedule B to this instrument.

**Citation**

7. This instrument may be cited as the Prudential Regulation Authority Handbook Designation (Correction No 1) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

4 April 2013

## Schedule A

<u>Column 1</u>	<u>Column 2</u>
<b>Provisions of the 2000 Act under which the FSA made rules</b>	<b>Corresponding provisions: Prudential Regulation Authority</b>
Section 138 (General rule-making power)	Section 137G
Section 150(2) (Actions for damages)	Section 138D(1)
Section 156 (General supplementary powers)	Section 137T

## Schedule B

### Designation of certain rules in the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

#### Part 1

<b>Provision</b>	<b>Table/row refs (for Annexes, TPs and Schedule)</b>	<b>Status letter</b>	<b>PRA designated</b>
<b>7.11.20</b>		R	<b>X</b>
<b>TP 22</b>	22.1	R	<b>X</b>
	22.2	R	<b>X</b>
	22.3	R	<b>X</b>
	22.4	R	<b>X</b>
	22.5	R	<b>X</b>
	22.6	R	<b>X</b>
	22.7	R	<b>X</b>
	22.8	R	<b>X</b>
	22.9	G	

## Part 2

This part shows the Handbook rules which have been designated by the PRA by virtue of this instrument.

In this Part, underlining indicates new text and striking through indicates deleted text. Terms in italics have the meaning given to them by the PRA Glossary.

<b>BIPRU 7.11</b>	<b>Credit Derivatives in the trading book</b>	
...		
	<b>Specific Risk Calculation</b>	
7.11.20	R	The <i>specific risk</i> portion of the <i>interest rate PRR</i> for <sup>1</sup> credit derivatives in the <i>trading book</i> must be calculated in accordance with <sup>1</sup> BIPRU 7.2.43 R to BIPRU 7.2.46A G (Specific risk calculation), BIPRU 7.2.48A R to BIPRU 7.2.48K R (Specific risk: securitisations and re-securitisations), BIPRU 7.2.48L R (Specific risk: Correlation trading portfolio), BIPRU 7.2.49 R to BIPRU 7.2.51 G (Definition of a qualifying debt security) <sup>1</sup> and the other provisions of BIPRU 7.11, as applicable.
...		
<b>BIPRU TP 22</b>	<b>Solo Consolidation</b>	
	<b>Application</b>	
22.1	R	This section applies to a <i>BIPRU firm</i> that:
	(1)	is a <i>bank</i> or <i>building society</i> ; and
	(2)	on 31 December 2006, was, in accordance with the provision of <i>IPRU</i> referred to in <i>BIPRU TP 22.2R</i> and in accordance with a concession (as defined in <i>BIPRU TP 22.8R</i> ), solo-consolidating a <i>subsidiary undertaking</i> .
22.2	R	The provisions of <i>IPRU</i> referred to in <i>BIPRU TP 22.1R</i> are:
	(1)	(in the case of a <i>bank</i> ) section 9 of chapter CS of <i>IPRU(BANK)</i> ; and
	(2)	(in the case of a <i>building society</i> ) section 1.11 of chapter 1 of volume 1 of <i>IPRU(BSOC)</i> .
	<b>Deemed solo consolidation waiver</b>	
22.3	R	A concession referred to in <i>BIPRU TP 22.1R</i> is treated as a <i>solo consolidation waiver</i> with respect to the <i>subsidiary undertaking</i> to which it relates if the <i>firm</i> notifies the <del>appropriate regulator</del> <u>FSA</u> that the <i>firm</i> wishes to apply the treatment in BIPRU 2.1 (Solo consolidation) to that <i>subsidiary undertaking</i> .
	<b>Notice to the <del>appropriate regulator</del> <u>FSA</u></b>	
22.4	R	The following requirements apply to a notice under <i>BIPRU TP 22.3R</i> :
	(1)	the <i>firm</i> must give the <del>appropriate regulator</del> <u>FSA</u> the notice on or after 1 June 2006

		and on or before 29 December 2006;
	(2)	the notice must contain details of the concession concerned;
	(3)	the notice must give the name of the <i>subsidiary undertaking</i> concerned and say where it is incorporated and has its head office; and
	(4)	the notice must say whether that <i>subsidiary undertaking</i> is a <i>body corporate</i> and state the legal form of that <i>subsidiary undertaking</i> .
<b>Limitations</b>		
22.5	R	Any condition, limitation or requirement to which a concession referred to in <i>BIPRU</i> TP 22.1R is subject continues to apply to the extent that it is compatible with <i>BIPRU</i> . In particular, if the concession was only for the purpose of large exposures it only has effect for the purposes of <i>BIPRU</i> 10 (Concentration risk) and if it was only for the purposes of capital adequacy it only has effect for the purposes of <i>GENPRU</i> 2.1.13 R (Obligation to hold capital resources equal to or greater than the capital resources requirement) or <i>GENPRU</i> 2.1.60 R (Calculation of base capital resources requirement for banks authorised before 1993).
<b>Obligation to meet other qualifying conditions</b>		
22.6	R	A <i>firm</i> with a deemed <i>solo consolidation waiver</i> under <i>BIPRU</i> TP 22.3R may not apply the treatment in <i>BIPRU</i> 2.1 (Solo consolidation) to the <i>subsidiary undertaking</i> concerned unless the conditions in <i>BIPRU</i> 2.1.20 R to <i>BIPRU</i> 2.1.24 R (Solo consolidation - Minimum standards) are met with respect to that <i>subsidiary undertaking</i> .
<b>Notification of relevance etc of concession</b>		
22.7	R	A <i>firm</i> which has the benefit of a concession that has effect under <i>BIPRU</i> TP 22.3R must notify the <del>appropriate regulator</del> <i>PRA</i> immediately if it becomes aware of any matter which is material to the relevance or appropriateness of the concession.
<b>Meaning of concession</b>		
22.8	R	A concession means for the purposes of <i>BIPRU</i> TP 22:
	(1)	a consent or approval <u>which was given</u> by the <del>appropriate regulator</del> <i>FSA</i> under the provisions of <i>IPRU(BANK)</i> or <i>IPRU(BSOC)</i> referred to in <i>BIPRU</i> TP 22.2R; and
	(2)	a concession also means for the purposes of <i>BIPRU</i> TP 22 a written concession as defined in <i>SUP</i> TP 1.4 (Grandfathering of concessions <u>which were granted</u> by the <del>appropriate regulator's</del> <i>FSA's</i> predecessor regulators: rules in the Handbook) or <i>SUP</i> TP 1.2.6A (Grandfathering of concessions <u>which were granted</u> by the <del>appropriate regulator</del> <i>FSA's</i> predecessor regulators: guidance in the Handbook) that had effect for the purposes of the provisions of <i>IPRU(BANK)</i> or <i>IPRU(BSOC)</i> referred to in <i>BIPRU</i> TP 22.2R.

**LEGAL CUTOVER (PRUDENTIAL REGULATION AUTHORITY HANDBOOK  
(MODIFICATION OF THE PRINCIPLES)) INSTRUMENT 2013**

**Interpretation**

- 1 In this Instrument (including the Recitals):
  - (1) “Designation Order” means the Financial Services Act 2012 (Transitional Provisions) (Rules and Miscellaneous Provisions) Order 2013 (SI 2013/161);
  - (2) “Prudential Regulation Authority” means the body corporate referred to in section 2A(1) of the Financial Services and Markets Act 2000 as amended by section 6 of the Financial Services Act 2012.

**Modification of the Principles for Businesses by the Prudential Regulation Authority**

- 2 In accordance with Article 3(1) of the Designation Order, the Prudential Regulation Authority modifies the Principles for Businesses (PRIN 2.1.1R) as specified in the Annex to this Instrument.
- 3 As required by Article 3(1) of the Designation Order, the Prudential Regulation Authority specifies that the modifications come into effect on 1 April 2013.

**Amendments to the Handbook**

- 4 The Principles for Businesses sourcebook (PRIN) of the PRA Handbook of rules and guidance is amended in accordance with the Annex to this instrument.

**Citation**

- 5 This instrument may be cited as the Legal Cutover (Prudential Regulation Authority Handbook (Modification of the Principles)) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

22 March 2013

## Annex

### Amendments to the Principles for Businesses sourcebook (PRIN)

In this Annex, underlining indicates new text.

#### 2.1.1 R      **The Principles**

<b>1</b> Integrity	A <i>firm</i> must conduct its business with integrity.
<b>2</b> Skill, care and diligence	A <i>firm</i> must conduct its business with due skill, care and diligence.
<b>3</b> Management and control	A <i>firm</i> must take reasonable care to organise and control its affairs responsibly and effectively, with adequate risk management systems.
<b>4</b> Financial prudence	A <i>firm</i> must maintain adequate financial resources.
<b>5</b> Market conduct	A <i>firm</i> must observe proper standards of market conduct.
<b>6</b> Customers' interests	A <i>firm</i> must pay due regard to the interests of its <i>customers</i> and treat them fairly.
<b>7</b> Communications with clients	A <i>firm</i> must pay due regard to the information needs of its <i>clients</i> , and communicate information to them in a way which is clear, fair and not misleading.
<b>8</b> Conflicts of interest	A <i>firm</i> must manage conflicts of interest fairly, both between itself and its <i>customers</i> and between a <i>customer</i> and another <i>client</i> .
<b>9</b> Customers: relationships of trust	A <i>firm</i> must take reasonable care to ensure the suitability of its advice and discretionary decisions for any <i>customer</i> who is entitled to rely upon its judgment.
<b>10</b> Clients' assets	A <i>firm</i> must arrange adequate protection for <i>clients'</i> assets when it is responsible for them.
<b>11</b> Relations with regulators	A <i>firm</i> must deal with its regulators in an open and cooperative way, and must disclose to the <i>appropriate regulator</i> appropriately anything relating to the <i>firm</i> of which that regulator would reasonably expect notice.
<u>Note: The PRA applies Principles 1 to 4, 8 and 11 only.</u>	

**FINANCIAL CONGLOMERATES DIRECTIVE (HANDBOOK AMENDMENTS)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137E (The PRA’s general rules); and
  - (2) section 137R (General supplementary powers).
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 10 June 2013.

**Amendments to the PRA Handbook**

- D. The modules of the PRA Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
Glossary of definitions	Annex A
General Prudential sourcebook (GENPRU)	Annex B
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex C
Prudential sourcebook for Insurers (INSPRU)	Annex D
Interim Prudential sourcebook for Insurers (IPRU(INS))	Annex E
Supervision manual (SUP)	Annex F

**Citation**

- F. This instrument may be cited as the Financial Conglomerates Directive (Handbook Amendments) Instrument 2013.

By order of the Board of the Prudential Regulation Authority  
29 May 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

<i>alternative investment fund manager</i>	a manager of alternative investment funds within the meaning of Article 4(1)(b), (l) and (ab) of Directive 2011/61/EU or an <i>undertaking</i> which is outside the <i>EEA</i> and which would require authorisation in accordance with Directive 2011/61/EU if it had its registered office within the <i>EEA</i> .
<i>EEA parent mixed financial holding company</i>	(in accordance with Article 4(17a) of the <i>Banking Consolidation Directive</i> (Definitions)) a <i>parent mixed financial holding company in a Member State</i> which is not a <i>subsidiary undertaking</i> of an <i>institution</i> authorised in any <i>EEA State</i> or of another <i>financial holding company</i> or <i>mixed financial holding company</i> established in any <i>EEA State</i> .
<i>FICOD 1</i>	the European Parliament and Council Directive amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC regarding the supplementary supervision of financial entities in a financial conglomerate (No 2011/89/EU).
<i>MFHC conglomerate</i>	a <i>financial conglomerate</i> which is headed by a <i>mixed financial holding company</i> .
<i>parent mixed financial holding company in a Member State</i>	(in accordance with Article 4(15a) of the <i>Banking Consolidation Directive</i> (Definitions)) a <i>mixed financial holding company</i> which is not itself a <i>subsidiary undertaking</i> of an <i>institution</i> authorised in the same <i>EEA State</i> , or of a <i>financial holding company</i> or <i>mixed financial holding company</i> established in the same <i>EEA State</i> .
<i>ultimate EEA mixed financial holding company</i>	a <i>mixed financial holding company</i> which has its head office in an <i>EEA State</i> and which is not itself the <i>subsidiary undertaking</i> of another <i>mixed financial holding company</i> , <i>insurance parent undertaking</i> or <i>financial holding company</i> which has its head office in an <i>EEA State</i> .
<i>ultimate mixed financial holding company</i>	a <i>mixed financial holding company</i> which is not itself the <i>subsidiary undertaking</i> of another <i>mixed financial holding company</i> , <i>insurance parent undertaking</i> , or <i>financial holding company</i> .

Amend the following definitions as shown.

<i>conglomerate capital resources</i>	(in relation to a <i>financial conglomerate</i> with respect to which <i>GENPRU 3.1.29R</i> (Application of <del>methods</del> <u>method 1; or 2 or 3</u> from Annex I of the <i>Financial Groups Directive</i> ) applies) capital resources as defined in whichever of paragraphs 1.1; <u>or 2.1 or 3.1</u> of <i>GENPRU 3 Annex 1R</i> (Capital adequacy calculations for financial conglomerates) applies with respect to that <i>financial conglomerate</i> .
<i>conglomerate capital resources requirement</i>	(in relation to a <i>financial conglomerate</i> with respect to which <i>GENPRU 3.1.29R</i> (Application of <del>methods</del> <u>method 1; or 2 or 3</u> from Annex I of the <i>Financial Groups Directive</i> ) applies) the capital resources requirement defined in whichever of paragraphs 1.3; <u>or 2.4 or 3.3</u> of <i>GENPRU 3 Annex 1R</i> (Capital adequacy calculations for financial conglomerates) applies with respect to that <i>financial conglomerate</i> .
<i>EEA parent financial holding company</i>	(in accordance with Article 4(17) of the <i>Banking Consolidation Directive</i> and Article 3 of the <i>Capital Adequacy Directive</i> (Definitions)) a <i>parent financial holding company in a Member State</i> which is not a <i>subsidiary undertaking</i> of an <i>institution</i> authorised in any <i>EEA State</i> or of another <i>financial holding company</i> <u>or mixed financial holding company set-up</u> established in any <i>EEA State</i> .
<i>EEA parent institution</i>	(in accordance with Article 4(16) of the <i>Banking Consolidation Directive</i> and Article 2 of the <i>Capital Adequacy Directive</i> (Definitions)) a <i>parent institution in a Member State</i> which is not a <i>subsidiary undertaking</i> of another <i>institution</i> authorised in any <i>EEA State</i> , or of a <i>financial holding company</i> <u>or mixed financial holding company set-up</u> established in any <i>EEA State</i> .
<i>insurance sector</i>	a sector composed of one or more of the following entities: <ul style="list-style-type: none"> <li>(a) an <del>insurance undertaking</del> <u>insurance undertaking</u>;</li> <li>(b) an <i>insurance holding company</i>; and</li> <li>(c) (in the circumstances described in <i>GENPRU 3.1.39R</i> (The financial sectors: Asset management companies <u>and alternative investment fund managers</u>)) an <i>asset management company</i> <u>or an alternative investment fund manager</u>.</li> </ul>
<i>investment services sector</i>	a sector composed of one or more of the following entities: <ul style="list-style-type: none"> <li>(a) an <i>investment firm</i>;</li> <li>(b) a <i>financial institution</i>; and</li> <li>(c) (in the circumstances described in <i>GENPRU 3.1.39R</i></li> </ul>

(The financial sectors: Asset management companies and alternative investment fund managers)) an asset management company or an alternative investment fund manager.

*mixed financial holding company*

(in accordance with Article 2(15) of the *Financial Groups Directive* (Definitions)) a *parent undertaking*, other than a *regulated entity*, which meets the following conditions:

- (a) it, together with its *subsidiary undertakings*, at least one of which is an *EEA regulated entity*, and other entities, constitutes a *financial conglomerate*;
- (b) it has been notified by its *coordinator* that its group is a *financial conglomerate* in accordance with Article 4(2) of the *Financial Groups Directive*; and
- (c) it has not been notified that its *coordinator* and other *relevant competent authorities* have agreed not to treat the group as a *financial conglomerate* in accordance with Article 3(3) or Article 3(3a) of the *Financial Groups Directive*.

*parent financial holding company in a Member State*

(in accordance with Article 4(15) of the *Banking Consolidation Directive* (Definitions) and Article 3 of the *Capital Adequacy Directive* (Definitions)) a *financial holding company* which is not itself a *subsidiary undertaking* of an *institution* authorised in the same *EEA State*, or of a *financial holding company* or mixed financial holding company ~~set-up~~ established in the same *EEA State*.

*parent institution in a Member State*

(in accordance with Article 4(14) of the *Banking Consolidation Directive* and Article 3 of the *Capital Adequacy Directive* (Definitions)) an *institution* which has an *institution* or a *financial institution* as a *subsidiary undertaking* or which holds a *participation* in such an *institution*, and which is not itself a *subsidiary undertaking* of another *institution* authorised in the same *EEA State*, or of a *financial holding company* or mixed financial holding company ~~set-up~~ established in the same *EEA State*.

*regulated entity*

one of the following:

...

An *asset management company* is treated as a regulated entity for the purposes described in *GENPRU* 3.1.39R (The financial sectors: *asset management companies*).

An alternative investment fund manager is treated as a regulated entity for the purposes described in *GENPRU* 3.1.39R (The financial sectors: alternative investment fund managers).

*regulated related undertaking*

a *related undertaking* that is any of the following:

- (a) a *regulated entity*; or
- (b) an *insurance undertaking* which is not a *regulated insurance entity*; or
- (c) an *asset management company*; or
- (d) a *financial institution* which is neither a *credit institution* nor an *investment firm*; or
- (e) a *financial holding company*; or
- (f) an *insurance holding company*; or
- (g) a *mixed financial holding company*.

*risk concentration*

(in accordance with Article 2(19) of the *Financial Groups Directive* (Definitions)) all risk exposures with a loss potential ~~borne by entities within a *financial conglomerate*, which ~~are~~ is large enough to threaten the solvency or the financial position in general of the *regulated entities* in the *financial conglomerate*;~~ whether such exposures ~~may be~~ are caused by counterparty risk, ~~credit risk~~, investment risk, insurance risk, market risk, other risks, or a combination or interaction of these risks.

*UK regulated EEA financial conglomerate*

a *financial conglomerate* (other than a *third-country financial conglomerate*) that satisfies one of the following conditions:

- (a) ~~GENPRU 3.1.26 or~~ GENPRU 3.1.29R (Capital adequacy calculations for *financial conglomerates*) applies with respect to it; or
- (b) a *firm* that is a member of that *financial conglomerate* is subject to obligations imposed through its *Part 4A permission* to ensure that *financial conglomerate* meets levels of capital adequacy based or stated to be based on Annex I of the *Financial Groups Directive*.

## Annex B

## Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

3.1.1 R ...

- (3) ~~GENPRU 3.1.25R (Capital adequacy requirements: high level requirement), GENPRU 3.1.26R (Capital adequacy requirements: application of Method 4 from Annex I of the Financial Groups Directive), GENPRU 3.1.29R (Capital adequacy requirements: application of Methods 1, 2 or 3 from Annex I of the Financial Groups Directive) and GENPRU 3.1.35R (Risk concentration and intra group transactions: the main rule) do not apply with respect to a third-country financial conglomerate.~~

...

Introduction: identifying a financial conglomerate

3.1.3 G ...

- (10) If a mixed financial holding company is subject to equivalent provisions under BIPRU 8 (Group risk consolidation) and under GENPRU 3 (Cross sector groups) and the appropriate regulator is the coordinator, the appropriate regulator may, on application by a firm and after consulting other competent authorities responsible for the supervision of subsidiaries, disapply such provisions of BIPRU 8 with regard to the mixed financial holding company and apply only the relevant provisions of GENPRU 3 to the mixed financial holding company.

...

Definition of financial conglomerate: discretionary changes to the definition

3.1.13 G Articles 3(3) to 3(6), Article 5(4) and Article 6(5) of the *Financial Groups Directive* allow *competent authorities*, on a case by case basis, to:

- (1) change the definition of *financial conglomerate* and the obligations applying with respect to a *financial conglomerate* (which would include, where the appropriate regulator would be the coordinator under GENPRU 3.1.3G(6), permitting firms to apply, on an annual basis and subject to publication and notification to the relevant competent authorities, for a group of which it is a member not to be regarded as a financial conglomerate on the basis of Article 3(3) of the Financial Groups Directive (for a group that, in terms of the tests in GENPRU 3 Annex 4R, does not meet Threshold Test 2 but meets Threshold Test 3) or Article 3(3a) of the Financial Groups

Directive (for a group that, in terms of the tests in GENPRU 3 Annex 4R, meets Threshold Test 2 but not Threshold Test 3);

...

...

- 3.1.17 G Annex I of the *Financial Groups Directive* lays down ~~four~~ three methods for calculating capital adequacy at the level of a *financial conglomerate*. Those ~~four~~ three methods are implemented as follows:

...

- (3) ~~Method 3 calculates capital adequacy using book values and the deduction of capital requirements. It is implemented by GENPRU 3.1.29R to GENPRU 3.1.31R and Part 3 of GENPRU 3 Annex 1R. [deleted]~~
- (4) ~~Method 4~~ Method 3 consists of a combination of Methods ~~1, 2 and 3~~ 1 and 2 from Annex I of the *Financial Groups Directive*, ~~or a combination of two of those Methods. It is implemented by GENPRU 3.1.26R to GENPRU 3.1.28R, GENPRU 3.1.30R and Part 4 of GENPRU 3 Annex 1 and would be implemented by means of a requirement.~~

- 3.1.18 G Part 4 of GENPRU 3 Annex 1R (Use of Method 4 from Annex I of the *Financial Groups Directive*) applies the ~~appropriate regulator's sectoral rules with respect to the financial conglomerate as a whole, with some adjustments. Where Part 4 of GENPRU 3 Annex 1R applies the appropriate regulator's sectoral rules for:~~

- (1) ~~the insurance sector, that involves a combination of Methods 2 and 3; and~~
- (2) ~~the banking sector and the investment services sector, that involves a combination of Methods 1 and 3. [deleted]~~

...

- 3.1.20 G (1) ~~In the following cases, the appropriate regulator (acting as coordinator) may choose which of the four methods for calculating capital adequacy laid down in Annex I of the *Financial Groups Directive* should apply:~~
- (a) ~~where a financial conglomerate is headed by a regulated entity that has been authorised by the appropriate regulator;~~  
~~or~~
- (b) ~~the only relevant competent authority for the financial conglomerate is the appropriate regulator. [deleted]~~

- (2) ~~GENPRU 3.1.28R automatically applies Method 4 from Annex I of the *Financial Groups Directive* in these circumstances except in the cases set out in *GENPRU 3.1.28R(1)(e)* and *GENPRU 3.1.28R(1)(f)*. The process in *GENPRU 3.1.22G* does not apply. [deleted]~~
- 3.1.21 G ~~Where *GENPRU 3.1.20G* does not apply, the The Annex I method to be applied is may be decided by the *coordinator* after consultation with the *relevant competent authorities* and the *financial conglomerate* itself. Where the *appropriate regulator* acts as *coordinator*, the *financial conglomerate* itself may choose which of Method 1 or Method 2 from Annex I it will apply, unless the *firm* is subject to a *requirement obliging the firm to apply a particular method*.~~
- 3.1.22 G ~~The method of calculating capital adequacy chosen in respect of a *financial conglomerate* as described in *GENPRU 3.1.21G* will be applied with respect to that *financial conglomerate* by varying the *Part 4A permission* of a *firm* in that *financial conglomerate* to include a *requirement*. That *requirement* will have the effect of obliging the *firm* to ensure that the *financial conglomerate* has capital resources of the type and amount needed to comply with whichever of the methods in *GENPRU 3 Annex 1R* is to be applied with respect to that *financial conglomerate*. The powers in the *Act* relating to *waiivers* and varying a *firm's Part 4A permission* can be used to implement one of the methods from Annex I of the *Financial Groups Directive* in a way that is different from that set out in *GENPRU 3.1* and *GENPRU 3 Annex 1R* if that is necessary to reflect the consultations referred to in *GENPRU 3.1.21G*. [deleted]~~
- 3.1.23 G ~~If there is more than one *firm* in a *financial conglomerate* with a *Part 4A permission*, the *appropriate regulator* would not normally expect to apply the *requirement* described in *GENPRU 3.1.22G* to all of them. Normally it will only be necessary to apply it to one. [deleted]~~
- 3.1.24 G ~~The *appropriate regulator* expects that in all or most cases falling into *GENPRU 3.1.21G*, the *rules* in Part 4 of *GENPRU 3 Annex 1R* will be applied. [deleted]~~
- ...
- Capital adequacy requirements: application of Method 4 from Annex I of the *Financial Groups Directive*
- 3.1.26 G ~~If this *rule* applies under *GENPRU 3.1.27R* to a *firm* with respect to a *financial conglomerate* of which it is a member, the *firm* must at all times have capital resources of an amount and type:~~
- (1) ~~that ensure that the *financial conglomerate* has capital resources of an amount and type that comply with the *rules* applicable with respect to that *financial conglomerate* under Part 4 of *GENPRU 3 Annex 1R* (as modified by that annex); and~~

(2) ~~that as a result ensure that the *firm* complies with those *rules* (as so modified) with respect to that *financial conglomerate*. [deleted]~~

3.1.27 R ~~*GENPRU* 3.1.26R applies to a *firm* with respect to a *financial conglomerate* of which it is a member if one of the following conditions is satisfied:~~

(1) ~~the condition in *GENPRU* 3.1.28R is satisfied; or~~

(2) ~~this *rule* is applied to the *firm* with respect to that *financial conglomerate* as described in *GENPRU* 3.1.30R. [deleted]~~

Capital adequacy requirements: compulsory application of Method 3 from Annex I of the Financial Groups Directive

3.1.28 R (1) ~~The condition in this *rule* is satisfied for the purpose of *GENPRU* 3.1.27R(1) with respect to a *firm* and a *financial conglomerate* of which it is a member (with the result that *GENPRU* 3.1.26R automatically applies to that *firm*) if:~~

(a) ~~notification has been made in accordance with regulation 2 of the *Financial Groups Directive Regulations* that the *financial conglomerate* is a *financial conglomerate* and that the *appropriate regulator* is *coordinator* of that *financial conglomerate*;~~

(b) ~~the *financial conglomerate* is not part of a wider *UK regulated EEA financial conglomerate*;~~

(c) ~~the *financial conglomerate* is not an *UK regulated EEA financial conglomerate* under another *rule* or under paragraph (b) of the definition of *UK regulated EEA financial conglomerate* (application of supplementary supervision through a *firm's Part 4A permission*);~~

(d) ~~one of the following conditions is satisfied:~~

(i) ~~the *financial conglomerate* is headed by a *regulated entity* that is a *UK domestic firm*; or~~

(ii) ~~the only *relevant competent authority* for that *financial conglomerate* is the *appropriate regulator*;~~

(e) ~~this *rule* is not disappplied under paragraph 5.7 of *GENPRU* 3 Annex 1R (No capital ties); and~~

(f) ~~the *financial conglomerate* meets the condition set out in the box titled Threshold Test 2 (10% average of balance sheet and solvency requirements) in the *financial conglomerate definition decision tree*. [deleted]~~

(2) ~~Once *GENPRU* 3.1.26R applies to a *firm* with respect to a *financial*~~

~~conglomerate of which it is a member under GENPRU 3.1.27R(1), (1)(f) ceases to apply with respect to that financial conglomerate. Therefore the fact that the financial conglomerate subsequently ceases to meet the condition in (1)(f) does not mean that the condition in this rule is not satisfied. [deleted]~~

Capital adequacy requirements: application of ~~Methods~~ Method 1; or 2 or 3 from Annex I of the Financial Groups Directive

3.1.29 R If, with respect to a firm and a financial conglomerate of which it is a member, this rule ~~is applied~~ applies under GENPRU 3.1.29AR to the firm with respect to that financial conglomerate as described in GENPRU 3.1.30R, the firm must at all times have capital resources of an amount and type that ensures that the conglomerate capital resources of that financial conglomerate at all times equal or exceed its conglomerate capital resources requirement.

3.1.29A R GENPRU 3.1.29R applies to a firm with respect to the financial conglomerate of which it is a member if notification has been made in accordance with regulation 2 of the Financial Groups Directive Regulations that the financial conglomerate is a financial conglomerate and that the appropriate regulator is coordinator of that financial conglomerate.

Capital adequacy requirements: use of ~~Part 4A permission~~ requirement to apply Annex I of the Financial Groups Directive

3.1.30 R ~~With respect to a firm and a financial conglomerate of which it is a member~~ If GENPRU 3.1.29R (application of Method 1 or 2 from Annex I of the Financial Groups Directive) applies to a firm with respect to the financial conglomerate of which it is a member, then with respect to the firm and the financial conglomerate:

- (1) ~~GENPRU 3.1.26R (Method 4 from Annex I of the Financial Groups Directive) is applied to the firm with respect to that financial conglomerate for the purposes of GENPRU 3.1.27R(2); or the definitions of conglomerate capital resources and conglomerate capital resources requirement that apply for the purposes of that rule are the ones from whichever of Part 1 or Part 2 of GENPRU 3 Annex 1R the firm has indicated to the appropriate regulator it will apply, unless the firm is subject to a requirement obliging the firm to apply a specific part of GENPRU 3 Annex 1R, in which case GENPRU 3.1.31R will apply; and~~
- (2) ~~GENPRU 3.1.29R (Methods 1 to 3 from Annex I of the Financial Groups Directive) is applied to the firm with respect to that financial conglomerate; the firm must indicate to the appropriate regulator in advance which Part of GENPRU 3 Annex 1R the firm intends to apply.~~

~~if the firm's Part 4A permission contains a requirement obliging the firm to comply with GENPRU 3.1.26R or, as the case may be, GENPRU 3.1.29R.~~

- 3.1.31 R If *GENPRU 3.1.29 R* (~~application of Methods Method 1-3 or 2~~ from Annex I of the *Financial Groups Directive*) applies to a *firm* with respect to a *financial conglomerate* of which it is a member, and the firm is subject to a requirement obliging the firm to apply a specific part of *GENPRU 3 Annex 1R*, the definitions of *conglomerate capital resources* and *conglomerate capital resources requirement* that apply for the purposes of that rule are the ones from whichever of Part 1, or Part 2 ~~or Part 3~~ of *GENPRU 3 Annex 1R* is specified in the *requirement referred to in *GENPRU 3.1.30R**.

...

The financial sectors: asset management companies and alternative investment fund managers

- 3.1.39 R (1) In accordance with ~~Article~~ Articles 30 and 30a of the *Financial Groups Directive* (Asset management companies and Alternative investment fund managers), this rule deals with the inclusion of an asset management company or an alternative investment fund manager that is a member of a *financial conglomerate* in the scope of regulation of *financial conglomerates*. ~~This rule does not apply to the definition of financial conglomerate.~~
- (2) An asset management company or an alternative investment fund manager is in the overall *financial sector* and is a *regulated entity* for the purpose of:
- (a) ~~*GENPRU 3.1.26R*~~ *3.1.29R* to *GENPRU 3.1.36R*;
- ...
- (3) In the case of a *financial conglomerate* for which the *appropriate regulator* is the *coordinator*, all asset management companies and all alternative investment fund managers must be allocated to one financial sector to which they belong for the purposes in (2), being either the *investment services sector* or the *insurance sector*. But if that choice has not been made in accordance with (4) and notified to the *appropriate regulator* in accordance with (4)(d), an asset management company or an alternative investment fund manager must be allocated to the ~~*investment services sector*~~ smallest financial sector.
- (4) The choice in (3):
- (a) ....
- (b) applies to all asset management companies and all alternative investment fund managers that are members of the *financial conglomerate* from time to time;

...

...

...

### 3 Annex 1R Capital adequacy calculations for financial conglomerates (GENPRU 3.1.26R and GENPRU 3.1.29R)

...

3. Table: PART 3: Method 3 of Annex I of the Financial Groups Directive (Book value/Requirement Method) [deleted]

Capital resources	3.1	The <i>conglomerate capital resources</i> of a <i>financial conglomerate</i> calculated in accordance with this Part are equal to the capital resources of the <i>person</i> at the head of the <i>financial conglomerate</i> that qualify under paragraph 3.2.
-	3.2	The elements of capital that qualify for the purposes of paragraph 3.1 are those that qualify in accordance with the <i>applicable sectoral rules</i> . In particular, the portion of the <i>conglomerate capital resources requirement</i> attributable to a particular member of a <i>financial sector</i> must be met by capital resources that would be eligible under the <i>sectoral rules</i> that apply to the calculation of its <i>solo capital resources</i> .
Capital resources requirement	3.3	The <i>conglomerate capital resources requirement</i> of a <i>financial conglomerate</i> calculated in accordance with this Part is equal to the sum of the following amounts for each member of the <i>overall financial sector</i> : (1) (in the case of the <i>person</i> at the head of the <i>financial conglomerate</i> ) its <i>solo capital resources requirement</i> ; (2) (in the case of any other member) the higher of the following two amounts: (a) its <i>solo capital resources requirement</i> ; and (b) the book value of the interest of the <i>person</i> at the head of the <i>financial conglomerate</i> in that member.
-	3.4	A <i>participation</i> may be valued using the equity method of accounting.
Partial inclusion	3.5	The capital resources requirement of a member of the <i>financial conglomerate</i> in the <i>overall financial sector</i> must be included proportionally. If however the member has a <i>solvency deficit</i> and is a <i>subsidiary undertaking</i> , it must be included in full.
Accounts	3.6	The information required for the purpose of establishing whether or not a <i>firm</i> is complying with GENPRU 3.1.29R (insofar as the definitions in this Part are applied for the purpose of that <i>rule</i> ) must be based on the individual accounts

		of members of the <i>financial conglomerate</i> , together with such other sources of information as appropriate.
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4 Table: PART 4: Method 4 of Annex I of the Financial Groups Directive (Combination of Methods 1, 2 and 3) [deleted]

Applicable sectoral rules	4.1	The <i>rules</i> that apply with respect to a particular <i>financial conglomerate</i> under <i>GENPRU 3.1.26R</i> are those relating to capital adequacy and solvency set out in the table in paragraph 4.2.
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5 Table: Paragraph 4.2: Application of sectoral consolidation rules [deleted]

Type of financial conglomerate	Applicable sectoral consolidation rules
<i>Banking and investment services conglomerate</i>	<i>BIPRU 8</i> and <i>BIPRU TP</i> , subject to paragraph 4.5.
<i>Insurance conglomerate</i>	<i>INSPRU 6.1</i> amended in accordance with Part 5.

6 Table

Types of financial conglomerate	4.3	(1) This paragraph sets out how to determine the category of <i>financial conglomerate</i> for the purposes of paragraphs 4.1 and 4.2.  ...
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...

8 Table: PART 5: Principles applicable to all methods

...		
Application of sectoral rules: Banking sector and investment services sector	5.6	The following adjustments apply to the <i>applicable sectoral rules</i> for the <i>banking sector</i> and the <i>investment services sector</i> as they are applied by the <i>rules</i> in this annex.  (1) References in those <i>rules</i> to <i>non-EEA sub-groups</i> do not apply.  (2) (For the purposes of Parts 1 <del>to 3</del> and 2), where those <i>rules</i> require a group to be treated as if it were a single <i>undertaking</i> , those <i>rules</i> apply to the <i>banking sector</i> and <i>investment services</i>

		<p><i>sector</i> taken together.</p> <p>(3) Any <i>investment firm consolidation waivers</i> granted to members of the <i>financial conglomerate</i> do not apply.</p> <p>(4) (For the purposes of <del>Parts 1 to 4</del> <u>Part 3</u>), without prejudice to the application of requirements in <i>BIPRU 8</i> preventing the use of an <i>advanced prudential calculation approach</i> on a consolidated basis, any <i>advanced prudential calculation approach permission</i> that applies for the purpose of <i>BIPRU 8</i> does not apply.</p> <p>(5) (For the purposes of <del>Parts 1 to 4</del> <u>Part 3</u>), <i>BIPRU 8.5.9R</i> and <i>BIPRU 8.5.10R</i> do not apply.</p> <p>(6) (For the purposes of <del>Parts 1 to 4</del> <u>Part 3</u>), where the <i>financial conglomerate</i> does not include a <i>credit institution</i>, the method in <i>GENPRU 2 Annex 4R</i> must be used for calculating the capital resources and <i>BIPRU 8.6.8R</i> does not apply.</p>
No capital ties	5.7	<p>(1) This <i>rule</i> deals with a <i>financial conglomerate</i> in which some of the members are not linked by capital ties at the time of the notification referred to in <i>GENPRU 3.1.28R(1)</i> (Capital adequacy requirements: <del>Compulsory application of Method 4 from</del> <u>Application of Annex I of the Financial Groups Directive</u>).</p> <p>(2) If:</p> <p>(a) <i>GENPRU 3.1.26R</i> (Capital adequacy requirements: <del>Application of Method 4 from</del> <u>Application of Annex I of the Financial Groups Directive</u>) would otherwise apply with respect to a <i>financial conglomerate</i> under <i>GENPRU 3.1.28R</i>; and</p> <p>(b) all members of that <i>financial conglomerate</i> are linked directly or indirectly with each other by capital ties except for members that collectively are of negligible interest with respect to the objectives of supplementary supervision of <i>regulated entities</i> in a <i>financial conglomerate</i> (the "peripheral members");</p> <p>...</p>

9 Table: PART 6: Definitions used in this Annex

Defining the financial sectors	6.1	<p>For the purposes of <del>Parts 1 to 3</del> <u>1 and 2</u> of this annex (<del>but, not for the purposes of the definition of <i>most important financial sector</i></del>):</p> <p>(1) an <i>asset management company</i> is allocated in</p>
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		<p>accordance with <i>GENPRU</i> 3.1.39R; <del>and</del></p> <p>(2) <u>an <i>alternative investment fund manager</i> is allocated in accordance with <i>GENPRU</i> 3.1.39R; and</u></p> <p>(3) <u>a <i>mixed financial holding company</i> must be treated as being a member of the <i>most important financial sector</i>.</u></p>
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...

## Annex C

### Amendments to the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1 Application

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#### 1.3 Applications for advanced approaches and waivers

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##### Article 129

1.3.3 G An EEA parent institution and its subsidiary undertakings or the subsidiary undertakings of its EEA parent financial holding company or the subsidiary undertakings of its EEA parent mixed financial holding company that wish to use any of the approaches listed in BIPRU 1.3.2G(1) in respect of its group, including members of its group that are BIPRU firms, may apply for an Article 129 permission.

1.3.4 G The Article 129 procedure allows an EEA parent institution and its subsidiary undertakings or the subsidiary undertakings of its EEA parent financial holding company or the subsidiary undertakings of its EEA parent mixed financial holding company to apply for permission to use the approaches in BIPRU 1.3.2G(1) without making separate applications to the competent authority of each EEA State where members of a firm's group are authorised.

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1.3.8 D When an advanced measurement approach is intended to be used by an EEA parent institution and its subsidiary undertakings or the subsidiary undertakings of an EEA parent financial holding company or an EEA parent mixed financial holding company, the application of a firm must include a description of the methodology used for allocating operational risk capital between the different entities of the group.

[Note: BCD ~~annex~~ Annex X Part 3 point 30]

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#### 3 Standardised credit risk

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### 3.2 The central principles of the standardised approach to credit risk

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Zero-risk weighting for intra-group exposures: core UK group

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3.2.25 R (1) Subject to *BIPRU* 3.2.35R, and with the exception of *exposures* giving rise to liabilities in the form of the items referred to in *BIPRU* 3.2.26R, a *firm* is not required to comply with *BIPRU* 3.2.20R (Calculation of risk weighted exposures amounts under the standardised approach) in the case of the *exposures* of the *firm* to a counterparty which is its *parent undertaking*, its *subsidiary undertaking* or a *subsidiary undertaking* of its *parent undertaking*, provided that the following conditions are met:

- (a) the counterparty is:
  - (i) a *core concentration risk group counterparty*; and
  - (ii) an *institution, financial holding company, mixed financial holding company, financial institution, asset management company or ancillary services undertaking* subject to appropriate prudential requirements;

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### 4.2 The IRB approach: High level material

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General approach to granting an IRB permission

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4.2.3 R Where an *EEA parent institution* and its *subsidiary undertakings* or an *EEA parent financial holding company* and its *subsidiary undertakings* or an *EEA parent mixed financial holding company* and its *subsidiary undertakings* use the *IRB approach* on a unified basis, the question whether the *minimum IRB standards* are met is answered by considering the *parent undertaking* and its *subsidiary undertakings* together, unless the *firm's IRB permission* specifies otherwise.

...

...

Combined use of methodologies: Basic provisions

4.2.26 R ...

- (6) *A firm may apply the standardised approach to exposures of a firm to a counterparty which is its parent undertaking, its subsidiary undertaking or a subsidiary undertaking of its parent undertaking, provided that the counterparty is an institution, a financial holding company, a mixed financial holding company, a financial institution, an asset management company or an ancillary services undertaking subject to appropriate prudential requirements.*

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## 6 Operational risk

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### 6.5 Operational risk: Advanced measurement approaches

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Use of an advanced approach on a groupwide basis

- 6.5.31 R Where an *EEA parent institution* and its *subsidiary undertakings* or an *EEA parent financial holding company* and its *subsidiary undertakings* or an EEA parent mixed financial holding company and its subsidiary undertakings use an *advanced measurement approach* on a unified basis for the *parent undertaking* and its *subsidiary undertakings*, the qualifying criteria set out in *BIPRU 6.5* may be met by the *parent undertaking* and its *subsidiary undertakings* considered together where permitted by the *AMA permission*.

...

- 6.5.32 G Where the *AMA* is used on a unified basis for the *parent undertaking* and its *subsidiary undertakings*, and approval and reporting of the *AMA* are carried out at the group level, the qualifying criteria in *BIPRU 6.5* may be met if:

- (1) the *subsidiary undertakings* have delegated to the *governing body* or *designated committee* of the *EEA parent institution* or *EEA parent financial holding company* or EEA parent mixed financial holding company responsibility for approval of the *AMA*;
- (2) the *governing body* or *designated committee* of the *EEA parent institution* or *EEA parent financial holding company* or EEA parent

mixed financial holding company approves either:

...

...

## 8 Group risk consolidation

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### 8.2 Scope and basic consolidation requirements for UK consolidation groups

Main consolidation rule for UK consolidation groups

- 8.2.1 R A *firm* that is a member of a *UK consolidation group* must comply, to the extent and in the manner prescribed in *BIPRU* 8.5, with the obligations laid down in *GENPRU* 1.2 (Adequacy of financial resources), the *main BIPRU firm Pillar 1 rules* (but not the *base capital resources requirement*) and *BIPRU* 10 (Large exposures requirements) on the basis of the consolidated financial position of:

...

- (2) where either Test 1C or Test 1D in *BIPRU* 8 Annex 1R apply, the *parent financial holding company in a Member State* or the parent mixed financial holding company in a Member State.

...

Definition of UK consolidated group

- 8.2.4 R A *firm's UK consolidation group* means a group that is identified as a *UK consolidation group* in accordance with the decision tree in *BIPRU* 8 Annex 1R (Decision tree identifying a UK consolidation group); the members of that group are:

- (1) ...

- (2) where either Test 1C or Test 1D in *BIPRU* 8 Annex 1R apply, the members of the *consolidation group* made up of the *sub-group* of the *parent financial holding company in a Member State* or the parent mixed financial holding company in a Member State identified in *BIPRU* 8 Annex 1R together with any other *person* who is a member of that *consolidation group* because of a *consolidation Article 12(1) relationship* or an *Article 134 relationship*;

in each case only *persons* included under *BIPRU* 8.5 (Basis of consolidation) are included in the *UK consolidation group*.

...

### 8.3 Scope and basic consolidation requirements for non-EEA sub-groups

Main consolidation rule for non-EEA sub-groups

- 8.3.1 R (1) *A BIPRU firm that is a subsidiary undertaking of a BIPRU firm or of a financial holding company or of a mixed financial holding company must apply the requirements laid down in GENPRU 1.2 (Adequacy of financial resources), the main BIPRU firm Pillar 1 rules (but not the base capital resources requirement) and BIPRU 10 (Large exposures requirements) on a sub-consolidated basis if the BIPRU firm, or the parent undertaking where it is a financial holding company or a mixed financial holding company, have a third country banking or investment services undertaking as a subsidiary undertaking or hold a participation in such an undertaking.*

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...

### 8.5 Basis of consolidation

Undertakings to be included in consolidation

- 8.5.1 R *A firm must include only the following types of undertaking in a UK consolidation group or non-EEA sub-group for the purposes of this chapter:*

...

- (5) *a financial holding company; and*
- (6) *a mixed financial holding company; and*
- (7) *an ancillary services undertaking.*

...

## 8 Annex 4G Text of Articles 125 and 126 of the Banking Consolidation Directive

Article 125	
1.	...
2.	Where the parent of a credit institution is a parent financial holding company in a Member State, <u>a parent mixed financial holding company in a Member State</u> <del>or an EU parent financial holding company;</del> <u>or an EU parent mixed financial holding company,</u> supervision on a consolidated basis shall be exercised by the competent authorities that authorised that credit institution under Article 6.
Article 126	
1.	Where credit institutions authorised in two or more Member States have as their parent the same parent financial holding company in a Member State, <u>the same mixed parent financial holding company in a Member State,</u> <del>or the same EU parent financial holding company</del> <u>or the same EU parent mixed financial holding company,</u> supervision on a consolidated basis shall be exercised by the competent authorities of the credit institution authorised in the Member State in which the financial holding company <del>was set up</del> <u>or mixed financial holding company is established.</u>
	Where the parents of credit institutions authorised in two or more Member States comprise more than one financial holding company <u>or mixed financial holding company which have their</u> <del>with</del> head offices in different Member States and there is a credit institution in each of these States, supervision on a consolidated basis shall be exercised by the competent authority of the credit institution with the largest balance sheet total.
2.	Where more than one credit institution authorised in the <del>Community</del> <u>Union</u> has as its parent the same financial holding company <u>or the same mixed financial holding company</u> and none of these credit institutions has been authorised in the Member State in which the financial holding company <u>or the mixed financial holding company is established</u> <del>was set up,</del> supervision on a consolidated basis shall be exercised by the competent authority that authorised the credit institution with the largest balance sheet total, which shall be considered, for the purposes of this Directive, as the credit institution controlled by an EU parent financial holding company <u>or an EU parent mixed financial holding company.</u>
3.	In particular cases, the competent authorities may by common agreement waive the criteria referred to in paragraphs 1 and 2 if their application would be inappropriate, taking into account the credit institutions and the relative importance of their activities in different countries, and appoint a different competent authority to exercise supervision on a consolidated basis. In these cases, before taking their decision, the competent authorities shall give the EU parent credit institution, <del>or EU parent financial holding company,</del> <u>the EU parent mixed financial holding company,</u> or credit institution with the largest balance sheet total, as appropriate, an opportunity to state its opinion on that decision.
4.	[Omitted]
Note	...

	(4a)	a reference to a EU parent mixed financial holding company should be read as being one to an <i>EEA parent mixed financial holding company</i> ;
	...	...
		Parent financial holding company in a Member State, <del>and</del> financial holding company, <u>parent mixed financial holding company in a Member State and mixed financial holding company</u> have the same meaning as they do in the <i>Glossary</i> .

...

## 9            **Securitisation**

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### 9.15        **Requirements for investors**

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Retention of net economic interest

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9.15.7      R     Subject to *BIPRU* 9.15.8R, where an *EEA* parent ~~credit institution~~ credit institution, ~~or an *EEA* financial holding company~~ parent financial holding company or an *EEA* parent mixed financial holding company, or one of its subsidiaries, as an originator or a sponsor, securitises exposures from several credit institutions, investment firms or other institutions which are included within the scope of supervision on a consolidated basis, the requirement to retain a net economic interest referred to in *BIPRU* 9.15.3R may be satisfied on the basis of the consolidated situation of the related *EEA* parent ~~credit institution~~ credit institution, ~~or *EEA* financial holding company~~ parent financial holding company or *EEA* parent mixed financial holding company.

[Note: *BCD*, Article 122a, paragraph 2.]

9.15.8      R     *BIPRU* 9.15.7R only applies where the credit institutions, investment firms or institutions which created the securitised exposures have committed themselves to adhere to the requirements in *BIPRU* 9.3.15R to *BIPRU* 9.3.17R and deliver, in a timely manner, to the originator or sponsor and to the *EEA* parent credit institution or an *EEA* ~~financial holding company~~ parent financial holding company or an *EEA* parent mixed financial holding company the information needed to satisfy *BIPRU* 9.3.18R to *BIPRU* 9.3.20R.

[Note: *BCD*, Article 122a, paragraph 2.]

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## 10 Large exposures requirements

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### 10.8A Intra group exposures: core UK group

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Definition of core UK group

10.8A.2 R An *undertaking* is a member of a *firm's core UK group* if, in relation to the *firm*, that *undertaking* satisfies the following conditions:

- (1) ...
- (2) it is an *institution, financial holding company, financial institution, asset management company, ~~or~~ ancillary services undertaking or mixed financial holding company*;
- (3) (in relation to a *subsidiary undertaking*) 100% of the voting rights attaching to the *shares* in its capital is held by the *firm*, ~~or a financial holding company or mixed financial holding company~~ (or a *subsidiary undertaking* of the *financial holding company or mixed financial holding company*), whether individually or jointly, and that *firm*, ~~or financial holding company or mixed financial holding company~~ (or its *subsidiary undertaking*) must have the right to appoint or remove a majority of the members of the board of *directors*, committee of management or other governing body of the *undertaking*;

...

...

## 11 Disclosure (Pillar 3)

...

### 11.2 Basis of disclosures

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Firms controlled by an EEA parent financial holding company

11.2.4 R A *firm controlled by an EEA parent financial holding company or an EEA parent mixed financial holding company* must comply with the obligations laid down in *BIPRU 11.3* on the basis of the consolidated financial situation of that *EEA parent financial holding company or EEA parent mixed financial holding company*.

[Note: BCD, Article 72(2)]

- 11.2.5 R A *firm* which is a significant subsidiary of an *EEA parent financial holding company* or an *EEA parent mixed financial holding company* must disclose the information specified in *BIPRU* 11.4.5R on an individual or sub-consolidated basis.

...

#### 11.4 Technical criteria on disclosure: General criteria

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Disclosures: Significant subsidiaries

- 11.4.5 R A *firm* which is a significant subsidiary of:
- (1) an *EEA parent institution*; or
  - (2) an *EEA parent financial holding company*; or
  - (3) an *EEA parent mixed financial holding company*;
- must disclose the information specified in *BIPRU* 11.5.3R to *BIPRU* 11.5.4R on an individual or sub-consolidated basis.

[Note: BCD Annex XII Part 1 point 5]

## Annex D

### Amendments to the Prudential sourcebook for Insurers (INSPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 6.1 Application

- 6.1.1 R *INSPRU* 6.1 applies to an *insurer* that is either:
- (1) a *participating insurance undertaking*; or
  - (2) a member of an *insurance group* or an *MFHC conglomerate* which is not a *participating insurance undertaking* and which is not:
- ...

...

- 6.1.3 R *INSPRU* 6.1 applies to a *firm*:
- (1) on a solo basis, as an adjusted solo calculation, where that *firm* is a *participating insurance undertaking*; and
  - (2) on a group basis where that *firm* is a member of an *insurance group* or *MFHC conglomerate*.

...

#### Purpose

- 6.1.5 G The purpose of this section is to implement the *Insurance Groups Directive* on supplementary supervision of *firms* in an *insurance group*, as amended by the *Financial Groups Directive*, ~~and the *Reinsurance Directive* and *FICOD 1*. The *Financial Groups Directive* (by amending the *Insurance Directives* and the *Insurance Groups Directive*) introduces specific requirements for the treatment of *related undertakings* of an *insurance parent undertaking* or a *participating insurance undertaking* that are *credit institutions, investment firms* or *financial institutions*. The *Reinsurance Directive* (by amending the *Insurance Directives* and the *Insurance Groups Directive*) introduces supplementary supervision for *firms* that are *reinsurance undertakings* in an *insurance group*.~~

- 6.1.5A G Notwithstanding the provisions of this Chapter, where a *firm* is subject to provisions under this Chapter in respect of an *undertaking* in *INSPRU* 6.1.17R(1)(ba) or (bb) and the *PRA* is the *coordinator*, the *PRA* may, on application by the *firm* and after consulting other *relevant competent authorities*, disapply such provisions of this Chapter with regard to that *undertaking* which are considered by the *PRA* as equivalent to those applying to the *firm* under *GENPRU* 3.1.

- 6.1.6 G *INSPRU* 6.1 sets out the *sectoral rules* for *insurers* for:
- (1) *firms* that are *participating insurance undertakings* carrying out an adjusted solo calculation as contemplated by *GENPRU* 2.1.13R(2);
  - (2) *insurance groups*; ~~and~~
  - (3) *insurance conglomerates*; and
  - (4) *MFHC conglomerates*.

...

Scope - undertakings whose group capital is to be calculated and maintained

- 6.1.17 R The *undertakings* referred to in *INSPRU* 6.1.8R, *INSPRU* 6.1.9R, *INSPRU* 6.1.10R and *INSPRU* 6.1.15R are:

- (1) for any *firm* that is not within (2), each of the following:
  - (a) its *ultimate insurance parent undertaking*;
  - (b) its *ultimate EEA insurance parent undertaking* (if different to (a)); ~~and~~
  - (ba) the ultimate mixed financial holding company at the head of a MFHC conglomerate of which the firm is a member;
  - (bb) the ultimate EEA mixed financial holding company at the head of a MFHC conglomerate of which the firm is a member (if different from (ba)); and
  - (c) the *firm* itself, if it is a *participating insurance undertaking*; and

...

...

- 6.1.19 G If an application is made for a *waiver contemplated by Article 3(3) of the Insurance Groups Directive*, it is the policy of the *PRA* to consider the effect, in the circumstances described in *INSPRU* 6.1.18G, of granting a *waiver* allowing the exclusion of a *related undertaking* from the calculation of *group capital resources* and the *group capital resources requirement* required by *INSPRU* 6.1.8R.

...

Optional alternative method of calculation for firms subject to supplementary supervision by another EEA competent authority

- 6.1.23 R If the *competent authority* in an *EEA State* other than the *United Kingdom*

has agreed to be the *competent authority* responsible for exercising supplementary supervision of an *insurance group* or an *MFHC conglomerate* of which a *firm* is a member under Article 4(2) of the *Insurance Groups Directive*, the *firm* may prepare the calculations required under *INSPRU* 6.1.8R in relation to the *ultimate EEA insurance parent undertaking* or *ultimate EEA mixed financial holding company* in accordance with the requirements of supplementary supervision in that *EEA State*.

...

Non-EEA ultimate insurance parent undertakings or non-EEA ultimate mixed financial holding companies

- 6.1.25 R Where the *ultimate insurance parent undertaking* or *ultimate mixed financial holding company* of a *firm* has its head office in a non-EEA *State*, the *firm* may:
- (1) calculate the *group capital resources* and the *group capital resources requirement* of its *ultimate insurance parent undertaking* or *ultimate mixed financial holding company* in accordance with accounting practice applicable for the purposes of the regulation of *insurance undertakings* in the state or territory of the head office of the *ultimate insurance parent undertaking* or *ultimate mixed financial holding company* adapted as necessary to apply the general principles set out in Annex I (1) paragraphs B, C and D of the *Insurance Groups Directive*; and

...

...

- 6.1.27 R *INSPRU* 6.1.15R does not apply:
- (1) in respect of the *group capital resources* of a ~~firm's~~ *firm's ultimate insurance parent undertaking* if that *ultimate insurance parent undertaking* has its head office in a non-EEA *State*; or
  - (2) in respect of the *group capital resources* of the *ultimate mixed financial holding company* at the head of the *MFHC conglomerate* of which the *firm* is a member if that *ultimate mixed financial holding company* has its head office in a non-EEA *State*.

Proportional holdings

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- 6.1.29 R In *INSPRU* 6.1.28R, the relevant proportion is either:
- (1) the proportion of the total number of issued *shares* in the *regulated related undertaking* held, directly or indirectly, by the *undertaking*

in *INSPRU* 6.1.17R; or

- (2) where a *consolidation Article 12(1) relationship* exists between *related undertakings* within the *insurance group* or *MFHC conglomerate*, such proportion as the *PRA* determines in accordance with Article 28(5) of the *Financial Groups Directive* and Regulation 15 of the *Financial Groups Directive Regulations*.

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#### Calculation of the GCRR

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- 6.1.34 R For the purposes of *INSPRU* 6.1, an *individual capital resources requirement* is:

...

- (7) in respect of an *insurance holding company* or *mixed financial holding company*, zero;

...

...

#### Calculation of GCR

...

- 6.1.38 R For the purposes of *INSPRU* 6.1.37R, the *sectoral rules* applicable to:

...

- (2) an *insurance holding company* not within (1) or a *mixed financial holding company*, are the *sectoral rules* that would apply to it if, in connection with its activities, it were treated as an *insurer*;

...

- 6.1.39 R Where a *financial institution*, that is not a *regulated entity*, has invested in *tier one capital* or *tier two capital* issued by a *parent undertaking* that is:

- (1) an *insurance holding company*; or

- (1A) a *mixed financial holding company*; or

...

...

- 6.1.42 G For the purposes of *INSPRU* 6.1.41R, in respect of an *insurance undertaking* that is a member of an *insurance group* or *MFHC*

*conglomerate*, the assets of a *long-term insurance fund* are restricted assets within the meaning of *INSPRU* 6.1.41R. Any excess of assets over liabilities in the *long-term insurance fund* may only be included in the calculation of the *group capital resources* up to the amount of the *undertaking's individual capital resources requirement* which relates to the *long-term insurance business* in respect of which that *long-term insurance fund* is held.

...

#### Calculation of GCR - Limits on the use of different forms of capital

- 6.1.44 G As the various components of capital differ in the degree of protection that they offer the *insurance group* or *MFHC conglomerate*, restrictions are placed on the extent to which certain types of capital are eligible for inclusion in the *group capital resources* of the *undertaking* in *INSPRU* 6.1.17R. These restrictions are set out in *INSPRU* 6.1.45R.

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#### Calculation of GCR - Deductions under requirement deduction method from group capital resources

- 6.1.62 R For the purposes of *INSPRU* 6.1.43R, a *firm* must deduct from the group capital resources before deduction (calculated at stage C in the table in *INSPRU* 6.1.43R) of an *undertaking* in *INSPRU* 6.1.17R(1) (a)(b) or (c) or (2), the sum of the value of the direct or indirect investments by the *undertaking* in *INSPRU* 6.1.17R(1)(a)(b) or (c) or (2) in each of its *related undertakings* which is an *ancillary services undertaking*, calculated in accordance with *INSPRU* 6.1.63R.
- 6.1.63 R The value of an investment in an *undertaking* referred to in *INSPRU* 6.1.62R is the higher of the book value of the direct or indirect investment by the *undertaking* in *INSPRU* 6.1.17R(1)(a)(b) or (c) or (2) and the notional capital resources requirement of that *undertaking*.

...

- 6.1.64A R For the purposes of *INSPRU* 6.1.43R, in calculating the *group capital resources* of an *undertaking* in *INSPRU* 6.1.17R(1)(ba) or (bb) or in applying the provisions of *INSPRU* 6.1 for the purposes of calculating the *conglomerate capital resources* of a *financial conglomerate* under the provisions of *GENPRU* 3.1, a *firm* must, in accordance with *GENPRU* 3.1.30R but subject to *GENPRU* 3.1.31R, apply Method 2 (Deduction and Aggregation Method) or Method 1 (Accounting Consolidation Method) as set out in *GENPRU* 3 Annex 1 to reflect direct or indirect investments by the *undertaking* in *INSPRU* 6.1.17R(1)(ba) or (bb) or by members of the *financial conglomerate* in each *related undertaking* which is an *ancillary services undertaking*.

#### Calculation of GCR - Assets in excess of market risk and counterparty exposure

limits

...

- 6.1.78 R If B is itself either a *participating insurance undertaking* or an *insurance parent undertaking* or mixed financial holding company, the *admissible assets* of B for the purposes of *INSPRU* 6.1.74R(1) must be calculated as in *INSPRU* 6.1.75R but as if B were A.

## Annex E

## Amendments to the Interim Prudential sourcebook for Insurers (IPRU(INS))

In this Annex, underlining indicates new text and striking through indicates deleted text.

- 9.42E R (1) Rules 9.40(1), 9.40(1A), 9.40(3), 9.40(4), 9.41 and 9.42 of IPRU(INS) also apply to an insurer subject to INSPRU 6.1 in respect of the ultimate mixed financial holding and ultimate EEA mixed financial holding company (if different) of a MFHC conglomerate of which the firm is a member, with references therein to “insurance group” being read as “MFHC conglomerate” and to “ultimate insurance parent undertaking” and “ultimate EEA parent undertaking” being read as “ultimate mixed financial holding company” and “ultimate EEA mixed financial holding company” respectively.
- (2) Where the PRA is the coordinator, no report is required under (1) to the extent determined by the PRA, on application by the insurer and after consulting other relevant competent authorities, on the basis that, in the opinion of the PRA, equivalent reporting requirements with regard to the relevant mixed financial holding company apply to the insurer as a member of a financial conglomerate.

## Guidance

- 9.43 ...
- (3) Where several insurers to which rule 9.40 applies have the same *ultimate insurance parent undertaking*, ~~or ultimate EEA insurance parent undertaking, ultimate mixed financial holding company, ultimate EEA mixed financial holding company~~ or ~~both~~ any combination of those *parent undertakings*, rule 9.40 applies to all of them. In these circumstances one insurer may submit the reports in rule 9.40 on behalf of the other insurers in the ~~insurance group~~ *relevant group* as set out in rule 9.40(4). This should consist of one package of the relevant information with confirmation that the insurer submitting the information has made it available to the boards of directors of the other insurers in the ~~insurance group~~ *relevant group*. The purpose of this requirement is to ensure that all the insurers in the ~~insurance group~~ *relevant group* are aware of the relevance of the group information to themselves.

...

## Annex F

## Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 15.9 Notifications by members of financial conglomerates

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- 15.9.5 R (1) A firm must, at the level of the EEA financial conglomerate, regularly provide the appropriate regulator with details on the financial conglomerate's legal structure and governance and organisational structure, including all regulated entities, non-regulated subsidiaries and significant branches.
- (2) A firm must disclose publicly, at the level of the EEA financial conglomerate, on an annual basis, either in full or by way of references to equivalent information, a description of the financial conglomerate's legal structure and governance and organisational structure.
- (3) For the purposes of (1) and (2), where a firm is a member of an EEA financial conglomerate which is part of a wider UK regulated EEA financial conglomerate, reporting applies only at the level of the EEA parent mixed financial holding company or ultimate EEA mixed financial holding company.

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## 16.12 Integrated Regulatory Reporting

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Financial Conglomerates

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- 16.12.33 R Financial reports from a member of a financial conglomerate (see SUP 16.12.32R)

Content of Report	Form (Note 1)	Frequency	Due Date
Calculation of supplementary capital adequacy requirements in accordance with one of the <del>four</del> <u>three</u> technical	Note 2	Note 5 <u>Yearly</u>	Note 5

calculation methods			
...			
Note 2	<p>If Part 1 of <i>GENPRU 3 Annex 1R</i> (method 1), or Part 2 of <i>GENPRU 3 Annex 1R</i> (method 2), or Part 3 of <i>GENPRU 3 Annex 1R</i> (method 3) applies, there is no specific form. Adequate information must be provided, <u>specifying the calculation method used and each financial conglomerate</u> for which the <i>appropriate regulator</i> is the <i>co-ordinator</i> must discuss with the <i>appropriate regulator</i> <del>how to do this</del> <u>the form which this reporting will take and the extent to which verification by an auditor will be required.</u></p>		
	<p>If Part 4 of <i>GENPRU 3 Annex 1R</i> applies (method 4):  <del>(1) a banking and investment services conglomerate must use FSA003; and</del></p>		
	<p><del>(2) an insurance conglomerate must use:</del>  <del>(a) (where SUP 16.12.32R(1)(a) applies),</del> Forms 1, 2 and 3 in Appendix 9.1 of <i>IPRU(INS)</i> prepared in accordance with <i>IPRU(INS)</i> 9.35(1); or  <del>(b) (in any other case), the Insurance Group Capital Adequacy Reporting Form (Form 95) in Appendix 9.9 of IPRU(INS)</del></p>		
	<p>For the purposes of <del>(b)</del> <u>the above, where relevant to the agreed reporting arrangements, rules 9.40(1), 9.40(1A), 9.40(3) and 9.40(4) of IPRU(INS) apply as they would if the insurance conglomerate financial conglomerate were an insurance group.</u></p>		
...			
Note 5	<p>The frequency and due date will be as follows:  (1) <i>banking and investment services conglomerate</i>: frequency is <del>half</del>-yearly with due date 45 <i>business days</i> after period end;  (2) <i>insurance conglomerate</i>: frequency is yearly with due date four months after period end for the capital adequacy return and three months after period end for the report on compliance with <i>GENPRU 3.1.35R</i> where it applies.</p>		

...	
-----	--

**PRA PERIODIC FEES (2013/2014) AND OTHER FEES INSTRUMENT 2013**

**Powers exercised by the Prudential Regulation Authority**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (the “Act”):
- (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) paragraph 31 (Fees) of Part 3 (Penalties and Fees) of Schedule 1ZB (The Prudential Regulation Authority) of the Act.
- B. The rule making powers listed above are specified for the purpose of section 138G (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 1 July 2013.

**Amendments to the Handbook**

- D. The Fees manual (FEES) is amended in accordance with the Annex to this instrument.

**Notes**

- E. In the Annex to this instrument, the “notes” (indicated by “**Note:**”) are included for the convenience of readers but do not form part of the legislative text.

**Citation**

- F. This instrument may be cited as the PRA Periodic Fees (2013/2014) and Other Fees Instrument 2013.

By order of the Board of the Prudential Regulation Authority

27 June 2013

## Annex

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 3 Application, Notification and Vetting Fees

...

Method of payment

##### 3.2.3 R (1) ...

...

- (3) The sum payable under *FEES* 3.2.1R by a *firm* applying for a variation of its *Part 4A permission* (*FEES* 3.2.7R and, if applicable, *FEES* 3.2.7AR(c)) must be paid by any of the methods described in (1) or by Maestro, Visa Debit or credit card (Visa/Mastercard only). Any payment by a permitted credit card must include an additional 2% of the sum paid.

...

#### 4 Periodic fees

##### 4.1 Introduction

...

Background

##### 4.1.3 G

~~[Note: References to the fee period 1 April 2012 to 31 March 2013 have been updated to 1 April 2013 to 31 March 2014 in respect of the *FCA* and 1 April 2013 to 28 February 2014 in respect of the *PRA* to put into effect the rule changes contained in the Legal Cutover (Fees) Instrument 2013 only. The tariff rates set out in the *FEES* 4 Annexes have not yet been updated for the 2013/2014 fee year. The rates for the 2013/2014 fee year will be made by the *FCA* and *PRA* boards in June, following a consultation on a separate fees rates instrument expected to be published in March 2013.] [deleted].~~

...

##### 4.2 Obligation to pay periodic fees

...

Method of payment

- 4.2.4 R (1) A periodic fee must be paid using either direct debit, credit transfer (BACS/CHAPS), cheque, Maestro, Visa Debit or by credit card (Visa/Mastercard only). Any payment by permitted credit card must include an additional 2% of the sum paid.

...

- (2) ...

...

### 4.3 Periodic fees payable by firms (other than ICVCs and UCITS qualifiers)

...

Time of payment

- 4.3.6 R ...

- (5A) (in relation to PRA-*authorised persons* only) paragraphs (1A) and (2) do not apply to any Solvency 2 Special Project fee or Solvency 2 Implementation fee (as defined in FEES 4 Annex 2BR) and such fees are not taken into account for the purposes of the split in (1A). Instead any Solvency 2 Special Project fee or Solvency 2 Implementation fee is payable on the date specified in (1A)(b) or (2) (depending on which applies to the rest of its periodic fee) or any earlier date required by (3) or (4).

...

### 4 Annex 2BR PRA fee rates and EEA/Treaty firm modifications for the period from 1 April 2013 to 28 February 2014

Part 1	
This table shows the tariff rates applicable to each of the fee blocks set out in Part 1 of FEES 4 Annex 1BR.	
...	
Note	<u>In the case of activity groups A.3 and A.4 there are three tariff rates. The rate in column 1 applies to all <i>firms</i> in their respective fee-</u>

	<p>blocks. The rate in column 2 relates to the Solvency 2 Implementation fee and <i>firms</i> must determine their obligation to pay this fee by reference to Part 5 of this Annex. The rate in Column 3 relates to the Solvency 2 Special Project fee and <i>firms</i> must determine their obligation to pay this fee by reference to Part 4 of this annex. The total periodic fee for each of these fee-blocks is determined by adding the amounts obtained under all three columns, as applicable.</p>			
Activity group	Fee payable			
A.1	Band width (£ million of Modified Eligible Liabilities (MELs))	Fee (£/£m or part £m of MELs)		
		General Periodic fee		
	>10 – 140	<del>{tbe}</del> <u>33.38</u>		
	>140 – 630	<del>{tbe}</del> <u>33.38</u>		
	>630 – 1,580	<del>{tbe}</del> <u>33.38</u>		
	>1,580 – 13,400	<del>{tbe}</del> <u>41.73</u>		
	>13,400	<del>{tbe}</del> <u>55.08</u>		
A.3	Gross premium income (GPI)	<u>Column 1</u> General periodic fee	<u>Column 2</u> Solvency 2 implementation fee	<u>Column 3</u> Solvency 2 special project fee
	Minimum fee (£)	<del>{tbe}</del> <u>Not applicable</u>	<u>25.00</u>	<u>25.00</u>
	Band Width (£ million of GPI)	Fee (£/£m or part £m of GPI)		
	>0.5 – 10.5	<del>{tbe}</del> <u>370.25</u>	<u>-27.03</u>	<u>20.84</u>
	>10.5 – 30	<del>{tbe}</del> <u>370.25</u>	<u>-27.03</u>	<u>20.84</u>
	>30 – 245	<del>{tbe}</del> <u>370.25</u>	<u>-27.03</u>	<u>20.84</u>
	>245 – 1,900	<del>{tbe}</del> <u>370.25</u>	<u>-27.03</u>	<u>20.84</u>
	>1,900	<del>{tbe}</del> <u>370.25</u>	<u>-27.03</u>	<u>20.84</u>

	Plus			
	Gross technical liabilities (GTL)	<u>Column 1</u> General periodic fee	<u>Column 2</u> <u>Solvency 2</u> <u>implementation</u> <u>fee</u>	<u>Column 3</u> <u>Solvency 2</u> <u>special</u> <u>project</u> <u>fee</u>
	Band Width (£ million of GTL)	Fee (£/£m or part £m of GTL)		
	>1 – 12.5	{tbe} <u>19.93</u>	<u>-1.41</u>	<u>1.22</u>
	>12.5 – 70	{tbe} <u>19.93</u>	<u>-1.41</u>	<u>1.22</u>
	>70 – 384	{tbe} <u>19.93</u>	<u>-1.41</u>	<u>1.22</u>
	>384 – 3,750	{tbe} <u>19.93</u>	<u>-1.41</u>	<u>1.22</u>
	>3,750	{tbe} <u>19.93</u>	<u>-1.41</u>	<u>1.22</u>
	For UK ISPVs the tariff rates are not relevant and a flat fee of {tbe} £430.00 is payable in respect of each fee year {tbe}.			
A.4	Adjusted annual gross premium income (AGPI)	<u>Column 1</u> General periodic fee	<u>Column 2</u> <u>Solvency 2</u> <u>implementation</u> <u>fee</u>	<u>Column 3</u> <u>Solvency 2</u> <u>special</u> <u>project</u> <u>fee</u>
	Minimum fee (£)	{tbe} <u>Not applicable</u>	<u>25.00</u>	<u>25.00</u>
	Band Width (£ million of AGPI)	Fee (£/£m or part £m of AGPI)		
	>1 – 5	{tbe} <u>360.32</u>	<u>-38.31</u>	<u>20.39</u>
	>5 – 40	{tbe} <u>360.32</u>	<u>-38.31</u>	<u>20.39</u>
	>40 – 260	{tbe} <u>360.32</u>	<u>-38.31</u>	<u>20.39</u>
	>260 – 4,000	{tbe} <u>360.32</u>	<u>-38.31</u>	<u>20.39</u>
	>4,000	{tbe} <u>360.32</u>	<u>-38.31</u>	<u>20.39</u>

	PLUS			
	Mathematical reserves (MR)	<u>Column 1</u> General Periodic fee	<u>Column 2</u> <u>Solvency 2 implementation fee</u>	<u>Column 3</u> <u>Solvency 2 special project fee</u>
	Minimum fee (£)	<del>{tbe}</del> Not applicable	<u>25.00</u>	<u>25.00</u>
	Band Width (£ million of MR)	Fee (£/£m or part £m of MR)		
	>1 –20	<del>{tbe}</del> <u>8.06</u>	<u>-0.86</u>	<u>0.44</u>
	>20 – 270	<del>{tbe}</del> <u>8.06</u>	<u>-0.86</u>	<u>0.44</u>
	>270 – 7,000	<del>{tbe}</del> <u>8.06</u>	<u>-0.86</u>	<u>0.44</u>
	>7,000 – 45,000	<del>{tbe}</del> <u>8.06</u>	<u>-0.86</u>	<u>0.44</u>
	>45,000	<del>{tbe}</del> <u>8.06</u>	<u>-0.86</u>	<u>0.44</u>
A.5	Band Width (£ million of Active Capacity (AC))	Fee (£/£m or part £m of AC)		
	>50 – 150	<del>{tbe}</del> <u>54.36</u>		
	>150 – 250	<del>{tbe}</del> <u>54.36</u>		
	>250 – 500	<del>{tbe}</del> <u>54.36</u>		
	>500 – 1,000	<del>{tbe}</del> <u>54.36</u>		
	>1,000	<del>{tbe}</del> <u>54.36</u>		
A.6	Flat fee	<del>{tbe}</del> <u>1,394,436.00</u>		
	<u>Solvency 2 Special Project Flat Fee (£)</u>	<u>272,293.06</u>		
	<u>Solvency 2 Implementation Flat Fee (£)</u>	<u>-92,775.96</u>		
A.10	Band Width (No. of traders)	Fee (£/trader)		

	2 – 3	{tbe} 4,507.98
	4 – 5	{tbe} 4,507.98
	6 – 30	{tbe} 4,507.98
	31 – 180	{tbe} 4,507.98
	>180	{tbe} 4,507.98

## Part 2

This table sets out the tariff rate applicable to each of the fee blocks set out in Part 2 of FEES 4 Annex 1BR

PA.0	(1)	The minimum fee payable by any <i>firm</i> referred to in (3) is {tbe} <u>500</u> unless:	
		(a)	it is a <i>credit union</i> that meets the conditions in (2), in which case the minimum fee payable is as set out in (2); or
		(b)	it is a <i>non-directive friendly society</i> that falls into the A.3 activity group but not the A.4 activity group and meets the conditions set out in (3)(a), in which case the minimum fee payable is {tbe} <u>215</u> ; or.
		(c)	it is a <i>non-directive friendly society</i> that falls into the A.4 activity group but not the A.3 activity group and meets the conditions in (3)(b), in which case the minimum fee payable is {tbe} <u>215</u> ; or
		(d)	it is a <i>non-directive friendly society</i> that falls into the A.3 and A.4 activity groups and meets the conditions in (3)(a) and (3)(b), in which case the minimum fee payable is {tbe} <u>215</u> ;
	(2)	The conditions referred to in (1)(a) are that the <i>credit union</i> has a tariff base (Modified Eligible Liabilities) of:	
		(a)	0 to 0.5million, in which case a minimum fee of {tbe} <u>80</u> is payable; or
		(b)	greater than 0.5million but less than 2.0million, in which case a minimum fee of {tbe} <u>270</u> is payable.
	(3)	The conditions referred to in (1) are that:	
		(a)	...

PT.1	Periodic fees payable under Part 1 multiplied by rate <del>the</del> £0.0745
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Part 3 ...
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<u>Part 4</u>	
<u>This part sets out when a Solvency 2 Special Project fee is due for <i>firms</i> falling into fee block A.3 or A.4.</u>	
(1)	<u>The Solvency 2 Special Project fee forms part of the periodic fee payable under fee blocks A.3 and A.4.</u>
(2)	<u>The Solvency 2 Special Project fee is only payable by a <i>firm</i> if it meets the conditions in Part 5 and the condition set out in paragraph (3) of this Part.</u>
(3)	<u>The condition is that before 1 June 2013 the <i>firm</i>, or a member of the group of which the <i>firm</i> is also a member (in either case, the recipient), received a written communication from the <i>FSA</i> or, on or after 1 April 2013, the <i>PRA</i> that it has met the criteria for entry into pre-Internal Model Approval Process status (pre-IMAP) and the recipient remains in pre-IMAP status on 1 June 2013.</u>
(4)	<u>For the purposes of (3), the recipient will be deemed to remain in pre-IMAP status unless, before 1 June 2013:</u>
	(a) <u>the recipient informs the <i>FSA</i> or, on or after 1 April 2013, the <i>PRA</i> in writing that it wishes to withdraw from pre-IMAP status; or</u>
	(b) <u>the recipient has been informed by the <i>FSA</i> or, on or after the 1 April 2013, the <i>PRA</i> in writing that it is no longer in pre-IMAP status.</u>
(5)	<u>For the purposes of this Part, a reference to pre-IMAP means the status achieved by the recipient by joining the process established by the <i>FSA</i> whereby the <i>FSA</i> or, on or after 1 April 2013, the <i>PRA</i> and the recipient engage with a view to the <i>FSA</i> or, on or after 1 April 2013, the <i>PRA</i> establishing whether an internal model developed by the recipient is likely to meet the tests and standards specified in the <i>Solvency 2 Directive</i>.</u>
(6)	<u><i>FEES</i> 4.2.6R and <i>FEES</i> 4.2.7R do not apply to the Solvency 2 Special Project Fee.</u>

<u>Part 5</u>
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<p><u>This Part sets out when a Solvency 2 Implementation fee is due for <i>firms</i> in the A.3 and A.4 fee blocks.</u></p>	
(1)	<p><u>The Solvency 2 Implementation fee is only payable by a <i>firm</i> if it meets all the conditions in (2) and neither of the conditions in (3).</u></p>
(2)	<p><u>The conditions in this paragraph are:</u></p>
(a)	<p><u><i>FEES</i> 4.3.13R (Firms Applying to Cancel or Vary Permission Before Start of Period) does not apply with respect to the relevant fee blocks;</u></p>
(b)	<p><u>the <i>firm</i> has not notified the <i>FSA</i> before the start of the 2013/2014 fee year that it intends to migrate out of the <i>United Kingdom</i> for regulatory purposes before the <i>Solvency 2 Directive</i> is implemented;</u></p>
(c)	<p><u>it meets either of the following conditions:</u></p>
(i)	<p><u>its gross premium income or adjusted gross premium income, as appropriate, referred to in <i>FEES</i> 4 Annex 1R Part 2, exceeds EUR 5 million at the end of the financial year ended in the calendar year ending 31 December prior to the 2013/2014 fee year; or</u></p>
(ii)	<p><u>its gross technical liabilities or mathematic reserves, as appropriate, referred to in <i>FEES</i> 4 Annex 1R Part 2, exceed EUR 25 million at the end of the financial year ended in the calendar year ending 31 December prior to the 2013/2014 fee year;</u></p>
(d)	<p><u>it was in one or both of the insurance fee blocks at the start of the 2013/2014 fee year;</u></p>
(e)	<p><u>it is not an <i>incoming EEA firm</i> or an <i>incoming Treaty firm</i>;</u></p>
(3)	<p><u>The conditions in this paragraph are:</u></p>
(a)	<p><u>the <i>firm</i> is a <i>reinsurance undertaking</i> that has, by 10 December 2007, ceased to conduct a new <i>insurance business</i> and only administers its existing portfolio in order to terminate its activity as a <i>reinsurance undertaking</i>;</u></p>
(b)	<p><u>it is a <i>reinsurance undertaking</i> whose <i>insurance business</i> is conducted or fully guaranteed by the <i>United Kingdom</i> government for reasons of substantial public interest in the capacity of the <i>reinsurer</i> of last resort.</u></p>
(4)	<p><u>Where a <i>firm</i> has notified the <i>FSA</i> or, on or after 1 April 2013, the <i>PRA</i> that it intends to migrate out of the <i>United Kingdom</i> for regulatory purposes before the <i>Solvency 2 Directive</i> is implemented in the <i>United Kingdom</i> but when the <i>Solvency 2 Directive</i> is implemented that <i>firm</i> remains in the</u></p>

	<u>United Kingdom for regulatory purposes, it must pay the Solvency 2 Implementation fee for each FSA financial year and each PRA fee year commencing 1 April 2013 for which the Solvency 2 Implementation fee would have applied to the firm but for the firm notifying the FSA or the PRA of its intention to migrate.</u>
(5)	<u>Where a firm is required to pay a Solvency 2 Implementation fee because of the circumstances described in (4) it must pay this fee within 30 days of the date of the invoice.</u>
(6)	<u>For the purposes of this Part, the exchange rate from the Euro to the pound sterling is calculated as at the last day of October preceding the financial year of the FSA or, on or after 1 April 2013, the PRA fee year in question for which the exchange rates for the currencies of all European Union member states were published in the Official Journal of the European Union.</u>
(7)	<u>FEES 4.2.6R and FEES 4.2.7R do not apply to the Solvency 2 Implementation fee.</u>

**HANDBOOK ADMINISTRATION INSTRUMENT (NO 1) 2013****Powers exercised by the Board of the Prudential Regulation Authority (PRA)**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- B. The rule-making power referred to above is specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 23 July 2013 except for Part II of Annex J which shall come into force on 22 July 2014.

**Amendments**

- D. The modules of the PRA’s Handbook listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).

(1)	(2)
Changes to several modules	Annex A
Glossary of definitions	Annex B
Principles for Businesses (PRIN)	Annex C
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex D
Fees manual (FEES)	Annex E
General Prudential sourcebook (GENPRU)	Annex F
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex G
Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex H
Interim Prudential sourcebook for Investment Businesses (IPRU(INV))	Annex I
Supervision manual (SUP)	Annex J
Compensation sourcebook (COMP)	Annex K
Building Societies Regulatory Guide (BSOG)	Annex L

**Citation**

- E. This instrument may be cited as the Handbook Administration Instrument (No 1) 2013.

By order of the Board of the PRA  
22 July 2013

## Annex A

### Amendments to the Handbook and the Regulatory guides

In this Annex:

(a) in Table 1 (Deletions and replacements table), the word or phrase in column (1) is replaced by the word or phrase in column (2) where indicated in columns (3) and (4). Column (5) identifies further explanation to the amendment where this is needed; and

(b) in Table 2 (Additions table), the word or phrase in column (1) is added where indicated in column (2), (3) and (4). Column (5) identifies further explanation to the amendment where this is needed.

**Table 1: ‘Deletions and replacements table’**

(1)	(2)	(3)	(4)	(5) Note:
or section 248 (Scheme particular rules)	, section 248 (Scheme particular rules), section 261I (Contractual scheme rules) or section 261J (Contractual scheme particulars rules)	PRIN, SYSC, TC, GEN, FEES, COBS, ICOBS, MCOB, BCOBS, CASS, MAR, SUP, DISP, COMP, PROF, LR, PR, and DTR	Schedule 6.1 or 6.1A (as appropriate)	

**Table 2: ‘Additions table’**

(1)	(2)	(3)	(4)	(5) Note:
, ACS	Glossary	definition of “ <i>authorised fund</i> ”	insert after “ <i>ICVC</i> ”	
		definition of “ <i>unitholder</i> ”	insert after “ <i>ICVC</i> ”	

	GEN	1.2.2R(2)(c)	insert after “AUT”	
or ACS	Glossary	in paragraph (b) of the definition of “ <i>scheme property</i> ”	insert after “AUT”	

## Annex B

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text.

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

<i>ACS</i>	an <i>authorised contractual scheme</i> .
<i>acting as trustee or depositary of an AIF</i>	<p>the <i>regulated activity</i>, specified in article 51ZD of the <i>Regulated Activities Order</i>, of acting as:</p> <ul style="list-style-type: none"> <li>(a) a depositary of an <i>AIF</i> falling within article 51ZD(2) of the <i>Regulated Activities Order</i>;</li> <li>(b) the <i>trustee</i> of an <i>authorised unit trust</i> which is an <i>AIF</i> that does not fall within article 51ZD(2) of the <i>Regulated Activities Order</i>;</li> <li>(c) the depositary of an <i>open-ended investment company</i> or <i>authorised contractual scheme</i> which is an <i>AIF</i> that does not fall within article 51ZD(2) of the <i>Regulated Activities Order</i>.</li> </ul>
<i>acting as trustee or depositary of a UCITS</i>	<p>the <i>regulated activity</i>, specified in article 51ZB of the <i>Regulated Activities Order</i>, of acting as:</p> <ul style="list-style-type: none"> <li>(a) a trustee of an <i>authorised unit trust scheme</i>,</li> <li>(b) a depositary of an <i>open-ended investment company</i> or</li> <li>(c) an <i>authorised contractual scheme</i></li> </ul> <p>where that company or scheme is a <i>UCITS</i>.</p>
<i>AIF</i>	<i>alternative investment fund</i> .
<i>AIFM</i>	<i>alternative investment fund manager</i> .
<i>AIFM investment firm</i>	<p>a <i>firm</i> which:</p> <ul style="list-style-type: none"> <li>(a) is: <ul style="list-style-type: none"> <li>(i) a <i>full-scope UK AIFM</i>; or</li> <li>(ii) a <i>small authorised UK AIFM</i> of an <i>authorised AIF</i>; or</li> <li>(iii) an <i>incoming EEA AIFM branch</i>; and</li> </ul> </li> <li>(b) has a <i>Part 4A permission</i> (or an equivalent permission from</li> </ul>

its *Home State regulator*) for *managing investments* where:

- (i) the *investments* managed include one or more *financial instruments*; and
- (ii) the *permission* is limited to the activities permitted by article 6(2) and (4) of *AIFMD*.

<i>AIFM management functions</i>	the management functions of an <i>AIFM</i> listed in Annex I to <i>AIFMD</i> .
<i>AIFM qualifier</i>	<p>an <i>EEA AIFM</i> which is <i>marketing</i>, or has <i>marketed</i>, an <i>AIF</i> in the <i>United Kingdom</i> by:</p> <ul style="list-style-type: none"> <li>(a) exercising its <i>EEA</i> right to <i>market</i> under Schedule 3 of the <i>Act</i> (<i>EEA Passport Rights</i>); and</li> <li>(b) not exercising a right to manage a <i>UK AIF</i> under Schedule 3 of the <i>Act</i>.</li> </ul>
<i>AIFMD</i>	Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010.
<i>AIFMD host state requirements</i>	<p><i>Handbook rules</i> transposing articles 12 and 14 of <i>AIFMD</i> and fall under the responsibility of the <i>Host State</i> to supervise where an <i>AIFM</i> manages or <i>markets</i> an <i>AIF</i> through a <i>branch</i> in that <i>EEA State</i>, namely:</p> <ul style="list-style-type: none"> <li>(a) <i>FUND</i> 3.8;</li> <li>(b) <i>SYSC</i> 4.1.2CR;</li> <li>(c) <i>SYSC</i> 10.1.22R to <i>SYSC</i> 10.1.26R;</li> <li>(d) <i>COBS</i> 2.1.1R; and</li> <li>(e) <i>COBS</i> 2.1.4R.</li> </ul>
<i>AIFMD level 2 regulation</i>	Commission delegated regulation (EU) No 231/2013 supplementing Directive 2011/16/EU of the European Parliament and of the Council with regard to exemptions, general operating conditions, depositaries, leverage, transparency and supervision.
<i>AIFMD UK regulation</i>	the Alternative Investment Fund Managers Regulations 2013 (SI 2013/....)
<i>alternative investment fund</i>	<p>(under article 4(1)(a) of <i>AIFMD</i>) a collective investment undertaking, including investment compartments, which:</p> <ul style="list-style-type: none"> <li>(a) raises capital from a number of investors, with a view to</li> </ul>

	investing it under a defined investment policy for the benefit of those investors; and
	(b) does not require authorisation pursuant to article 5 of the <i>UCITS Directive</i> .
<i>alternative investment fund manager</i>	(under article 4(1)(b) of <i>AIFMD</i> ) a legal person whose regular business is performing <i>AIFM investment management functions</i> for one or more <i>AIF</i> .
<i>authorised AIF</i>	an <i>AIF</i> which is an <i>authorised fund</i> .
<i>authorised contractual scheme</i>	a <i>co-ownership scheme</i> or a <i>limited partnership scheme</i> .
<i>collective portfolio management investment firm</i>	a <i>firm</i> which has a <i>Part 4A permission</i> for <i>managing investments</i> and which is: <ul style="list-style-type: none"> <li>(a) an <i>AIFM investment firm</i>; or</li> <li>(b) a <i>UCITS investment firm</i>.</li> </ul>
<i>collective portfolio management firm</i>	a <i>firm</i> which: <ul style="list-style-type: none"> <li>(a) <ul style="list-style-type: none"> <li>(i) is a <i>full-scope UK AIFM</i> ; and</li> <li>(ii) does not have a <i>Part 4A permission</i> to carry on any <i>regulated activities</i> other than those in connection with, or for the purpose of, the <i>AIFS</i> or <i>UCITS</i> it manages; or</li> </ul> </li> <li>(b) is a <i>UCITS firm</i> that has a <i>Part 4A permission</i> for <i>managing a UCITS</i>.</li> </ul>
<i>co-ownership scheme</i>	(as defined in section 235A(2) of the <i>Act</i> (Contractual schemes)) a <i>collective investment scheme</i> which satisfies the conditions in section 235A(3) and which is authorised for the purposes of the <i>Act</i> by an <i>authorisation order</i> .
<i>EEA AIF</i>	an <i>AIF</i> , other than a <i>UK AIF</i> , which: <ul style="list-style-type: none"> <li>(a) is authorised or registered in an <i>EEA State</i> under the applicable national law; or</li> <li>(b) is not authorised or registered in an <i>EEA State</i> but has its registered office or head office in an <i>EEA State</i>.</li> </ul>
<i>EEA AIFM</i>	an <i>AIFM</i> which has its registered office in an <i>EEA State</i> other than the <i>United Kingdom</i> .

	(a) for <i>AIFMs</i> , ‘having its registered office in’;
	(b) for <i>AIFs</i> , ‘being authorised or registered in’ or, if the <i>AIF</i> is not authorised or registered, ‘having its registered office in’; or
	(c) for <i>depositories</i> , ‘having its registered office or branch in’.
<i>established</i>	(under article 4(1)(j) <i>AIFMD</i> ):
	(a) for <i>AIFMs</i> , ‘having its registered office in’;
	(b) for <i>AIFs</i> , ‘being authorised or registered in’ or, if the <i>AIF</i> is not authorised or registered, ‘having its registered office in’; or
	(c) for <i>depositories</i> , ‘having its registered office or branch in’.
<i>full-scope UK AIFM</i>	a <i>UK AIFM</i> which:
	(a) is not a <i>small AIFM</i> ; or
	(b) is a <i>small AIFM</i> but has opted in to <i>AIFMD</i> under article 3(4) of <i>AIFMD</i> .
<i>fund</i>	an <i>AIF</i> or a <i>collective investment scheme</i> .
<i>incoming EEA AIFM</i>	an <i>incoming EEA firm</i> which is an <i>AIFM</i> and exercising its rights under <i>AIFMD</i> .
<i>incoming EEA AIFM branch</i>	an <i>incoming EEA firm</i> which is an <i>AIFM</i> and exercising its right to establish a <i>branch</i> under <i>AIFMD</i> .
<i>leverage</i>	(under article 4(1)(v) of <i>AIFMD</i> ) any method by which an <i>AIFM</i> increases the exposure of an <i>AIF</i> it manages whether through borrowing of cash or <i>securities</i> , or leverage embedded in <i>derivative</i> positions or by any other means.
<i>limited partnership scheme</i>	(as defined in section 235A(5) of the <i>Act</i> (Contractual schemes)) a <i>collective investment scheme</i> which satisfies the conditions in section 235A(6) and which is authorised for the purposes of the <i>Act</i> by an <i>authorisation order</i> .
<i>managing an AIF</i>	the <i>regulated activity</i> , specified in article 51ZC of the <i>Regulated Activities Order</i> of performing risk management or portfolio management for an <i>AIF</i> .
<i>managing a UCITS</i>	the <i>regulated activity</i> , specified in article 51ZA of the <i>Regulated Activities Order</i> of carrying on collective portfolio management within the meaning of the <i>UCITS Directive</i> , in relation to a <i>UCITS</i> .

<i>non-EEA AIF</i>	an <i>AIF</i> which is not a <i>UK AIF</i> or an <i>EEA AIF</i> .
<i>small AIFM</i>	an <i>AIFM</i> which meets the conditions in regulation 9 (meaning of small <i>AIFM</i> ) of the <i>AIFMD UK regulation</i> .
<i>small authorised UK AIFM</i>	a <i>UK AIFM</i> which: <ul style="list-style-type: none"> <li>(a) is a <i>small AIFM</i>; and</li> <li>(b) has not opted in to <i>AIFMD</i> under article 3(4) of <i>AIFMD</i> to become a <i>full-scope UK AIFM</i>.</li> </ul>
<i>UK AIFM</i>	an <i>AIFM</i> established in the <i>United Kingdom</i> and with a <i>Part 4A permission</i> to carry on the <i>regulated activity</i> of <i>managing an AIF</i> .
<i>unauthorised AIF</i>	an <i>AIF</i> which is not an <i>authorised fund</i> .
<i>unauthorised fund</i>	a <i>fund</i> which is not an <i>authorised fund</i> .

Amend the following existing definitions as shown.

<i>affected person</i>	... <ul style="list-style-type: none"> <li>(b) (in relation to an <i>AUT</i>): <ul style="list-style-type: none"> <li>...</li> <li>(v) the auditor of the scheme;</li> </ul> </li> <li>(c) <u>(in relation to an ACS):</u> <ul style="list-style-type: none"> <li>(i) <u>the authorised fund manager;</u></li> <li>(ii) <u>the depositary;</u></li> <li>(iii) <u>any investment adviser of the authorised fund manager;</u></li> <li>(iv) <u>any associate of any person in (c)(i), (ii) or (iii);</u></li> <li>(v) <u>the auditor of the scheme;</u></li> <li>(vi) <u>the nominated partner.</u></li> </ul> </li> </ul>
...	
<i>advising on investments</i>	(1) <u>(except in SUP 10A (Approved Persons) and APER) the regulated activity, specified in article 53 of the Regulated Activities Order (Advising on investments), which is in summary: advising a person if the advice is:</u>

...

- (2) (in SUP 10A (Approved Persons) and APER) the regulated activity specified in article 53 (Advising on investments) of the Regulated Activities Order. For these purposes, advising on investments includes any activities that would be included but for the exclusion in article 72AA (Managers of UCITS and AIFs) of the Regulated Activities Order.

...

agreeing to carry on a regulated activity **(A) in the PRA Handbook**

the regulated activity, specified in article 64 of the *Regulated Activities Order* (Agreeing to carry on specified kinds of activity), of agreeing to carry on an activity specified in Part II of that Order other than:

...

**(B) in the FCA Handbook**

as in (A) with addition of:

the regulated activity, specified in article 64 of the *Regulated Activities Order* (Agreeing to carry on specified kinds of activity), of agreeing to carry on an activity specified in Part II of that Order other than:

...

(f) ...

**(ff) acting as the depositary of an authorised contractual scheme;**

...

...

authorised corporate director

the director of an ICVC who is the *authorised corporate director* of the ICVC ~~in accordance with~~ under COLL 6.5.3R (Appointment of an ACD) including, if relevant, an EEA UCITS management company or incoming EEA AIFM.

authorised fund manager

an ACD, an *authorised contractual scheme manager* or an *authorised unit trust manager*.

...

*authorisation order* an order made by the *FCA*:

...

(c) in relation to an *ACS* under section 261D of the *Act* (Authorisation orders);

as a result of which the *AUT* or *ACS* becomes authorised or the body becomes incorporated as an *ICVC* under regulation 3 of the *OEIC Regulations* (Open-ended investment company).

...

*base capital resources requirement* (1) (except in *IPRU (INV)*) an amount of *capital resources* that an *insurer* must hold as set out in *GENPRU* 2.1.30R (Table: Base capital resources requirement for an insurer) or a *BIPRU firm* must hold under *GENPRU* 2.1.41R (Base capital resources requirement for a *BIPRU firm*) and *GENPRU* 2.1.48R (Table: Base capital resources requirement for a *BIPRU firm*) or, as the case may be, *GENPRU* 2.1.60R (Calculation of the base capital resources requirement for banks authorised before 1993).

(2) (in *IPRU(INV)*) an amount of *own funds* that a *collective portfolio management firm* must hold under *IPRU(INV)* 11.3.1R (Base capital resources requirement).

*base currency* (1) (in *COLL*) the currency specified:

...

(b) in the *trust deed* of an *AUT* as the base currency of the *AUT*; or

(c) in the *contractual scheme deed* of an *ACS* as the base currency of the *ACS*.

...

*BIPRU 125k firm* has the meaning in *BIPRU* 1.1.19R (Types of investment firm: *BIPRU 125K firm*) which ~~in summary~~ is a *BIPRU investment firm* that satisfies the following conditions:

...

(4) it is not a ~~*UCITS investment firm*~~ *collective portfolio management investment firm*; and

...

*BIPRU 50k firm* has the meaning in *BIPRU* 1.1.20R (Types of investment firm: *BIPRU 50K firm*) which ~~in summary~~ is a *BIPRU investment firm* that

satisfies the following conditions:

...

- (c) it is not a ~~UCITS investment firm~~ collective portfolio management investment firm; and

...

*BIPRU 730k firm*

has the meaning in *BIPRU* 1.1.21R (Types of investment firm: BIPRU 730K firm) which ~~in summary~~ is a *BIPRU investment firm* that is not a ~~UCITS investment firm~~ collective portfolio management investment firm, a *BIPRU 50K firm* or a *BIPRU 125K firm*.

*BIPRU investment firm*

has the meaning set out *BIPRU* 1.1.8R (Definition of a BIPRU investment firm), which is ~~in summary~~ one of the following types of *BIPRU firm*:

...

including a ~~UCITS investment firm~~ collective portfolio management investment firm that is not excluded under *BIPRU* 1.1.7R (Exclusion of certain types of *firm* from the definition of *BIPRU firm*).

*branch*

...

- (j) (in relation to an AIFM)
  - (i) a place of business which is a part of an AIFM that has no legal personality and provides the services for which the AIFM has been authorised;
  - (ii) under (i) all places of business established in the same EEA State by an AIFM with its registered office in another EEA State shall be regarded as a single branch.

**[Note: article 4(1)(c) of AIFMD]**

...

*class*

- (A) In the ~~FCA Handbook~~ FCA Handbook:

...

- (5) (in *FEES*) one of the ~~broad~~ classes to which *FSCS* allocates levies as described in *FEES* 6.4.7AR, *FEES* 6.5.6AR and *FEES* 6 Annex 3AR.

- (B) In the ~~PRA Handbook~~ PRA Handbook:

...

<i>client money</i>	<p>...</p> <p>(2A) (in <i>CASS 6</i>, <i>CASS 7</i>, <i>CASS 7A</i> and <i>CASS 10</i> and, in so far as it relates to matters covered by <i>CASS 6</i>, <i>CASS 7</i>, <del>or</del> <i>COBS</i>, <i>GENPRU</i> or <i>IPRU(INV) 11</i>) subject to the <i>client money rules</i>, <i>money</i> of any currency:</p> <p>...</p>
<i>close links</i>	<p>(1) (in relation to <i>MiFID business</i> or in <i>FUND</i>) a situation in which two or more persons are linked by:</p> <p>...</p> <p><del>[Note: article 4(1)(31) of <i>MiFID</i>]</del></p> <p>A situation in which two or more persons are permanently linked to one and the same person by a control relationship is also to be regarded as constituting a close link between such persons.</p> <p><u>[Note: article 4(1)(31) of <i>MIFID</i> and article 4(1)(e) of <i>AIFMD</i>]</u></p> <p>...</p> <p>...</p>
<i>collateral</i>	<p>(1) (in <i>COLL</i> and <i>FUND</i>) any form of security, guarantee or indemnity provided by way of security for the discharge of any liability arising from a transaction.</p> <p>...</p>
<i>competent authority</i>	<p>...</p> <p>(8) <u>(in relation to an <i>AIF</i> for the purposes of <i>FUND</i>) the national authorities of an <i>EEA State</i> which are empowered by law or regulation to supervise <i>AIFs</i>.</u></p> <p>(9) <u>(in relation to an <i>AIFM</i>) a national authority in an <i>EEA State</i> which is empowered by law or regulation to supervise <i>AIFMs</i>.</u></p> <p>...</p>
<i>control</i>	<p>...</p> <p>(2A) (in relation to a <i>management company</i> carrying on <i>collective portfolio management</i> or an <i>AIFM</i>) control as defined in articles 1 and 2 of the Seventh Council Directive 83/349/EEC (The Seventh Company Law Directive).</p>

- ...
- ...
- depository*
- (1) (except in *LR*):
- (c) (in relation to any other *unit trust scheme* other than an *AIF* specified in (e)) the *person* holding the property of the *scheme* on trust for the *participants*;
- ...
- (cb) (in relation to an *ACS* which is a *co-ownership scheme*) the *person* who holds the property subject to the *scheme* or to whose order that property is held, as required by section 235A(3)(d) of the *Act* (Contractual schemes);
- (cc) (in relation to an *ACS* which is a *limited partnership scheme*) the *person* who holds the property subject to the *scheme* or to whose order that property is held, and who has been appointed to be the *person* to whom the *property* subject to the *scheme* is entrusted for safekeeping, as required by section 235A(6)(e)(i) of the *Act* (Contractual schemes);
- (d) (in relation to any other *collective investment scheme fund* other than an *AIF* specified in (e)) any *person* to whom the *fund* property subject to the *scheme* is entrusted for safekeeping;
- (e) (for an *AIF* managed by a *full-scope UK AIFM* (other than an *AIF* which is an *ICVC* or an *AUT*)) the *person* fulfilling the function of a depository under article 21(1) of *AIFMD* or, for a *non-EEA AIF*, under *FUND 3.11.32R(1)(a)* (*AIFM* of a non-EEA *AIF*).
- (2) (in *LR*) a *person* that issues *certificates representing certain securities* that have been *admitted to listing* or are the subject of an application for *admission to listing*.
- ...
- designated investment business*
- any of the following activities, specified in Part II of the *Regulated Activities Order* (Specified Activities), which is carried on by way of business:
- ...
- (k) ...

(ka) acting as the depositary of an authorised contractual scheme (article 51(1)(bb));

...

(n) *agreeing to carry on a regulated activity in (a) to (h) and (m) (article 64);*

(o) [deleted]

(p) managing a UCITS;

(q) acting as trustee or depositary of a UCITS;

(r) managing an AIF;

(s) acting as trustee or depositary of an AIF;

(t) establishing, operating or winding up a collective investment scheme.

...

*EEA firm*

(in accordance with paragraph 5 of Schedule 3 to the Act (EEA Passport Rights)) any of the following, if it does not have its relevant office in the *United Kingdom*:

...

(hh) an AIFM which is authorised (under article 8 of AIFMD) by its Home State regulator;

in this definition, relevant office means

...

...

*establishing, operating or winding up a collective investment scheme*

the *regulated activity*, specified in article 51(1)(a) or 51ZE of the *Regulated Activities Order* (Establishing etc. a collective investment scheme), of establishing, operating or winding up a *collective investment scheme*.

...

*Financial Services Register*

the public record, as required by section 347 of the *Act* (The public record), regulation 4 of the *Payment Services Regulations* (The register of certain payment service providers) and regulation 4 of the *Electronic Money Regulations*, of every:

...

	(c)	
	(ca)	<u>ACS</u> ;
	...	
...		
<i>fixed overheads requirement</i>	(1)	<u>(except in IPRU (INV)) the part of the capital resources requirement calculated in accordance with GENPRU 2.1.53R (Calculation of the fixed overheads requirement).</u>
	(2)	<u>(in IPRU(INV) 11) the part of the own funds requirement calculated in accordance with IPRU(INV) 11.3.3R (Fixed overheads requirement).</u>
...		
<i>funds under management</i>	(1)	<u>(in UPRU and GENPRU)</u>
	(1)	<u>collective investment schemes other than OEICs managed by the firm including schemes where it has delegated the management function but excluding schemes that it is managing as delegate; and</u>
	(2)	<u>OEICs for which the firm is the designated management company.</u>
	(2)	<u>(in IPRU(INV) and GENPRU) funds managed by the firm, calculated as the sum of the absolute value of all assets of all funds managed by the firm, including assets acquired through leverage. Derivative instruments shall be converted into their equivalent positions in the underlying assets using the conversion methodologies in article 10 of the AIFMD level 2 regulation and valued on that equivalent position. This includes funds where the firm has delegated the management function but excludes funds that it is managing as a delegate.</u>
...		
<i>Home State</i>	...	
	(13)	<u>(in relation to an AIF) the EEA State in which:</u>
	(a)	<u>the AIF is authorised or registered under applicable national law; or</u>
	(b)	<u>if the AIF is neither authorised nor registered in an EEA State, the EEA State in which the AIF has its registered office and/or head office.</u>

[Note: article 4(1)(p) of AIFMD]

(14) (in relation to an AIFM) the EEA State in which the AIFM has its registered office.

[Note: article 4(1)(q) of AIFMD]

...

*Host State*

...

(5) (in relation to an AIFM) means:

(a) an EEA state, other than the Home State, in which an EEA AIFM or UK AIFM manages EEA AIFs or UK AIFs; or

(b) an EEA state, other than the Home State, in which an EEA AIFM or UK AIFM markets units or shares of an EEA AIF or UK AIF;

[Note: article 4(1)(r) of AIFMD]

...

*initial capital*

...

(3A) (in IPRU(INV) 11) capital calculated under IPRU(INV) Table 11.4 (Method of calculating initial capital and own funds) composed of the specified items set out in that Table.

...

...

*instrument  
constituting the  
scheme*

...

(ba) ...

(bb) (in relation to an ACS) the contractual scheme deed;

...

...

*investment  
management firm*

(subject to BIPRU TP 1.3R (Revised definition of investment management firm for certain transitional purposes)), a *firm* whose *permitted activities* include *designated investment business*, which is not an *authorised professional firm*, *bank*, *BIPRU investment firm*, *building society*, *collective portfolio management firm*, *credit union*,

*energy market participant, friendly society, ICVC, insurer, media firm, oil market participant, service company, ~~incoming EEA firm~~ incoming EEA firm (without a top-up permission), incoming Treaty firm (without a top-up permission), ~~UCITS management company~~ or UCITS qualifier (without a top-up permission), whose permission does not include a requirement that it comply with IPRU-INV 3 or IPRU-INV 13 (Personal investment firms) and which is within (a), (b) or (c):*

...

(c) a firm:

...

(ii) for which the most substantial part of its gross income ... is derived from one or more of the following activities...:

...

(Ca) managing an AIF;

...

(D) ...

(Da) acting as the authorised contractual scheme manager or depositary of an ACS;

(Db) acting as trustee or depositary of an AIF;

(Dc) acting as trustee or depositary of a UCITS;

(E) establishing, operating or winding up a collective investment scheme (other than an AUT, ~~or~~ ICVC or ACS);

...

...

*issue*

(in relation to *units*):

(1) (except in EG 14) the issue of new *units* by the trustee of an AUT, the depositary of an ACS or by an ICVC;

...

...

*issuer*

(1) (except in LR, PR and DTR):

- ...
- (c) (in relation to an interest in a limited *partnership* except for a *limited partnership scheme*) the *partnership*;
- ...
- ...
- liquidity risk*
- (1) (~~in *COLL* and in accordance with~~ for a *UCITS* and under article 3(8) of the *UCITS implementing Directive*) the risk that a position in a *UCITS*' portfolio cannot be sold, liquidated or closed out at limited cost in an adequately short timeframe and that the ability of the *scheme* to comply at any time with *COLL* 6.2.16R (Sale and redemption) or, in the case of an *EEA UCITS scheme*, article 84(1) of the *UCITS Directive* is thereby compromised.
- (2) (except ~~in *COLL* for a *UCITS*~~) the risk that a *firm*, although solvent, either does not have available sufficient financial resources to enable it to meet its obligations as they fall due, or can secure such resources only at excessive cost.
- ...
- manager*
- (1) (in relation to an *AUT*) the *firm*, including, if relevant an *EEA UCITS management company* or *incoming EEA AIFM*, which is the manager of the *AUT* in accordance with the *trust deed*.
- (1A) (in relation to an *OEIC* which is an undertaking for collective investment in transferable securities ~~within the meaning of~~ under the *UCITS Directive* or an *AIF*, and which has appointed a *person* to manage the scheme) the *person* appointed to manage the scheme.
- ...
- ...
- management company*
- (in accordance with article 2(1)(b) of the *UCITS Directive*) a company, the regular business of which is the management of *UCITS* in the form of unit trusts, common funds (including *authorised contractual schemes*) or investment companies (*collective portfolio management*), including, where permitted by its *Home State regulator*, the additional services referred to in article 6(3) of that directive.
- ...
- market risk*
- (1) (in *COLL* ~~and in accordance with article 3(9) of the *UCITS implementing Directive*~~ and *FUND*) the risk of loss of a

*UCITS or AIF* resulting from fluctuation in the market value of positions in the *scheme's fund's* portfolio attributable to changes in market variables, such as interest rates, foreign exchange rates, equity and commodity prices or an issuer's credit worthiness.

- (2) (except in *COLL* and *FUND*) (in relation to a *firm*) the risks that arise from fluctuations in values of, or income from, assets or in interest or exchange rates.

...

*MiFID investment firm*

(in summary) a *firm* to which *MiFID* applies including, for some purposes only, a *credit institution* and *UCITS investment firm collective portfolio management investment firm*.  
(in full) a *firm* which is:

...

*operational risk*

- (1) (in *COLL* and ~~in accordance with article 3(10) of the *UCITS implementing Directive*~~ and *FUND*) the risk of loss for a *UCITS or AIF* resulting from inadequate internal processes and failures in relation to the people and systems of the *management company or AIFM* or from external events, and it includes legal and documentation risk and risk resulting from the trading, settlement and valuation procedures operated on behalf of the *scheme fund*.
- (2) (except in *COLL* and *FUND*) (in accordance with Article 4(22) of the *Banking Consolidation Directive*) the risk of loss resulting from inadequate or failed internal processes, people and systems or from external events, including legal risk.

...

*operator*

- (1) (except in *EG*):
- (a) ...
- (aa) (in relation to an *ACS*) the *authorised contractual scheme manager*;
- ...
- (c) ...
- (ca) (in relation to any other *collective investment scheme* that is a contractual scheme) any *person* who, under the constituent instrument, is responsible for the management of the property held for or within the *scheme*.

	...
...	
<i>overseas person</i>	(in accordance with article 3(1) of the <i>Regulated Activities Order (Interpretation)</i> ) a <i>person</i> who: <ul style="list-style-type: none"> <li>(a) carries on any of the following <i>regulated activities</i>:           <ul style="list-style-type: none"> <li>...</li> <li>(xiii) ...</li> <li><u>(xiiia) acting as the depositary of an authorised contractual scheme;</u></li> <li>...</li> </ul> </li> </ul>
<i>own funds</i>	... <ul style="list-style-type: none"> <li><u>(2A) (in IPRU(INV) 11) the own funds of a firm calculated under IPRU(INV) Table 11.4 (Method of calculating initial capital and own funds).</u></li> </ul>
...	
<i>participant firm</i>	(1) (except in <i>FEES 1</i> and <i>FEES 6</i> ) a <i>firm</i> or a <i>member</i> other than: <ul style="list-style-type: none"> <li>(a) ...           <ul style="list-style-type: none"> <li><u>(vi) an AIFM managing an unauthorised AIF or providing the services in article 6(4) of AIFMD;</u></li> <li>...</li> <li><u>(k) an AIFM qualifier.</u></li> </ul> </li> <li>...</li> </ul>
...	
<i>personal investment firm</i>	(subject to <i>BIPRU TP 1</i> (Revised definition of personal investment firm for certain transitional purposes)) a <i>firm</i> whose <i>permitted activities</i> include <i>designated investment business</i> , which is not an <i>authorised professional firm</i> , <i>bank</i> , <i>BIPRU investment firm</i> , <del>building society</del> <i>building society</i> , <i>collective portfolio management firm</i> , <del>credit union</del> <i>credit union</i> , <del>energy market participant</del> <i>energy market participant</i> , <del>friendly society</del> <i>friendly society</i> , <del>ICVC</del> <i>ICVC</i> , <del>insurer</del> <i>insurer</i> , <del>media firm</del> <i>media firm</i> , <del>oil market participant</del> <i>oil market participant</i> , <del>service company</del> <i>service company</i> , <del>incoming EEA firm</del> <i>incoming EEA firm</i> (without a <i>top-up permission</i> ), <i>incoming Treaty</i>

*firm* (without a *top-up permission*), ~~*UCITS management company*~~ or *UCITS qualifier* (without a *top-up permission*), whose *permission* does not include a *requirement* that it comply with *IPRU(INV) 3* (Securities and futures firms) or 5 (Investment management firms), and which is within (a), (b) or (c):

...

*proprietary trading* (in *SUP 10A* (Approved Persons) and *APER*) *dealing in investments as principal* as part of a business of trading in *specified investments*. For these purposes *dealing in investments as principal* includes any activities that would be included but for the exclusion in Article 15 (Absence of holding out), ~~or~~ Article 16 (Dealing in contractually based investments) or, for a UK AIFM or UK UCITS management company, Article 72AA (Managers of UCITS and AIFs) of the Regulated Activities Order.

...

*prospectus* (1) (in *LR, PR<sub>2</sub>* ~~and~~ *FEES* and *FUND 3* (Requirements for managers of alternative investment funds)) a prospectus required under the *prospectus directive*.

...

...

*redemption* (1) ...

(2) (in *EG 14* (Collective investment schemes)) redemption as in (1) but including their cancellation by:

(a) the *trustee* of an *AUT*;

(b) the *depository* of an *ACS*; or ~~by~~

(c) an *ICVC*.

...

*regulated collective investment scheme* ...

(b) ...

(ba) an *ACS*; or

...

...

*securities and futures* (subject to *BIPRU TP 1* (Revised definition of securities and futures

<i>firm</i>	<p>firm for certain transitional purposes)) a <i>firm</i> whose <i>permitted activities</i> include <i>designated investment business</i> or <i>bidding in emissions auctions</i>, which is not an <i>authorised professional firm</i>, <i>bank</i>, <i>BIPRU investment firm</i> (unless it is an <i>exempt BIPRU commodities firm</i>), <i>building society</i>, <u><i>collective portfolio management firm</i></u>, <i>credit union</i>, <i>friendly society</i>, <i>ICVC</i>, <i>insurer</i>, <i>media firm</i>, <i>service company</i>, <i>incoming EEA firm</i> (without a <i>top-up permission</i>), <i>incoming Treaty firm</i> (without a <i>top-up permission</i>), <del><i>UCITS management company</i></del> or <i>UCITS qualifier</i> (without a <i>top-up permission</i>), whose <i>permission</i> does not include a <i>requirement</i> that it comply with <i>IPRU(INV) 5</i> (Investment management firms) or 13 (Personal investment firms), and which is within (a), (b), (c), (d), (e), (f), (g) or (h):</p>
...	
<i>Single Market Directives</i>	<p>...</p> <p>(d) the <i>Insurance Mediation Directive</i>; <del>and</del></p> <p>(e) the <i>UCITS Directive</i>; <u>and</u></p> <p>(f) <u><i>AIFMD</i></u>.</p>
...	
<i>sub-fund</i>	<p>...</p> <p>(b) (in relation to a <del><i>collective investment scheme fund</i></del> that is not an <i>authorised fund</i> or an <i>EEA UCITS scheme</i>) any part of that scheme that is equivalent to (a).</p>
...	
<i>top-up cover</i>	<p>cover provided by the <i>compensation scheme</i> for <i>claims</i> against an <i>incoming EEA firm</i> (which is a <i>credit institution</i>, an <i>IMD insurance intermediary</i>, an <i>IMD reinsurance intermediary</i> <del>or</del>, a <i>MiFID investment firm</i>, <del>or</del> a <u><i>UCITS management company</i></u> or an <u><i>AIFM</i></u>) in relation to the <i>firm's passported activities</i> and in addition to, or due to the absence of, the cover provided by the <i>firm's Home State compensation scheme</i> (see <i>COMP 14</i> (Participation by EEA firms)).</p>
...	
<i>trading book</i>	<p>...</p> <p>(2) (in <i>BIPRU</i>, <i>GENPRU</i> <del>and</del>, <u><i>BSOCS</i></u> <u>and</u> <u><i>IPRU(INV) 11</i></u> and in relation to a <i>BIPRU firm</i>) has the meaning in <i>BIPRU 1.2</i> (Definition of the trading book) which is <del>in summary</del>, all that <i>firm's positions</i> in <i>CRD financial instruments</i> and <i>commodities</i> held either with trading intent or in order to</p>

hedge other elements of the *trading book*, and which are either free of any restrictive covenants on their tradability or able to be hedged.

...

...

*UCITS firm*

a *firm* which:

- (a) is a *management company*, including where in addition the *firm* is also ~~the operator of a collective investment scheme which is not a UCITS scheme~~ an AIFM; and
- (b) does not have a *Part 4A permission* (or an equivalent permission from its *Home State regulator*) to carry on any *regulated activities* other than those which are in connection with, or for the purpose of, ~~such schemes~~ managing AIFs or UCITS.

...

*unit*

(1) (for collective investment schemes) the investment, specified in article 81 of the Regulated Activities Order (Units in a collective investment scheme) and defined in section 237(2) of the Act (Other definitions)), which is the right or interest (however described) of the participants in a collective investment scheme; this includes:

(a) ...

(aa) (in relation to an ACS) a unit representing the rights or interests of the unitholders in the ACS; and

(b) (in relation to an ICVC) a share in the ICVC; and

(2) (for an alternative investment fund) the right or interest (however described) of an investor in an alternative investment fund.

...

*unit trust scheme*

(as defined in section 237(1) of the Act (Other definitions)) a *collective investment scheme* under which the property in question is held on trust for the *participants*, except that it does not include an authorised contractual scheme.

...

*waiver*

a direction waiving or modifying a *rule*, given by the *appropriate regulator* under section 138A of the Act (Modification or waiver of rules) or by the FCA under sections 250, 261L or 294 of the Act

(Modification or waiver of rules) or regulation 7 of the *OEIC Regulations* (see *SUP 8* and *REC 3.3*).

...

## Annex C

### Amendments to the Principles for Businesses (PRIN)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application and purpose

##### Application

- 1.1.1 G The *Principles* (see *PRIN 2*) apply in whole or in part to every *firm*. The application of the *Principles* is modified for *firms* conducting *MiFID business, incoming EEA firms, incoming Treaty firms, ~~and UCITS qualifiers~~ and AIFM qualifiers*. *PRIN 3* (Rules about application) specifies to whom, to what and where the *Principles* apply.

...

#### 3 Rules about application

##### 3.1 Who?

- 3.1.1 R *PRIN* applies to every *firm*, except that:

...

- (4) for a *UCITS qualifier* and AIFM qualifier, only *Principles 1, 2, 3, 7, and 9* apply, and only with respect to the activities in *PRIN 3.2.2R* (Communication and approval of financial promotions);

...

## Annex D

**Amendments to the Senior Management Arrangements, Systems and Controls  
sourcebook (SYSC)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**1 Annex 1 Detailed application of SYSC**

...

<b>Part 3</b>	<b>Tables summarising the application of the common platform requirements to different types of firm</b>		
3.1	G	The <i>common platform requirements</i> apply in the following three <u>four</u> ways (subject to the provisions in Part 2 of this Annex).	
	...		
<u>3.2B</u>	R	For a <u>full-scope UK AIFM of an authorised AIF</u> , they apply under Column <u>A++</u> in the table below.	
3.3	G	For all other <i>firms</i> apart from <i>insurers, managing agents</i> , and the <i>Society and full-scope UK AIFMs of unauthorised AIFs</i> , they apply in accordance with Column B in the table below. For these firms, where a <i>rule</i> is shown modified in Column B as ‘Guidance’, it should be read as <i>guidance</i> (as it “should” appeared in that rule instead if “must”) and should be applied in a proportionate manner, taking into account the nature, scale and complexity of the firm’s business.	
...			

<b>Provision SYSC 4</b>	<b>COLUMN A Application to a common platform firm other than to a UCITS investment firm</b>	<b>COLUMN A+ Application to a UCITS management company</b>	<b><u>COLUMN A++</u> <u>Application to</u> <u>a full-scope UK</u> <u>AIFM of an</u> <u>authorised AIF</u></b>	<b>COLUMN B Application to all other firms apart from insurers, managing agents and the Society, and <u>full-scope UK</u> <u>AIFMs of</u> <u>unauthorised</u> <u>AIFs</u></b>
SYSC 4.1.1R	Rule but SYSC 4.1.1R(2) applies only to a <i>BIPRU firm</i> and SYSC 4.1.1R(3) applies only to a <u>full-scope UK AIFM</u>	Rule but SYSC 4.1.1R(2) applies only to a <i>BIPRU firm</i> and SYSC 4.1.1R(3) applies only to a <u>full-scope UK AIFM</u>	<u>Rule but SYSC 4.1.1R(2) applies only to a BIPRU firm and SYSC 4.1.1R(3) applies only to a full-scope UK AIFM</u>	Rule but SYSC 4.1.1R(2) applies only to a <i>third country BIPRU firm</i> and SYSC 4.1.1R(3) <u>applies only to a full-scope</u>

				<u>UK AIFM</u>
<u>SYSC 4.1.1AR</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
SYSC 4.1.2R	...	...	<u>Rule</u>	...
SYSC 4.1.2AG	...	...	<u>Not applicable</u>	...
SYSC 4.1.2BR	...	...	<u>Rule</u>	...
SYSC 4.1.2CR	...	...	<u>Rule</u>	...
<u>SYSC 4.1.2DR</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
SYSC 4.1.3R	...	...	<u>Not applicable</u>	...
SYSC 4.1.4R	...	...	<u>Not applicable</u>	...
SYSC 4.1.4AG	...	...	<u>Not applicable</u>	...
SYSC 4.1.5R	...	...	<u>Not applicable</u>	...
SYSC 4.1.6R	...	...	<u>Not applicable</u>	...
SYSC 4.1.7R	...	...	<u>Not applicable</u>	...
SYSC 4.1.7AG	...	...	<u>Not applicable</u>	...
SYSC 4.1.8G	...	...	<u>Guidance</u>	...
SYSC 4.1.9R	...	...	<u>Not applicable</u>	...
SYSC 4.1.10R	...	...	<u>Not applicable</u>	...
SYSC 4.1.10AG	...	...	<u>Not applicable</u>	...
SYSC 4.1.11G	...	...	<u>Guidance</u>	...
SYSC 4.1.13G	...	...	<u>Guidance</u>	...
SYSC 4.1.14G	...	...	<u>Guidance</u>	...
SYSC 4.2.1R	...	...	<u>Rule</u>	...
SYSC 4.2.1AG	...	...	<u>Not applicable</u>	...
SYSC 4.2.2R	...	...	<u>Rule</u>	...
SYSC 4.2.3G - SYSC 4.2.5G	...	...	<u>Guidance</u>	...

<i>SYSC 4.2.6R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.2.7R</i>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
<i>SYSC 4.2.8R</i>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
<i>SYSC 4.2.9G</i>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Guidance</u>	<u>Not applicable</u>
<i>SYSC 4.3.1R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.3.2R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.3.2AG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.3.3G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.1R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.2G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.3R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.4G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.5R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 4.4.6G</i>	...	...	<u>Not applicable</u>	...

<b>Provision</b>	<b>COLUMN A</b>	<b>COLUMN A+</b>	<b><u>COLUMN A++</u></b>	<b>COLUMN B</b>
<b>SYSC 5</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents and the Society, and <u>full-scope UK AIFMs of unauthorised AIFs</u></b>
<i>SYSC 5.1.1R</i>	...	...	<u>Not applicable</u>	..
<i>SYSC 5.1.2G</i>	...	...	<u>Guidance</u>	...
<i>SYSC 5.1.3G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 5.1.4G</i>	...	...	<u>Guidance</u>	...

SYSC 5.1.4AG	...	...	<u>Guidance</u>	...
SYSC 5.1.5G	...	...	<u>Guidance</u>	...
SYSC 5.1.5AG	...	...	<u>Guidance</u>	...
SYSC 5.1.6R	...	...	<u>Guidance</u>	...
SYSC 5.1.7R	...	...	<u>Guidance</u>	...
SYSC 5.1.7AG	...	...	<u>Guidance</u>	...
SYSC 5.1.8G	...	...	<u>Guidance</u>	...
SYSC 5.1.9G	...	...	<u>Guidance</u>	...
SYSC 5.1.10G	...	...	<u>Guidance, but not applicable for the segregation of risk management functions</u>	...
SYSC 5.1.11G	...	...	<u>Guidance</u>	...
SYSC 5.1.12R	...	...	<u>Not applicable</u>	...
SYSC 5.1.12AG	...	...	<u>Not applicable</u>	...
SYSC 5.1.13R	...	...	<u>Not applicable</u>	...
SYSC 5.1.14R	...	...	<u>Not applicable</u>	...
SYSC 5.1.15G	...	...	<u>Not applicable</u>	...

<b>Provision</b>	<b>COLUMN A</b>	<b>COLUMN A+</b>	<b><u>COLUMN A++</u></b>	<b>COLUMN B</b>
<b>SYSC 6</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents, and the Society and full-scope UK AIFMs of <u>unauthorised</u></b>

				<u>AIFs</u>
SYSC 6.1.1R	...	...	<u>Rule but only regarding the obligation to establish, implement and maintain adequate policies and procedures for countering the risk that the <i>firm</i> (including its managers and employees) might be used to further <i>financial crime</i></u>	...
<u>SYSC 6.1.1AG</u>	<u>Guidance</u>	<u>Guidance</u>	<u>Guidance</u>	<u>Guidance</u>
SYSC 6.1.2R	...	...	<u>Not applicable</u>	...
SYSC 6.1.2AG	...	...	<u>Not applicable</u>	...
SYSC 6.1.3R	...	...	<u>Not applicable</u>	...
SYSC 6.1.3AG	...	...	<u>Not applicable</u>	...
SYSC 6.1.4R	...	...	<u>Not applicable</u>	...
SYSC 6.1.4AG	...	...	<u>Rule</u>	...
SYSC 6.1.4AR	...	...	<u>Not applicable</u>	...
SYSC 6.1.5R	...	...	<u>Not applicable</u>	...
SYSC 6.1.6G	...	...	<u>Not applicable</u>	...
SYSC 6.2.1R	...	...	<u>Not applicable</u>	...
SYSC 6.2.1AG	...	...	<u>Not applicable</u>	...
SYSC 6.2.2G	...	...	<u>Not applicable</u>	...
SYSC 6.3.1R	...	...	<u>Rule</u>	...
SYSC 6.3.2G	...	...	<u>Guidance</u>	...
SYSC 6.3.3R	...	...	<u>Rule</u>	...

<i>SYSC 6.3.4G</i>	...	...	<u>Guidance</u>	...
<i>SYSC 6.3.5G</i>	...	...	<u>Guidance</u>	...
<i>SYSC 6.3.6G</i>	...	...	<u>Guidance</u>	...
<i>SYSC 6.3.7G</i>	...	...	<u>Guidance</u>	...
<i>SYSC 6.3.8R</i>	...	...	<u>Rule</u>	...
<i>SYSC 6.3.9R</i>	...	...	<u>Rule</u>	...
<i>SYSC 6.3.10G</i>	...	...	<u>Guidance</u>	...
<u><i>SYSC 6.3.11G</i></u>	<u>Guidance</u>	<u>Guidance</u>	<u>Guidance</u>	<u>Guidance</u>

<b>Provision</b>	<b>COLUMN A</b>	<b>COLUMN A+</b>	<b><u>COLUMN A++</u></b>	<b>COLUMN B</b>
<b>SYSC 7</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents, and the Society, and full-scope <u>UK AIFMs of unauthorised AIFs</u></b>
<i>SYSC 7.1.1G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.2R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.2AG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.2BG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.3R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.4R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.4AG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.4BG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.5R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.6R</i>	...	...	<u>Not applicable</u>	...

<i>SYSC 7.1.7R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.7AG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.7BG</i>	...	...	<u>Guidance.</u>	...
<i>SYSC 7.1.7CG</i>	...	...	<u>Guidance</u>	...
<i>SYSC 7.1.8G(1), (2)</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.9R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.10R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.11R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.12G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 7.1.13R - 7.1.16R</i>	...	...	<u>Not applicable</u>	...

<b>Provision</b>	<b>COLUMN A</b>	<b>COLUMN A+</b>	<b>COLUMN A++</b>	<b>COLUMN B</b>
<b>SYSC 8</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents, and the Society, and full-scope UK AIFMs of unauthorised AIFs</b>
<i>SYSC 8.1.1R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.1AG</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.2G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.3G</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.4R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.5R</i>	...	...	<u>Not applicable</u>	...
<i>SYSC 8.1.5AG</i>	...	...	<u>Not applicable</u>	...

SYSC 8.1.6R	...	...	<u>Not applicable</u>	...
SYSC 8.1.7R	...	...	<u>Not applicable</u>	...
SYSC 8.1.8R	...	...	<u>Not applicable</u>	...
SYSC 8.1.9R	...	...	<u>Not applicable</u>	...
SYSC 8.1.10R	...	...	<u>Not applicable</u>	...
SYSC 8.1.11R	...	...	<u>Not applicable</u>	...
SYSC 8.1.11AG	...	...	<u>Not applicable</u>	...
SYSC 8.1.12G	...	...	<u>Not applicable</u>	...
SYSC 8.1.13R	...	...	<u>Not applicable</u>	...
SYSC 8.1.14G	...	...	<u>Not applicable</u>	...
SYSC 8.2	...	...	<u>Not applicable</u>	...
SYSC 8.3	...	...	<u>Not applicable</u>	...

<b>Provision</b>	<b>COLUMN A</b>	<b>COLUMN A+</b>	<b>COLUMN A++</b>	<b>COLUMN B</b>
<b>SYSC 9</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents, and the Society, and full-scope UK AIFMs of unauthorised AIFs</b>
SYSC 9.1.1R	...	...	<u>Rule but only for the requirement for orderly records of its business and internal organisation which do not relate to portfolio</u>	...

			<u>transactions and subscription and redemptions orders</u>	
SYSC 9.1.2R	...	...	<u>Rule but only for records specified by the modified application of SYSC 9.1.1R</u>	...
SYSC 9.1.3R	...	...	<u>Not applicable</u>	...
SYSC 9.1.4G	...	...	<u>Guidance</u>	...
SYSC 9.1.5G	...	...	<u>Not applicable</u>	...
SYSC 9.1.6G	...	...	<u>Not applicable</u>	...
SYSC 9.1.7G	...	...	<u>Not applicable</u>	...

<b>Provision</b>	<b>Column A</b>	<b>COLUMN A+</b>	<b><u>COLUMN A++</u></b>	<b>Column B</b>
<b>SYSC 10</b>	<b>Application to a common platform firm other than to a UCITS investment firm</b>	<b>Application to a UCITS management company</b>	<b><u>Application to a full-scope UK AIFM of an authorised AIF</u></b>	<b>Application to all other firms apart from insurers, managing agents, and the Society, and full-scope <u>UK AIFMs of unauthorised AIFs</u></b>
SYSC 10.1.1R	...	...	<u>Rule</u>	...
SYSC 10.1.2G	...	...	<u>Not applicable</u>	...
SYSC 10.1.3R	...	...	<u>Not applicable</u>	...
SYSC 10.1.4R	...	...	<u>Not applicable</u>	...
SYSC 10.1.4AG	...	...	<u>Not applicable</u>	...
SYSC 10.1.5G	...	...	<u>Not applicable</u>	...

SYSC 10.1.6R	...	...	<u>Not applicable</u>	...
SYSC 10.1.6AG	...	...	<u>Not applicable</u>	...
SYSC 10.1.7R	...	...	<u>Not applicable</u>	...
SYSC 10.1.8R	...	...	<u>Not applicable</u>	...
SYSC 10.1.8AR	...	...	<u>Not applicable</u>	...
SYSC 10.1.9G	...	...	<u>Not applicable</u>	...
SYSC 10.1.10R	...	...	<u>Not applicable</u>	...
SYSC 10.1.11R	...	...	<u>Not applicable</u>	...
SYSC 10.1.11AG	...	...	<u>Not applicable</u>	...
SYSC 10.1.12G - SYSC 10.1.15G	...	...	<u>Guidance for SYSC 10.1.12G; not applicable for SYSC 10.1.13G – SYSC 10.1.15G</u>	...
SYSC 10.1.16R	...	...	<u>Not applicable</u>	...
SYSC 10.1.17R	...	...	<u>Not applicable</u>	...
SYSC 10.1.18G	...	...	<u>Not applicable</u>	...
SYSC 10.1.19R	...	...	<u>Not applicable</u>	...
SYSC 10.1.20R	...	...	<u>Not applicable</u>	...
SYSC 10.1.21R	...	...	<u>Not applicable</u>	...
<u>SYSC 10.1.22R</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Rule</u>	<u>Not applicable</u>
<u>SYSC 10.1.23R</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
<u>SYSC 10.1.24R</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
<u>SYSC 10.1.25R</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>
<u>SYSC 10.1.26R</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Rule</u>	<u>Not applicable</u>

SYSC 10.2.1R	...	...	<u>Rule</u>	...
SYSC 10.2.2R	...	...	<u>Rule</u>	...
SYSC 10.2.3G	...	...	<u>Guidance</u>	...
SYSC 10.2.4R	...	...	<u>Rule</u>	...
SYSC 10.2.5G	...	...	<u>Guidance</u>	...

...

- 4.1.2 R For a *common platform firm*, the arrangements, processes and mechanisms referred to in SYSC 4.1.1R must be comprehensive and proportionate to the nature, scale and complexity of the *common platform firm's* activities and must take into account the specific technical criteria described in SYSC 4.1.7R, SYSC 5.1.7R, SYSC 7 and (for a *BIPRU firm* and a *third country BIPRU firm*) SYSC 19A, or (for a *full-scope UK AIFM*) SYSC 19B.

...

- 4.2.1 R The *senior personnel* of a *common platform firm*, a *management company*, a *full-scope UK AIFM*, or of the *UK branch* of a *non-EEA bank* must be of sufficiently good repute and sufficiently experienced as to ensure the sound and prudent management of the *firm*.

[**Note:** article 9(1) of *MiFID*, article 7(1)(b) of the *UCITS Directive*, article 8(1)(c) of *AIFMD* and article 11(1) second paragraph of the *Banking Consolidation Directive*]

...

- 4.2.2 R A *common platform firm*, a *management company*, a *full-scope UK AIFM* and the *UK branch* of a *non-EEA bank* must ensure that its management is undertaken by at least two persons meeting the requirements laid down in SYSC 4.2.1R and, for a *full-scope UK AIFM*, SYSC 4.2.7R.

[**Note:** article 9(4) first paragraph of *MiFID*, article 7(1)(b) of the *UCITS Directive*, article 8(1)(c) of *AIFMD* and article 11(1) first paragraph of the *Banking Consolidation Directive*]

...

- 4.2.4 G At least two independent minds should be applied to ~~both~~ the formulation and implementation of the policies of a *common platform firm*, a *management company*, a *full-scope UK AIFM* and the *UK branch* of a *non-EEA bank*. Where ~~such~~ a *firm* nominates just two individuals to direct its business, the *appropriate regulator* will not regard them as both effectively directing the business where one of them makes some, albeit significant, decisions relating to only a few aspects of the business. Each should play a part in the decision-making process on all significant decisions. Both should demonstrate the

qualities and application to influence strategy, day-to-day policy and its implementation. This does not require their day-to-day involvement in the execution and implementation of policy. It does, however, require involvement in strategy and general direction, as well as knowledge of, and influence on, the way in which strategy is being implemented through day-to-day policy.

- 4.2.5 G Where there are more than two individuals directing the business of a *common platform firm*, a *management company*, a full-scope UK AIFM or the UK branch of a *non-EEA bank*, the *appropriate regulator* does not regard it as necessary for all of these individuals to be involved in all decisions relating to the determination of strategy and general direction. However, at least two individuals should be involved in all such decisions. Both individuals' judgement should be engaged so that major errors leading to difficulties for the *firm* are less likely to occur. Similarly, each individual should have sufficient experience and knowledge of the business and the necessary personal qualities and skills to detect and resist any imprudence, dishonesty or other irregularities by the other individual. Where a single individual, whether a chief executive, managing *director* or otherwise, is particularly dominant in such a *firm* this will raise doubts about whether SYSC 4.2.2R is met.

...

- 4.2.6 R If a *common platform firm*, (other than a credit institution or AIFM investment firm) or the UK branch of a *non-EEA bank*, is:

- (1) a natural person; or
- (2) a legal person managed by a single natural person

it must have alternative arrangements in place which ensure sound and prudent management of the firm.

...

## 21.1 Risk control: guidance on governance arrangements

Additional guidance on governance arrangements

- 21.1.1 G
- (1) This chapter provides additional guidance on risk-centric governance arrangements for effective risk management. It expands upon the general organisational requirements in SYSC 2, SYSC 3, SYSC 4, ~~and SYSC 7~~ and FUND 3.7, and so applies to the same extent as SYSC 3.1.1R (for *insurers, managing agents* and the *Society*), ~~and SYSC 4.1.1R~~ (for every other *firm*) and FUND 3.7 (for a *full-scope UK AIFM* of an *authorised AIF*).
  - (2) *Firms* should, taking account of their size, nature and complexity, consider whether in order to fulfil the general organisational requirements in SYSC 2, SYSC 3, SYSC 4, ~~and~~

*SYSC 7 and (for a full-scope UK AIFM of an authorised AIF)*  
FUND 3.7 their risk control arrangements should include:

...

## Annex E

## Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

## 1.1 Application and Purpose

...

Application

1.1.2 R The manual applies in the following way:

(1) ...

(2) FEES 1, 2 and 4 apply to:

(a) every firm (except an AIFM qualifier, ICVC or UCITS qualifier);

(b) every ~~manager~~ authorised fund manager of an authorised unit trust ~~unit trust~~ unit trust or authorised contractual scheme;

...

(k) every fee-paying electronic money issuer; ~~and~~

(l) every issuer of a regulated covered bond; and

(m) every person making a notification to the FCA under regulation 57, 58 and 59 of the AIFMD UK regulation.

...

3.2.5 G (1) The appropriate authorisation or registration fee is an integral part of an application for, or an application for a variation of, a Part 4A permission, ~~or~~ authorisation, registration or variation under the Payment Services Regulations or the Electronic Money Regulations, or notification or registration under the AIFMD UK regulation. Any application or notification received by the appropriate regulator without the accompanying appropriate fee, in full and without deduction (see FEES 3.2.1R), will not be treated as an application or notification made, incomplete or otherwise, in accordance with section 55U(4), or section 55H or 55I (as the case may be), of the Act or regulation 5(3) or 12(3) of the Payment Services Regulations or regulation 5 or 12 of the Electronic Money Regulations or

regulation 11(1) and 60 (a) of the AIFMD UK regulation.

Where this is the case, the *appropriate regulator* will contact the applicant to point out that the application cannot be progressed until the appropriate fee has been received. In the event that the appropriate authorisation fee, in full and without deduction, is not forthcoming, the application will be returned to the applicant and no application will have been made.

...

### 3 Annex 1R Authorisation fees payable

...

Moderately complex cases	
Activity grouping	Description
...	
A.7	<del>Fund managers</del> <u>Portfolio managers</u>
A.9	<del>Operators, trustees and depositories of collective investment schemes, operators of personal pensions schemes and operators of stakeholder pension schemes</del> <u>Managers and depositories of investment funds, and operators of collective investment schemes or pension schemes</u>
...	

...

### 4.2 Obligation to pay periodic fees

...

Modifications for persons becoming subject to periodic fees during the course of a fee year

- 4.2.6 R (1) ...
- (a) *firms* (other than *AIFM qualifiers*, *ICVCs* and *UCITS qualifiers*) in accordance with *FEES* 4.2.7R and *FEES* 4.2.8R;
- ...
- 4.2.7 R A *firm* (other than an *AIFM qualifier*, *ICVC* or *UCITS qualifier*) which becomes authorised or registered, or whose *permission* and/or *payment*

*service* activities are extended, during the course of the *fee year* must pay a fee which is calculated by:

...

**4.3 Periodic fee payable by firms (other than AIFM qualifiers, ICVCs and UCITS qualifiers)**

4.3.1 R The periodic fee payable by a *firm* (except an AIFM qualifier, ICVC or a *UCITS qualifier*) is:

...

...

## Annex F

## Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 1.2 Adequacy of financial resources

...

- 1.2.11 G The adequacy of a *firm's* financial resources needs to be assessed in relation to all the activities of the *firm* and the risks to which they give rise and so this section applies to a *firm* in relation to the whole of its business. In ~~the case of a UCITS investment firm~~ collective portfolio management investment firm this means that this section is ~~not limited to designated investment business excluding scheme management activity~~. It also applies to ~~scheme management activity~~ and to activities that are not ~~designated investment business~~ its activities in relation to the management of AIFs and/or UCITS.

...

## 2.1 Calculation of capital resources requirement

...

- 2.1.8 G ...
- (3) ~~In the case of a UCITS investment firm~~ a collective portfolio management investment firm this section implements article 9 of AIFMD and (in part) Article 7 of the *UCITS Directive*.

...

Calculation of the variable capital requirement for a BIPRU firm

- 2.1.45 R Table: Calculation of the variable capital requirement for a BIPRU firm  
This table belongs to *GENPRU 2.1.40R*

<i>Firm category</i>	<i>Capital requirement</i>	
...	...	
<i>BIPRU limited licence firm (including UCITS investment firm collective portfolio management)</i>	the higher of (1) and (2):	
	(1)	The sum of:
	(a)	the <i>credit risk capital requirement</i> ; and
	(b)	the <i>market risk capital requirement</i> ; and

<i>investment firm</i> )	(2)	the <i>fixed overheads requirement</i> .
--------------------------	-----	--

...

Table: Base capital resources requirement for a BIPRU firm

2.1.48 R This table belongs to GENPRU 2.1.47R

<i>Firm category</i>	Amount: Currency equivalent of
...	...
<i>UCITS investment firm</i> <i>Collective portfolio</i> <i>management investment</i> <i>firm</i>	€125,000 plus, if the <i>funds under management</i> exceed <del>€250,000,000</del> , 0.02% of the excess, subject to a maximum of <del>€10,000,000</del> .

...

## Annex G

## Amendments to Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

## 1.1 Application

...

- 1.1.3 G In the main *BIPRU* only applies to a *UCITS investment firm* collective portfolio management investment firm in respect of *designated investment business* (excluding ~~*scheme management activity*~~ *managing an AIF* and *managing a UCITS*). However *BIPRU* 2.2 (Internal capital adequacy standards), *BIPRU* 2.3 (Interest rate risk in the non-trading book), *BIPRU* 8 (Group risk - consolidation) and *BIPRU* 11 (Disclosure) apply to the whole of its business.

...

- 1.1.8 R A *firm* falling within *BIPRU* 1.1.6R(3) to *BIPRU* 1.1.6R(5) is a *BIPRU investment firm*. A *BIPRU investment firm* includes a *UCITS investment firm* collective portfolio management investment firm that is not excluded under *BIPRU* 1.1.7R.

...

Alternative classification of BIPRU investment firms

- 1.1.18 R *BIPRU investment firm* are divided into the following classes for the purposes of the calculation of the *base capital resources requirement* and for the purpose of any other provision of the *Handbook* that applies this classification:

- (1) a ~~*UCITS investment firm*~~ collective portfolio management investment firm;

...

Types of investment firm: BIPRU 125K firm

- 1.1.19 R A *BIPRU 125K firm* means a *BIPRU investment firm* that satisfies the following conditions:

...

- (4) it is not a ~~*UCITS investment firm*~~ collective portfolio management investment firm; and;

...

Types of investment firm: BIPRU 50K firm

- 1.1.20 R A *BIPRU 50K firm* means a *BIPRU investment firm* that satisfies the following conditions:

...

- (3) it is not a *UCITS investment firm* collective portfolio management investment firm; and

...

Types of investment firm: 730K firm

- 1.1.21 R A *BIPRU investment firm* that is not a *UCITS investment firm* collective portfolio management investment firm, a *BIPRU 50K firm* or a *BIPRU 125K firm* is a *BIPRU 730K firm*. A *BIPRU investment firm* that operates a *multilateral trading facility* is a *BIPRU 730k firm*.

...

## 8.5 Basis of consolidation

...

Basis of inclusion of UCITS investment firms collective portfolio management investment firms in consolidation

- 8.5.7 R *GENPRU 2.1.46R* (Adjustment of the variable capital requirement calculation for ~~UCITS investment firms~~ collective portfolio management investment firms) does not apply for the purpose of this chapter.
- 8.5.8 G In general a *UCITS investment firm* collective portfolio management investment firm only calculates its capital and concentration risk requirements in relation to its *designated investment business* and does not calculate them with respect to ~~scheme management activity~~ *managing an AIF* or *managing a UCITS*. The effect of *BIPRU 8.5.7R* is that this does not apply on a consolidated basis. For the purpose of this chapter the calculations are carried out with respect to the whole of the activities of a *UCITS investment firm* collective portfolio management investment firm.

...

## Annex H

### Amendments to the Interim Prudential sourcebook for Friendly Societies (IPRU (FSOC))

In this Annex, underlining indicates new text.

#### 7 Chapter 7: Definitions

##### Part 1 DEFINITIONS

7.1 In this Part of the *IPRU(FSOC)*, unless the contrary intention appears, the following definitions apply -

...
<i>issuer</i> in respect of a <i>collective investment scheme</i> means the manager or operator of the scheme and in respect of an interest in a limited partnership ( <u>other than a <i>limited partnership scheme</i></u> ) means the partnership;
...

## Annex I

### Amendments to the Interim Prudential sourcebook for Investment Business (IPRU(INV))

In this Annex, underlining indicates new text and strike through indicates deleted text.

#### Chapter 1: Application and General Provisions

...

1.2.1 R The *Glossary* applies to the transitional provisions, this chapter (*IPRU(INV)* 1), *IPRU(INV)* 2, *IPRU(INV)* 4, *IPRU(INV)* 6, *IPRU(INV)* 11 and *IPRU(INV)* 13.

1.2.2 R (1) *IPRU(INV)* applies to:

...

(i) a *credit union* which is a *CFT provider*; ~~and~~

(j) an exempt CAD firm; and

(k) a *collective portfolio management firm*.

...

1.2.3 G For the avoidance of doubt, *IPRU(INV)* does not apply to any of the following:

...

(g) a UCITS qualifier; ~~or~~

(h) ~~a UCITS management company.~~

...

1.2.5 R Table

This table belongs to *IPRU(INV)* 1.2.4R

...

<i>Service company</i>	Chapters 1 and 6
------------------------	------------------

<u><i>Collective portfolio management firm</i></u>	<u>Chapters 1 and 11</u>
--	--------------------------

<i>Personal investment firm</i>	Chapters 1 and 13
---------------------------------	-------------------

...

## Annex J

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 6.1 Application, interpretation and purpose

Application

- 6.1.2 G If appropriate, a *firm* which is an *authorised fund manager* should also refer to *COLL 7* for *guidance* on the termination of *ICVCs*, *ACSs* and *AUTs* and on winding up *authorised funds* that are not commercially viable.

...

#### 13.3 Establishing a branch in another EEA State

...

The conditions for establishing a branch

- 13.3.2 G A *UK firm* other than a *UK pure reinsurer* cannot establish a *branch* in another *EEA State* for the first time under an *EEA right* unless the relevant conditions in ~~paragraphs~~ paragraph 19(2), (4) and (5) of Part III of Schedule 3 to the *Act* are satisfied. It is an offence for a *UK firm* which is not an *authorised person* to contravene this prohibition (paragraph 21 of Part III of Schedule 3 to the *Act*). These conditions are that:

...

- (2A) If the *UK firm's EEA right* relates to providing *collective portfolio management services under the UCITS Directive*, the *FCA* has provided to the *Host State regulator*:

...

- (3) ...

- (b) in any other case (except for a *firm* passporting under *AIFMD*):

...

...

Issue of a consent notice to the Host State regulator

- 13.3.5 G ...

- (1B) Where the *UK firm's EEA right* derives from *AIFMD*, the *FCA* will give the *Host State regulator* a consent notice within two months of

having received the notice of intention and immediately inform the UK firm pursuant to SUP 13.3.6G if the FCA is satisfied that the firm complies, and continues to comply with:

- (a) the provisions implementing the AIFMD, and
- (b) any directly applicable EU regulation made under that directive.

...

13.3.6 G ...

- (4) Where a consent notice is given under the AIFMD it must include confirmation that the UK firm has been authorised by the FCA under AIFMD.

...

13.3.7 G ...

- (2) If the appropriate UK regulator decides to refuse to give a consent notice, then paragraph 19(12) of Part III of Schedule 3 to the Act requires the appropriate UK regulator to give the UK firm a decision notice within three months of the date on which it received the UK firm's notice of intention (two months in the case of a UK firm which is a UCITS management company or an AIFM). The UK firm may refer the matter to the Tribunal.

...

#### 13.4 Providing cross-border services into another EEA State

...

13.4.2 G A UK firm, other than a UK pure reinsurer or an AIFM exercising an EEA right to market an AIF under AIFMD, cannot start providing cross-border services into another EEA State under an EEA right unless it satisfies the conditions in paragraphs 20(1) of Part III of Schedule 3 to the Act and, if it derives its EEA right from the Insurance Directives, AIFMD, MiFID or the UCITS Directive, paragraph 20(4B) of Part III of Schedule 3 to the Act. It is an offence for a UK firm which is not an authorised person to breach this prohibition (paragraph 21 of Part III of Schedule 3 to the Act). The conditions are that:

...

- (3) if the UK firm is passporting under the Insurance Mediation Directive and the EEA State in which the UK firm is seeking to provide services has notified the European Commission of its wish to be informed of the intention of persons to provide cross border services in its territory in accordance with article 6(2) of that directive, one month has elapsed beginning with the date on which the

*UK firm* received written notice from the *appropriate UK regulator* as described in SUP 13.4.5G (paragraph 20 (3B)(c) of Schedule 3 to the ~~Act~~ Act; or

- (4) if the *UK firm* is passporting under AIFMD, the *firm* has received written notice from the *FCA* as described in SUP 13.4.4-AG(1)(c).

...

- 13.4.5 G When the *appropriate UK regulator* sends a copy of a *notice of intention* or if it gives a *consent notice* to the *Host State regulator*, it must inform the *UK firm* in writing that it has done so (paragraphs 20(3B)(b), 20(3D)(a)(iii) and (4) and 20C(9) of Schedule 3 to the *Act*).

...

### 13.5 Notices of intention

...

Specified contents: notice of intention to provide cross-border services

- 13.5.2 R A *UK firm* wishing to provide *cross-border services* into a particular *EEA State* for the first time under an *EEA right* other than under the *auction regulation* must submit a notice in the form set out in:

...

- (5) SUP 13 Annex 8AR, if the *UK firm* is providing *cross-border services* under AIFMD to manage an AIF in another *EEA State*.

- (6) SUP 13 Annex 8BR, if the *UK firm* is providing *cross-border services* under AIFMD to market an AIF in another *EEA State*.

...

### 13.6 Changes to branches

...

Changes arising from circumstances beyond the control of a UK firm

- 13.6.10 G ...

- (3) ~~Neither this~~ This guidance ~~nor that set out at SUP 13.6.4G or 13.6.5G~~ is not applicable to *MiFID investment firms* or AIFMs.

The process

- 13.6.11 G When the *appropriate UK regulator* receives a notice from a *UK firm* other than a *MiFID investment firm* (see SUP 13.6.5G(1) and SUP 13.6.7G(1)), ~~or~~ a *pure reinsurer* (see SUP 13.6.9BR) or an AIFM (see SUP 13.6.9CG) it is required by regulations 11(4) and 13(4) to either refuse, or consent to the

change within a period of one *month* from the day on which it received the notice.

...

### 13.7 Changes to cross-border services

- 13.7.1 G Where a *UK firm* is exercising an *EEA right* under the *UCITS Directive*, *MiFID* ~~or~~, the *Insurance Directives* or *AIFMD* and is providing *cross-border services* into another *EEA State*, any changes to the details of the services are governed by the *EEA Passport Rights Regulations*...

...

### 13.8 Changes of details: provision of notices to the appropriate UK regulator

- 13.8.1 R (1) Where a *firm* is required to submit a notice of a change to a *branch* referred to in *SUP 13.6.5G(1)*, *SUP 13.6.5BG(1)*, *SUP 13.6.7G(1)*, *SUP 13.6.8G*, *SUP 13.6.9BR* and *SUP 13.6.10G(1)*; and *SUP 13.6.9CG* or a notice of a change to *cross-border services* referred to in *SUP 13.7.3G(1)*, *SUP 13.7.3AG(1)*, *SUP 13.7.5G(1)*, and *SUP 13.7.6G* and *SUP 13.7.13G* it must complete and submit that notice in accordance with the procedures set out in *SUP 13.5* for notifying the establishing of a *branch* or the provision of *cross-border services*.

...

## 13A Qualifying for authorisation under the Act

### 13A.1 Application

- 13A.1.3 G (1) Under the *Gibraltar Order* made under section 409 of the *Act*, a *Gibraltar firm* is treated as an *EEA firm* under Schedule 3 to the *Act* if it is:

...

(d) authorised in Gibraltar under the *MiFID*;

(e) authorised in Gibraltar under the *UCITS Directive*.

...

### 13A.4 EEA firms establishing a branch in the United Kingdom

...

The notification procedure

- 13A.4.4 G ...

(2) Although the *appropriate UK regulator* is not required to notify the *applicable provisions* to an *EEA firm* passporting under the *Insurance*

*Mediation Directive, or MiFID or AIFMD*, these provisions are set out in SUP 13A Annex 1G (Application of the Handbook to Incoming EEA Firms).

...

**13A.5 EEA firms providing cross-border services into the United Kingdom**

...

The notification procedure

13A.5.4 G ...

- (2) Although the *appropriate UK regulator* is not required to notify the *applicable provisions* to an *EEA Firm* passporting under the *Insurance Mediation Directive, or MiFID or AIFMD* these provisions are set out in SUP 13A Annex 1G (Application of the Handbook to Incoming EEA Firms).

...

**13A Annex 1G Application of the Handbook to Incoming EEA Firms**

...		
<b>(1) Module of Handbook</b>	<b>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</b>	<b>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</b>
...		
SYSC	<p>...</p> <p>The <i>common platform requirements</i> in SYSC 4 - 10 apply as set out in Part 2 of SYSC 1 Annex 1 (Application of the common platform requirement).</p> <p><u>SYSC 1 Annex 1 row 2.6F provides that the <i>common platform requirements</i> do not apply to an <i>incoming EEA AIFM branch</i>, except the <i>AIFMD Host State requirements</i> and certain requirements regarding <i>financial crime</i>.</u></p> <p>...</p>	...

	SYSC 19A and 19B <del>does</del> do not apply.	
...		
<i>SUP</i>	<p>...</p> <p><i>SUP</i> 16 (Reporting requirements)</p> <p>Parts of this chapter may apply if the <i>firm</i> has a <i>top-up permission</i> or if the <i>firm</i> is:</p> <p>...</p> <p>(d)...</p> <p><u>(da) a depositary of an ACS; or</u></p> <p>...</p>	<p>...</p> <p><i>SUP</i> 16 (Reporting requirements)</p> <p>Parts of this chapter may apply if the <i>firm</i> has a <i>top-up permission</i> or if the <i>firm</i> is:</p> <p>...</p> <p>(c)...</p> <p><u>(ca) a depositary of an ACS; or</u></p> <p>...</p>
	...	...
...		
<i>DISP</i>	<p><del>Applies</del> <u>Generally applies</u> (<i>DISP</i> 1.1.1G) <del>and applies</del> but in a limited way in relation to <i>MiFID business</i>.</p> <p>For an <i>incoming EEA AIFM branch</i> <u><i>DISP</i> applies</u> (subject to some limitations, see <i>DISP</i> 1.1.3R), except for an <i>incoming EEA AIFM branch of a closed-ended corporate AIF</i>, in which case <i>DISP</i> does not apply.</p>	<p><del>Does</del> <u>Generally does not</u> apply (<i>DISP</i> 1.1.1G).</p> <p><u>However, for an incoming EEA firm which is a UCITS management company managing a UCITS scheme or an AIFM managing an authorised AIF, <i>DISP</i> applies</u> (subject to some limitations, see <i>DISP</i> 1.1.3R).</p>
<i>COMP</i>	<p>Applies, except in relation to the passported activities of an <i>MiFID investment firm</i>, a <i>BCD credit institution</i> (other than an electronic money institution within the meaning of article 1(3)(a) of the <i>E-Money Directive</i> that has the right to benefit from the mutual recognition arrangements under the <i>Banking Consolidation Directive</i>), an <i>IMD insurance intermediary</i> or a <i>UCITS management company acting in that capacity other than in relation to a UCITS scheme</i> carrying on non-core</p>	<p>Does not apply in relation to the passported activities of an <i>MiFID investment firm</i>, <del>or</del> a <i>BCD credit institution</i>, an <i>IMD insurance intermediary</i> or a <i>UCITS management company acting in that capacity other than in relation to a UCITS scheme (see the definition of “<i>participation firm</i>”) carrying on non-core services under article 6.3</i></p>

	<p>services under article 6.3 of the <i>UCITS Directive</i> and an <i>incoming AIFM branch</i> carrying on either <i>AIFM management functions</i> for an <i>unauthorised AIF</i> or non-core services under article 6.4 of <i>AIFMD</i> (see the definition of “<i>participant firm</i>”). However, a <i>MiFID investment firm</i>, <i>BCD credit institution</i>, an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> (when carrying on permitted <i>MiFID business</i>) a <i>firm</i> specified above may be able to apply for <i>top-up cover</i> in relation to its <i>passported activities</i> (see <i>COMP 14</i> (Participation by EEA firms)).</p>	<p>of the <i>UCITS Directive</i> or an <i>incoming EEA AIFM</i> regarding <i>AIFM management functions</i> carried on for an <i>unauthorised AIF</i> or non-core services under article 6.4. Otherwise, <i>COMP</i> may apply, but the coverage of the <i>compensation scheme</i> is limited for non-UK activities (see <i>COMP 5</i>).</p>
<i>COLL</i>	<p><u>A.</u> The following provisions of ...</p> <p>...</p> <p>An <i>EEA UCITS management company</i> providing <i>collective portfolio management</i> services for a <i>UCITS scheme</i> should be aware that it will be expected to comply with the above <i>rules</i> in relation to all aspects of the functioning of the relevant <i>UCITS scheme</i> where, for example, the <i>firm</i>:</p> <p>...</p> <p>(b) wishes to apply for an <i>authorisation order</i> to establish an <i>AUT</i>, <i>ACS</i> or <i>ICVC</i> as a <i>UCITS scheme</i>; or</p> <p>...</p> <p><u>B.</u> Subject to <i>FUND 1.1.2R</i>, <i>COLL</i> applies to an <i>incoming EEA AIFM</i> as relevant.</p>	<p>For an <i>EEA UCITS management company</i> providing <i>collective portfolio management</i> services for a <i>UCITS scheme</i>, As as column (2) <u>A.</u>(d), (e), (f) and (g) and the other parts of <i>COLL</i> specify.</p> <p>For an <i>incoming EEA AIFM</i>, as column (2) <u>B.</u></p>
<i>FUND</i>	<p><i>FUND 3.8</i> (Prime brokerage firms) applies to an <i>incoming EEA AIFM branch</i>.</p> <p><i>FUND 10</i> (Operating on a cross-border basis), provides guidance for an <i>incoming EEA AIFM branch</i>.</p>	<p>Does not apply, except <i>FUND 10</i> (Operating on a cross border basis) which provides guidance for an <i>EEA AIFM</i> managing an <i>AIF</i> on a services basis or <i>marketing an AIF</i> using the <i>marketing passport</i> under <i>AIFMD</i>.</p>

**13A**      **Matters reserved to a Home State regulator**  
**Annex**  
**2G**

...	
Requirements in the interest of the general good	
2.	...
(1)	the <i>Single Market Directives</i> expressly reserve responsibility for the prudential supervision of a <i>MiFID investment firm</i> , <i>BCD credit institution</i> , <i>UCITS management company</i> , <i>AIFM</i> or <i>passporting insurance undertaking</i> to the <i>Firm's Home State regulator</i> . The <i>Insurance Mediation Directive</i> reaches the same position without expressly referring to the concept of prudential supervision. Accordingly, the <i>FCA</i> , as <i>Host State regulator</i> , is entitled to regulate only the conduct of the firm's business within the <i>United Kingdom</i> ;
(2)	there is no <u>explicit</u> "general good" provision in <i>MiFID</i> or <i>AIFMD</i> . Rather, <i>MiFID</i> states exactly what the <i>Host State regulator</i> regulates (see paragraphs 8 – 10) the responsibilities for a <i>Host State regulator</i> under <i>MiFID</i> are contained in paragraphs 8 to 10 and under <i>AIFMD</i> are contained in paragraphs 11G to 11J;
...	

...

**14.3**      **Changes to cross-border services**

14.3.1      Where an *incoming EEA firm* passporting under the *MiFID*, *UCITS Directive* or *Insurance Directives* or *AIFMD* is exercising an *EEA right* and is providing *cross-border services* into the *United Kingdom*, the *EEA Passport Rights Regulations* govern any changes to the details of those services. Where an *incoming EEA firm* has complied with the relevant requirements in the *EEA Passport Rights Regulations*, then the *firm's permission* given under Schedule 3 to the *Act* is to be treated as varied accordingly.

...

**15.3**      **General notification requirements**

...

Breaches of rules and other requirements in or under the Act

15.3.11    R      (1)      A *firm* must notify the *appropriate regulator* of:

...

(f) it exceeding (or becoming aware that it will exceed) the limit in *BIPRU 10.5.6R*; or

(g) a breach of the *AIFMD UK regulation*; or

(h) a breach of any directly applicable EU regulation made under *AIFMD*;

...

## 16.1 Application

...

Application of different sections of SUP 16 (excluding SUP 16.13, SUP 16.15, SUP 16.16 and SUP 16.17)

16.1.3	R	(1) Section(s)	(2) Categories of firm to which section applies	(3) Applicable rules and guidance
		...		
		<i>SUP 16.6</i>	...	
			<i>Trustee of an AUT</i>	<i>SUP 16.6.6R to SUP 16.6.9G</i>
			<i>Depository of an ACS</i>	<i>SUP 16.6.6R to SUP 16.6.9G</i>
		...		
		<i>SUP 16.14</i>	A <i>CASS large firm</i> and a <i>CASS medium firm</i>	Entire section
		<u><i>SUP 16.18</i></u>	<u><i>A full-scope UK AIFM and a small authorised UK AIFM</i></u>	<u><i>SUP 16.18.3R</i></u>
		...		
		<u>Note 3 = The application of <i>SUP 16.18</i> for the types of <i>AIFMs</i> specified in <i>SUP 16.1.1CD</i> is set out in <i>SUP 16.18.2G</i>.</u>		
		...		

...

## 16.3 General provisions on reporting

...

Structure of the chapter

16.3.2 G This chapter has been split into the following sections, covering:

...

(11) client money and asset return (*SUP* 16.14); ~~and~~

...

(14) remuneration reporting (*SUP* 16.17); and

(15) AIFMD reporting (*SUP* 16.18).

...

**16.6 Compliance reports**

...

Applicable provisions of this section (see *SUP* 16.6.1G)

16.6.2 G

Category of firm	Applicable provisions
...	
<i>Trustee of an AUT</i> <i>Depository of an ICVC</i> <i>Depository of an ACS</i>	<i>SUP</i> 16.6.6R - <i>SUP</i> 16.6.9G
...	

...

**16.12 Integrated Regulatory Reporting**

...

Table of applicable rules containing *data items*, frequency and submission periods

16.12.4 R

(1)		(2)	(3)	(4)
<i>RAG</i> number	<i>Regulated Activities</i>	Provisions containing:		
		applicable <i>data items</i>	reporting frequency/period	due date
...				
<i>RAG</i> 4	<ul style="list-style-type: none"> <li>managing investments</li> </ul>	<i>SUP</i> 16.12.14R	<i>SUP</i> 16.12.14R	<i>SUP</i> 16.12.14R

	<ul style="list-style-type: none"> <li>• establishing, operating or winding up a <del>regulated</del> collective investment scheme</li> <li>• <del>establishing, operating or winding up an unregulated collective investment scheme</del></li> <li>• establishing, operating or winding up a stakeholder pension scheme</li> <li>• establishing, operating or winding up a personal pension scheme</li> <li>• <u>managing an AIF</u></li> <li>• <u>managing a UCITS</u></li> </ul>	<i>SUP</i> 16.12.1R	<i>SUP</i> 16.12.16R	<i>SUP</i> 16.12.17R
...				
<i>RAG 6</i>	<ul style="list-style-type: none"> <li>• <del>acting as a trustee of an authorised unit trust</del></li> <li>• <u>acting as the depositary of an authorised contractual scheme</u></li> <li>• safeguarding and administration of assets (without arranging)</li> <li>• arranging safeguarding and administration of assets</li> <li>• <del>acting as depository or sole director of an OEIC</del></li> <li>• <u>acting as trustee or</u></li> </ul>	<i>SUP</i> 16.12.19R	<i>SUP</i> 16.12.20R	<i>SUP</i> 16.12.21 R

	<u>depository of an AIF</u> <ul style="list-style-type: none"> <li>• <u>acting as trustee or depository of a UCITS</u></li> </ul>			
...				

...

## Regulated Activity Group 3

...

16.12.11 R The applicable *data items* referred to in SUP 16.12.4R are set out according to *firm* type in the table below:

Description of <i>data item</i>	<i>Firms prudential category and applicable data items (note 1)</i>							
	<i>BIPRU firms (note 17)</i>			<i>Firms other than BIPRU firms</i>				
	730 K	125K and <u>UCITS investment firms collective portfolio management investment firms</u>	50 K	<u>IPRU (INV) Chapter 3</u>	<u>IPRU (INV) Chapter 5</u>	<u>IPRU (INV) Chapter 9</u>	<u>IPRU (INV) Chapter 13</u>	<u>UPRU</u>
...								
Capital adequacy	...	...	...	...	...	...	...	...
<u>Supplementary capital data for collective portfolio management investment firms</u>		<u>FIN067 (note 35)</u>						
...								
<u>Note 35</u>	<u>Only applicable to firms that are collective portfolio management investment firms.</u>							

...

- 16.12.12 R The applicable reporting frequencies for *data items* referred to in SUP 16.12.4R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>BIPRU 730K firm</i>	<i>BIPRU 125K firm and UCITS investment firm collective portfolio management investment firm</i>	<i>BIPRU 50K firm</i>	<i>UK consolidation group or defined liquidity group</i>	<i>Firm other than BIPRU firms</i>
...					
FSA058	...	...	...	...	
<u>FIN067</u>		<u>Quarterly</u>			
...					

- 16.12.13 R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.12R, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA058						
<u>FIN067</u>				<u>20 business days</u>		
...						

...

Regulated Activity Group 4

...

- 16.12.15 R The applicable *data items* referred to in SUP 16.12.4R according to type of *firm* are set out in the table below:

Description of data item	Firms' prudential category and applicable <i>data items</i> (note 1)								
	BIPRU firms			Firms other than BIPRU firms					
	730 K	125K and UCITS investment firms collective portfolio management investment firms	50 K	IPRU (INV) Chapter 3	IPRU (INV) Chapter 5	IPRU (INV) Chapter 9	IPRU (INV) Chapter 11	IPRU (INV) Chapter 13	UPRU
Annual report and accounts	...	...	...	...	...	...	No standard format	...	...
...									
Solvency statement (note 11)	...	...	...	...	...	...	No standard format	...	...
Balance sheet	...	...	...	...	...	...	FSA029	...	...
Income statement	...	...	...	...	...	...	FSA030	...	...
Capital adequacy	...	...	...	...	...	...	FIN066	...	...
Supplementary capital data for collective portfolio management investment firms		FIN067 (note 32)							
...									

Volumes and types of business (note 21)	...	...	...	...	...	...	<u>FSA038</u>	...	-...
Client money and client assets	...	...	...	...	...	...	<u>FSA039</u>	...	-...
Asset managers that use hedge fund techniques (note 21)	<del>FS A041</del>	FSA041	<del>FS A041</del>	FSA041	FSA041	FSA041		FSA041	FSA041
UCITS (note 22)	<del>FS A042</del>	FSA042	<del>FS A042</del>	FSA042	FSA042	FSA042	<u>FSA042</u>	FSA042	FSA042
...									
Note 21	<del>Only applicable to firms that have a managing investments permission [deleted]</del>								
Note 22	Only applicable to firms that have <i>permission for establishing, operating or winding up a regulated collective investment scheme managing a UCITS.</i>								
...									
Note 32	<u>Only applicable to firms that are collective portfolio management investment firms.</u>								

...

16.12.16 R The applicable reporting frequencies for *data items* referred to in SUP 16.12.15R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>Firms' prudential category</i>				
	<i>BIPRU 730K firm</i>	<i>BIPRU 125K firm and UCITS investment firm collective portfolio management investment firm</i>	<i>BIPRU 50K firm</i>	<i>UK consolidation group or defined liquidity group</i>	<i>Firm other than BIPRU firms</i>
...					

FSA041	Annually	Annually	Annually		Annually
FSA042	Quarterly	Quarterly	Quarterly		Quarterly
...					
FSA058	...	...	...	...	
<u>FIN066</u>					<u>Quarterly</u>
<u>FIN067</u>		<u>Quarterly</u>			
...					

16.12.17 R The applicable due dates for submission referred to in *SUP* 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP* 16.12.16R, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA041						<i>30 business days</i>
...						
FSA058				...		
<u>FIN066</u>				<u>20 business days</u>		
<u>FIN067</u>				<u>20 business days</u>		
...						

...

#### Regulated Activity Group 7

...

16.12.22A R The applicable *data items* referred to in *SUP* 16.12.4R are set out according to type of *firm* in the table below:

Description of <i>Data item</i>	<i>Firms' prudential category and applicable data item (note 1)</i>
---------------------------------	---

	<i>BIPRU 730k firm</i>	<i>BIPRU 125k firm and UCITS investment firm-collective portfolio management investment firm</i>	<i>BIPRU 50k firm</i>	<i>Exempt CAD firms subject to IPRU(INV) Chapter 13</i>	<i>Firms (other than exempt CAD firms) subject to IPRU(INV) Chapter 13</i>	<i>Firms that are also in one or more of RAGs 1 to 6 and not subject to IPRU(INV) Chapter 13</i>
...						
Securitisation: trading book	...	...	...			
Supplementary capital data for <u>collective portfolio management investment firms</u>		<u>FIN067 (note 28)</u>				
...						
Note 28	<u>Only applicable to firms that are collective portfolio management investment firms.</u>					

...

16.12.23 R The applicable reporting frequencies for *data items* referred to in *SUP 16.12.22AR* are set out in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>Frequency</i>				
	<i>Unconsolidated BIPRU investment firm</i>	<i>Solo consolidated BIPRU investment firm</i>	<i>UK Consolidation Group or defined liquidity group</i>	<i>Annual regulated business revenue up to and including £5 million</i>	<i>Annual regulated business revenue over £5 million</i>
...					
FSA058	...	...	...		
<u>FIN067</u>	<u>Quarterly</u>				
...					

16.12.24 R The applicable due dates for submission referred to in *SUP 16.12.4R* are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP 16.12.23R*, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly
...					
FSA058				...	
<u>FIN067</u>	<u>20 business days</u>				
...					

### **SUP 16 Annex 24R Data items for SUP 16.12**

Form FSA041 is deleted.

FIN066 and FIN067 are added - see following pages

### **SUP 16 Annex 25G Guidance notes for data items in SUP 16 Annex 24R**

Guidance notes on Form FSA041 are deleted.

Guidance notes on Forms FIN066 and FIN067 are added - see following pages.

### **FIN066 – Capital Adequacy (for *collective portfolio management firms*)**

#### **Introduction**

FIN066 provides a framework for the collection of prudential information required by the FCA for its supervision activities. The data item is intended to reflect the underlying prudential requirements in *IPRU(INV)* 11 and allows monitoring against those requirements.

#### **Defined terms**

Terms in these notes are defined by the Companies Act 2006, as appropriate, or the provisions of the *firm's* accounting framework (usually UK GAAP or *IFRS*). The descriptions in these notes are designed to repeat, summarise or amplify the relevant statutory or other definitions and terminology without departing from their full meaning or effect.

- The data item should comply with the principles and requirements of the *firm's* accounting framework, which will generally be UK GAAP (including relevant provisions of the Companies Act 2006) or *IFRS*.
- The data item should be completed on an unconsolidated basis.
- The data item should be in agreement with the underlying accounting records.
- Accounting policies should be consistent with those adopted in the *firm's annual report and accounts* and consistently applied.

- Information required should be prepared in line with accepted accounting standards.
- The data item should not give a misleading impression of the *firm*. For example, if a *firm* wrongly omits or includes a material item or presents a material item in the wrong way.

### Currency

You should report in the currency of your annual audited accounts, ie in Sterling, Euro, US dollars, Canadian dollars, Swedish Kroner, Swiss Francs or Yen. Figures should be reported in 000s.

### Data elements

These are referred to by row first, then by column, so data element 2B will be the element numbered 2 in column B.

<b>Regulatory capital</b>		
	1 to 19	The figures in this section should be consistent with those entered in FSA029 for the same reporting period.
<b>Regulatory capital test</b>		
<i>Own funds test for collective portfolio management firms</i>		
Own funds	20B	The amount of <i>own funds</i> calculated in under <i>IPRU(INV)</i> 11.4. This is the figure entered at 19B.
Funds under management requirement	21B	Up to a maximum of €10,000,000, this is the <i>base capital resources requirement</i> plus 0.02% of the amount by which the <i>firm's funds under management</i> exceeds €250,000,000.  If the data item is not submitted with figures in Euros, then the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.  The appropriate definition of <i>funds under management</i> to be used in this calculation is that set out in the <i>FCA Handbook Glossary of definitions</i> .
Fixed overheads requirement	22B	This is one quarter of the annualised fixed expenditure calculated under <i>IPRU(INV)</i> 11.3.3R.  The amount to be entered is calculated using elements 30 to 42 in the fourth quarter of the preceding financial year. Each of the four quarters in any financial year should use the figure calculated in the fourth quarter of the preceding year.  Where there was no preceding year, the figure entered is that determined under <i>IPRU(INV)</i> 11.3.6R.
Professional negligence capital requirement	23B	The amount of additional <i>own funds</i> used to cover potential liability risks arising from professional negligence for <i>AIFM</i> activities in lieu of professional indemnity insurance, see <i>IPRU(INV)</i> 11.3.11R(1)(a).

		<p>When calculating this amount, <i>firms</i> should include the amount of any assets under management that are delegated to the firm by mandate, see <i>IPRU(INV)</i> 11.3.14 EU. Note that this treatment is different from that prescribed for the <i>funds under management requirement</i> (see the guidance in line 21B).</p> <p>If a firm makes an entry in 23B it should not make an entry in 24B.</p>
PII capital requirement	24B	<p>The amount of any additional <i>own funds</i> required to cover any defined excess and exclusions in the insurance policy, see <i>IPRU(INV)</i> 11.3.11R(1)(b).</p> <p>If a firm makes an entry in 24B it should not make an entry in 23B.</p>
Total capital requirement	25B	This is the higher of 21B and 22B, plus either 23B or 24B.
Surplus / deficit of own funds	26B	This is 20B less 25B.
<i>Liquid assets test</i>		
Liquid assets requirement	27B	For a <i>collective portfolio management firm</i> , this is the amount required by <i>IPRU(INV)</i> 11.2.1R(3).
Liquid assets held	28B	The amount of liquid assets held by the <i>firm</i> at the reporting date. Assets are regarded as liquid if they are readily convertible to cash within one month. This figure must not include speculative positions.
Surplus / deficit of liquid assets	29B	This is 28B less 27B.
<b>Calculation of relevant annual expenditure for forthcoming year</b>		
	30 to 42	<p>This section of the data item must be completed when the reporting period end date is equal to the <i>firm's</i> accounting reference date, ie the fourth quarter. This does not need to be completed during the other three quarters. Where appropriate, figures entered should match those on FSA030 for the same reporting period.</p> <p>When the <i>firm</i> is using projected figures (<i>IPRU(INV)</i> 11.3.6R(2)), these should be entered in this section.</p>
Total expenditure (per income statement)	30B	This should be the amount entered in element 22A of FSA030 for the same reporting period. FSA030 must be completed on a cumulative basis, so the amounts entered in the fourth quarter represent the entire financial year up to the accounting reference date.
Deductions from expenditure	31A to 40A	Deductions from expenditure should be made in line with <i>IPRU(INV)</i> 11.3.4R
Relevant fixed expenditure	41B	This is 30B less the sum of 31A to 40A
Relevant annualised fixed expenditure	42B	If the figures submitted in FSA030 for the period ending on the <i>firm's</i> accounting reference date do not

		<p>include twelve month's trading, then the amount calculated in 41B must be prorated to an equivalent annual amount. This situation may occur if the <i>firm</i> has changed its accounting reference date.</p> <p>Where a <i>firm</i> has not completed a full year since the commencement of its permitted business, an amount based on forecast expenditure included in its budget for the first twelve months' trading, as submitted with its application for membership, should be entered.</p>
<b>Professional Indemnity Insurance</b>		
Specify whether your firm holds additional own funds or PII under IPRU(INV) 7.3.12R	43B	The <i>firm</i> should report either "Own funds" or "PII". Where a <i>firm</i> has PII but also holds <i>own funds</i> to cover any excesses and/or exclusions on the policy, the <i>firm</i> should report "PII".
<i>PII Basic information</i>		
	44	<p><i>Firms</i> should enter details on all relevant PII policies, using a separate line for each policy.</p> <p>A <i>firm</i> may satisfy its requirements for professional indemnity insurance with a policy that provides cover to one or more entities other than the <i>firm</i>, provided the policy satisfies the conditions of the <i>AIFMD level 2 regulation</i> in respect of the <i>firm</i>, exclusive of the cover provided to other entities by the policy. If such a policy is held, each <i>firm</i> covered by the policy should include the policy information on their return.</p>
Annualised premium	44A	This should state the premium payable (in descending order of size, where relevant), net of tax and any other add-ons. If the premium covers a period other than 12 months, it should be annualised before ranking.
Insurer (from list)	44B	Select the PII insurer from the list provided. If you have more than one policy with the same insurer, they should be combined. If the insurer is not listed, select 'Other'. If a policy is underwritten by more than one insurance undertaking or Lloyd's syndicate, you should select 'multiple'.
Start date	44C	Enter the start date of the policy.
Renewal date	44D	Enter the renewal date of the policy.
Currency of indemnity limits	44E	Using the appropriate International Organization for Standardization ISO 4217 three digit code (eg, GBP), enter the currency in which the indemnity limits in fields 44F to 44J are reported.
Limit of indemnity required: single	44F	You should record the required indemnity limits on the <i>firm's</i> PII policy or policies, in relation to single claims. A <i>firm</i> should calculate this amount in line with <i>IPRU(INV)</i> 11.3.15 EU and include the amount of any assets under management that are delegated to the firm by mandate.

		Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.
Limit of indemnity required: aggregate	44G	<p>You should record the required indemnity limits on the <i>firm's</i> PII policy or policies, in aggregate. A <i>firm</i> should calculate this amount in line with <i>IPRU(INV)</i> 11.3.15 EU and include the amount of any assets under management that are delegated to the firm by mandate.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
Limit of indemnity received: single	44H	<p>You should record the indemnity limits on the <i>firm's</i> PII policy or policies, received in relation to single claims.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
Limit of indemnity received: aggregate	44J	<p>You should record the indemnity limits on the <i>firm's</i> PII policy or policies, received in aggregate.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
<i>PII detailed information</i>		
Business line (from list)	44K	<p>For policies that cover all business lines, <i>firms</i> should select 'All' from the list provided.</p> <p>Where the policy contains different excesses for different business lines, <i>firms</i> should identify these business lines from the list (or the closest equivalent) and report the (highest) excess for that business line in data element 44L. Once these 'non-standard' excesses have been identified, the remaining business lines should be reported under 'All other'.</p>
Policy excess	44L	For policies that cover all business lines with no difference in excesses, this should be the excess applicable. Otherwise, it should contain the highest excess for each business line that differs.

		Under <i>IPRU(INV)</i> 11.3.11R(1)(b) a firm should include additional own funds sufficient to cover the highest excess in the amount reported in 24B.
Policy exclusions	44M	If there are exclusions in the <i>firm's</i> PII policy, the business type(s) to which they relate should be selected here from the list provided.  Under <i>IPRU(INV)</i> 11.3.11R(1)(b) a firm should include additional own funds sufficient to cover any liabilities arising in the amount reported in 24B.

## FIN066 – Capital Adequacy (for *collective portfolio management firms*) validations

### Internal validations

Data elements are referenced by row, then column.

Validation number	Data element		
1	6B	=	$\Sigma(1B:5B)$
2	12B	=	$\Sigma(7A:11A)$
3	13B	=	6B – 12B
4	19B	=	$\Sigma(13B:18B)$
5	20B	=	19B
6	25B	=	(higher of 21B and 22B) + 23B + 24B
7	26B	=	20B – 25B
10	41B	=	30B - $\Sigma(31A:40A)$

### External validations

Validation number	Data element		
1	30B	=	FSA030.22A

## FIN067 – Capital adequacy – supplemental (for *collective portfolio management investment firms*)

### Introduction

FIN067 provides a framework for the collection of prudential information required by the *FCA* for its supervision activities. The data item is intended to reflect the underlying prudential requirements in *GENPRU* 2.1.63R to 2.1.74R and allows monitoring against those requirements.

### Defined terms

Terms in these notes are defined by the Companies Acts 2006, as appropriate, or the provisions of the *firm's* accounting framework (usually UK GAAP or *IFRS*). The descriptions indicated in these notes are designed simply to repeat, summarise or amplify the relevant statutory or other definitions and terminology without departing from their full meaning or effect.

- The data item should comply with the principles and requirements of the firm's accounting framework, which will generally be UK GAAP (including relevant provisions of the Companies Acts 2006 as appropriate) or *IFRS*.
- The data item should be completed on an unconsolidated basis.
- The data item should be in agreement with the underlying accounting records.
- Accounting policies should be consistent with those adopted in *annual report and accounts* and should be consistently applied.
- Information required should be prepared in line with accepted accounting standards.
- The data item should not give a misleading impression of the *firm*. For example, if a *firm* wrongly omits or includes a material item or presents a material item in the wrong way.

### Currency

You should report in the currency of your annual audited accounts, ie in Sterling, Euro, US dollars, Canadian dollars, Swedish Kroner, Swiss Francs or Yen. Figures should be reported in 000s.

### Data Elements

These are referred to by row first, then by column, so data element 2B will be the element numbered 2 in column B.

Own funds	1A	This amount should be equal to the figure entered in element 57A of FSA003 for the same reporting period.
Funds under management requirement	2A	This is the <i>base capital resources requirement</i> plus the amount which is 0.02% of <i>funds under management</i> that exceeds €250,000,000, up to a maximum of €10,000,000.  If the data item is not submitted with figures in Euros, then the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.  The appropriate definition of <i>funds under management</i> to be used in this calculation is that set out in the <i>FCA Handbook Glossary of definitions</i> .
Fixed overheads requirement	3A	This is the amount calculated under <i>GENPRU 2.1.53R</i> . The amount should equal element 104A on FSA003 for the same reporting period.
Professional negligence capital requirement	4A	The amount of additional <i>own funds</i> used to cover potential liability risks arising from professional negligence for <i>AIFM</i> activities in lieu of professional indemnity insurance, see <i>GENPRU 2.1.67R(1)(a)</i> .

		<p>When calculating this amount, <i>firms</i> should include the amount of any assets under management that are delegated to the firm by mandate, see <i>GENPRU 2.1.70 EU</i>. Note that this treatment is different from that prescribed for the <i>funds under management requirement</i> (see the guidance in line 2A)</p> <p>If a <i>firm</i> makes an entry in 4A it should not make an entry in 5A.</p>
PII capital requirement	5A	<p>The amount of any additional <i>own funds</i> required to cover any defined excess and exclusions in the insurance policy under <i>GENPRU 2.1.67R(1)(b)</i>.</p> <p>If a <i>firm</i> makes an entry in 5A it should not make an entry in 4A.</p>
Variable capital requirement	6A	The amount calculated under <i>GENPRU 2.1.45R</i> . The amount should equal element 70A on FSA003 for the same reporting period.
Total requirement	7A	This is the higher of 2A and 3A plus 4A or 5A, and 6A.
Surplus / deficit of own funds	8A	This is 1A less 7A.
<b>Liquid assets test</b>		
Liquid assets requirement	9A	The amount of <i>own funds</i> required by <i>GENPRU 2.1.64R</i> .
Liquid assets held	10A	The amount of liquid assets held by the <i>firm</i> at the reporting date. Assets are regarded as liquid if they are readily convertible to cash within one month. This figure must not include speculative positions.
Surplus / deficit of liquid assets	11A	This is 10A less 9A.
<b>Professional Indemnity Insurance</b>		
Does your firm hold additional own funds or PII under <i>GENPRU 2.1.67R</i>	12A	The <i>firm</i> should report either “Own funds” or “PII”. Where a <i>firm</i> has PII but also holds <i>own funds</i> to cover any excesses and/or exclusions on the policy, the <i>firm</i> should report “PII”.
<i>PII Basic information</i>		
	13	<p><i>Firms</i> should enter details on all relevant PII policies, using a separate line for each policy.</p> <p>A <i>firm</i> may satisfy its requirements for professional indemnity insurance with a policy that provides cover to one or more entities other than the <i>firm</i>, provided the policy satisfies the conditions of the <i>AIFMD level 2 regulation</i> in respect of the <i>firm</i>, exclusive of the cover provided to other entities by the policy. If such a policy is held, each <i>firm</i> covered by the policy should include the policy information on their return.</p>
Annualised premium	13A	This should state the premium payable (in descending order of size, where relevant), net of tax and any other

		add-ons. If the premium covers a period other than 12 months, it should be annualised before ranking.
Insurer (from list)	13B	Select the PII insurer from the list provided. If you have more than one policy with the same insurer, they should be combined. If the insurer is not listed, select 'Other'. If a policy is underwritten by more than one insurance undertaking or Lloyd's syndicate, you should select 'multiple'.
Start date	13C	Enter the start date of the policy.
Renewal date	13D	Enter the renewal date of the policy.
Currency of indemnity limits	13E	Using the appropriate International Organization for Standardization ISO 4217 three digit code (eg, GBP), enter the currency in which the indemnity limits, in fields 13F to 13J are reported.
Limit of indemnity required: single	13F	<p>You should record the required indemnity limits on the <i>firm's</i> PII policy or policies for single claims. A <i>firm</i> should calculate this amount in line with <i>GENPRU</i> 2.1.71EU and include the amount of any assets under management that are delegated to the firm by mandate.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
Limit of indemnity required: aggregate	13G	<p>You should record the required indemnity limits on the <i>firm's</i> PII policy or policies, in aggregate. A <i>firm</i> should calculate this amount in line with <i>GENPRU</i> 2.1.71EU and include the amount of any assets under management that are delegated to the firm by mandate.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
Limit of indemnity received: single	13H	<p>You should record the indemnity limits on the <i>firm's</i> PII policy or policies received for single claims.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the closing mid-market rate of exchange on the reporting period end date.</p>
Limit of indemnity received: aggregate	13J	<p>You should record the indemnity limits on the <i>firm's</i> PII policy or policies, received in aggregate.</p> <p>Where these are denominated in a currency other than the currency of the report, the figure should be converted to the currency of the submission using the</p>

		closing mid-market rate of exchange on the reporting period end date.
<i>PII detailed information</i>		
Business line (from list)	13K	For policies that cover all business lines, <i>firms</i> should select 'All' from the list provided. Where the policy contains different excess for different business lines, <i>firms</i> should identify these business lines from the list (or the closest equivalent) and report the (highest) excess for that business line in data element 13L. Once these 'non-standard' excesses have been identified, the remaining business lines should be reported under 'All other'.
Policy excess	13L	For policies that cover all business lines with no difference in excesses, this should be the excess applicable. Otherwise, it should contain the highest excess for each business line that differs.  Under <i>GENPRU 2.1.67R(1)(b)</i> , a firm should include additional own funds sufficient to cover the highest excess in the amount reported in 5A.
Policy exclusions	13M	If there are exclusions in the <i>firm's</i> PII policy, the business type(s) to which they relate should be selected from the list provided.  Under <i>GENPRU 2.1.67R(1)(b)</i> , a firm should include additional own funds sufficient to cover any liabilities arising in the amount reported in 5A.

### **FIN067 – Capital adequacy – supplemental (for *collective portfolio management investment firms*) validations**

#### **Internal validations**

Data elements are referenced by row, then column.

Validation number	Data element		
1	7A	=	Higher of ((Higher of 2A and 3A) + 4A + 5A) and 6A
2	8A	=	1A – 7A
3	11A	=	10A – 9A

#### **External validations**

Validation number	Data element		
1	1A	=	FSA003.57A

2            3A    =    FSA003.104A  
 3            6A    =    FSA003.70A

...

**Part II:            Comes into force on 22 July 2014**

**16            Reporting requirements**

...

**16.12        Integrated Regulatory Reporting**

...

Regulated Activity Group 3

...

16.12.11 R    The applicable *data items* referred to in SUP 16.12.4R are set out according to *firm type* in the table below:

Description of <i>data item</i>	<i>Firms prudential category and applicable data items (note 1)</i>							
	<i>BIPRU firms (note 17)</i>			<i>Firms other than BIPRU firms</i>				
	730 K	125K and collective portfolio management investment firms	50K	<i>IPRU (INV) Chapter 3</i>	<i>IPRU (INV) Chapter 5</i>	<i>IPRU (INV) Chapter 9</i>	<i>IPRU (INV) Chapter 13</i>	<del><i>UPRU</i></del>
<i>Annual report and accounts</i>	...	...	...	...	...	...	...	No standard format
...								
Solvency statement	...	...	...	...	...	...	...	No standard format (note 11)
Balance sheet	...	...	...	...	...	...	...	FSA029
Income statement	...	...	...	...	...	...	...	FSA030

Capital adequacy	...	...	...	...	...	...	...	FSA036
...								
Client money and client assets	...	...	...	...	...	...	...	FSA039
CFTC	...	...	...	...	...	...	...	FSA040 (note 24)
...								

...

- 16.12.12 R The applicable reporting frequencies for *data items* referred to in SUP 16.12.4R are set out in the table below according to *firm type*. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>BIPRU 730K firm</i>	<i>BIPRU 125K firm and collective portfolio management investment firm</i>	<i>BIPRU 50K firm</i>	<i>UK consolidation group or defined liquidity group</i>	<i>Firm other than BIPRU firms</i>
...					
FSA036	...	...	...		Quarterly
...					

- 16.12.13 R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.12R, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA036				20 business days		
...						

## Regulated Activity Group 4

...

16.12.15 R The applicable *data items* referred to in SUP 16.12.4R according to type of *firm* are set out in the table below:

Description of <i>data item</i>	<i>Firms' prudential category and applicable data items</i> (note 1)								
	<i>BIPRU firms</i>			<i>Firms other than BIPRU firms</i>					
	730 K	125K and collective portfolio management investment firms	50 K	<i>IPRU (INV)</i> Chapter 3	<i>IPRU (INV)</i> Chapter 5	<i>IPRU (INV)</i> Chapter 9	<i>IPRU (INV)</i> Chapter 11	<i>IPRU (INV)</i> Chapter 13	<del><i>UPRU</i></del>
...									
Solvency statement (note 11)	...	...	...		...		...		No standard format
Balance sheet	...	...	...	...	...	...	...	...	FSA029
Income statement	...	...	...	...	...	...	...	...	FSA030
Capital adequacy	...	...	...	...	...	...	...	...	FSA036
...									
Volumes and types of business (note 21)	...	...	...	...	...	...	...	...	FSA038
Client money and client assets	...	...	...	...	...	...	...	...	FSA039
UCITS (note 22)	...	...	...	...	...	...	...	...	FSA042
...									

...

16.12.16 R The applicable reporting frequencies for *data items* referred to in SUP 16.12.15R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless

indicated otherwise.

<i>Data item</i>	<i>Firms' prudential category</i>				
	<i>BIPRU 730K firm</i>	<i>BIPRU 125K firm and collective portfolio management investment firm</i>	<i>BIPRU 50K firm</i>	<i>UK consolidation group or defined liquidity group</i>	<i>Firm other than BIPRU firms</i>
...					
FSA036					Quarterly
...					

16.12.17 R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.16R, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA036				<i>20 business days</i>		
...						

...

#### Regulated Activity Group 8

...

16.12.25 R The applicable *data items* referred to in SUP 16.12.4R are set out according to type of *firm* in the table below:

<i>Description of data item</i>	<i>Firms' prudential category and applicable data item (note 1)</i>	
	<i>BIPRU</i>	<i>Firms other than BIPRU firms</i>

	730K	125K	50K	<i>IPRU (INV)</i> Chapter 3	<i>IPRU (INV)</i> Chapter 5	<i>IPRU (INV)</i> Chapter 9	<i>IPRU (INV)</i> Chapter 13	<i>UPRU</i>
...								
Solvency statement (note 11)	...	...	...	...	...	...	...	No standard format
...								
Income statement	...	...	...	...	...	...	...	FSA030
Capital adequacy	...	...	...	...	...	...	...	FSA036
...								
Client money and client assets	...	...	...	...	...	...	...	FSA039
...								

...

16.12.26 R The applicable reporting frequencies for *data items* referred to in SUP 16.12.25AR are set out according to the type of *firm* in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>BIPRU 730K firm</i>	<i>BIPRU 125K firm</i>	<i>BIPRU 50K firm</i>	<i>UK consolidation group or defined liquidity group</i>	<i>Firms other than BIPRU firms</i>
...					
FSA036					Quarterly
...					

16.12.27 R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.26R, unless indicated otherwise .

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA036				<i>20 business days</i>		
...						

**SUP 16 Annex 24R                      Data items for SUP 16.12**

Form FSA036 is deleted.

**SUP 16 Annex 25G                      Guidance notes for data items in SUP 16 Annex 24R**

Guidance notes on Form FSA036 are deleted

## Annex K

### Amendments to the Compensation sourcebook (COMP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.4 EEA firms

- 1.4.1 G *Incoming EEA firms* which are conducting *regulated activities* in the *United Kingdom* under a *BCD, IMD, or MiFID ~~or UCITS Directive~~* passport are not required to participate in the *compensation scheme* in relation to those *passport activities*. They may apply to obtain the cover of, or ‘top-up’ into, the *compensation scheme* if there is no cover provided by the *incoming EEA firm’s Home State* compensation scheme or if the level or scope of the cover is less than provided by the *compensation scheme*. This is covered by *COMP 14*.

...

#### 4.2 Who is eligible to benefit from the protection provided by the FSCS?

...

- 4.2.2 R Table COMP 4.2.2R Persons not eligible to claim unless COMP 4.3 applies (see COMP 4.2.1R)

This table belongs to COMP 4.2.1R

...	
(18)	<u><i>Alternative investment funds, and anyone who is the AIFM or depositary of an alternative investment fund.</i></u>

...

#### 6.2 Who is a relevant person?

...

- 6.2.2 G ...
- (4) *An incoming EEA AIFM managing an authorised AIF from a branch in the UK or under the freedom to provide cross-border services, is a relevant person for that activity.*
- (5) *An incoming EEA AIFM managing an unauthorised AIF is not a relevant person for that activity unless it has top-up cover.*
- (6) *An incoming EEA AIFM providing the services in article 6(4) of AIFMD is not a relevant person for those activities, unless it has top-up cover.*

...

## 14.1 Application and Purpose

### Application

...

- 14.1.2 R This chapter also applies to an *incoming EEA firm* which is a *credit institution*, or an *MIFID investment firm* (or both), an *IMD insurance intermediary*, ~~or a UCITS management company~~ or an AIFM.

### Purpose

- 14.1.3 G This chapter provides supplementary *rules and guidance* for an *incoming EEA firm* which is a *credit institution*, an *IMD insurance intermediary*, an *MiFID investment firm*, ~~or UCITS management company~~ or AIFM. It reflects in part the implementation of the *Deposit Guarantee Directive*, *Investors Compensation Directive*, and *UCITS Directive*. This sourcebook applies in the usual way to an *incoming EEA firm* which is exercising *EEA rights* under the *Insurance Directives*. Such a *firm* is not affected by the *Deposit Guarantee Directive*, the *Investors Compensation Directive* or the *UCITS Directive*.

...

- 14.1.5 G In relation to an *incoming EEA firm's passporting activities*, its *Home State* compensation scheme must provide compensation cover in respect of business within the scope of the *Deposit Guarantee Directive*, *Investors Compensation Directive*, ~~and~~ article 6(3) of the *UCITS Directive* and article 6(4) of AIFMD, whether that business is carried on from a *UK branch* or on a *cross-border services* basis. ~~(For an EEA UCITS management company this is only for certain passported activities, namely managing investments (other than collective portfolio management, advising on investments or safeguarding and administering investments. Insurance mediation activity relating to non-investment insurance contracts is not within the scope of the Deposit Guarantee Directive and the Investor Compensation Directive.~~

...

## 14.2 Obtaining top-up cover

...

- 14.2.3 G A notice under *COMP 14.2.1R* should include details confirming that the *incoming EEA firm* falls within a prescribed category. In summary:
- (1) the *firm* must be:

...

- (d) a *UCITS management company* that carries on the activities of *managing investments* (other than *collective portfolio management*), *advising on investments* or *safeguarding and administering investments*; ~~and~~ or
- (e) an AIFM that carries on AIFM management functions for an unauthorised AIF; or
- (f) an AIFM that provides the services in article 6(4) of AIFMD;

...

...

## Annex L

### Amendments to the Building Societies Regulatory Guide (BSOG)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 2.8 Timetable

...

##### 2.8.4 G Notes:

(1) ...

...

(4) Where the Prudential Regulator is the PRA it is under a statutory obligation to consult the FCA ~~(see section 95(6A) of the 1986 Act)~~ in respect of approval of the Transfer Statement and Confirmation. This consultation will take place within the above timetable.

...

**HANDBOOK ADMINISTRATION INSTRUMENT (NO 2) 2013****Powers exercised by the Board of the Prudential Regulation Authority (PRA)**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- B. The rule-making power referred to above is specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 4 October 2013 except for Part II of Annex A which shall come into force on 22 July 2014.

**Amendments**

- D. The rules in the modules of the PRA’s Handbook listed in column (1) below are amended in accordance with the Annexes to this instrument listed in column (2).
- E. The Prudential Regulation Authority gives as guidance each provision in the Annexes listed in column (2) that is marked with a G.

(1)	(2)
Glossary of definitions	Annex A
Statements of Principle and Code of Practice for Approved Persons (APER)	Annex B
General Provisions sourcebook (GEN)	Annex C
Fees manual (FEES)	Annex D
Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)	Annex E
Prudential sourcebook for Insurers (INSPRU)	Annex F
Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex G
Interim Prudential sourcebook for Insurers (IPRU (INS))	Annex H
Supervision manual (SUP)	Annex I
Compensation sourcebook (COMP)	Annex J
Building Societies Regulatory Guide (BSOG)	Annex K

**Citation**

- E. This instrument may be cited as the Handbook Administration Instrument (No 2) 2013.

By order of the Board of the PRA  
3 October 2013

## Annex A

## Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

<i>acting as trustee or depositary of an AIF</i>	<p>the <i>regulated activity</i>, specified in article 51ZD of the <i>Regulated Activities Order</i>, <u>which is, in summary,</u> <del>of</del> acting as:</p> <ul style="list-style-type: none"> <li>(a) a depositary of an <i>AIF</i> falling within article 51ZD(2) of the <i>Regulated Activities Order</i>;</li> <li>(b) the <i>trustee</i> of an <i>authorised unit trust</i> which is an <i>AIF</i> that does not fall within article 51ZD(2) of the <i>Regulated Activities Order</i>;</li> <li>(c) the depositary of an <i>open-ended investment company</i> or <i>authorised contractual scheme</i> which is an <i>AIF</i> that does not fall within article 51ZD(2) of the <i>Regulated Activities Order</i>.</li> </ul>
<i>acting as trustee or depositary of a UCITS</i>	<p>the <i>regulated activity</i>, specified in article 51ZB of the <i>Regulated Activities Order</i>, <u>which is, in summary,</u> <del>of</del> acting as:</p> <ul style="list-style-type: none"> <li>(a) a trustee of an <i>authorised unit trust scheme</i>,</li> <li>(b) a depositary of an <i>open-ended investment company</i> or</li> <li>(c) an <i>authorised contractual scheme</i></li> </ul> <p>where that company or scheme is a <i>UCITS</i>.</p>
<i>affected person</i>	<p><del>(in COLL):</del></p> <ul style="list-style-type: none"> <li>(a) <del>(in relation to an ICVC):</del> <ul style="list-style-type: none"> <li>(i) <del>the ICVC;</del></li> <li>(ii) <del>its depositary;</del></li> <li>(iii) <del>a director of the ICVC;</del></li> <li>(iv) <del>any investment adviser of the ICVC;</del></li> <li>(v) <del>any associate of any person in (a)(i), (ii), (iii) or (iv);</del></li> <li>(vi) <del>the auditor of the scheme;</del></li> </ul> </li> <li>(b) <del>(in relation to an AUT):</del> <ul style="list-style-type: none"> <li>(i) <del>the manager;</del></li> </ul> </li> </ul>

- (ii) ~~the trustee;~~
- (iii) ~~any investment adviser of the manager;~~
- (iv) ~~any associate of any person in (b)(i), (ii) or (iii);~~
- (v) ~~the auditor of the scheme;~~
- (e) ~~(in relation to an ACS):~~
  - (i) ~~the authorised fund manager;~~
  - (ii) ~~the depositary;~~
  - (iii) ~~any investment adviser of the authorised fund manager;~~
  - (iv) ~~any associate of any person in (e)(i), (ii) or (iii);~~
  - (v) ~~the auditor of the scheme;~~
  - (iv) ~~the nominated partner.~~

...

*AIFM investment firm* a firm which:

- (a) is:
  - (i) a full-scope UK AIFM; or
  - (ii) a small authorised UK AIFM of an authorised AIF; or
  - (iii) an incoming EEA AIFM branch; and
- (b) has a *Part 4A permission* (or an equivalent permission from its *Home State regulator*) for *managing investments* where:
  - (i) the *investments* managed include one or more *financial instruments*; and
  - (ii) the *permission* is limited to the activities permitted by article 6(2) and (4) of *AIFMD*.

...

*AIFMD*

Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:174:0001:0073:EN:PDF>).

...

*alternative investment fund* (~~under~~ in accordance with article 4(1)(a) of AIFMD) a collective investment undertaking, including investment compartments, which:

- (a) raises capital from a number of investors, with a view to investing it under a defined investment policy for the benefit of those investors; and
- (b) does not require authorisation pursuant to article 5 of the *UCITS Directive*.

*alternative investment fund manager* (1) (in GENPRU 3.1) a manager of alternative investment funds within the meaning of Article 4(1)(b), (l) and (ab) of Directive 2011/61/EU or an *undertaking* which is outside the *EEA* and which would require authorisation in accordance with Directive 2011/61/EU if it had its registered office within the *EEA*.

- (2) (except in GENPRU 3.1 and in accordance with article 4(1)(b) of AIFMD) a legal person whose regular business is performing AIFM investment management functions for one or more AIF.

...

*asset backed security* (as defined in the *PD Regulation*) ~~securities~~ securities which: ...

...

*applicable asset* (a) ~~in relation to MiFID business, a financial instrument; or~~

(b) ~~in relation to safeguarding and administering investments that is not MiFID business, acting as trustee or depositary of a UCITS, and/or acting as trustee or depositary of an AIF, a designated investment.~~

...

*Cancellation* (~~in COLL~~) (~~in relation to units~~) a cancellation of a *unit* by:

- (a) ~~an ICVC; or~~
- (b) ~~the trustee of an AUT; or~~
- (c) ~~the depositary of an ACS.~~

...

*client* (1) (except in *PROF* and except in relation to a *home finance transaction*) has the meaning....

(b) “client” includes:

...

(iii) a *collective investment scheme fund* even if it does not have separate legal personality.

...

*counterparty risk*

(in *COLL* and *FUND*) the risk of loss for a *UCITS* or an *AIF* resulting from the fact that the counterparty to a transaction may default on its obligations prior to the final settlement of the transaction's cash flows.

...

*EEA AIFM*

an *AIFM* which has its registered office in an *EEA State* other than the *United Kingdom*.

(a) for *AIFMs*, ‘having its registered office in’;

(b) for *AIFs*, ‘being authorised or registered in’ or, if the *AIF* is not authorised or registered, ‘having its registered office in’;  
or

(c) for *depositories*, ‘having its registered office or branch in’.

...

*feeder fund*

an *AUT* or *ACS* that is a *relevant pension scheme* and *dedicated to units* in a single *regulated collective investment scheme*.

...

*financial adviser*

(a) an individual appointed by an independent intermediary or by its *appointed representative* or where applicable, *tied agent*, to provide any or all of the following services:

(i) giving advice on *investments to clients*;

(ii) *arranging (bringing about) deals in investments* or *executing* transactions involving, in each case, *designated investments* with or for *clients*;

(iii) *managing investments*;

(iv) receiving or holding *client money* or other *client assets*;

(v) *safeguarding and administering investments*.

- (b) For the purposes of this definition, an independent intermediary is a *firm* acting as an intermediary but excluding:
- (i) a *firm* which is a member of a *marketing group*;
  - (ii) a *product provider* which sells its own packaged products.
- ...
- group ISA* an *individual savings account* of which the *plan manager* is the *authorised fund manager*, or in the same *group* as the *authorised fund manager*, of the *authorised fund* by reference to *units* in which the *plan register* is being, or is proposed to be, maintained.
- ...
- group plan* a *group ISA* or a *group savings plan*.
- ...
- group savings plan* a savings plan:
- (a) of which the *plan manager* is the *authorised fund manager*, or in the same *group* as the *authorised fund manager*, of the *authorised fund* by reference to *units* in which the *plan register* is being, or is proposed to be, maintained;
  - (b) under which *investments* are periodically acquired and held by a nominee for the absolute benefit of the respective subscribers to the savings plan; and
  - (c) under which all the *investments* are *units* in one or more *authorised funds* managed by (or, in the case of an *ICVC*, whose *ACD* is) the *plan manager*, or a *body corporate* in the same *group* as the *plan manager*.
- ...
- in the money* (1) (in *LR*) (in relation to securitised derivatives securitised derivatives): ...
- ...
- ...
- instrument constituting the scheme fund* ...
- (b) (for an AIF other than an ICVC, an AUT or an ACS) the fund rules, instrument of incorporation or other constituting

documents of such an AIF;

- (ba) ...
- (bb) (in relation to an ACS) the contractual scheme deed;
- (c) (in relation to a *collective investment scheme* other than an *authorised fund AIF* or an ~~EEA UCITS scheme~~ *UCITS*) any instrument to which the *operator* is a party setting out any arrangements with any other *person* relating to any aspect of the operation or management of the scheme.

...

*investment adviser*

~~(in relation to an authorised fund) a person who is retained by an ICVC, its directors or its ACD or by a manager of an AUT or by an authorised contractual scheme manager of an ACS under a commercial arrangement which is not a contract of service:~~

- ~~(a) to supply any of them with advice in relation to the authorised fund as to the merits of investment opportunities or information relevant to the making of judgements about the merits of investment opportunities; or~~
- ~~(b) to exercise for any of them any function concerning the management of the scheme property.~~

...

*leverage*

~~(in accordance with under article 4(1)(v) of AIFMD) any method by which an AIFM increases the exposure of an AIF it manages whether through borrowing of cash or securities, or leverage embedded in derivative positions or by any other means.~~

...

*long-term incentive scheme*

~~(in LR) any arrangement (other than a retirement benefit plan, a deferred bonus or any other arrangement that is an element of an executive director's remuneration package) which may involve the receipt of any asset (including cash or any security) by a director or employee of the group:~~

- ~~(a) which includes one or more conditions in respect of service and/or performance to be satisfied over more than one financial year; and~~
- ~~(b) pursuant to which the group may incur (other than in relation to the establishment and administration of the arrangement) either cost or a liability, whether actual or contingent.  
[deleted]~~

...

*managing an AIF* the *regulated activity*, specified in article 51ZC of the *Regulated Activities Order* ~~of~~, which is, in summary, performing at least risk management or portfolio management for an *AIF*.

...

*marketing* (in *COLL*) (in relation to marketing *units* in a *regulated collective investment scheme* in a particular country or territory):

(1) (a) ~~communicating to a person in that country or territory an invitation or inducement to become, or offer to become, a holder in that regulated collective investment scheme;~~

(b) ~~giving advice on investments to, or arranging (bringing about) a deal in an investment for a person in that country or territory to become a holder in that regulated collective investment scheme.~~

(2) ~~(except in *COLL*) a direct or indirect offering or placement, at the initiative of the *AIFM* or on behalf of the *AIFM* of *units* or *shares* of an *AIF* it manages, to or with investors domiciled or with a registered office in the *EEA*.~~

[~~Note: article 4(1)(x) of *AIFMD*~~]

...

*plan manager* in relation to:

(a) ~~{deleted}~~

(b) ~~a group *ISA*, the *ISA manager*;~~

(e) ~~a group savings plan, the person primarily responsible for that group savings plan.~~

...

*plan register* (1) (in relation to an *ICVC*) a record of *persons* who subscribe to a *group plan* and for whom *shares* in the *ICVC* are held for the purposes of the *group plan* by the *plan manager* or a nominee (other than a record for the establishment or maintenance of which no payments are to be made out of the *scheme property*).

(2) (in relation to an *AUT*) a sub-register to the register, which sub-register records *persons* who subscribe to a *group plan* and for whom *units* in the *AUT* are held for the purposes of the plan by the *plan manager* or a nominee (other than any sub-register that has not been established and maintained in

accordance with *COLL 6.4.4R* (Register: general requirements and contents) or for the establishment of which no payments are to be made out of the *scheme property*).

...

*prime brokerage firm* a firm that provides *prime brokerage services* to a *client* and which may do so acting as *principal*.

- (1) ~~(except in *FUND*) a firm that provides *prime brokerage services* to a *client* and which may do so acting as *principal*.~~
- (2) ~~(in *FUND*) a credit institution, regulated investment firm or another entity subject to prudential regulation and ongoing supervision, offering services to *professional clients* primarily to finance or execute transactions in *financial instruments* as counterparty and which may also provide other services, such as clearing and settlement of trades, custodial services, *stock lending*, customised technology and operational support facilities.~~

[Note: article 4(1)(af) of *AIFMD*]

...

*prime brokerage services* A package of services provided under a *prime brokerage agreement* which gives a *prime brokerage firm* a right to use *safe custody assets* for its own account and which comprises each of the following:

- (a) ~~custody or arranging safeguarding and administration of assets;~~
- (b) ~~clearing services; and~~
- (c) ~~financing, the provision of which includes one or more of the following:
 
  - (i) ~~capital introduction;~~
  - (ii) ~~margin financing;~~
  - (iii) ~~*stock lending*;~~
  - (iv) ~~stock borrowing~~
  - (v) ~~entering into repurchase or reverse repurchase transactions;~~~~

and which, in addition, may comprise consolidated reporting and other operational support.

...

~~qualifying capital instrument~~

~~(in *UPRU*) means that part of a *firm's* capital which is a security of indeterminate duration, or other instrument, that fulfils the following conditions:~~

- ~~(a) it may not be reimbursed on the bearer's initiative or without the prior agreement of *FCA*;~~
- ~~(b) the debt agreement must provide for the *firm* to have the option of deferring the payment of interest on the debt~~
- ~~(c) the lender's claims on the *firm* must be wholly subordinated to those of all non-subordinated creditors;~~
- ~~(d) the documents governing the issue of the securities must provide for debt and unpaid interest to be such as to absorb losses, whilst leaving the *firm* in a position to continue trading; and~~
- ~~(e) only fully paid-up amounts shall be taken into account.~~

~~qualifying capital item~~

~~(in *UPRU* and *IPRU(INV)*) means that part of a *firm's* capital which has the following characteristics:~~

- ~~(a) it is freely available to the *firm* to cover normal banking or other risks where revenue or capital losses have not yet been identified;~~
- ~~(b) its existence is disclosed in internal accounting records; and~~
- ~~(c) its amount is determined by the management of the *firm* and verified by independent auditors, and is made known to, and is monitored by, *FCA*.~~

~~Note: verification by internal auditors will suffice until such time as EU provisions making external auditing mandatory have been implemented.~~

...

~~qualifying subordinated loan~~

- ~~(1) (in *UPRU*) has the meaning given in *IPRU(INV)* 5.2.5(1) to (7) (Qualifying subordinated loans).~~
- ~~(2) (in *IPRU(INV)* 11) has the meaning given in *IPRU(INV)* 11.5 (Qualifying subordinated loans).~~

...

~~readily realisable investment~~

- ~~(1) (except in *UPRU*)~~
  - ~~(a) a packaged product;~~

(b) ~~a readily realisable security.~~

(2) ~~(in UPRU and IPRU(INV)) means a unit in a regulated collective investment scheme, a life policy or any marketable investment other than one which is traded on or under the rules of a recognised or designated investment exchange so irregularly or infrequently:~~

(a) ~~that it cannot be certain that a price for that investment will be quoted at all times; or~~

(b) ~~that it may be difficult to effect transactions at any price which may be quoted.~~

...

*register*

(1) ~~{deleted}~~

(2) ~~{deleted}~~

(3) ~~(in COLL) the register of unitholders kept under Schedule 3 to the OEIC Regulations or COLL 6.4.4R (Register: general requirements and contents), or COLL 8.5.8R (The register of unitholders: AUTs or ACSs) as appropriate or, in relation to a collective investment scheme that is not an authorised fund, a record of the holders (other than of bearer certificates) of units in it.~~

...

*regulated activity*

(A) in the PRA Handbook:

(in accordance with section 22 of the Act (Regulated activities)) any of the following activities specified in Part II of the *Regulated Activities Order* (Specified Activities):

(ma) acting as the depositary of an authorised contractual scheme (article 51(1)(bb));

(n) acting as the depositary or sole director of an open-ended investment company (article 51(1)(c))

(na) managing a UCITS (article 51ZA);

(nb) acting as trustee or depositary of a UCITS (article 51ZB);

(nc) managing an AIF (article 51ZC);

(nd) acting as trustee or depositary of an AIF (article 51ZD);

(ne) establishing, operating or winding up a collective investment

scheme (51ZE).

...

- safe custody asset*
- (a) ~~in relation to *MiFID business*, a *financial instrument*; or~~
  - (b) ~~in relation to *safeguarding and administering investments that is not MiFID business*, and /or *acting as trustee or depositary of a UCITS*, a *safe custody investment*; or~~
  - (e) ~~when *acting as trustee or depositary of an AIF*, an *AIF custodial asset*.~~

...

*small AIFM* an *AIFM* which meets the conditions in regulation 9 (meaning of “small AIFM”) of the *AIFMD UK regulation*.

*small authorised UK AIFM* a *UK AIFM* which:

- (a) is a *small AIFM*; and
- (b) has not opted in to *AIFMD* ~~under~~ in accordance with article 3(4) of *AIFMD* to become a *full-scope UK AIFM*.

...

- sponsor*
- (A) In the PRA Handbook:  
  
(in BIPRU), in accordance with Article 4(42) of the *Banking Consolidation Directive (Definitions)* and in relation to a *securitisation* within the meaning of paragraph (2) of the definition of *securitisation*) an *undertaking* other than an *originator* that establishes and manages an *asset backed commercial paper programme* or other *securitisation scheme* that purchases *exposures* from third party entities.
  - (B) In the FCA Handbook:  
  
(1) ...
  - (2) (in *BIPRU* and *FUND*), in accordance with Article 4(42) of the *Banking Consolidation Directive (Definitions)* and in relation to a *securitisation* within the meaning of paragraph (2) of the definition of *securitisation*) an *undertaking* other than an *originator* that establishes and manages an *asset backed commercial paper programme* or other *securitisation scheme* that purchases *exposures* from third party entities.

*sponsor service* a service relating to a matter referred to in *LR 8.2* that a *sponsor* provides or is requested or appointed to provide, including preparatory work that a *sponsor* may undertake before a decision is taken as to whether or not it will act as *sponsor* for a *listed company* or *applicant* or in relation to a particular transaction, and including all the *sponsor's* communications with the *FSA* in connection with the service. But nothing in this definition is to be taken as requiring a *sponsor* when requested to agree to act as a *sponsor* for a *company* or in relation to a transaction.

...

*unitisation* arrangements for a newly formed *AUT* or *ACS* under which:

- (a) the whole or part of the property of a *body corporate* (or a *collective investment scheme*) becomes the first property to be held on the trusts of the *AUT* or *ACS*; and
- (b) the *holders* of:
  - (i) *shares* in the *body corporate* being wound up; or
  - (ii) *units* in the *collective investment scheme*, the property of which is being transferred;

become the first participants in the *AUT* or *ACS*.

...

*unrecognised scheme* (~~in *LR*~~) a *collective investment scheme* which is neither a *recognised scheme* nor a scheme that is constituted as an *authorised unit trust scheme*.

## Part II – to come into force on 22 July 2014

*designated investment business* any of the following activities, specified in Part II of the *Regulated Activities Order* (Specified Activities), which is carried on by way of business:

...

- (i) ~~establishing, operating or winding up a collective investment scheme (article 51(1)(a)); for the purposes of the permission regime, this is sub-divided into:~~
  - (i) ~~establishing, operating or winding up a regulated collective investment scheme;~~

- (ii) ~~establishing, operating or winding up an unregulated collective investment scheme;~~
- (j) ~~acting as trustee of an authorised unit trust scheme (article 51(1)(b));~~
- (k) ~~acting as the depositary or sole director of an open-ended investment company (article 51(1)(e));~~
- (ka) ~~acting as the depositary of an authorised contractual scheme (article 51(1)(bb));~~

...

*establishing,  
operating or winding  
up a collective  
investment scheme*

the *regulated activity*, specified in article 51(1)(a) or 51ZE of the *Regulated Activities Order* (Establishing etc. a collective investment scheme), of establishing, operating or winding up a *collective investment scheme*.

**Annex B****Amendments to the Statements of Principle and Code of Practice for Approved Persons  
(APER)**

In this Annex, underlining indicates new text and striking through indicates deleted text.

**1.1B Application**

...

What?

- 1.1B.4 G The relevance of *MiFID* to the *Statements of Principle* will depend on the extent to which the corresponding requirement imposed on *firms* under *MiFID* is reserved to a *Home State regulator* or has been disapplied under *MiFID* (see *APER 2.1B.2P* and *FIT 1.2.4AG*).

...

## Annex C

### Amendments to the General Provisions sourcebook (GEN)

In this Annex, underlining indicates new text.

#### 4.3 Letter disclosure

...

- 4.3.2B G For a *UK domestic firm* that is a *PRA-authorised person*, the required disclosure in GEN 4 Annex 1AR is "Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority".

...

## Annex D

### Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1.1 Application and Purpose

...

##### Application

1.1.2 R The manual applies in the following way:

- (1) ...
- (2) *FEES* 1, 2 and 4 apply to:
  - (a) every firm (except an *AIFM qualifier*, *ICVC* or *UCITS qualifier*);
  - (b) every ~~*manager*~~ *authorised fund manager* of an *authorised unit trust* ~~*unit trust*~~ *unit trust* or *authorised contractual scheme*;
  - ...
  - (k) every *fee-paying electronic money issuer*; ~~and~~
  - (l) ...
  - (m) *every AIFM applying to become a small registered UK AIFM and every small registered UK AIFM; and*
  - (n) *every AIFM notifying the FCA under regulation 57, 58 and 59 of the AIFMD UK regulation and every AIFM which has made such a notification.*

...

#### 2.2 Late Payments and Recovery of Unpaid Fees

...

2.2.2 G The *FCA*, (for *FCA* and *PRA* periodic fees, *FOS* and *FSCS* levies and *CFEB levies*), ~~expect~~ expects to issue invoices at least *30 days* before the date on which the relevant amounts fall due. Accordingly it will generally be the case that a *person* will have at least *30 days* from the issue of the invoice before an administrative fee becomes payable.

##### Recovery of Fees

- 2.2.3 G Paragraphs 23(8) and 27 of Schedule 1ZA and paragraphs 31(7) and 35 of Schedule 1ZB of the *Act* permit the *FCA* and *PRA* respectively to recover fees (including in respect of the *FCA*, fees relating to *payment services*, the issuance of *electronic money* and, where relevant, *FOS* levies and *CFEB levies*), and section 213(6) permits the *FSCS* to recover shares of the *FSCS* levy payable, as a debt owed to the *FCA*, *PRA* and *FSCS* respectively, and the *FCA*, *PRA* and *FSCS*, as relevant, will consider taking action for recovery (including interest) through the civil courts.

...

### 3 Annex 9

(1) R		The Special Project Fee for restructuring (the SPFR) is only payable by a <i>person</i> in one of the following categories:
...		
(8) R		<del>No</del> Subject to <i>FEES</i> TP 8.1R, <u>no</u> SPFR is payable to an <i>appropriate regulator</i> :
	...	
(9) R		The SPFR for the <i>appropriate regulator</i> is calculated as follows:
	(a)	Determine the number of hours, or part of an hour, taken by the <i>appropriate regulator</i> , or, if applicable, both the <i>FCA</i> and <i>PRA</i> <u>under <i>FEES</i> TP 8.1R</u> , in relation to regulatory work conducted as a consequence of the activities referred to in (2) or (6).

...

### 4 Annex 12G Guidance on the calculation of tariffs set out in FEES 4 Annex 1AR Part 3 and FEES 4 Annex 1BR Part 3

#### 6.1 Application

...

##### General structure

...

- 6.1.7 G In order to allocate a share of the amount of *specific costs* and *compensation costs* to be funded by an individual *participant firm*, the funding arrangements are split into ~~eight~~ twelve classes. These are the *deposits class*; the *life and pensions provision class*; the *general*

insurance provision *class*; the investment provision *class*; the life and pensions intermediation *class*; the home finance intermediation *class*; the investment intermediation *class* and the general insurance intermediation *class* and the four FCA provider contribution classes (the deposit acceptor's contribution class; the insurers-life contribution class; the insurers – general contribution class; and the home finance providers and administrators' contribution class). The *permissions* held by a *participant firm* determine into which *class*, or *classes*, it falls.

...

#### Specific costs levy

...

6.4.7 R The FSCS must calculate a *participant firm's* share of a *specific costs levy* (subject to FEES 6.3.22R (Adjustments to calculation of levy shares) by:

- (1) ...
- (2) ...
- (3) calculating, in relation to each relevant *class*, the *participant firm's* tariff base (see FEES 6 Annex 3R) as a proportion of the total tariff base of all *participant firms* in the *class*, using the statement of business most recently supplied under FEES 6.5.13R;

...

...

## 6.5 Compensation costs

6.5.2 R The FSCS must allocate any *compensation costs levy*:

- (1) ~~first~~, to the relevant classes in proportion to the amount of *compensation costs* arising from, or expected to arise from, claims in respect of the different activities for which *firms* in those *classes* have *permission* up to the *levy limit* of each relevant *class*; ~~and~~
- (2) ~~thereafter, where the *levy limit* has been reached (whether as a result of *compensation costs* or *specific costs* or both) for a *class* whose attributable costs may be allocated to the *retail pool*, to the *retail pool* in accordance with FEES 6.5A. [deleted]~~

...

6.5.6 R The FSCS must calculate each *participant firm's* share of a *compensation costs levy* (subject to FEES 6.3.22R (Adjustments to calculation of levy

shares)) by:

- (1) ...
- (2) ...
- (3) calculating, in relation to each relevant *class*, the *participant firm's* tariff base (see *FEES 6 Annex 3R*) as a proportion of the total tariff base of all *participant firms* in the *class*, using the statement of business most recently supplied under *FEES 6.5.13R* ;
- (4) ...
- ...

...

**TP 8 Transitional provisions relating to FEES 3 Annex 9R and FEES 4.3.6R taking effect in 2013/14**

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
...					
8.1.3	<i>FEES 3 Annex 9R</i>	R	In relation to the kind of special project fee specified in <i>FEES TP 8.1.1R</i> , where one of the events referred to in <i>FEES 3 Annex 9R(2)</i> or <del>(9)(b)</del> <del>(6)(b)</del> had occurred: ...	From 1 April 2013 indefinitely	1 April 2013
...					

## Annex E

## Amendments to Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

### 1.3 Applications for advanced approaches and waivers

...

Waiver - general

1.3.10 G As explained in *SUP 8*, under ~~sections~~ section 138A ~~and 138B~~ of the *Act*, the *appropriate regulator* may not grant a *waiver* to a *firm* unless it is satisfied that:

- (1) compliance by the *firm* with the *rules*, or with the *rules* as modified, would be unduly burdensome or would not achieve the purpose for which the *rules* were made; and
- (2) the *waiver* would not ~~result in undue risk to persons whose interests the rules are intended to protect~~ adversely affect the advancement of any of the *appropriate regulator's* objectives.

...

### 2.2 Internal capital adequacy standards

...

Failure to meet individual capital guidance and monitoring and reporting on capital planning buffer

...

2.2.23C G Where a *firm's capital planning buffer* is being drawn down due to circumstances other than those referred to in *BIPRU 2.2.23G*, such as poor planning or mismanagement, the *appropriate regulator* may ask the *firm* for more detailed plans for it to restore its *capital planning buffer*. In the light of the relevant circumstances, the *appropriate regulator* may consider taking other remedial actions, which may include using its powers under ~~section 55J of the Act to vary on its own initiative a~~ *firm's Part 4A permission*.55L (in the case of the *FCA*) or section 55M (in the case of the *PRA*) of the *Act* to impose on its own initiative such requirements on a *firm* as it considers appropriate.

...

3.4.28 R An *exposure* to a *multilateral development bank* listed in point ~~(H)~~ (a) of

the definition in the *Glossary* must be assigned a 0% *risk weight*.

...

- 7.10.47 G This paragraph provides *guidance* on *BIPRU* 7.10.46R(~~3~~)(2). Take as an example a *VaR model* based on a factor model or on a historical simulation model. The ability of the model to explain price variation could be demonstrated by a statistical comparison over the same period of time between actual price changes on the portfolio and the profit and loss impact of risk factors included within the model. A *firm* may wish to include an estimate of residual variation not explained by the model.

...

## Annex F

## Amendments to the Prudential sourcebook for Insurers (INSPRU)

In this Annex, underlining indicates new text and striking thorough indicates deleted text.

## 1.5 Internal-contagion risk

...

Payment of financial penalties

- 1.5.33 R ~~If the *FCA* or *PRA* imposes a financial penalty on a *long term insurer*, the *firm* must not pay that financial penalty from a *long term insurance fund*.~~ [deleted]

...

## 7.1 Application

...

- 7.1.3A G ... In particular:

...

- (2) certain *rules* and *guidance* in *INSPRU* 7.1 are also made by the *FCA* for the purpose of their application to *dormant account fund operators*...

## Annex G

### Amendments to the Interim Prudential sourcebook for Friendly Societies (IPRU (FSOC))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Attachment to Annex 5

#### Proforma Application

Insurance ~~Firms Division~~ Returns

~~The Financial Services Authority~~ Regulatory Data Group

Statistics and Regulatory Data Division (HO5 A-B)

~~25 The North Colonnade~~ Bank of England

~~Canary Wharf~~ Threadneedle Street

London

~~E14 5HS~~ EC2R 8AH

...

## Annex H

### Amendments to the Interim Prudential sourcebook for Insurers (IPRU (INS))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### Appendix 9.11

##### Reporting Forms

- 1 ~~This appendix consists of only one or more forms or templates. Forms and templates are to be found through the 'Forms' link under Useful Links section at [www.fshandbook.info](http://www.fshandbook.info) or on the Handbook CD-ROM. The reporting forms and templates can be found in instrument 2001/22 Lloyd's Sourcebook Instrument 2001, as amended by instrument 2005/72 Lloyd's Sourcebook (Amendment No 3) Instrument 2005.~~

## Annex I

## Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 6.1 Application, interpretation and purpose

Application

...

- 6.1.2 G ~~If appropriate, a firm which is an authorised fund manager should also refer to COLL 7 for guidance on the termination of ICVCs, ACSs and AUTs and on winding up authorised funds that are not commercially viable. [deleted]~~

...

Variation of permission involving insurance business

...

- 6.3.12 G In applying to vary its *Part 4A permission* to add categories of *specified investments*, in relation to *insurance business*, a firm carrying on *insurance business* will need to determine the *classes* of *specified investments* relating to *effecting* and *carrying out contracts of insurance* for which variation of *Part 4A permission* will be necessary, having regard to whether certain *classes* of contract may qualify to be effected or carried out on an ancillary or supplementary basis (see ~~SUP 3.12.6G to SUP 3.12.12G~~).

...

## Annex J

## Amendments to the Compensation sourcebook (COMP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## Claims in respect of protected dormant accounts

...

- 10.2.13 G The purpose of *COMP* 10.2.12R is to ensure that *persons* whose *balances* in a *dormant account* have been transferred to a *dormant account fund operator* do not have their entitlement to compensation reduced in the event of default of the *dormant account fund operator*. So, a *person* who held *dormant accounts* with two different *relevant persons*, the liability for which were then automatically transferred to the *dormant account fund operator*, could still be compensated by the *FSCS* on the basis of accounts with two separate *relevant persons* (and so could receive up to 2 x £50,000 £85,000 in compensation) rather than just one account with one *relevant person*.

...

## 14.1 Application and Purpose

## Application

- 14.1.5 G In relation to an *incoming EEA firm's passporting activities*, its *Home State* compensation scheme must provide compensation cover in respect of business within the scope of the *Deposit Guarantee Directive*, *Investors Compensation Directive*, ~~and~~ article 6(3) of the *UCITS Directive* and article 6(4) of *AIFMD*, whether that business is carried on from a *UK branch* or on a *cross-border services* basis. ~~(For an *EEA UCITS management company* this is only for certain *passporting activities*, namely *managing investments* (other than *collective portfolio management*, *advising on investments* or *safeguarding and administering investments*. *Insurance mediation activity* relating to *non-investment insurance contracts* is not within the scope of the *Deposit Guarantee Directive* and the *Investor Compensation Directive*.~~

...

## Sch 1 Record-keeping requirements

...

- 1.2 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention Period

...				
<i>COMP</i> 10.2.10 R(3) [deleted]	Potential claimants for whom the separate limit under <i>COMP</i> 10.2.10R(2) applies	Sufficient details to enable the identification of claimants for whom the separate limit under <i>COMP</i> 10.2.10R(2) applies	As implicit from the <i>rules</i> in <i>COMP</i>	As implicit from the <i>rules</i> in <i>COMP</i>
<i>COMP</i> 10.2.11R [deleted]	Potential claimants for whom the separate limit under <i>COMP</i> 10.2.11R(2) applies	Sufficient details to enable the identification of claimants for whom the separate limit under <i>COMP</i> 10.2.11R(2) applies	As implicit from the <i>rules</i> in <i>COMP</i>	As implicit from the <i>rules</i> in <i>COMP</i>

## Annex K

### Amendments to the Building Societies Regulatory Guide (BSOG)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 2.5 Confirmation

...

The ~~Authority's~~ Prudential Regulator's decision

- 2.5.31 G The Prudential Regulator will not normally give an oral decision at the end of the hearing and may be expected to reserve its decision to be issued later in writing, setting out its reasons. Copies of the written decision will be sent to the participants and, on request, to any other person. The decision may also be published, and the Prudential Regulator usually asks the ~~registration team~~ FCA to place copies on the public files of the participating societies.

...

#### 2.8 Timetable

...

- 2.8.4 G Notes:

...

- (4) Where the Prudential Regulator is the PRA it is under a statutory obligation to consult the FCA (~~see section 95(6A) of the 1986 Act~~) in respect of approval of the Transfer Statement and Confirmation. This consultation will take place within the above timetable.

...

#### 3.8 Notification and Dissolution

...

- 3.8.5 G The society will be dissolved on the vesting date or on the later date for dissolution referred to in *BSOG* 3.8.2G, and its registration will subsequently be cancelled by the ~~FCA~~ FCA under the provisions of Section 103(1)(a) of the 1986 Act ~~having consulted the FCA~~ PRA.

...

**CONTROLLERS AND CLOSE LINKS REPORTING (AMENDMENT)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act.

**Commencement**

- C. This instrument comes into force as follows:
- (1) Part II of the Annex comes into force on 1 March 2014;
  - (2) the remainder of this instrument comes into force on 31 December 2013.

**Amendments to the Handbook**

- D. The Supervision manual (SUP) is amended in accordance with the Annex to this instrument.
- E. The PRA gives as guidance each provision that is marked as G in accordance with the Annex to this instrument.

**Citation**

- F. This instrument may be cited as the Controllers and Close Links Reporting (Amendment) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex

## Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text unless otherwise stated.

**Part I: Comes into force on 31 December 2013**

**11 Controllers and close links**

...

**11.9 Changes in close links**

Requirement to notify changes in close links

...

- 11.9.1B R (1) *A firm* must notify the *PRA* that it has become or ceased to be *closely linked* with any *person*. The notification must be made by completing the Close Links Notification Form (see *SUP* 11.9.3CG) and must include the information set out in ~~*SUP* 16.5.4R(4)~~.

...

...

- 11.9.3C G The Close Links Notification Form approved by the *PRA* for notifications under *SUP* 11.9.1BR, and *SUP* 11.9.5BR and ~~*SUP* 16.5.4R(1)~~, may be found at the *PRA* website.

...

- 11.9.4B R The *firm* must make a notification to the *PRA* under *SUP* 11.9.1BR:

...

- (2) where a *firm* has elected to report on a *monthly* basis, within fifteen *business days* of the end of each *month* by completing the Close Links Notification Form, ~~including the information set out in *SUP* 16.5.4R(4)~~ for that *month* and must submit the *group* organisation chart on a quarterly basis unless there have been no changes since the submission of the previous organisation chart to the *PRA*, in which case the *group* organisation chart is not required.

## 16.4 Annual controllers report

...

### Reporting requirement

- 16.4.5 R (1) ~~A firm must submit a report to the appropriate regulator annually, containing the information in (3) or (4) (as applicable). [deleted]~~
- (2) ~~A firm must submit the report in (1) to the appropriate regulator within four months of the firm's accounting reference date. [deleted]~~
- (3) ~~If a firm is not aware:~~
- (a) ~~that it has any controllers; or~~
  - (b) ~~of any changes in the identity of its controllers since the submission of its previous report under (1); or~~
  - (c) ~~of any changes in the percentage of shares or voting power in the firm held by any controllers (alone or acting in concert) since the submission of its previous report;~~
- ~~then the report in (1) must confirm this. [deleted]~~
- (4) ~~Unless (3) applies, the report in (1) must contain a list of all the controllers as at the firm's accounting reference date of which it is aware and, for each such controller, state:~~
- (a) ~~its name;~~
  - (b) ~~the percentage of voting power in the firm, or in the firm's parent undertaking, which it is entitled to exercise or control the exercise of, whether alone or acting in concert;~~
  - (c) ~~the percentage of shares in the firm, or in the firm's parent undertaking, which it holds, whether alone or acting in concert;~~
  - (d) ~~if the controller is a body corporate, its country of incorporation, address and registered number; and~~
  - (e) ~~if the controller is an individual, his date and place of birth. [deleted]~~
- (4A) ~~A firm that is a regulated entity must include in its report to the appropriate regulator under (1) whether any consolidation group of which it is a member is a third country banking and investment group. [deleted]~~
- (4B) ~~A firm does not have to give notice to the appropriate regulator under (4A) if it, or another member of the third country banking and~~

~~investment group, has already given notice to the appropriate regulator of the relevant fact.~~ [deleted]

(5) [deleted]

(6) A firm must submit annually by electronic means to the appropriate regulator the Controllers Report which contains the information specified in the form in SUP 16 Annex 37AR, within four months of the firm's accounting reference date.

16.4.6 G ~~The information required by SUP 16.4.5 R(4) may be provided in the form of a group organisation chart.~~ [deleted]

...

16.4.8 G ~~A firm may submit a single report satisfying the requirements of its annual controllers report (SUP 16.4.5R) and its annual close links report (SUP 16.5.4R). Such a report should contain the information required on both controllers and close links.~~ [deleted]

...

## 16.5 Annual Close Links Reports

...

### Report

16.5.4 R (1) ~~A firm must submit a report to the appropriate regulator annually by completing the Close Links Notification Form (see SUP 11.9.3BG for the FCA and SUP 11.9.3CG for the PRA) and must include the information in (3) or (4) (as applicable) and (5).~~ [deleted]

(2) ~~A firm must submit the report in (1) to the appropriate regulator within four months of the firm's accounting reference date.~~ [deleted]

(3) If a firm is not aware:

(a) that it has any *close links*; or

(b) of any material changes to the details in (4) (a) to (c) in respect of its *close links* since the submission of its previous report under (1);

then the report in (1) must confirm this. [deleted]

(4) Unless (3) applies, the report in (1) must contain a list of all *persons* with whom the *firm* has *close links* as at the *firm's accounting reference date* of which it is aware, and for each such *person* state:

- (a) ~~its name;~~
- (b) ~~the nature of the *close links*;~~
- (c) ~~if the *close link* is with a *body corporate*, its country of incorporation, address and registered number; and~~
- (d) ~~if the *close link* is with an individual, his date and place of birth. [deleted]~~

(5) ~~The *firm* must also submit a *group* organisation chart. [deleted]~~

(6) A *firm* must submit a report to the *appropriate regulator* annually by completing the Close Links Annual Report in SUP 16 Annex 36AR which must be sent electronically to the *appropriate regulator* within four months of the *firm's accounting reference date*.

16.5.4A R If a *group* includes more than one *firm*, a single close links notification may be made by completing the Annual Close Links Report and so satisfy the notification requirement for all *firms* in the *group*. Nevertheless, the requirement to notify, and the responsibility for notifying, remains with each *firm* in the *group*.

...

16.5.7 G ~~A *firm* may submit a single report satisfying the requirements of its annual controllers report (SUP 16.4.5R) and its annual close links report (SUP 16.5.4R). Such a report should contain the information required on both *controllers* and *close links*. [deleted]~~

After SUP 16 Annex 35BG insert the following new annexes. The text is not underlined.

**16 Annex 35AR** [to follow]

**16 Annex 35BG** [to follow]

**16 Annex 36AR Close Links Annual Report**

**REP001 Close Links Report**

Currency N/A

Currency Units N/A

**Main Details**

*This section should be completed by all firms*

- 1 Does this report cover close links relating to more than one authorised firm?
- 2 If Yes, list the firm reference numbers (FRNs) of all additional firms included in this report.
- 3 Does the firm/group have any close links?
- 4 If Yes, have there been any material changes, to the close links, for the firm/group since the last submission of the report?
- 5 *Firms must provide an organisation chart unless no close links exist.*  
Are you submitting a group organisation chart?

**Body Corporates**

	A	B	C	D	E
6	Name of close link	Nature of close link	Country of incorporation	Address	Registered Number

**Individuals**

	A	B	C	D
7	Name of close link	Nature of close link	Date of Birth	Place of Birth

## 16 Annex 36BG      **Guidance notes for completion of close links annual report in SUP** **16 Annex 36AR**

The *close links* provisions contained in Schedule 6 of the *Act* stem from Directive 95/26/EC (Post BCCI Directive). This directive, implemented in July 1996 in the wake of the collapse of the Bank of Credit and Commerce International (BCCI) in 1991, was designed to strengthen competent authorities' powers to properly supervise financial institutions.

The Post BCCI Directive states that the *firm* must provide information on its *close links* on a 'continuous basis' to ensure effective supervision is not disrupted, i.e. the *appropriate regulator* is able to identify potential risks to a *firm* from its *close links*.

This report is referred to in *SUP* 16.5.4R(6) and is used by a *firm* and/or *group* to submit the annual report required by the rule in *SUP* 16.5. The information provided in this report is in accordance with the rules set out in *SUP* 16.5.4R(6).

### Data elements

These are referred to by row first, then by column, so data element 2A will be row 2 and column A.

### Main details

#### 1A      **Does this report cover close links relating to more than one authorised firm?**

This question must be answered by all *firms*.

The *appropriate regulator* allows *firms* to submit a report for more than one *firm* (i.e. a *group* of *firms*); however, the responsibility for the accuracy of the *close links* information provided by the *group* remains with each individual firm listed in Question 2A.

The submitting *firm* can only submit on behalf of *firms*' whose accounting reference date (ARD) matches that of its own, and therefore covering the same reporting period.

Any additional *firms* whose ARD does not match that of the submitting *firm*, must submit their own report for the relevant period.

#### 2A      **If Yes, list the firm reference numbers (FRNs) of all additional firms included in the report.**

This question must be answered if the answer to Question 1A is 'Yes'.

Please list the *firm* reference numbers (FRNs) of all the additional *firms* included in the report.

The *firms* listed in this question must have an equivalent accounting reference date (ARD) and therefore the same reporting requirement (i.e. the same start and end of reporting period and copy number must be the same).

**3A Does the firm/group have any close links?**

This question must be answered by all *firms*.

A *firm* must notify the *appropriate regulator* of whether the *firm* is aware that it has any *close links*.

**4A If Yes, have there been any material changes to the close links for the firm/group since the submission of the last report?**

This question must be answered if the answer to Question 3A is ‘Yes’.

The *firm/group* should indicate here whether there have been any changes to the *close links* since the submission of the previous report/notification to the *appropriate regulator*, including any event-driven notifications made.

**5A Are you submitting a group organisation chart?**

This question must be answered if the answer to Question 3A is ‘Yes’.

The organisation chart must be provided in PDF format; however, we do not define the structure of the organisation chart and the *firm* or *group* may use whatever structure it already holds for its own purpose. This chart must however show all the *firm’s* and/or *group’s close links*.

A group organisation chart is required for every annual report submission made so long as the *firm* is aware that it has *close links*.

**Details of close links (body corporates and/or individuals)**

These questions must be answered if the answer to Question 3A is ‘Yes’.

The *firm* and/or *group* making the submission must provide all the information in relation to its close links if any exist.

**6A/7A Name of close link (body corporates and/or individuals)**

Please provide the full name of the body corporate and/or individual (up to a maximum of 100 characters)

**6B/7B Nature of close link (body corporates and/or individuals)**

Please select from one of the following:

- *Parent undertaking* of the *firm*
- *Subsidiary undertaking* of the *firm*
- *Parent undertaking* of a *subsidiary undertaking* of the *firm*
- *Subsidiary undertaking* of a *parent undertaking* of the *firm*
- Close Link (CL) owns or controls 20% or more of the voting rights or capital of the *firm*
- *Firm* owns or controls 20% or more of the voting rights or capital of

Close Link (CL).

**6C Country of incorporation (body corporates only)**

Please provide the country of incorporation using the relevant ISO country code if the *controller* is a body corporate.

A full list of country names and their relevant code elements can be found at: [www.iso.org/iso/country\\_codes/iso\\_3166\\_code\\_lists/country\\_names\\_and\\_code\\_elements.htm](http://www.iso.org/iso/country_codes/iso_3166_code_lists/country_names_and_code_elements.htm)

**6D Address (body corporates only)**

Please provide the full postal address for the body corporate (up to a maximum of 100 characters).

**6E Registered number (body corporates only)**

Please provide the body corporate's registered number (up to a maximum of 20 characters). This is the unique company registration number for body corporates incorporated in the *UK*, or equivalent number for overseas *firms*.

**7C Date of birth (individuals only)**

Please provide the individual's date of birth in dd/mm/yyyy format and age between 18 and 115 years.

**7D Place of birth (individuals only)**

Please provide the individual's place of birth by providing the town and country of birth, for example, 'London, England' (up to a maximum of 100 characters).



**16 Annex 37BG      Guidance notes for completion of controllers report in SUP 16  
Annex 37AR**

A *firm* and its *controllers* are required to notify certain changes in control in accordance with SUP 11. The purpose of this report required under SUP 16.4.5R(6) is to ensure that, in addition to such notification, the appropriate regulator receives regular and comprehensive information about the identities of all the *controllers* of a *firm*.

**Data elements**

These are referred to by row first, then by column, so data element 2A will be row 2 and column A.

**Main details****1A            Does this report cover controllers relating to more than one authorised firm?**

This question must be answered by all *firms*.

The *appropriate regulator* allows *firms* to submit a report for more than one *firm* (i.e. a *group of firms*); however, the responsibility for the accuracy of the *controllers* information provided by the *group* remains with each individual *firm* listed in Question 2A.

The submitting *firm* can only submit on behalf of *firms* whose accounting reference date (ARD) matches that of its own, and therefore covering the same reporting period.

Any additional *firms* whose ARD does not match that of the submitting *firm*, must submit their own report for the relevant period.

**2A            If Yes, list the firm reference numbers (FRNs) of all additional firms included in the report.**

This question must be answered if the answer to Question 1A is 'Yes'.

Please list the *firm* reference numbers (FRNs) of all the additional *firms* included in the report.

The *firms* listed in this question must have an equivalent accounting reference date (ARD) and, therefore, the same reporting requirement (i.e. the same start and end of reporting period and copy number must be the same).

**Firm/Controller details**

The *firm* and/or *group* making the submission must provide all the information in relation to its *controllers* (see SUP 16.4.5R(6)).

If the report is being submitted on behalf of more than one authorised *firm*, this section must be completed and contain at least the mandatory information for each *firm*. However, although the submission of the report is made by one *firm*, the requirement to provide the report and the information contained therein remains the responsibility of each authorised *firm* listed in Question 2A.

**3A Firm reference number (FRN)**

This question must be answered by the submitting *firm* and all *firms* listed in Question 2A.

Please provide the *firm* reference number (FRN) of the *firm* whose *controller* details are being provided.

**3B Does the firm have any controllers?**

This question must be answered by the submitting *firm* and all *firms* listed in Question 2A.

Answer 'Yes' or 'No' accordingly. If 'No', no further information needs to be provided for this *firm*.

**3C Are you aware of any changes in the identity of the controllers since the last submission?**

Answer 'Yes' or 'No' accordingly. This question must be answered if the answer to Question 3B is 'Yes'.

**3D Are you aware of any changes in the percentage of shares or voting power held by any controllers (alone or acting in concert) since the last submission?**

Answer 'Yes' or 'No' accordingly. This question must be answered if the answer to Question 3B is 'Yes'.

**3E Was appropriate regulatory approval sought and granted prior to the change(s) being effected?**

Answer 'Yes' or 'No' accordingly. This question must be answered if the answer to Question 3C or 3D is 'Yes'.

If a *controller* is increasing their shares or voting power, but does not move up a controller band (see question 5 in the Change in control FAQs page) then this question can be answered N/A.

If a *controller* is increasing their shares or voting power and does cross a controller band, then regulatory approval must be sought (see Change in control page) for details on how to notify the *appropriate regulator*. If such approval has not been sought or granted, then the report should still be completed and

submitted. The *firm* should also complete the relevant *controller* notification form.

**3F If the firm is a member of a consolidation group, is this group a third-country banking and investment group?**

If the *firm* is a member of a *consolidation group* which is a *third-country banking and investment group*, then this question should be answered 'Yes'.

If the *firm* is a member of a *consolidation group*, but that group is not a *third-country banking and investment group*, then this question should be answered 'No'.

If the *firm* is not a member of a *consolidation group*, or the *firm* is not a *regulated entity*, or the *firm* that is a *regulated entity* and is a member of a *consolidation group* has already notified the *appropriate regulator* of this fact, then this question should be answered 'NA'.

**3G Is the information being provided in a group organisation chart?**

Answer 'Yes' or 'No' accordingly. This question must be answered if the answer to Question 3B is 'Yes'.

If all the required information in this report is being provided in the form of an organisational chart, Questions 3H to 3P do not need to be completed.

The organisation chart must be provided in PDF format; however, we do not define the structure of the organisation chart and the *firm/group* may use whatever structure it already holds for its own purpose. This chart must however show all the information required in Questions 3H to 3P and make it clear for what period the organisation chart is relevant.

However, if the answer to this question is 'No', then the information in Questions 3H to 3P must be provided.

**3H Name of controller**

The name of the *controller* (up to a maximum of 100 characters).

**3I % Voting power**

The percentage of voting power in the *firm*, or in the *firm's parent undertaking*, which it is entitled to exercise or control the exercise of, whether alone or acting in concert (to the nearest percentage).

**3J % Shareholding**

The percentage of shares in the *firm*, or in the *firm's parent undertaking*, which it holds, whether alone or acting in concert (to the nearest percentage).

**3K Is the controller a body corporate or individual?**

Please state whether the *controller* is a body corporate or an individual.

**3L If controller is a body corporate; country of incorporation**

Please provide the country of incorporation using the relevant ISO country code if the *controller* is a body corporate.

A full list of country names and their relevant code elements can be found at:  
[www.iso.org/iso/country\\_codes/iso\\_3166\\_code\\_lists/country\\_names\\_and\\_code\\_elements.htm](http://www.iso.org/iso/country_codes/iso_3166_code_lists/country_names_and_code_elements.htm)

**3M If controller is a body corporate: address**

Please provide the body corporate's address. If the body corporate is a foreign incorporated *firm*, then please provide the *UK* head office address (up to a maximum of 100 characters).

**3N If controller is a body corporate: registered number**

Please provide the body corporate's registered number. This is the unique company registration number for body corporates incorporated in the *UK*, or equivalent number for overseas *firms* (up to a maximum of 20 characters).

**3O If controller is an individual: date of birth**

Please provide the individual's date of birth in dd/mm/yyyy format and age between 18 and 115 years.

**3P If controller is an individual: place of birth**

Please provide the individual's place of birth by providing the town and country of birth, for example, London, England (up to a maximum of 100 characters).

**Part II: Comes into force on 1 March 2014****11 Controllers and close links**

...

**11.9 Changes in close links**

Requirement to notify changes in close links

...

- 11.9.1B R (1) A *firm* must notify the *PRA* that it has become or ceased to be *closely linked* with any *person*. ~~The notification must be made by completing the Close Links Notification Form (see SUP 11.9.3CG)~~ and ensure the following:
- (a) where a *firm* has elected to report changes in *close links* on a *monthly* basis under SUP 11.9.5BR, the notification must be made in line with SUP 11.9.3CAR; and
  - (b) in any other case, the notification must be made by completing the Close Links Notification Form (see SUP 11.9.3CG) and must include the information in SUP 11.9.3DG.
- (2) If a *group* includes more than one *firm*, a single close links notification may be made by completing the Close Links Notification Form or the Close Links Monthly Report (as applicable) and so satisfy the notification requirement for all *firms* in the *group*. Nevertheless, the requirement to notify, and the responsibility for notifying, remains with each *firm* in the *group*.

...

- 11.9.2A G A *firm* may elect not to include the following *close links* in the notification submitted under ~~SUP 11.9.1R, SUP 11.9.5R~~ SUP 11.9.1AR, SUP 11.9.1BR, SUP 11.9.5AR, SUP 11.9.5BR or SUP 16.5:

...

...

Form of notification and method of submission

...

- 11.9.3C G The Close Links Notification Form approved by the *PRA* for notifications under ~~SUP 11.9.1BR and SUP 11.9.5BR~~ and SUP

~~16.5.4R(1)~~ SUP 11.9.1BR(1)(b) may be found at the *PRA* website.

11.9.3CA R The notification under *SUP 11.9.1BR(1)(a)* must be made electronically by completing the Close Links Monthly Report and submitting it through the relevant platform provided by the *PRA*.

11.9.3CB R The Close Links Monthly Report must contain the information specified in *SUP 16 Annex 35AR*.

...

11.9.3D G (1) The notification in *SUP 11.9.1AR(1)(b)* and *SUP 11.9.1BR(1)(b)* should contain a list of all *persons* with whom the *firm* is aware that it has *close links*, at the time the notification is made, and, for each such person, state:

(a) its name;

(b) the nature of the *close links*;

(c) if the *close links* are with a *body corporate*, its country of incorporation, address and registered number; and

(d) if the *close links* are with an individual, their date and place of birth.

(2) The *firm* must also submit a *group* organisation chart.

Timing of notification requirement

...

11.9.4B R The *firm* must make a notification to the *PRA* under *SUP 11.9.1BR*:

...

(2) where a *firm* has elected to report on a *monthly* basis, within fifteen *business days* of the end of each *month* by completing the ~~Close Links Notification Form~~ Close Links Monthly Report for that *month* and must submit the *group* organisation chart on a quarterly basis unless there have been no changes since the submission of the previous organisation chart to the *PRA*, in which case the *group* organisation chart is not required.

...

After *SUP 16 Annex 34BG* insert the following new annexes. The text is not underlined.

## 16 Annex 35AR Close Links Monthly Report

### REP001a Close Links Notification

Currency N/A

Currency Units N/A

#### Main Details

*This section should be completed by all firms*

- 1 Does this report cover close links relating to more than one authorised firm?
- 2 If Yes, list the firm reference numbers (FRNs) of all additional firms included in this report.
- 3 Does the firm/group have any close links?
- 4 If Yes, have there been any material changes, to the close links, for the firm/group since the last submission of the report?
- 5 Are you also submitting a group organisation chart?

#### New and Existing Body Corporates

	A	B	C	D	E
6	Name of close link	Nature of close link	Country of incorporation	Address	Registered Number

#### New and Existing Individuals

	A	B	C	D
7	Name of close link	Nature of close link	Date of Birth	Place of Birth

#### Ceased Body Corporates

	A	B	C	D	E
8	Name of close link	Nature of close link	Country of incorporation	Address	Registered Number

#### Ceased Individuals

	A	B	C	D
9	Name of close link	Nature of close link	Date of Birth	Place of Birth

## 16 Annex 35BG      **Guidance notes for completion of the close links monthly report in SUP 16 Annex 35AR**

The close links provisions contained in Schedule 6 of the *Act* stem from Directive 95/26/EC (Post BCCI Directive). This directive, implemented in July 1996 in the wake of the collapse of the Bank of Credit and Commerce International (BCCI) in 1991, was designed to strengthen competent authorities' powers to properly supervise financial institutions.

The Post BCCI Directive states that the *firm* must provide information on its *close links* on a 'continuous basis' to ensure effective supervision is not disrupted, i.e. the *appropriate regulator* is able to identify potential risks to a *firm* from its *close links*.

This report is referred to in *SUP 11.9.1AR* and *SUP 11.9.1BR* and is used by a *firm* and/or *group* to submit the periodic notifications required by the chapter. The information provided in this report is in accordance with the rules set out in the chapter.

### **Data elements**

These are referred to by row first, then by column, so data element 2A will be row 2 and column A.

### **Main details**

#### **1A            Does this report cover close links relating to more than one authorised firm?**

This question must be answered by all *firms*.

The appropriate *regulator* allows *firms* to submit a report for more than one *firm* (i.e. a *group of firms*); however, the responsibility for the accuracy of the *close links* information provided by the *group* remains with each individual *firm* listed in Question 2A.

The submitting *firm* can only submit on behalf of *firms* who have an equivalent monthly reporting requirement and covering the same reporting period and copy number.

Any additional *firms* whose reporting requirement does not match that of the submitting *firm*, must submit their own report for the relevant period.

#### **2A            If Yes, list the firm reference numbers (FRNs) of all additional firms included in the report.**

This question must be answered if the answer to Question 1A is 'Yes'.

Please list the *firm* reference numbers (FRNs) of all the additional *firms* included in the report.

The *firms* listed in this question must have an equivalent reporting requirement (i.e. the same start and end of reporting period and copy number must be the same).

**3A Does the firm/group have any close links?**

This question must be answered by all *firms*.

A *firm* must notify the *appropriate regulator* whether the *firm* is aware that it has any *close links*.

**4A If Yes, have there been any material changes to the close links for the firm/group since the submission of the last report?**

This question must be answered if the answer to Question 3A is 'Yes'.

The *firm/group* should indicate here whether there have been any changes to the *close links* since the submission of the previous notification to the *appropriate regulator*.

**5A Are you submitting a group organisation chart?**

This question must be answered if the answer to Question 3A is 'Yes'.

The organisation chart must be provided in PDF format; however, we do not define the structure of the organisation chart and the *firm* or *group* may use whatever structure they already hold for its own purpose. This chart must however show all the *firm's* and/or *group's close links*.

An organisation chart is required on a quarterly basis unless no changes have occurred since the submission of the last organisation chart.

**Details of existing, new and ceased close links (body corporates and/or individuals)**

Questions 6 and/or 7 must be answered if the answer to Question 3A is 'Yes'. Questions 8 and/or 9 must be answered if the firm has ceased any *close links* since the submission of the previous notification to the *appropriate regulator*.

The *firm* and/or *group* making the submission must provide all the information in relation to its *close links*.

**6A/7A/8A/ 9A Name of close link (body corporates and/or individuals)**

Please provide the full name of the body corporate and/or individual (up to a maximum of 100 characters).

**6B/7B/8B/ 9B Nature of close link (body corporates and/or individuals)**

Please select from one of the following:

- *Parent undertaking* of the *firm*
- *Subsidiary undertaking* of the *firm*
- *Parent undertaking* of a *subsidiary undertaking* of the *firm*
- *Subsidiary undertaking* of a *parent undertaking* of the *firm*
- Close Link (CL) owns or controls 20% or more of the voting rights or

capital of the *firm*

- *Firm* owns or controls 20% or more of the voting rights or capital of Close Link (CL).

**6C / 8C Country of incorporation (body corporates only)**

Please provide the country of incorporation using the relevant ISO country code if the *controller* is a body corporate.

A full list of country names and their relevant code elements can be found at: [www.iso.org/iso/country\\_codes/iso\\_3166\\_code\\_lists/country\\_names\\_and\\_code\\_elements.htm](http://www.iso.org/iso/country_codes/iso_3166_code_lists/country_names_and_code_elements.htm)

**6D / 8D Address (body corporates only)**

Please provide the full postal address for the body corporate (up to a maximum of 100 characters).

**6E / 8E Registered number (body corporates only)**

Please provide the body corporate's registered number (up to a maximum of 20 characters). This is the unique company registration number for body corporates incorporated in the *UK*, or equivalent number for overseas *firms*.

**7C / 9C Date of birth (individuals only)**

Please provide the individual's date of birth in dd/mm/yyyy format and age between 18 and 115 years.

**7D / 9D Place of birth (individuals only)**

Please provide the individual's place of birth by providing the town and country of birth, for example, London, England (up to a maximum of 100 characters).

**SUPERVISION MANUAL (REPORTING AND AUDIT REQUIREMENTS)  
(AMENDMENT) INSTRUMENT 2013**

**Powers exercised by the Board of the Prudential Regulation Authority (PRA)**

A. The Prudential Regulation Authority (“PRA”) makes this instrument in the exercise of the following powers and related provisions in Financial Services and Markets Act 2000 (“the Act”):

- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers).

B. The rule-making power referred to above is specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

D. This instrument comes into force on 31 December 2013.

**Amendments to the Handbook**

E. The PRA amends the rules and guidance in the Supervision manual (SUP) in accordance with the Annex to this instrument.

**Citation**

F. This instrument may be cited as the Supervision Manual (Reporting and Audit Requirements) (Amendment) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

**16 Annex  
19AR**      **Mortgage ~~Lending~~ Lenders & ~~Administration~~ Administrators Return  
(‘MLAR’)**

...

**16 Annex  
19BG**      **Notes for completion of the Mortgage ~~Lending~~ Lenders & ~~Administration~~ Administrators Return (‘MLAR’)**

This annex consists only of one or more forms. Forms are to be found through the following address:

*Notes for Completion of the Mortgage ~~Lending~~ Lenders and ~~Administration~~ Administrators Return (‘MLAR’) -  
Forms/sup/sup\_Chapter16\_annex19bg\_20130401.pdf*

**NOTES FOR COMPLETION OF THE MORTGAGE ~~LENDING~~ LENDERS  
& ~~ADMINISTRATION~~ ADMINISTRATORS RETURN (‘MLAR’)**

...

**5.      Accounting conventions**

...

However, information in respect of lending (eg balances, advances, interest rates, arrears etc.) to be reported in sections D, E, F, G, H and J of the return should not be fair-valued but should report the contractual position (ie as between lender and borrower).

All amounts should be shown in one of the reporting currencies accepted by the relevant platform provided by the FCA, unless otherwise specified in the Handbook.

...

**9.      Specific Items**

...

**(ii)    Foreign currencies**

~~Amounts in foreign currencies, including also any loans denominated in foreign currencies, should be translated into their equivalent sterling value using an appropriate rate of exchange at the reporting date, or where appropriate, at the rates of exchange fixed under the terms of any relevant currency hedging transaction, and that value used in the return. Thus all entries in the form represent sterling amounts. *Firms* should report in the currency of their annual audited accounts, where this is Sterling, Euro, US dollars, Canadian dollars, Swedish Kroner, Swiss Francs or Yen. Where annual audited accounts are reported in a currency outside those specified above, please translate these values into an equivalent within the list using an appropriate rate of exchange at the reporting date, or where appropriate, at the rates of exchange fixed under the terms of any relevant currency hedging transaction, and that value used in the return. Please report in 000's where stated on the return. *Firms* should apply the same accounting treatment as for their published accounts.~~

...

**PRUDENTIAL REPORTING REQUIREMENTS FOR INSURERS (AMENDMENT)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority (“the PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- B. The rule-making power referred to above is specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. This instrument comes into force on 31 December 2013.

**Amendments to the Handbook**

- E. The Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC)) is amended in accordance with Annex A to this Instrument.
- F. The Interim Prudential sourcebook for Insurers (IPRU(INS)) is amended in accordance with Annex B to this Instrument.

**Citation**

- G. This instrument may be cited as the Prudential Reporting Requirements for Insurers (Amendment) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex A

**Amendments to the Interim Prudential sourcebook for Friendly Societies  
(IPRU(FSOC))**

In this Annex, underlining indicates new text and striking through indicates deleted text.

Chapter 5: Prudential Reporting

ANNUAL ACTUARIAL INVESTIGATION

- 5.1 (1) ...
- (2) ...
- (a) ...
- (b) deposit ~~three copies~~ one copy of that abstract with the *PRA* within 6 months of the end of the *financial year* to which it relates,
- ~~and one of those copies~~ the copy must be signed as required by rule 5.12. ~~The copies must be~~ and sent to Insurance Returns, Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London EC2R 8AH (and must not be addressed to the *friendly society's* normal supervisory contact).
- ...

TRIENNIAL ACTUARIAL INVESTIGATION

- 5.2 (1) ...
- (a) ...
- (b) ...
- (1A) ...
- (2) ...
- (a) ...
- (b) deposit ~~three copies~~ one copy of that abstract with the *PRA* within 6 months of the end of the *period* to which it relates,
- ~~and one of those copies~~ the copy must be signed as required by rule 5.20. ~~The copies must be~~ and sent to Insurance Returns, Regulatory Data Group, Statistics and Regulatory Data Division (HO5 A-B), Bank of England, Threadneedle Street, London EC2R 8AH (and

must not be addressed to the *friendly society's* normal supervisory contact).

*Correction of abstracts*

- 5.3 (1) ...
- (2) ~~One of the copies~~ The documents referred to in (1) must be signed –
- (a) ...
- (b) ...
- (c) ...

**Appendix 10: Prudential Reporting Forms**

IPRU(FSOC) FSC1 Return (Form FSC1), FSC2 Return (Form FSC2) and FSC3 Return (Form FSC3) are amended as set out below:

In this Part, the text in the data item set out in column (1) is amended as indicated in column (2).

(1)	(2)
	Retain the text and amend as follows (underlining indicates new text and striking through indicates deleted text):
FSC1 Return (Form FSC1)	<p>...</p> <p><del>One copy of the</del> <u>The</u> Return must be signed by the chief executive, the secretary and one <i>committee</i> member of the society (or two members of the <i>committee</i> if the offices of chief executive and secretary are held by the same person).</p> <p><del>Three copies</del> <u>One signed copy</u> of this Return (<del>including the original signed copy</del>) must be submitted as soon as possible after 31 December and not later than the following 30 June to:-</p> <p>Regulatory Data Group,            Statistics and Regulatory            Data Division (HO5 A-B),            Bank of England,            Threadneedle Street,            London, EC2R 8AH</p>

FSC2 Return (Form FSC2)	<p>...</p> <p><del>One copy of the</del> <u>The</u> Return must be signed by the chief executive, the secretary and one committee member of the society (or two members of the committee if the offices of chief executive and secretary are held by the same person).</p> <p><del>Three copies</del> <u>One signed copy</u> of this Return (<del>including the original signed copy</del>) must be submitted as soon as possible after 31 December and not later than 30 June:-</p> <p>Regulatory Data Group,  Statistics and Regulatory  Data Division (HO5 A-B),  Bank of England,  Threadneedle Street,  London, EC2R 8AH</p>
FSC3 Return (Form FSC3)	<p>...</p> <p><del>One copy of the</del> <u>The</u> Return must be signed by the chief executive, the secretary and one committee member of the society (or two members of the committee if the offices of chief executive and secretary are held by the same person).</p> <p><del>Three copies</del> <u>One signed copy</u> of this Return (<del>including the original signed copy</del>) must be submitted as soon as possible after 31 December and not later than 30 June:-</p> <p>Regulatory Data Group,  Statistics and Regulatory  Data Division (HO5 A-B),  Bank of England,  Threadneedle Street,  London, EC2R 8AH</p>

## Annex B

## Amendments to the Interim Prudential sourcebook for Insurers (IPRU(INS))

In this Annex, underlining indicates new text and striking through indicates deleted text.

## Half-yearly balance sheet and report for realistic valuation

...

9.3A (4) Rules 9.4, 9.6, 9.10, 9.11, 9.12, 9.33 and 9.34, *Appendices 9.1 and 9.4A* and *Part I of Appendix 9.6* apply to this rule and to any documents required under this rule as if –

(1) ...

...

...

(j) ~~in 9.6(2)(a) a single printed copy is required and for both 9.6(2)(a) and 9.6(2)(b)~~ (c) the printed copy must be sent to the *insurer's* normal supervisory contact.

...

## Deposit of accounts etc. with the PRA

9.6 (1) ~~Every One~~ copy of every ‘account’, ‘balance sheet’, abstract or statement required by rules 9.3, 9.3A, 9.4 and 9.36A and any report of the auditor of the *insurer* made in pursuance of rules 9.5 or 9.36E must be ~~printed, and the ‘required copies’ must be~~ deposited with the *PRA* within the periods set out in the table below.

...

(2) In (1), ~~the reference to the required copies is to~~ –:

(a) ~~five printed copies of the document; or [deleted]~~

(b) ~~one printed copy of the document and one of it~~ Where documents are submitted in an electronic form which may be they must be submitted in pdf format as well as in a form which is capable of being readily used or translated by the

*PRA* and sent by email to InsuranceData@bankofengland.co.uk. The title of the email must be: <firm name> PRA returns <dd/mm/yyyy>.

- (c) ~~The~~ Where documents are submitted in printed copies form they must be sent to Insurance Returns, The Prudential Regulation Authority, 20 Moorgate, London, EC2R 6DA Regulatory Data Group, Statistics and Regulatory Division (HO5 A - B), Bank of England, Threadneedle Street, London, EC2R 8AH (and must not be addressed to the insurer's normal supervisory contact).
- (d) Where documents are sent in electronic form the title of the email must be: <firm name> PRA returns <dd/mm/yyyy>.
- (e) If documents deposited under (1) are in electronic form, except scanned documents containing signatures in (3) and (4), they must be created directly from the word processing or spreadsheet software and not by scanning a printed copy.
- (3) ~~In the case of any document deposited under (1), except an auditor's report, one of the printed copies, or, as the case may be, the printed copy, of the document must be signed in accordance with rule 9.33.~~
- If the Certificate by Directors, deposited under (1), is submitted electronically, the signed document must be scanned and sent as a separate pdf attachment.
- (4) ~~In the case of any~~ If the auditor's report deposited under (1), one of the printed copies, or, as the case may be, the printed copy, of the document must be signed by the auditor, is submitted electronically, the signed document must be scanned and sent as a separate pdf attachment.
- (5) ...
- (6) There must be deposited with every revenue 'account' and 'balance sheet' of an *insurer* any statement or report on the affairs of the *insurer* made or submitted:

- (a) to the *insurer's* shareholders or *policyholders*; or
- (b) to the *insurer's with-profits policyholders* under COBS 20.4.7R or SUP 4.3.16AR(4) of the *FCA Handbook*,

in respect of the *financial year* to which the 'account' and 'balance sheet' relate.

The *insurer* may either send a printed copy or an electronic copy of these reports. The requirements in (2) above as to postal address, email address ~~and email title~~ apply. The title of the emails should be

<firm name>report and statements<dd/mm/yyyy>, or <firm name>statements to with-profits policyholders<dd/mm/yyyy>.

...

Insurance statistics: EEA States

9.37

(1) ...

...

(4) ~~The statements required by this rule must be printed, and three copies must be~~ deposited with the *PRA* within four months after the end of the calendar year to which they relate; but if in any case it appears to the *PRA* that the circumstances are such that a longer period than four months should be allowed, the *PRA* may extend that period by such period not exceeding three months as it thinks fit. If the due date for deposit of documents required by this rule falls on a day which is not a *business day*, the documents must be submitted no later than the first *business day* after the due date. If the statements required by this rule are sent electronically the title of the email should be <firm name> EEA forms <dd/mm/yyyy>.

(5) ~~One of the copies of the~~ The statement deposited under (4) must be signed by a *director*, a chief executive or the secretary of the *insurer*. If the statement is deposited in electronic form a scanned copy of the signature page of the report must be sent as a separate attachment to the email.

...

9.42

(1) ...

(2) ...

(3) ...

(a) ...

(b) ...

The insurer must send one printed copy ~~and~~ or one electronic copy to the appropriate addresses set out in rule 9.6(2) above. The electronic copy must be sent by email and the title of the email must be:

<firm name> group capital adequacy <dd/mm/yyyy>.

(4) ...

(a) ...

(b) ...

The *insurer* must send one printed copy ~~and~~ or one electronic copy to the appropriate addresses set out in rule 9.6(2) above. The electronic copy must be sent by email and the title of the email must be:

<firm name> group capital adequacy <dd/mm/yyyy>.

...

9.44

(1) ...

(2) ...

(3) An *insurer* must deposit a printed copy of the report with the *PRA* within 2 months and 15 days of the *financial year end* ~~unless, in addition to depositing a printed copy, an insurer also deposits~~ or an electronic copy, ~~then the period for deposit is~~ within 3 months of the *financial year end*. The copies must be sent to the appropriate addresses set out in rule 9.6(2) above.

...

(4) The ~~printed copy signature page~~ signature page of the report must be signed by the persons described in *IPRU(INS)* 9.33(1). If the report is submitted in electronic form, a scanned copy of the signature page must be sent as a separate attachment to the email.

(5) ~~The~~ If the electronic copy of the report deposited under (3) above ~~must be~~ is sent electronically in an electronic form which may it must be in a form which may be readily used or translated by the *PRA* and must be sent by email to the appropriate address set out in rule 9.6(2) above. The title of the email must be:

<firm name> Form ECR1 <dd/mm/yyyy>.

...

**COMPENSATION SOURCEBOOK (LARGE UNINCORPORATED  
ASSOCIATIONS) INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority (“PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) section 213 (The compensation scheme).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act.
- C. The PRA makes this instrument in accordance with section 213(1A) of the Act and the Financial Services and Markets Act 2000 (Financial Services Compensation Scheme) Order 2013, SI 2013/598.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. This instrument comes into force on 17 December 2013.

**Amendments to the Handbook**

- E. The Glossary of definitions is amended in accordance with Annex A to this instrument.
- F. The Compensation sourcebook (COMP) is amended in accordance with the Annex B to this instrument.

**Citation**

- G. This instrument may be cited as the Compensation Sourcebook (Large unincorporated associations) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

*large mutual  
association*

(A) (in the *PRA Handbook*):

- (1) (in *COMP*), an unincorporated a mutual association or an unincorporated association (which is not a mutual association) with net assets of more than £1.4 million (or its equivalent in any currency at the relevant time).
- (2) (except in *COMP*), a mutual association or unincorporated association with net assets of more than £1.4 million (or its equivalent in any other currency at the relevant time).

(B) (in the *FCA Handbook*):

- (1) ...

...

*large partnership* (A) (in the *PRA Handbook*):

- (1) (in *COMP*), a partnership ~~or unincorporated association~~ with net assets of more than £1.4 million (or its equivalent in any other currency at the relevant time).
- (2) (except in *COMP*), a partnership or unincorporated association with net assets of more than £1.4 million (or its equivalent in any other currency at the relevant time).

(B) (in the *FCA Handbook*):

- (1) ...

**Annex B**

**Amendments to the Compensation sourcebook (COMP)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

**4.2 Who is eligible to benefit from the protection provided by the FSCS?**

...

4.2.2 R Table COMP 4.2.2R Persons not eligible to claim unless COMP 4.3 applies (see COMP 4.2.1R)

...	
(13)	<i>Large companies</i> <del>or large mutual associations</del>
...	
<u>(19)</u>	<u>Large mutual associations</u>

...

**4.3 Exceptions: Circumstances where a person coming within COMP 4.2.2R may receive compensation**

4.3.1 R A person is eligible to claim compensation in respect of a *protected deposit* or a *protected dormant account* if, at the date on which the *relevant person* is determined to be *in default*:

- (1) he came within category (14) of *COMP* 4.2.2R; or
- (2) he came within any of categories (1)-(3), (7) or (12) of *COMP* 4.2.2R, and was not a *large company*, ~~*large mutual association*~~ or a *credit institution*; or
- (3) he was a *credit union*; or
- (4) he came within category (19) of *COMP* 4.2.2R.

...

TP1.1 Transitional Provisions Table

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

	Material to which the transitional provision applies		Transitional Provision	Transitional provision: dates in force	Handbook Provisions: coming into force
...					
<u>35</u> <u>PRA</u>	<u>Amendments introduced by the Compensation Sourcebook (Large unincorporated associations) Instrument 2013</u>	<u>R</u>	<u>The changes referred to in (2) do not apply in relation to a <i>claim</i> against a <i>relevant person</i> that was <i>in default</i> before 17 December 2013.</u>	<u>From 17 December 2013 indefinitely</u>	<u>From 17 December 2013.</u>
<u>36</u> <u>PRA</u>	<u>COMP 17.2.1R and COMP 17.2.3R</u>	<u>R</u>	<u>The rules referred to in (2) only apply on or after 18 March 2014 in relation to changes to <i>eligible claimants</i> resulting from the <u>Compensation Sourcebook (Large unincorporated associations) Instrument 2013.</u></u>	<u>From 17 December 2013 to 17 March 2014</u>	<u>16 December 2013</u>

**PRUDENTIAL SOURCEBOOK FOR BANKS, BUILDING SOCIETIES AND  
INVESTMENT FIRMS (LIQUIDITY STANDARDS) AMENDMENT  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers).
- B. The rule-making powers referred to above are specified for the purpose of section 138G (Rule-making instruments) of the Act.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. Part 1 of the Annex to this instrument comes into force on 1 January 2014.
- E. Part 2 of the Annex to this instrument comes into force on a date specified by subsequent PRA Board Instrument.

**Amendments**

- F. The Prudential sourcebook of Bank, Building Societies and Investment Firms (BIPRU) is amended in accordance with the Annex to this instrument.

**Notes**

- G. In the Annex to this instrument, the “notes” (indicated by “**Note:**”) are included for the convenience of readers but do not form part of the legislative text.

**Citation**

- H. This instrument may be cited as the Prudential sourcebook of Bank, Building Societies and Investment Firms (Liquidity Standards) Amendments Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## Annex

**Amendments to the Prudential sourcebook for Banks, Building Societies and  
Investment Firms (BIPRU)**

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

**Part 1: Comes into force on 1 January 2014.**

**Liquidity standards**

**12.1 Application**

12.1.1 R Subject to *BIPRU 12.1.2R*, *BIPRU 12* applies to:

- (1) ~~a *BIPRU firm* [deleted];~~
- (1A) a *UK bank*;
- (1B) a *building society*;
- (1C) a *UK designated investment firm*;
- (2) an *incoming EEA firm* which:
  - (a) is a ~~full *BCD-CRD* credit institution~~; and
  - (b) has a *branch* in the *United Kingdom*; and
- (3) a *third country BIPRU firm* which:
  - (a) ~~is bank; and [deleted]~~
  - (b) has a *branch* in the *United Kingdom*.

...

12.1.3 G ~~A firm that is an exempt full scope *BIPRU investment firm* is not an *HLAS BIPRU firm*. [deleted]~~

12.1.4 R (1) ~~An exempt full scope *BIPRU investment firm* is a full scope *BIPRU investment firm* that at all times has total net assets which are less than or equal to 50 million.~~

- (2) ~~(In this rule, total net assets are the sum of a firm's total *trading book* assets and its total *non-trading book* assets, less the sum of its called up share capital, reserves and minority interests.~~

~~(3) (3) For the purpose of (2), the value attributed to each of the specified balance sheet items must be that which is reported to the FCA in the firm's most recent FSA001 data item. [deleted]~~

12.1.5 G ~~The effect of BIPRU 12.1.4R is therefore to require the firm to sum the values of cell entries 20A and 20B in data item FSA001 and deduct from that total the sum of the values of cell entries 42, 43 and 44 in the same data item. [deleted]~~

...

### 12.3 Liquidity risk management

...

12.3.4 R A firm must have in place robust strategies, policies, processes and systems that enable it to identify, measure, manage and monitor *liquidity risk* over an appropriate set of time horizons, including intra-day, so as to ensure that it maintains adequate levels of liquidity buffers. These strategies, policies, processes and systems must be tailored to business lines, currencies, *branches* and *legal* entities and must include adequate allocation mechanisms of liquidity costs, benefits and risks.

[Note: annex V paragraph 14 of the *Banking Consolidation Directive* article 86(1) of the *CRD*]

...

12.3.5 R ...

[Note: annex V paragraph 14a of the *Banking Consolidation Directive* article 86(2) (part) of the *CRD*]

...

12.3.7A R A firm must, taking into account the nature, scale and complexity of its activities, have liquidity risk profiles that are consistent with and not in excess of those required for a well-functioning and robust system.

[Note: article 86(3) of the *CRD*]

12.3.8 R ...

[Note: annex V paragraph 14a of the *Banking Consolidation Directive* article 86(2) (part) of the *CRD*]

...

12.3.22A R ...

~~[Note: annex V paragraph 16 of the *Banking Consolidation Directive* article 86(5) of the *CRD*]~~

12.3.22B R ...

~~[Note: annex V paragraph 17 of the *Banking Consolidation Directive* article 86(6) of the *CRD*]~~

12.3.27 R ...

~~[Note: annex V paragraph 15 of the *Banking Consolidation Directive* article 86(4) of the *CRD*]~~

## 12.4 Stress testing and contingency funding

12.4.-2 R ...

~~[Note: annex V paragraph 18 of the *Banking Consolidation Directive* article 86(7) of the *CRD*]~~

12.4.-1 R A *firm* must consider alternative scenarios on liquidity positions and on risk mitigants and must review ~~regularly~~ the assumptions underlying decisions concerning the funding position at least annually. For these purposes, alternative scenarios must address, in particular, off-balance sheet items and other contingent liabilities, including those of *securitisation special purpose entities (SSPEs)* or other special purpose entities, as referred to in the *EU CRR*, in relation to which the *firm* acts as *sponsor* or provides material liquidity support.

~~[Note: annex V paragraph 19 of the *Banking Consolidation Directive* article 86(8) of the *CRD*]~~

...

12.4.5A R A *firm* must consider the potential impact of institution-specific, market-wide and combined alternative scenarios. Different time ~~horizons~~ periods and varying degrees of stressed conditions must be considered.

~~[Note: annex V paragraph 20 of the *Banking Consolidation Directive* article 86(9) of the *CRD*]~~

...

12.4.10 R ...

~~[Note: annex V paragraph 21 of the *Banking Consolidation Directive* article 86(10) of the *CRD*]~~

- 12.4.11 R ~~In order to deal with liquidity crisis, a~~ A firm must have in place ~~contingency liquidity recovery~~ plans setting out adequate strategies and proper implementation measures in order to address possible liquidity shortfalls, including in relation to branches established in another EEA State. Those plans must be ~~regularly tested, at least annually,~~ updated on the basis of the outcome of the alternative scenarios set out in *BIPRU* 12.4.-1R, and be reported to and approved by the *firm's governing body*, so that internal policies and processes can be adjusted accordingly. A firm must take the necessary operational steps in advance to ensure that liquidity recovery plans can be implemented immediately.

[~~Note: annex V paragraph 22 of the Banking Consolidation Directive~~ article 86(11) (part) of the *CRD*]

- 12.4.11A R For a firm that is a CRD credit institution the operational steps referred to in BIPRU 12.4.11R must include holding collateral immediately available for central bank funding. This includes holding collateral where necessary in the currency of another EEA State, or currency of a non-EEA state to which the firm has exposures, and where operationally necessary within the territory of a Host State or non-EEA state to whose currency it is exposed.

[~~Note: article 86(11) (part) of the CRD~~]

...

## 12.7 Liquid assets buffer

...

- 12.7.4 R ...

- (1) the central government or central bank in question has been assessed by at least two *eligible ECAIs* as having a credit rating associated with ~~credit quality step~~ credit quality step 1 in the table set out in BIPRU 12 Annex 1R (Mapping of credit assessments of ECAIs to credit quality steps) in the credit quality assessment scale published by the appropriate regulator for the purpose of BIPRU 3 (The Standardised Approach: mapping of the ECAIs credit assessments to credit quality steps (Long term mapping)); and

...

...

- 12.7.6 R ...

- (1) the central bank in question has been assessed by at least two *eligible ECAIs* as having a credit rating associated with ~~credit~~

~~quality step~~ credit quality step 1 in the table set out in *BIPRU 12 Annex 1R (Mapping of credit assessments of ECAIs to credit quality steps)* in the ~~credit quality assessment scale~~ published by the ~~appropriate regulator~~ for the purpose of *BIPRU 3 (The Standardised Approach: mapping of the ECAIs credit assessments to credit quality steps (Long term mapping))*; and

...

12.7.6A R ...

- (1) the *designated multilateral development bank* in question has been assessed by at least two *eligible ECAIs* as having a credit rating associated with ~~credit quality step~~ credit quality step 1 in the table set out in *BIPRU 12 Annex 1R (Mapping of credit assessments of ECAIs to credit quality steps)* in the ~~credit quality assessment scale~~ published by the ~~appropriate regulator~~ for the purpose of *BIPRU 3 (The Standardised Approach: mapping of the ECAIs' credit assessments to credit quality steps (Long term mapping))*; and

...

After BIPRU 12, insert the following new annex. The text is not underlined.

**12 R Mapping of credit assessments of ECAIs to credit quality steps**  
Annex 1

Credit Quality Step	Fitch's assessment	Moody's assessments	S&P's assessments	DBRS' assessments
1	AAA to AA-	Aaa to Aa3	AAA to AA-	AAA to AAL
2	A+ to A-	A1 to A3	A+ to A-	AH to AL
3	BBB+ to BBB-	Baa1 to Baa3	BBB+ to BBB-	BBBH to BBBL
4	BB+ to BB-	Ba1 to Ba3	BB+ to BB-	BBH to BBL
5	B+ to B-	B1 to B3	B+ to B-	BH to BL
6	CCC+ and below	Caa1 and below	CCC+ and below	CCCH and below

**Part 2:** Comes into force on a date specified by a subsequent PRA Board Instrument.

**12.1 Application**

12.1.1 R Subject to *BIPRU* 12.1.2R, *BIPRU* 12 applies to:

...

(2) ~~an incoming EEA firm which:~~

(a) ~~is a CRD credit institution; and~~

(b) ~~has a branch in the United Kingdom [deleted]; and~~

...

**CAPITAL REQUIREMENTS REGULATION (REPORTING) AMENDMENT  
INSTRUMENT 2013**

**Powers exercised**

A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):

- (1) section 137G (The PRA’s general rules); and
- (2) section 137T (General supplementary powers);

B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

D. Part 1 to 3 of the Annex to this instrument comes into force on 1 January 2014.

E. Part 4 of the Annex to this instrument comes into force on 1 July 2014.

F. Part 5 of the Annex to this instrument shall come into force on the date specified by a subsequent PRA Board Instrument.

**Amendments to the Handbook**

G. The Supervisory manual (SUP) is amended in accordance with the Annex to this instrument.

**Guidance**

H. The Prudential Regulation Authority gives as guidance each provision in this Annex that is marked with a G.

**Citation**

I. This instrument may be cited as the Capital Requirements Regulation (Reporting) Amendment Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex

## Amendments to the Supervision manual (SUP)

**Part 1: Comes into force on 1 January 2014.**

In this Part, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

...

Notifications regarding financial information reporting under the EU CRR

16.3.19A R (1) A firm must notify the PRA if it is required to report financial information in accordance with Article 99 (2) of the EU CRR.

(2) A firm must notify the PRA when it ceases to report financial information in accordance with Article 99 (2) of the EU CRR.

16.3.19B R A firm must notify the PRA if it adjusts its reporting reference dates for financial information under Article 99 of the EU CRR from the calendar year to its accounting year-end.

...

**16.12 Integrated Regulatory Reporting**

...

## Purpose

16.12.2 G (1) *Principle 4* requires firms to maintain adequate financial resources. The Interim Prudential sourcebooks, *BIPRU*, ~~and~~ *GENPRU* and *IFPRU* set out the *appropriate regulator's* detailed capital adequacy requirements. By submitting regular data, firms enable the *appropriate regulator* to monitor their compliance with *Principle 4* and their prudential requirements, ~~in the Handbook.~~

...

...

16.12.3A G The following is designed to assist firms to understand how the reporting requirements set out in this chapter operate when the circumstances set out in SUP 16.12.3R(1)(a)(ii) apply.

(1) Example 1  
A ~~BIPRU 730K~~ firm UK designated investment firm that

undertakes activities in both *RAG 3* and *RAG 7*  
 Overlaying the requirements of *RAG 3* (*data items*) with the requirements of *RAG 7* shows the following:

RAG 3 ( <i>SUP 16.12.11R</i> ) data items	RAG 7 ( <i>SUP 16.12.22CR</i> ) data items
...	...
Capital adequacy	Capital adequacy
Credit risk	Credit risk
Operational risk	Operational risk
Large exposures	Large exposures
<del>UK integrated group large exposures Exposures between core UK group and non-core large exposures group</del>	<del>UK integrated group large exposures Exposures between core UK group and non-core large exposures group</del>
...	...
<del>Non-EEA sub-group</del>	<del>Non-EEA sub-group</del>
...	...
<del>Securitisation : non-trading book</del>	<del>Securitisation : non-trading book</del>
...	...
<del>Securitisation: trading book</del>	<del>Securitisation: trading book</del>

...

The reporting frequency and submission times for items (b), (d) and (e) above are then derived from the rules applicable to *BIPRU firms* in *SUP 16.12.23R* and *SUP 16.12.24R*. Threshold conditions and fees and levies reports do not need to be submitted as they are not required under the lowest numbered of the two *RAGs* in this example, see *SUP 16.12.3R(1)(a)(iii)*.

- (2) Example 2  
 A *UK bank* that is not a *FINREP firm* in *RAG 1* that also carries on activities in *RAG 5*  
 Again, overlaying the *RAG 1* reporting requirements with the requirements for a *RAG 5 firm* gives the following:

RAG 1 requirements ( <i>SUP</i> 16.12.5R)	RAG 5 requirements ( <i>SUP</i> 16.12.18AR)
...	...
Capital adequacy	Capital Adequacy
Credit risk	
...	
Operational risk	
Large exposures	
<del>UK integrated group large exposures</del> <u>Exposures between core UK group and non-core large exposures group</u>	
...	
<del>Non-EEA sub-group</del>	
...	
<del>Securitisation: non-trading book</del>	
...	
<del>Securitisation: trading book</del>	
	...

...

...

16.12.4 R Table of applicable rules containing *data items*, frequency and submission periods

(1)		(2)	(3)	(4)
RAG number	Regulated Activities	Provisions containing:		
...	...	...		
RAG 3	<ul style="list-style-type: none"> <li>dealing in investment as principal</li> <li>dealing in</li> </ul>	<i>SUP</i> 16.12.10R <i>SUP</i> 16.12.11R or <u><i>SUP</i> 16.12.11BR</u> for <i>UK</i>	<i>SUP</i> 16.12.10R <i>SUP</i> 16.12.12R or <u><i>SUP</i> 16.12.12A</u> R for <i>UK</i>	<i>SUP</i> 16.12.10R <i>SUP</i> 16.12.13R

	investments as agent <ul style="list-style-type: none"> <li>• advising on investments (excluding retail investment activities)</li> <li>• arranging (bringing about) deals in investments (excluding retail investment activities)</li> </ul>	<i>designated investment firms</i>	<u><i>designated investment firms</i></u>	
RAG 4	<ul style="list-style-type: none"> <li>• managing investments</li> <li>• establishing, operating or winding up a collective investment scheme</li> <li>-</li> <li>• establishing, operating or winding up a stakeholder pension scheme</li> <li>• establishing, operating or winding up a personal pension scheme</li> <li>...</li> </ul>	<u>SUP 16.12.14R</u> <u>SUP 16.12.15R</u> -or <u>SUP 16.12.15BR</u> for <u>UK</u> <u>designated investment firms</u>	<u>SUP 16.12.14R</u> <u>SUP 16.12.16R</u> or <u>SUP 16.12.16AR</u> for <u>UK investment firms</u>	<u>SUP 16.12.14R</u> <u>SUP 16.12.17R</u>
RAG 5	<i>home finance administration or home finance providing activity</i>	<u>SUP 16.12.18AR</u> and <u>SUP 16.12.18BR</u>	<u>SUP 16.12.18AR</u> and <u>SUP 16.12.18BR</u>	<u>SUP 16.12.18AR</u> and <u>SUP 16.12.18BR</u>
...	...	...		
RAG 7	<ul style="list-style-type: none"> <li>• retail investment activities</li> <li>• advising on pensions transfers &amp; opt-outs</li> <li>• arranging (bringing about deals) in retail investments</li> </ul>	<u>SUP 16.12.22AR</u> or <u>SUP 16.12.22CR</u> for <u>UK designated investment firms</u>	<u>SUP 16.12.23AR</u> and <u>SUP 16.12.23R</u> for <u>UK designated investment firms</u>	<u>SUP 16.12.24R</u>
RAG 8	<ul style="list-style-type: none"> <li>• making arrangements with a view to transactions in investments</li> <li>• operating a multilateral trading</li> </ul>	<u>SUP 16.12.25AR</u> or <u>SUP 16.12.25CR</u> for <u>UK designated investment firms</u>	<u>SUP 16.12.26R</u>	<u>SUP 16.12.27R</u>

	facility			
...				

...

## Regulated Activity Group 1

16.12.5 R The applicable *data items* and forms or reports referred to in *SUP* 16.12.4R are set out according to *firm* type in the table below:

Description of data item	Prudential category of firm, applicable data items and reporting format (Note 1)							
	<i>UK bank</i>	<i>Building society</i>	<i>Non-EEA bank</i>	<i>EEA bank that has permission to accept deposits, other than one with permission for cross border services only</i>	<i>EEA bank that does not have permission to accept deposits, other than one with permission for cross border services only</i>	[deleted]	<i>Credit union</i>	<i>Dormant account fund operator (note 15)</i>
...								
Capital adequacy	FSA003 (note 2)	FSA003 (note 2)					CQ; CY	
Credit risk	FSA004 (note 2)	FSA004 (note 2)						
...								
Operational risk	FSA007 (notes 2, 6)	FSA007 (notes 2, 6)						
Large exposures	FSA008 (note 2)	FSA008 (note 2)					CQ; CY	

UK integrated group large exposures <u>Exposures between core UK group and non-core large exposures group</u>	FSA018 (note 12)	FSA018 (note 12)						
...								
Non-EEA sub-group	FSA028 (note 8)							
...								
Securitisatio n: non-trading book	FSA046 (Notes 2 and 14)	FSA046 (Notes 2 and 14)						
...								
Securitisatio n: trading book	FSA058 (Notes 2 and 23)							
...								
Note 4	<p>This applies to a <i>firm</i> that is required to submit <i>data item</i> FSA003 and, at any time within the 12 months up to its latest <i>accounting reference date</i> ("the relevant period"), was reporting <i>data item</i> FSA005 ("Firm A") or not reporting this item ("Firm B"). In the case of Firm A it must report this <i>data item</i> if one or both of its last two submissions in the relevant period show that the threshold was exceeded. In the case of Firm B it must report this item if both the last two submissions in the relevant period show that the threshold has been exceeded. The threshold is exceeded where <i>data element</i> 93A in <i>data item</i> FSA003 is greater than £50 million, or its currency equivalent, at the relevant reporting date for the <i>firm</i>. For <i>PRA-authorised persons</i> lines 62 to 64 only are applicable. These lines apply to a <i>firm</i> that applies add-ons to their market risk capital calculation under the RNIV framework. For further guidance on how to complete the form refer to SUP 16 Annex 25AG.</p>							
...								
Note 6	<p>This is only applicable to a <i>firm</i> that has adopted, in whole or in part, either the <i>standardised approach</i>, <i>alternative standardised approach</i>, or <i>advanced measurement approach</i> under BIPRU 6. [deleted]</p>							

...	
Note 12	<del>Members of a UK integrated group should only submit this data item at the UK integrated group level. Only applicable to a firm that has both a core UK group and a non-core large exposures group.</del>
...	
Note 14	<del>Only applicable to firms that hold securitisation positions, or are the originator or sponsor of securitisations of non trading book exposures. [deleted]</del>
...	

16.12.6 R The applicable reporting frequencies for submission of *data items* and periods referred to in SUP 16.12.5R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	Unconsolidated UK banks and building societies	Solo consolidated UK banks and building societies	Report on a UK consolidation group or, as applicable, defined liquidity group basis by UK banks and building societies	Other members of RAG 1
...				
FSA003	Quarterly or monthly (note 1)		Half yearly	
FSA004	Quarterly		Half yearly	
...				
FSA007	Annually			
FSA008	Quarterly			
...				
FSA028	Half yearly			
...				
FSA046	Quarterly			
...				
FSA058	Quarterly		Quarterly	
Note 1	<del>Monthly submission only applicable if the firm has been notified in writing that it is required to report (when, on an annual review, it has two consecutive quarterly submissions of FSA003 showing data element 93A being greater than £50 million, or its</del>			

	currency equivalent, and also greater than 50% of <i>data element 70A</i> . [deleted]
...	

16.12.7 R The applicable due dates for submission referred to in *SUP 16.12.4R* are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP 16.12.6R*, unless indicated otherwise.

<i>Data item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA003			<i>15 business days</i>	<i>20 business days</i>	<i>45 business days</i>	
FSA004				<i>20 business days</i>	<i>45 business days</i>	
...						
FSA007						<i>6 months</i> –]
FSA008				<i>20 business days (note 3)</i> <i>45 business days (note 4)</i>		
...						
FSA028					<i>30 business days</i>	
...						
FSA046				<i>20 business days (Note 3), 45 business days (Note 4)</i>		
...						
FSA058				<i>20 business days (Note 3), 45 business days (Note 4)</i>		
...						

...

- 16.12.11 R ~~The applicable *data items* referred to in SUP 16.12.4R are set out according to *firm* type in the table below: [deleted]~~

[The table at SUP 16.12.11R is deleted in its entirety. The deleted text is not shown.]

- 16.12.11A G ~~The columns in the table in SUP 16.12.11R that deal with *BIPRU 50K firms* and *BIPRU 125K firms* cover some liquidity items that only have to be reported by an *ILAS BIPRU firm*. In fact a *BIPRU 50K firm* and a *BIPRU 125K firm* cannot be an *ILAS BIPRU firm*. One reason for drafting the table in this way is that the classification of *firms* into *ILAS BIPRU firms* and *non-ILAS BIPRU firms* is not based on the classification into *BIPRU 50K firms*, *BIPRU 125K firms* and *BIPRU 730K firms* and the drafting of the table emphasises that. Also, the table covers consolidated reports and the conditions about what sort of group has to supply what type of liquidity report do not always depend on how the individual *firm* is classified. [deleted]~~

- 16.12.11B R The applicable *data items* referred to in SUP 16.12.4R for *UK designated investment firms* are set out below:

<u>Description of <i>data item</i></u>	<u>Applicable <i>data item</i> (Note 1)</u>
<u><i>Annual report and accounts</i></u>	<u>No standard format</u>
<u><i>Annual report and accounts of the mixed-activity holding company (note 5)</i></u>	<u>No standard format</u>
<u>Solvency statement</u>	<u>No standard format (Note 6)</u>
<u>Balance sheet</u>	<u>FSA001 (Note 2)</u>
<u>Income statement</u>	<u>FSA002 (Note 2)</u>
<u>Market risk</u>	<u>FSA005 (notes 2, 19)</u>
<u>Market risk –supplementary</u>	<u>FSA006 (Note 3)</u>
<u>Exposures between <i>core UK group</i> and <i>non-core large exposures group</i></u>	<u>FSA018 (Note 7)</u>
<u>Solo consolidation data</u>	<u>FSA016 (Note 9)</u>
<u>Pillar 2 questionnaire</u>	<u>FSA019 (Note 4)</u>
<u>IRB portfolio risk</u>	<u>FSA045 (Note 18)</u>

<u>Daily flows</u>	<u>FSA047 (Notes 10, 13, 15 and 16)</u>
<u>Enhanced Mismatch Report</u>	<u>FSA048 (Notes 10, 13, 15 and 16)</u>
<u>Liquidity Buffer Qualifying Securities</u>	<u>FSA050 (Notes 11, 14, 15 and 16)</u>
<u>Funding Concentration</u>	<u>FSA051 (Notes 11, 14, 15 and 16)</u>
<u>Pricing data</u>	<u>FSA052 (Notes 11, 15, 16 and 17)</u>
<u>Retail and corporate funding</u>	<u>FSA 053 (Notes 11, 14, 15 and 16)</u>
<u>Currency Analysis</u>	<u>FSA054 (Notes 11, 14, 15 and 16)</u>
<u>Systems and Controls Questionnaire</u>	<u>FSA055 (Notes 12 and 16)</u>

<u>Note 1</u>	<u>When submitting the completed <i>data item</i> required, a <i>firm</i> must use the format of the <i>data item</i> set out in SUP 16 Annex 24R. Guidance notes for completion of the data items are contained in SUP 16 Annex 25AG.</u>
<u>Note 2</u>	<u><i>Firms</i> that are members of a <i>consolidation group</i> are also required to submit this report on a <i>consolidation group</i> basis.</u>
<u>Note 3</u>	<u><i>Only applicable to firms with a VaR model permission.</i></u>
<u>Note 4</u>	<u>Only applicable to <i>UK designated investment firms</i> that: (a) are subject to consolidated supervision under the <i>EU CRR</i>, except those that are either included within the consolidated supervision of a group that includes a <i>UK credit institution</i>, or  (b) are not subject to consolidated supervision under the <i>EU CRR</i>.  <i>A UK designated investment firm</i> under (a) must complete the report on the basis of its <i>consolidation group</i>. <i>A UK designated investment firm</i> under (b) must complete the report on the basis of its solo position.</u>
<u>Note 5</u>	<u>Only applicable to a <i>firm</i> whose ultimate parent is a <i>mixed activity holding company</i>.</u>
<u>Note 6</u>	<u>Only applicable to a firm that is a <i>sole trader</i> or a <i>partnership</i>, when the report must be submitted by each</u>

	<u>partner.</u>
<u>Note 7</u>	<u>Only applicable to a firm that has both a core UK group and a non-core large exposures group.</u>
<u>Note 9</u>	<u>Only applicable to a firm with an individual consolidation permission.</u>
<u>Note 10</u>	<p><u>A firm must complete this item separately on each of the following bases (if applicable).</u></p> <p><u>(1) It must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a DLG by default and is a UK lead regulated firm, it must complete the item on the basis of that group.</u></p> <p><u>(3) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p> <p><u>(4) If it is a group liquidity reporting firm in a non-UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 11</u>	<p><u>A firm must complete this item separately on each of the following bases that are applicable.</u></p> <p><u>(1) It must complete it on a solo basis unless it is a group liquidity reporting firm in a UK DLG by modification. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 12</u>	<u>If it is a non-ILAS BIPRU firm, it must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u>
<u>Note 13</u>	<p><u>(1) This item must be reported in the reporting currency.</u></p> <p><u>(2) If any data element is in a currency or currencies other than the reporting currency, all currencies (including the reporting currency) must be combined into a figure in the reporting currency.</u></p> <p><u>(3) In addition, all material currencies (which may include the reporting currency) must each be recorded separately (translated into the reporting currency). However if:</u></p> <p><u>(a) the reporting frequency is (whether under a rule or under a waiver) quarterly or less than quarterly; or</u></p>

	<p><u>(b) the only <i>material currency</i> is the reporting currency;</u></p> <p><u>(3) does not apply.</u></p> <p><u>(4) If there are more than three <i>material currencies</i> for this <i>data item</i>, (3) only applies to the three largest in amount. A <i>firm</i> must identify the largest in amount in accordance with the following procedure.</u></p> <p><u>(a) For each currency, take the largest of the asset or liability figure as referred to in the definition of <i>material currency</i>.</u></p> <p><u>(b) Take the three largest figures from the resulting list of amounts.</u></p> <p><u>(5) The date as at which the calculations for the purposes of the definition of <i>material currency</i> are carried out is the last day of the reporting period in question.</u></p> <p><u>(6) The reporting currency for this <i>data item</i> is whichever of the following currencies the <i>firm</i> chooses, namely USD (the United States Dollar), EUR (the euro), GBP (sterling), JPY (the Japanese Yen), CHF (the Swiss Franc), CAD (the Canadian Dollar) or SEK (the Swedish Krona).</u></p>
<u>Note 14</u>	<u>Note 13 applies, except that paragraphs (3), (4) and (5) do not apply, meaning that <i>material currencies</i> must not be recorded separately.</u>
<u>Note 15</u>	<u>Any changes to reporting requirements caused by a <i>firm</i> receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements for the <i>data item</i> in question if the <i>firm</i> receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period. If the change is that the <i>firm</i> does not have to report a particular <i>data item</i> or does not have to report it at a particular <i>reporting level</i>, the <i>firm</i> must nevertheless report that item or at that <i>reporting level</i> for any reporting period that has already begun. This paragraph is subject to anything that the <i>intra-group liquidity modification</i> says to the contrary.</u>
<u>Note 16</u>	<u>FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054 must be completed by an <i>ILAS BIPRU firm</i>. An <i>ILAS BIPRU firm</i> does not need to complete FSA055. A <i>non-ILAS BIPRU firm</i> must complete FSA055 and does not need to complete FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054.</u>
<u>Note 17</u>	<u>This <i>data item</i> must be reported only in the currencies</u>

	<u>named in FSA052, so that liabilities in GBP are reported in GBP in rows 1 to 4, those in USD are reported in USD in rows 5 to 8, and those in Euro are reported in Euro in rows 9 to 12. Liabilities in other currencies are not to be reported.</u>
<u>Note 18</u>	<u>Only applicable to firms that have an IRB permission.</u>
<u>Note 19</u>	<u>Lines 62 to 64 only are applicable. These lines apply to a firm that applies add-ons to their market risk capital calculation under the RNIV framework. For further guidance on how to complete the form refer to SUP 16 Annex 25AG.</u>

- 16.12.12 R ~~The applicable reporting frequencies for data items referred to in SUP 16.12.4R are set out in the table below according to firm type. Reporting frequencies are calculated from a firm's accounting reference date, unless indicated otherwise. [deleted]~~

[The table at SUP 16.12.12R is being deleted in its entirety. The deleted text is not shown.]

- 16.12.12A R The applicable reporting frequencies for data items referred to in SUP 16.12.4R are set out in the table below. Reporting frequencies are calculated from a firm's accounting reference date, unless indicated otherwise.

<u>Data item</u>	<u>Reporting frequency</u>
<u>Annual report and accounts</u>	<u>Annually</u>
<u>Annual report and accounts of the mixed-activity holding company</u>	<u>Annually</u>
<u>Solvency statement</u>	<u>Annually</u>
<u>FSA001</u>	<u>Quarterly</u>
<u>FSA002</u>	<u>Quarterly</u>
<u>FSA005</u>	<u>Quarterly</u>
<u>FSA006</u>	<u>Quarterly</u>
<u>FSA016</u>	<u>Half yearly</u>
<u>FSA018</u>	<u>Quarterly</u>
<u>FSA019</u>	<u>Annually</u>
<u>FSA045</u>	<u>Quarterly</u>

<u>FSA047</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 3)</u>
<u>FSA048</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 3)</u>
<u>FSA050</u>	<u>Monthly (Note 1)</u>
<u>FSA051</u>	<u>Monthly (Note 1)</u>
<u>FSA052</u>	<u>Weekly or monthly (Notes 1 and 4)</u>
<u>FSA053</u>	<u>Quarterly (Note 1)</u>
<u>FSA054</u>	<u>Quarterly (Note 1)</u>
<u>FSA055</u>	<u>Annually (Note 1)</u>

<u>Note 1</u>	<p><u>Reporting frequencies and reporting periods for this <i>data item</i> are calculated on a calendar year basis and not from a <i>firm's accounting reference date</i>. In particular:</u></p> <p><u>(1) A week means the period beginning on Saturday and ending on Friday.</u></p> <p><u>(2) A month begins on the first day of the calendar month and ends on the last day of that month.</u></p> <p><u>(3) Quarters end on 31 March, 30 June, 30 September and 31 December.</u></p> <p><u>(4) Daily means each <i>business day</i>.</u></p> <p><u>All periods are calculated by reference to London time.</u></p> <p><u>Any changes to reporting requirements caused by a <i>firm</i> receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements if the <i>firm</i> receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period, unless the <i>intra-group liquidity modification</i> says otherwise.</u></p>
<u>Note 2</u>	<p><u>If the report is on a solo basis the reporting frequency is as follows:</u></p> <p><u>(1) if the <i>firm</i> does not have an <i>intra-group liquidity modification</i> the frequency is:</u></p>

	<p><u>(a) weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(b) monthly if the firm is a low frequency liquidity reporting firm;</u></p> <p><u>(2) if the firm is a group liquidity reporting firm in a non-UK DLG by modification (firm level) the frequency is:</u></p> <p><u>(a) weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(b) monthly if the firm is a low frequency liquidity reporting firm;</u></p> <p><u>(3) the frequency is quarterly if the firm is a group liquidity reporting firm in a UK DLG by modification.</u></p>
Note 3	<p><u>(1) If the reporting frequency is otherwise weekly, the item is to be reported on every business day if (and for as long as) there is a firm-specific liquidity stress or market liquidity stress in relation to the firm or group in question.</u></p> <p><u>(2) If the reporting frequency is otherwise monthly, the item is to be reported weekly if (and for as long as) there is a firm-specific liquidity stress or market liquidity stress in relation to the firm or group in question.</u></p> <p><u>(3) A firm must ensure that it would be able at all times to meet the requirements for daily or weekly reporting under paragraph (1) or (2) even if there is no firm-specific liquidity stress or market liquidity stress and none is expected.</u></p>
Note 4	<p><u>If the report is on a solo basis the reporting frequency is:</u></p> <p><u>(1) Weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(2) Monthly if the firm is a low frequency liquidity reporting firm.</u></p>

16.12.13 R ~~The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.12R, unless indicated otherwise. [deleted]~~

[The table at SUP 16.12.13R is deleted in its entirety. The deleted text

is not shown.]

16.12.13A R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.12AR, unless indicated otherwise.

<u>Data item</u>	<u>Daily</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Quarterly</u>	<u>Half yearly</u>	<u>Annual</u>
<u>Annual report and accounts</u>						<u>80 business days</u>
<u>Annual report and accounts of the mixed-activity holding company</u>						<u>7 months</u>
<u>Solvency statement</u>						<u>3 months</u>
<u>FSA001</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA002</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA005</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA006</u>				<u>20 business days</u>		
<u>FSA016</u>					<u>30 business days</u>	
<u>FSA018</u>				<u>45 business days</u>		
<u>FSA019</u>						<u>2 months</u>

<u>FSA045</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA047</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		
<u>FSA048</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		
<u>FSA050</u>			<u>15 business days</u>			
<u>FSA051</u>			<u>15 business days</u>			
<u>FSA052</u>		<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>			
<u>FSA053</u>				<u>15 business days</u>		
<u>FSA054</u>				<u>15 business days</u>		
<u>FSA055</u>						<u>15 business</u>

						<i>days</i>
<u>Note 1: For unconsolidated and solo-consolidated reports</u>						
<u>Note 2: For consolidation group reports</u>						
<u>Note 3: It is one <i>Month</i> if the report relates to a <i>non-UK DLG</i> by modification.</u>						

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## Regulated Activity Group 4

- 16.12.15 R ~~The applicable *data items* referred to in SUP 16.12.4R according to type of *firm* are set out in the table below: [deleted]~~  
[The table at SUP 16.12.15R is deleted in its entirety. The deleted text is not shown.]
- 16.12.15A G ~~The columns in the table in SUP 16.12.15R that deal with *BIPRU 50K firms* and *BIPRU 125K firms* cover some liquidity items that only have to be reported by an *ILAS BIPRU firm*. In fact a *BIPRU 50K firm* and a *BIPRU 125K firm* cannot be an *ILAS BIPRU firm*. One reason for drafting the table in this way is that the classification of firms into *ILAS BIPRU firms* and *non-ILAS BIPRU firms* is not based on the classification into *BIPRU 50K firms*, *BIPRU 125K firms* and *BIPRU 730K firms* and the drafting of the table emphasises that. Also, the table covers consolidated reports and the conditions about what sort of group has to supply what type of liquidity report do not always depend on how the individual *firm* is classified. [deleted]~~
- 16.12.15B R The applicable *data items* referred to in SUP 16.12.4R for *UK designated investment firms* are set out below:

<u>Description of <i>data item</i></u>	<u>Applicable data items (Note 1)</u>
<u><i>Annual report and accounts</i></u>	<u>No standard format</u>
<u><i>Annual report and accounts of the mixed-activity holding company (Note 19)</i></u>	<u>No standard format</u>
<u>Solvency statement (Note 20)</u>	<u>No standard format</u>
<u>Balance sheet</u>	<u>FSA001 (Note 2)</u>
<u>Income statement</u>	<u>FSA002 (Note 2)</u>
<u>Market risk</u>	<u>FSA005 (notes 2, 18)</u>

<u>Market risk – supplementary</u>	<u>FSA006 (Note 3)</u>
<u>Exposures between <i>core UK group</i> and <i>non-core large exposures group</i></u>	<u>FSA018 (Note 5)</u>
<u>Solo consolidation data</u>	<u>FSA016 (Note 6)</u>
<u>Pillar 2 questionnaire</u>	<u>FSA019 (Note 4)</u>
<u>Volumes and type of business (Note 15)</u>	<u>FSA038</u>
<u>UCITS (Note 16)</u>	<u>FSA042</u>
<u>IRB portfolio risk</u>	<u>FSA045 (note 17)</u>
<u>Daily Flows</u>	<u>FSA047 (Notes 7,10, 12 and 13)</u>
<u>Enhanced Mismatch Report</u>	<u>FSA048 (Notes 7, 10, 12 and 13)</u>
<u>Liquidity Buffer Qualifying Securities</u>	<u>FSA050 (Notes 8, 11, 12 and 13)</u>
<u>Funding Concentration</u>	<u>FSA051 (Notes 8, 11, 12 and 13)</u>
<u>Pricing data</u>	<u>FSA052 (Notes 8, 12, 13 and 14)</u>
<u>Retail and corporate funding</u>	<u>FSA053 (Notes 8, 11, 12 and 13)</u>
<u>Currency Analysis</u>	<u>FSA054 (Notes 8, 11, 12 and 13)</u>
<u>Systems and Control Questionnaire</u>	<u>FSA055 (Notes 9 and 13)</u>

<u>Note 1</u>	<u>When submitting the completed <i>data item</i> required, a <i>firm</i> must use the format of the <i>data item</i> set out in <i>SUP 16 Annex 24R</i>. Guidance notes for completion of the <i>data items</i> are contained in <i>SUP 16 Annex 25AG</i>.</u>
<u>Note 2</u>	<u><i>Firms</i> that are members of a <i>consolidation group</i> are also required to submit this report on a <i>consolidation group</i> basis.</u>
<u>Note 3</u>	<u>Only applicable to <i>firms</i> with a <i>VaR model permission</i>.</u>
<u>Note 4</u>	<u>Only applicable to <i>UK designated investment firms</i> that</u> :

	<p><u>(a) are subject to consolidated supervision under the EU CRR, except those that are either included within the consolidated supervision of a group that includes a UK credit institution,</u> or <u>(b) are not subject to consolidated supervision under the EU CRR.</u></p> <p><u>A UK designated investment firm under (a) must complete the report on the basis of its consolidation group. A UK designated investment firm under (b) must complete the report on the basis of its solo position.</u></p>
<u>Note 5</u>	<u>Only applicable to a firm that has both a core UK group and a non-core large exposures group.</u>
<u>Note 6</u>	<u>Only applicable to a firm that has an individual consolidation permission.</u>
<u>Note 7</u>	<p><u>A firm must complete this item separately on each of the following bases (if applicable).</u></p> <p><u>(1) It must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a DLG by default and is a UK lead regulated firm, it must complete the item on the basis of that group.</u></p> <p><u>(3) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p> <p><u>(4) If it is a group liquidity reporting firm in a non-UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 8</u>	<p><u>A firm must complete this item separately on each of the following bases that are applicable.</u></p> <p><u>(1) It must complete it on a solo basis unless it is a group liquidity reporting firm in a UK DLG by modification. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a UK DLG</u></p>

	<u>by modification, it must complete the item on the basis of that group.</u>
<u>Note 9</u>	<u>If it is a non-ILAS BIPRU firm, it must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u>
<u>Note 10</u>	<p><u>(1) This item must be reported in the reporting currency.</u></p> <p><u>(2) If any data element is in a currency or currencies other than the reporting currency, all currencies (including the reporting currency) must be combined into a figure in the reporting currency.</u></p> <p><u>(3) In addition, all material currencies (which may include the reporting currency) must each be recorded separately (translated into the reporting currency). However if:</u></p> <p><u>(a) the reporting frequency is (whether under a rule or under a waiver) quarterly or less than quarterly; or</u>  <u>(b) the only material currency is the reporting currency;</u></p> <p><u>(3) does not apply.</u></p> <p><u>(4) If there are more than three material currencies for this data item, (3) only applies to the three largest in amount. A firm must identify the largest in amount in accordance with the following procedure.</u></p> <p><u>(a) For each currency, take the largest of the asset or liability figure as referred to in the definition of material currency.</u>  <u>(b) Take the three largest figures from the resulting list of amounts.</u></p> <p><u>(5) The date as at which the calculations for the purposes of the definition of material currency are carried out is the last day of the reporting period in question.</u></p> <p><u>(6) The reporting currency for this data item is whichever of the following currencies the firm chooses, namely USD (the United States Dollar), EUR (the euro), GBP (sterling), JPY (the Japanese Yen), CHF (the Swiss Franc), CAD (the Canadian Dollar) or SEK (the Swedish Krona).</u></p>
<u>Note 11</u>	<u>Note 10 applies, except that paragraphs (3), (4), and (5) do not apply, meaning that material currencies must</u>

	<u>not be recorded separately.</u>
<u>Note 12</u>	<u>Any changes to reporting requirements caused by a firm receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements for the <i>data item</i> in question if the firm receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period. If the change is that the <i>firm</i> does not have to report a particular <i>data item</i> or does not have to report it at a particular <i>reporting level</i>, the <i>firm</i> must nevertheless report that item or at that <i>reporting level</i> for any reporting period that has already begun. This paragraph is subject to anything that the <i>intra-group liquidity modification</i> says to the contrary.</u>
<u>Note 13</u>	<u>FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054 must be completed by an <i>ILAS BIPRU firm</i>. An <i>ILAS BIPRU firm</i> does not need to complete FSA055. A <i>non-ILAS BIPRU firm</i> must complete FSA055 and does not need to complete FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054.</u>
<u>Note 14</u>	<u>This <i>data item</i> must be reported only in the currencies named in FSA052, so that liabilities in GBP are reported in GBP in rows 1 to 4, those in USD are reported in USD in rows 5 to 8, and those in Euro are reported in Euro in rows 9 to 12. Liabilities in other currencies are not to be reported.</u>
<u>Note 15</u>	<u>Only applicable to <i>firms</i> that have a <i>managing investments permission</i>.</u>
<u>Note 16</u>	<u>Only applicable to <i>firms</i> that have <i>permission for establishing, operating or winding up a regulated collective investment scheme</i>.</u>
<u>Note 17</u>	<u>Only applicable to <i>firms</i> that have an <i>IRB permission</i>.</u>
<u>Note 18</u>	<u>Lines 63 to 64 only are applicable. These lines apply to a <i>firm</i> that applies add-ons to their market risk capital calculation under the <i>RNIV framework</i>.</u>
<u>Note 19</u>	<u>Only applicable to a <i>firm</i> whose ultimate parent is a <i>mixed activity holding company</i>.</u>
<u>Note 20</u>	<u>Only applicable to a <i>firm</i> that is a <i>sole trader</i> or a <i>partnership</i>, when the report must be submitted by each <i>partner</i>.</u>

- 16.12.16 R ~~The applicable reporting frequencies for *data items* referred to in SUP 16.12.15R are set out in the table below according to *firm* type. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise. [deleted]~~

[The table at SUP 16.12.16R is deleted in its entirety. The deleted text is not shown.]

- 16.12.16A R The applicable reporting frequencies for *data items* referred to in SUP 16.12.15B are set out in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<u><i>Data item</i></u>	<u>Reporting frequency</u>
<u><i>Annual report and accounts</i></u>	<u>Annually</u>
<u><i>Annual report and accounts of the mixed-activity holding company</i></u>	<u>Annually</u>
<u>Solvency statement</u>	<u>Annually</u>
<u>FSA001</u>	<u>Quarterly</u>
<u>FSA002</u>	<u>Quarterly</u>
<u>FSA005</u>	<u>Quarterly</u>
<u>FSA006</u>	<u>Quarterly</u>
<u>FSA016</u>	<u>Half yearly</u>
<u>FSA018</u>	<u>Quarterly</u>
<u>FSA019</u>	<u>Annually</u>
<u>FSA038</u>	<u>Half yearly</u>
<u>FSA042</u>	<u>Quarterly</u>
<u>FSA045</u>	<u>Quarterly</u>
<u>FSA047</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 3)</u>
<u>FSA048</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 3)</u>
<u>FSA050</u>	<u>Monthly (Note 1)</u>

<u>FSA051</u>	<u>Monthly (Note 1)</u>
<u>FSA052</u>	<u>Weekly or monthly (Notes 1 and 4)</u>
<u>FSA053</u>	<u>Quarterly (Note 1)</u>
<u>FSA054</u>	<u>Quarterly (Note 1)</u>
<u>FSA055</u>	<u>Annually (Note 1)</u>

<u>Note 1</u>	<p><u>Reporting frequencies and reporting periods for this data item are calculated on a calendar year basis and not from a firm's accounting reference date. In particular:</u></p> <p><u>(1) A week means the period beginning on Saturday and ending on Friday.</u></p> <p><u>(2) A month begins on the first day of the calendar month and ends on the last day of that month.</u></p> <p><u>(3) Quarters end on 31 March, 30 June, 30 September and 31 December.</u></p> <p><u>(4) Daily means each business day.</u></p> <p><u>All periods are calculated by reference to London time.</u></p> <p><u>Any changes to reporting requirements caused by a firm receiving an intra-group liquidity modification (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements if the firm receives that intra-group liquidity modification or variation part of the way through such a period, unless the intra-group liquidity modification says otherwise.</u></p>
<u>Note 2</u>	<p><u>If the report is on a solo basis the reporting frequency is as follows:</u></p> <p><u>(1) if the firm does not have an intra-group liquidity modification the frequency is:</u></p> <p><u>(a) weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(b) monthly if the firm is a low frequency liquidity</u></p>

	<p><u>reporting firm;</u></p> <p><u>(2) if the firm is a group liquidity reporting firm in a non-UK DLG by modification (firm level) the frequency is:</u></p> <p><u>(a) weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(b) monthly if the firm is a low frequency liquidity reporting firm;</u></p> <p><u>(3) the frequency is quarterly if the firm is a group liquidity reporting firm in a UK DLG by modification.</u></p>
<u>Note 3</u>	<p><u>(1) If the reporting frequency is otherwise weekly, the item is to be reported on every business day if (and for as long as) there is a firm-specific liquidity stress or market liquidity stress in relation to the firm or group in question.</u></p> <p><u>(2) If the reporting frequency is otherwise monthly, the item is to be reported weekly if (and for as long as) there is a firm-specific liquidity stress or market liquidity stress in relation to the firm or group in question.</u></p> <p><u>(3) A firm must ensure that it would be able at all times to meet the requirements for daily or weekly reporting under paragraph (1) or (2) even if there is no firm-specific liquidity stress or market liquidity stress and none is expected.</u></p>
<u>Note 4</u>	<p><u>If the report is on a solo basis the reporting frequency is as follows:</u></p> <p><u>(1) weekly if the firm is a standard frequency liquidity reporting firm; and</u></p> <p><u>(2) monthly if the firm is a low frequency liquidity reporting firm.</u></p>

- 16.12.17 R ~~The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.16R, unless indicated otherwise.~~

[The table at SUP 16.12.15R is deleted in its entirety. The deleted text is not shown.]

16.12.17A R The applicable due dates for submission referred to in *SUP 16.12.4R* are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP 16.12.16AR*, unless indicated otherwise.

<i>Data item</i>	<u>Daily</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Quarterly</u>	<u>Half yearly</u>	<u>Annual</u>
<u>Annual report and accounts</u>						<u>80 business days</u>
<u>Annual report and accounts of the mixed-activity holding company</u>						<u>7 months</u>
<u>Solvency statement</u>						<u>3 months</u>
<u>FSA001</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA002</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA005</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA006</u>				<u>20 business days</u>		
<u>FSA016</u>				<u>30 business days</u>		
<u>FSA018</u>				<u>45 business days</u>		
<u>FSA019</u>						<u>2 months</u>

<u>FSA042</u>				<u>20 business days</u>		
<u>FSA045</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA047</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		
<u>FSA048</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		
<u>FSA050</u>			<u>15 business days</u>			
<u>FSA051</u>			<u>15 business days</u>			
<u>FSA052</u>		<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>			
<u>FSA053</u>				<u>15 business days</u>		
<u>FSA054</u>				<u>15 business</u>		

				<i>days</i>		
<u>FSA055</u>						<u>15 business days</u>
<u>Note 1: For unconsolidated and solo-consolidated reports</u>						
<u>Note 2: For consolidation group reports</u>						
<u>Note 3: It is one Month if the report relates to a non-UK DLG by modification.</u>						

...

## Regulated Activity Group 7

16.12.22A R ~~The applicable data items referred to in SUP 16.12.4R are set out according to type of firm in the table below:- [deleted]~~

[The table at SUP 16.12.22AR is deleted in its entirety. The deleted text is not shown.]

16.12.22B G ~~The columns in the table in SUP 16.12.22AR that deal with BIPRU 50K firms and BIPRU 125K firms cover some liquidity items that only have to be reported by an ILAS BIPRU firm. In fact a BIPRU 50K firm and a BIPRU 125K firm cannot be an ILAS BIPRU firm. One reason for drafting the table in this way is that the classification of firms into ILAS BIPRU firms and non-ILAS BIPRU firms is not based on the classification into BIPRU 50K firms, BIPRU 125K firms and BIPRU 730K firms and the drafting of the table emphasises that. Also, the table covers consolidated reports and the conditions about what sort of group has to supply what type of liquidity report do not always depend on how the individual firm is classified. [deleted]~~

16.12.22C R The applicable data items referred to in SUP 16.12.4R for UK designated investment firms are set out in the table below:

<u>Description of data item</u>	<u>Applicable data item (Note 1)</u>
<u>Annual report and accounts</u>	<u>No standard format</u>
<u>Annual report and accounts of the mixed-activity holding company (note 16)</u>	<u>No standard format</u>
<u>Solvency statement</u>	<u>No standard format (Note 17)</u>
<u>Balance sheet</u>	<u>FSA001 (Note 2)</u>
<u>Income statement</u>	<u>FSA 002 (note 2)</u>
<u>Market risk</u>	<u>FSA005 (notes 2, 20)</u>
<u>Market risk – supplementary</u>	<u>FSA006 (note 3)</u>

<u>Exposures between <i>core UK group</i> and <i>non-core large exposures group</i></u>	<u>FSA018 (note 18)</u>
<u>Solo consolidation data</u>	<u>FSA016</u>
<u>Pillar 2 questionnaire</u>	<u>FSA019 (note 4)</u>
<u>IRB portfolio risk</u>	<u>FSA045 (note 19)</u>
<u>Daily Flows</u>	<u>FSA047 (Notes 6, 9, 11 and 12)</u>
<u>Enhanced Mismatch Report</u>	<u>FSA048 (Notes 6, 9, 11 and 12)</u>
<u>Liquidity Buffer Qualifying Securities</u>	<u>FSA050 (Notes 7, 10, 11 and 12)</u>
<u>Funding Concentration</u>	<u>FSA051 (Notes 7, 10, 11 and 12)</u>
<u>Pricing Data</u>	<u>FSA052 (Note 7, 10, 12 and 13)</u>
<u>Retail and corporate funding</u>	<u>FSA053 (Notes 7, 10, 11 and 12)</u>
<u>Currency Analysis</u>	<u>FSA054 (Notes 7, 10, 11 and 12)</u>
<u>Systems and Controls Questionnaire</u>	<u>FSA055 (Notes 8 and 12)</u>

<u>Note 1</u>	<u>When submitting the completed <i>data item</i> required, a <i>firm</i> must use the format of the <i>data item</i> set out in <i>SUP 16 Annex 24R</i>. Guidance notes for completion of the data items are contained in <i>SUP 16 Annex 25A G</i>.</u>
<u>Note 2</u>	<u><i>Firms</i> that are members of a <i>consolidation group</i> are also required to submit this report on a <i>consolidation group basis</i>.</u>
<u>Note 3</u>	<u>Only applicable to <i>firms</i> with a <i>VaR model permission</i>.</u>
<u>Note 4</u>	<u>Only applicable to <i>UK designated investment firms</i> that: (a) are subject to consolidated supervision under the <i>EU CRR</i>, except those that are either included within the consolidated supervision of a group that includes a <i>UK credit institution</i>  <u>or</u> (b) are not subject to consolidated supervision under the</u>

	<p><u>EU CRR.</u></p> <p><u>A UK designated investment firm under (a) must complete the report on the basis of its consolidation group. A UK designated investment firm under (b) or must complete the report on the basis of its solo position.</u></p>
<u>Note 6</u>	<p><u>A firm must complete this item separately on each of the following bases (if applicable).</u></p> <p><u>(1) It must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a DLG by default and is a UK lead regulated firm, it must complete the item on the basis of that group.</u></p> <p><u>(3) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p> <p><u>(4) If it is a group liquidity reporting firm in a non-UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 7</u>	<p><u>A firm must complete this item separately on each of the following bases that are applicable.</u></p> <p><u>(1) It must complete it on a solo basis unless it is a group liquidity reporting firm in a UK DLG by modification. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 8</u>	<p><u>If it is a non-ILAS BIPRU firm, it must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p>
<u>Note 9</u>	<p><u>(1) This item must be reported in the reporting currency.</u></p> <p><u>(2) If any data element is in a currency or currencies other than the reporting currency, all currencies</u></p>

	<p><u>(including the reporting currency) must be combined into a figure in the reporting currency.</u></p> <p><u>(3) In addition, all <i>material currencies</i> (which may include the reporting currency) must each be recorded separately (translated into the reporting currency). However if:</u></p> <p><u>(a) the reporting frequency is (whether under a <i>rule</i> or under a <i>waiver</i>) quarterly or less than quarterly; or</u></p> <p><u>(b) the only <i>material currency</i> is the reporting currency;</u></p> <p><u>(3) does not apply.</u></p> <p><u>(4) If there are more than three <i>material currencies</i> for this <i>data item</i>, (3) only applies to the three largest in amount. A <i>firm</i> must identify the largest in amount in accordance with the following procedure.</u></p> <p><u>(a) For each currency, take the largest of the asset or liability figure as referred to in the definition of <i>material currency</i>.</u></p> <p><u>(b) Take the three largest figures from the resulting list of amounts.</u></p> <p><u>(5) The date as at which the calculations for the purposes of the definition of <i>material currency</i> are carried out is the last day of the reporting period in question.</u></p> <p><u>(6) The reporting currency for this <i>data item</i> is whichever of the following currencies the <i>firm</i> chooses, namely USD (the United States Dollar), EUR (the euro), GBP (sterling), JPY (the Japanese Yen), CHF (the Swiss Franc), CAD (the Canadian Dollar) or SEK (the Swedish Krona).</u></p>
Note 10	<p><u>Note 9 applies, except that paragraphs (3), (4) and (5) do not apply, meaning that <i>material currencies</i> must not be recorded separately.</u></p>
Note 11	<p><u>Any changes to reporting requirements caused by a <i>firm</i> receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements for the <i>data item</i> in question if the <i>firm</i> receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period. If the</u></p>

	<u>change is that the <i>firm</i> does not have to report a particular <i>data item</i> or does not have to report it at a particular <i>reporting level</i>, the <i>firm</i> must nevertheless report that item or at that <i>reporting level</i> for any reporting period that has already begun. This paragraph is subject to anything that the <i>intra-group liquidity modification</i> says to the contrary.</u>
<u>Note 12</u>	<u>FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054 must be completed by an <i>ILAS BIPRU firm</i>. An <i>ILAS BIPRU firm</i> does not need to complete FSA055. A <i>non-ILAS BIPRU firm</i> must complete FSA055 and does not need to complete FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054.</u>
<u>Note 13</u>	<u>This <i>data item</i> must be reported only in the currencies named in FSA052, so that liabilities in GBP are reported in GBP in rows 1 to 4, those in USD are reported in USD in rows 5 to 8, and those in Euro are reported in Euro in rows 9 to 12. Liabilities in other currencies are not to be reported.</u>
<u>Note 15</u>	<u>This item applies only to firms that provide advice and related services to employers on <i>group personal pension schemes</i> and/or <i>group stakeholder pension schemes</i>.</u>
<u>Note 16</u>	<u>Only applicable to a <i>firm</i> whose ultimate parent is a <i>mixed-activity holding company</i>.</u>
<u>Note 17</u>	<u>Only applicable to a <i>firm</i> that is a <i>sole trader</i> or a <i>partnership</i>, when the report must be submitted by each <i>partner</i>.</u>
<u>Note 18</u>	<u>Only applicable to a <i>firm</i> that has both a <i>core UK group</i> and a <i>non-core large exposures group</i>.</u>
<u>Note 19</u>	<u>Only applicable to <i>firms</i> that have an <i>IRB permission</i>.</u>
<u>Note 20</u>	<u>Lines 62 to 64 only are applicable. These lines apply to a <i>firm</i> that applies add-ons to their market risk capital calculation under the <i>RNIV</i> framework. For further guidance on how to complete the form refer to <i>SUP 16 Annex 25AG</i>.</u>

- 16.12.23 R The applicable reporting frequencies for *data items* referred to in *SUP 16.12.22AR* are set out in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	Frequency
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	Unconsolidated <i>BIPRU</i> <i>investment firm</i> <i>UK designated</i> <i>investment firm</i>	<del>Solo</del> consolidated <i>BIPRU</i> <i>investment</i> <del>firm</del> <i>UK</i> <i>designated</i> <i>investment</i> <i>firm</i> with an individual consolidation permission	<i>UK</i> Consolidation Group or defined liquidity group	Annual regulated business revenue up to and including £5 million	Annual regulated business revenue over £5 million
...					
FSA003 [deleted]	Monthly, quarterly or half yearly (note 2)	Monthly, quarterly or half yearly (note 2)	Half yearly		
FSA004 [deleted]	Quarterly or half yearly (note 1)	Quarterly or half yearly (note 1)	Half yearly		
...					
FSA007 [deleted]	Annually (note 3)	Annually (note 3)	Annually (note 3)		
FSA008 [deleted]	Quarterly	Quarterly	Quarterly		
...					
FSA028 [deleted]	Half yearly	Half yearly			
...					
FSA046 [deleted]	Quarterly	Quarterly	Quarterly		
...					
FSA058 [deleted]	Quarterly	Quarterly	Quarterly		
...					
Note 1:	<del><i>BIPRU 730K firms</i> and <i>BIPRU 125K firms</i> – quarterly; <i>BIPRU 50K firms</i> – half yearly. <i>UK designated investment firms</i> – quarterly.</del>				
Note 2	<del><i>BIPRU 730K firms</i> – monthly; <i>BIPRU 125K firms</i> – quarterly; <i>BIPRU 50K firms</i> – half yearly. [deleted]</del>				
Note 3	The reporting date for this <i>data item</i> is six months after a <i>firm's</i> most recent <i>accounting</i>				

	<i>reference date</i> . [deleted]
...	

16.12.24 R The applicable due dates for submission referred to in *SUP* 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in *SUP* 16.12.23R, unless indicated otherwise.

<i>Data Item</i>	Daily	Weekly	Monthly	Quarterly	Half yearly	Annual
...						
FSA003 [deleted]	15 <i>business days</i>			20 <i>business days</i>	30 <i>business days</i> (note 1); 45 <i>business days</i> (note 2)	
FSA004 [deleted]				20 <i>business days</i>	30 <i>business days</i> (note 1); 45 <i>business days</i> (note 2)	
...						
FSA007 [deleted]						2 months
FSA008 [deleted]				20 <i>business days</i> (note 1); 45 <i>business days</i> (note 2)		
...						
FSA028 [deleted]					30 <i>business days</i>	
...						
FSA046 [deleted]				20 <i>business days</i> (Note 1), 45 <i>business days</i> (Note 2)		
...						
FSA058				20 <i>business days</i> (Note		

[deleted]				1), 45 business days (Note 2)		
...						

## Regulated Activity Group 8

- 16.12.25A R ~~The applicable *data items* referred to in SUP 16.12.4R are set out according to type of *firm* in the table below:- [deleted]~~
- [The table at SUP 16.12.25AR is deleted in its entirety. The deleted text is not shown.]

...

- 16.12.25B G ~~The columns in the table in SUP 16.12.25AR that deal with *BIPRU 50K firms* and *BIPRU 125K firms* cover some liquidity items that only have to be reported by an *ILAS BIPRU firm*. In fact a *BIPRU 50K firm* and a *BIPRU 125K firm* cannot be an *ILAS BIPRU firm*. One reason for drafting the table in this way is that the classification of *firms* into *ILAS BIPRU firms* and *non-ILAS BIPRU firms* is not based on the classification into *BIPRU 50K firms*, *BIPRU 125K firms* and *BIPRU 730K firms* and the drafting of the table emphasises that. Also, the table covers consolidated reports and the conditions about what sort of group has to supply what type of liquidity report do not always depend on how the individual *firm* is classified. [deleted]~~

- 16.12.25C R The applicable *data items* referred to in SUP 16.12.4R are set out in the table below:

<u>Description of <i>data item</i></u>	<u>Applicable <i>data item</i> (Note 1)</u>
<u><i>Annual report and accounts</i></u>	<u>No standard format</u>
<u><i>Annual report and accounts of the mixed-activity holding company</i> (Note 5)</u>	<u>No standard format</u>
<u>Solvency statement (Note 6)</u>	<u>No standard format</u>
<u>Balance sheet</u>	<u>FSA001 (note 2)</u>
<u>Income statement</u>	<u>FSA002 (note 2)</u>
<u>Market risk</u>	<u>FSA005 (notes 2, 18)</u>
<u>Market risk – supplementary</u>	<u>FSA006 (Note 3)</u>

<u>Exposures between <i>core UK group</i> and <i>non-core large exposures group</i></u>	<u>FSA018 (note 7)</u>
<u>Solo consolidation data</u>	<u>FSA016 (note 8)</u>
<u>Pillar 2 questionnaire</u>	<u>FSA019 (note 4)</u>
<u>IRB portfolio risk</u>	<u>FSA045 (note 17)</u>
<u>Daily flows</u>	<u>FSA047 (Notes 9, 12, 14 and 15)</u>
<u>Enhanced Mismatch Report</u>	<u>FSA048 (Notes 9, 12, 14 and 15)</u>
<u>Liquidity Buffer Qualifying Securities</u>	<u>FSA050 (Notes 10, 13, 14 and 15)</u>
<u>Funding Concentration</u>	<u>FSA051 (Notes 10, 13, 14 and 15)</u>
<u>Pricing data</u>	<u>FSA052 (Notes 10, 14, 15 and 16)</u>
<u>Retail and corporate funding</u>	<u>FSA053 (Notes 10, 13, 14 and 15)</u>
<u>Currency Analysis</u>	<u>FSA054 (Notes 10, 13, 14 and 15)</u>
<u>Systems and Controls Questionnaire</u>	<u>FSA055 (Notes 11 and 15)</u>

<u>Note 1</u>	<u>When submitting the completed <i>data item</i> required, a <i>firm</i> must use the format of the <i>data item</i> set out in <i>SUP 16 Annex 24 R</i>. Guidance notes for completion of the data items are contained in <i>SUP 16 Annex 25A G</i>.</u>
<u>Note 2</u>	<u><i>Firms</i> that are members of a <i>consolidation group</i> are also required to submit this report on a <i>consolidation group</i> basis.</u>
<u>Note 3</u>	<u>Only applicable to <i>firms</i> with a <i>VaR model permission</i>.</u>
<u>Note 4</u>	<u>Only applicable to <i>UK designated investment firms</i> that : (a) are subject to consolidated supervision under the</u>

	<p><u>EU CRR, except those that are either included within the consolidated supervision of a group that includes a UK credit institution; or</u></p> <p><u>(b) are not subject to consolidated supervision under the EU CRR.</u></p> <p><u>A UK designated investment firm under (a) must complete the report on the basis of its consolidation group. A UK designated investment firm under (b) must complete the report on the basis of its solo position.</u></p>
<u>Note 5</u>	<u>Only applicable to a firm whose ultimate parent is a mixed-activity holding company.</u>
<u>Note 6</u>	<u>Only applicable to a firm that is a sole trader or a partnership, when the report must be submitted by each partner.</u>
<u>Note 7</u>	<u>Only applicable to a firm that has both a core UK group and a non-core large exposures group.</u>
<u>Note 8</u>	<u>Only applicable to a firm that has an individual consolidation permission.</u>
<u>Note 9</u>	<p><u>A firm must complete this item separately on each of the following bases (if applicable).</u></p> <p><u>(1) It must complete it on a solo basis. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a DLG by default and is a UK lead regulated firm, it must complete the item on the basis of that group.</u></p> <p><u>(3) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis of that group.</u></p> <p><u>(4) If it is a group liquidity reporting firm in a non-UK DLG by modification, it must complete the item on the basis of that group.</u></p>
<u>Note 10</u>	<p><u>A firm must complete this item separately on each of the following bases that are applicable.</u></p> <p><u>(1) It must complete it on a solo basis unless it is a group liquidity reporting firm in a UK DLG by modification. Therefore even if it has an individual consolidation permission it must complete the item on an unconsolidated basis by reference to the firm alone.</u></p> <p><u>(2) If it is a group liquidity reporting firm in a UK DLG by modification, it must complete the item on the basis</u></p>

	<u>of that group.</u>
<u>Note 11</u>	<u>If it is a <i>non-ILAS BIPRU firm</i>, it must complete it on a solo basis. Therefore even if it has an <i>individual consolidation permission</i> it must complete the item on an unconsolidated basis by reference to the <i>firm</i> alone.</u>
<u>Note 12</u>	<p><u>(1) This item must be reported in the reporting currency.</u></p> <p><u>(2) If any <i>data element</i> is in a currency or currencies other than the reporting currency, all currencies (including the reporting currency) must be combined into a figure in the reporting currency.</u></p> <p><u>(3) In addition, all <i>material currencies</i> (which may include the reporting currency) must each be recorded separately (translated into the reporting currency).</u></p> <p><u>However if:</u></p> <p><u>(a) the reporting frequency is (whether under a <i>rule</i> or under a <i>waiver</i>) quarterly or less than quarterly; or</u></p> <p><u>(b) the only <i>material currency</i> is the reporting currency;</u></p> <p><u>(3) does not apply.</u></p> <p><u>(4) If there are more than three <i>material currencies</i> for this <i>data item</i>, (3) only applies to the three largest in amount. A <i>firm</i> must identify the largest in amount in accordance with the following procedure.</u></p> <p><u>(a) For each currency, take the largest of the asset or liability figure as referred to in the definition of <i>material currency</i>.</u></p> <p><u>(b) Take the three largest figures from the resulting list of amounts.</u></p> <p><u>(5) The date as at which the calculations for the purposes of the definition of <i>material currency</i> are carried out is the last day of the reporting period in question.</u></p> <p><u>(6) The reporting currency for this <i>data item</i> is whichever of the following currencies the <i>firm</i> chooses, namely USD (the United States Dollar), EUR (the euro), GBP (sterling), JPY (the Japanese Yen), CHF (the Swiss Franc), CAD (the Canadian Dollar) or SEK (the Swedish Krona).</u></p>
<u>Note 13</u>	<u>Note 24 applies, except that paragraphs (3), (4) and (5) do not apply, meaning that <i>material currencies</i> must not be recorded separately.</u>
<u>Note 14</u>	<u>Any changes to reporting requirements caused by a <i>firm</i> receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the</u>

	<p>changed reporting requirements for the <i>data item</i> in question if the <i>firm</i> receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period. If the change is that the <i>firm</i> does not have to report a particular <i>data item</i> or does not have to report it at a particular <i>reporting level</i>, the <i>firm</i> must nevertheless report that item or at that <i>reporting level</i> for any reporting period that has already begun. This paragraph is subject to anything that the <i>intra-group liquidity modification</i> says to the contrary.</p>
Note 15	<p>FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054 must be completed by an <i>ILAS BIPRU firm</i>. An <i>ILAS BIPRU firm</i> does not need to complete FSA055. A <i>non-ILAS BIPRU firm</i> must complete FSA055 and does not need to complete FSA047, FSA048, FSA050, FSA051, FSA052, FSA053 and FSA054.</p>
Note 16	<p>This <i>data item</i> must be reported only in the currencies named in FSA052, so that liabilities in GBP are reported in GBP in rows 1 to 4, those in USD are reported in USD in rows 5 to 8, and those in Euro are reported in Euro in rows 9 to 12. Liabilities in other currencies are not to be reported.</p>
Note 17	<p>Only applicable to <i>firms</i> that have an <i>IRB permission</i>.</p>
Note 18	<p>Lines 63 and 64 only are applicable. These lines apply to a <i>firm</i> that applies add-ons to their market risk capital calculation under the <i>RNIV framework</i>.</p>

- 16.12.26 R The applicable reporting frequencies for *data items* referred to in *SUP 16.12.25AR* are set out according to the type of *firm* in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise. [deleted]

[The table at *SUP 16.12.26R* is deleted in its entirety. The deleted text is not shown.]

- 16.12.26A R The applicable reporting frequencies for *data items* referred to in *SUP 16.12.25CR* are set out in the table below. Reporting frequencies are calculated from a *firm's accounting reference date*, unless indicated otherwise.

<i>Data item</i>	<i>UK designated investment firm</i>	<i>consolidation group or defined liquidity group</i>
<i>Annual reports and accounts</i>	Annually	Annually

<u>Annual report and accounts of the mixed-activity holding company</u>	<u>Annually</u>	<u>Annually</u>
<u>Solvency statement</u>	<u>Annually</u>	
<u>FSA001</u>	<u>Quarterly</u>	<u>Half yearly</u>
<u>FSA002</u>	<u>Quarterly</u>	<u>Half yearly</u>
<u>FSA005</u>	<u>Quarterly</u>	<u>Quarterly</u>
<u>FSA006</u>	<u>Quarterly</u>	
<u>FSA016</u>	<u>Half yearly</u>	
<u>FSA018</u>	<u>Quarterly</u>	
<u>FSA019</u>	<u>Annually</u>	<u>Annually</u>
<u>FSA045</u>	<u>Quarterly</u>	<u>Half yearly</u>
<u>FSA047</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 4)</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 3 and 4)</u>
<u>FSA048</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 2 and 4)</u>	<u>Daily, weekly, monthly or quarterly (Notes 1, 3 and 4)</u>
<u>FSA050</u>	<u>Monthly (Note 1)</u>	<u>Monthly (Note 1)</u>
<u>FSA051</u>	<u>Monthly (Note 1)</u>	<u>Monthly (note 1)</u>
<u>FSA052</u>	<u>Weekly or monthly (Notes 1 and 5)</u>	<u>Weekly or monthly (notes 1 and 6)</u>
<u>FSA053</u>	<u>Quarterly (Note 1)</u>	<u>Quarterly (Note 1)</u>
<u>FSA054</u>	<u>Quarterly (Note 1)</u>	<u>Quarterly (Note 1)</u>
<u>FSA055</u>	<u>Annually (Note 1)</u>	<u>Annually (Note 1)</u>

<u>Note 1</u>	<u>Reporting frequencies and reporting periods for this data item are calculated on a calendar year basis and not from a firm's accounting reference date. In particular: (1) A week means the period beginning on Saturday</u>
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	<p>and ending on Friday.</p> <p>(2) A month begins on the first day of the calendar month and ends on the last day of that month.</p> <p>(3) Quarters end on 31 March, 30 June, 30 September and 31 December.</p> <p>(4) Daily means each <i>business day</i>.</p> <p>All periods are calculated by reference to London time. Any changes to reporting requirements caused by a <i>firm</i> receiving an <i>intra-group liquidity modification</i> (or a variation to one) do not take effect until the first day of the next reporting period applicable under the changed reporting requirements if the <i>firm</i> receives that <i>intra-group liquidity modification</i> or variation part of the way through such a period, unless the <i>intra-group liquidity modification</i> says otherwise.</p>
<p><u>Note 2</u></p>	<p>If the report is on a solo basis the reporting frequency is as follows:</p> <p>(1) if the <i>firm</i> does not have an <i>intra-group liquidity modification</i> the frequency is:</p> <p>(a) weekly if the <i>firm</i> is a <i>standard frequency liquidity reporting firm</i>; and</p> <p>(b) monthly if the <i>firm</i> is a <i>low frequency liquidity reporting firm</i>;</p> <p>(2) if the <i>firm</i> is a <i>group liquidity reporting firm</i> in a <i>non-UK DLG by modification (firm level)</i> the frequency is:</p> <p>(a) weekly if the <i>firm</i> is a <i>standard frequency liquidity reporting firm</i>; and</p> <p>(b) monthly if the <i>firm</i> is a <i>low frequency liquidity reporting firm</i>;</p> <p>(3) the frequency is quarterly if the <i>firm</i> is a <i>group liquidity reporting firm</i> in a <i>UK DLG by modification</i>.</p>
<p><u>Note 3</u></p>	<p>(1) If the report is by reference to the <i>firm's DLG by default</i> the reporting frequency is:</p> <p>(a) weekly if the <i>group liquidity standard frequency reporting conditions</i> are met;</p> <p>(b) monthly if the <i>group liquidity low frequency reporting conditions</i> are met.</p> <p>(2) If the report is by reference to the <i>firm's UK DLG by modification</i> the reporting frequency is:</p> <p>(a) weekly if the <i>group liquidity standard frequency reporting conditions</i> are met;</p> <p>(b) monthly if the <i>group liquidity low frequency reporting conditions</i> are met.</p> <p>(3) If the report is by reference to the <i>firm's non-UK DLG by modification</i> the reporting frequency is quarterly.</p>

<u>Note 4</u>	<p>(1) <u>If the reporting frequency is otherwise weekly, the item is to be reported on every <i>business day</i> if (and for as long as) there is a <i>firm-specific liquidity stress</i> or <i>market liquidity stress</i> in relation to the <i>firm</i> or group in question.</u></p> <p>(2) <u>If the reporting frequency is otherwise monthly, the item is to be reported weekly if (and for as long as) there is a <i>firm-specific liquidity stress</i> or <i>market liquidity stress</i> in relation to the <i>firm</i> or group in question.</u></p> <p>(3) <u>A <i>firm</i> must ensure that it would be able at all times to meet the requirements for daily or weekly reporting under paragraph (1) or (2) even if there is no <i>firm-specific liquidity stress</i> or <i>market liquidity stress</i> and none is expected.</u></p>
<u>Note 5</u>	<p><u>If the report is on a solo basis the reporting frequency is as follows:</u></p> <p>(1) <u>weekly if the <i>firm</i> is a <i>standard frequency liquidity reporting firm</i>; and</u></p> <p>(2) <u>monthly if the <i>firm</i> is a <i>low frequency liquidity reporting firm</i>.</u></p>
<u>Note 6</u>	<p><u>If the report is by reference to the <i>firm's UK DLG by modification</i> the reporting frequency is:</u></p> <p>(1) <u>weekly if the <i>group liquidity standard frequency reporting conditions</i> are met;</u></p> <p>(2) <u>monthly if the <i>group liquidity low frequency reporting conditions</i> are met.</u></p>

16.12.27 R ~~The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.26R, unless indicated otherwise.~~

[The table at SUP 16.12.15R is deleted in its entirety. The deleted text is not shown.]

16.12.27A R The applicable due dates for submission referred to in SUP 16.12.4R are set out in the table below. The due dates are the last day of the periods given in the table below following the relevant reporting frequency period set out in SUP 16.12.26R, unless indicated otherwise.

<u>Data item</u>	<u>Daily</u>	<u>Weekly</u>	<u>Monthly</u>	<u>Quarterly</u>	<u>Half yearly</u>	<u>Annual</u>
<u>Annual report and accounts</u>						<u>80 business days</u>
<u>Annual reconciliation</u>						<u>80 business days</u>

<u>Annual report and accounts of the mixed-activity holding company</u>						<u>7 months</u>
<u>Solvency statement</u>						<u>3 months</u>
<u>FSA001</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA002</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA005</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA006</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA016</u>					<u>30 business days</u>	
<u>FSA018</u>				<u>45 business days</u>		
<u>FSA019</u>						<u>2 months</u>
<u>FSA045</u>				<u>20 business days</u>	<u>30 business days (Note 1); 45 business days (Note 2)</u>	
<u>FSA047</u>	<u>22.00 hours (London time) on the business day immediately following</u>	<u>22.00 hours (London time) on the business day immediately following the</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		

	<u>the last day of the reporting period for the item in question</u>	<u>last day of the reporting period for the item in question</u>				
<u>FSA048</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>	<u>15 business days or one month (Note 3)</u>		
<u>FSA050</u>			<u>15 business days</u>			
<u>FSA051</u>			<u>15 business days</u>			
<u>FSA052</u>		<u>22.00 hours (London time) on the business day immediately following the last day of the reporting period for the item in question</u>	<u>15 business days</u>			
<u>FSA053</u>				<u>15 business days</u>		
<u>FSA054</u>				<u>15 business days</u>		
<u>FSA055</u>						<u>15 business days</u>
<u>Note 1: For unconsolidated and solo-consolidated reports</u>						
<u>Note 2: For consolidation group reports</u>						
<u>Note 3: It is one Month if the report relates to a non-UK DLG by modification.</u>						

...

## **16.16 Prudent valuation reporting**

16.16.1 R This section applies to a *UK bank, a UK designated investment firm*

or a ~~BIPRU 730k firm~~ full-scope IFPRU investment firm which meets the condition in SUP 16.16.2R.

...

#### Purpose

- 16.16.3 R (1) The purpose of this section is to set out the requirements for a *firm* specified in SUP 16.16.1R to report the outcomes of its prudent valuation assessments ~~under the prudent valuation rules in GENPRU 1.3.4R and GENPRU 1.3.14R to GENPRU 1.3.34R,~~ to the *appropriate regulator* and to do so in a standard format.
- (2) The purpose of collecting this data on the prudent valuation assessments made by a *firm* ~~under GENPRU 1.3.4R and GENPRU 1.3.14R to GENPRU 1.3.34R~~ is to assist the *appropriate regulator* to gain a wider understanding of the nature and sources of measurement uncertainty in fair-valued financial instruments, and to enable comparison of the nature and level of that measurement uncertainty across *firms* and over time

**[Note: articles 24 and 105 of the EU CRR]**

#### Reporting requirement

- 16.16.4 R (1) A *firm* to which this section applies must submit to the *appropriate regulator* quarterly (on a calendar year basis and not from a *firm's accounting reference date*), within six weeks of each quarter end, a Prudent Valuation Return in respect of its fair-value assessments ~~under GENPRU 1.3.4R and GENPRU 1.3.14R to GENPRU 1.3.34R~~ in the format set out in SUP 16 Annex 31AR.

...

- 16.16.5 R Where a *firm* to which SUP 16.16.4R applies is a member of a ~~UK~~ *consolidation group*, the *firm* must comply with SUP 16.16.4R:
- (1) on ~~a solo-~~ an individual consolidation basis if the *firm* has a ~~solo-consolidation waiver~~ an individual consolidation permission, or on an unconsolidated basis if the *firm* does not have a ~~solo-consolidation waiver~~ an individual consolidation permission; and
- (2) separately, on the basis of the consolidated financial position of the ~~UK~~ *consolidation group*. (*Firms' attention is drawn to SUP 16.3.25G regarding a single submission for all firms in the group.*)

...

16.17.3 R ...

- (7) This *rule* applies to:
- (a) ~~a *BIPRU firm*~~; and a *building society*;
  - (b) ~~a *third country BIPRU firm*~~; ~~that: a *bank*~~;
  - (c) a *designated investment firm*; and
  - (d) an *overseas firm* that:
    - (i) is not an *EEA firm*;
    - (ii) has its head office outside the *EEA*; and
    - (iii) would be a *bank, building society* or a *designated investment firm*, if it had been a *UK domestic firm*, had carried on all of its business in the United Kingdom and had obtained whatever authorisations for doing so as are required under the Act.

that:

- ~~(c)~~ ~~is not a *BIPRU limited licence firm* or a *BIPRU limited activity firm*~~; and
- ~~(d)~~ is not, and does not have, an *EEA parent institution*
- ~~(e)~~ or an *EEA parent financial holding company*;

and that *firm* had total assets equal to or greater than £50 billion on an unconsolidated basis on the *accounting reference date* immediately prior to the *firm's* last complete financial year.

- (8) This *rule* also applies to:
- (a) ~~a *BIPRU firm*~~; and a *building society*;
  - (b) ~~a *third country BIPRU firm*~~; ~~that: a *bank*~~;
  - (c) a *designated investment firm*; and
  - (d) an *overseas firm* that:
    - (i) is not an *EEA firm*;

- (ii) has its head office outside the EEA; and;
- (iii) would be a bank, building society or a designated investment firm, if it had been a UK domestic firm, had carried on all of its business in the United Kingdom and had obtained whatever authorisations for doing so as are required under the Act.

that:

- ~~(e) is not a BIPRU limited licence firm or a BIPRU limited activity firm; and~~
- ~~(d) is part of a UK lead regulated group;~~
- ~~(e)~~

and that *firm* had total assets equal to or greater than £50 billion on an unconsolidated basis on the *accounting reference date* immediately prior to the *firm's* last complete financial year.

- (9) In this rule "total assets" means
  - (a) in relation to a ~~BIPRU firm~~, bank, building society or designated investment firm, ~~the firm's~~ its total assets as set out in its balance sheet on the relevant *accounting reference date*; and
  - (b) in relation to a ~~third country BIPRU firm~~ an overseas firm, the total assets of the overseas firm as set out in its balance sheet on the relevant *accounting reference date* that cover the activities of the branch operation in the *United Kingdom*.

#### High Earners Reporting Requirements

16.17.4 R ...

- (8) ~~A firm to which this section applies on the date it comes into effect must submit two reports by 31 December 2012: one for each of the previous two complete financial years that ended before this section came into force. [deleted]~~

...

- (10) This rule applies to a ~~BIPRU firm~~ and a ~~third country BIPRU firm~~ bank, building society and an investment firm

that:

- (a) is not a *~~BIPRU IFPRU~~ limited licence firm* or a *~~BIPRU IFPRU~~ limited activity firm*; and

...

- (11) This rule also applies to a *~~BIPRU firm~~* and a *~~third country BIPRU firm bank, building society and an investment firm~~* that:

- (a) is not a *~~BIPRU IFPRU~~ limited licence firm* or a *~~BIPRU IFPRU~~ limited activity firm*; and

...

- (12) This rule also applies to a *~~BIPRU IFPRU~~ limited licence firm* or a *~~BIPRU IFPRU~~ limited activity firm*:

...

- (b) where that UK lead regulated group contains either: a *BIPRU firm* or a *third country BIPRU firm* that is not a *BIPRU limited licence firm* or a *BIPRU limited activity firm*.

- (i) a *bank, building society* or an *investment firm* that is not an *IFPRU limited licence firm* or an *IFPRU limited activity firm*; or

- (ii) an *overseas firm* that;

- (aa) is not an *EEA firm*;

- (bb) has its head office outside the *EEA*;  
and

- (cc) would be a *bank, building society* or an *investment firm* that is not a *IFPRU limited licence firm* or *IFPRU limited activity firm*, if it had been a *UK domestic firm*, had carried on all of its business in the *UK* and had obtained whatever authorisations for doing so as are required under the *Act*.

- (13) This rule also applies to an *overseas firm* that:

- (a) is not an *EEA firm*;

- (b) has its head office outside the *EEA*;

(c) would be a bank, building society or an investment firm that is not a IFPRU limited licence firm or IFPRU limited activity firm, if it had been a UK domestic firm, had carried on all of its business in the UK and had obtained whatever authorisations for doing so as are required under the Act,

and either

(d) is not, and does not have, an EEA parent institution or an EEA parent financial holding company; or

(e) is part of a UK lead regulated group.

...

## Part 2

### 16 Annex 25G Guidance notes for data items in SUP 16 Annex 24R.

SUP 16 Annex 25G is deleted and a new SUP 16 Annex 25AG is inserted. SUP 16 Annex 25AG is made in the same terms as SUP 16 Annex 25G save in so far as set out below:

In this Part, the text in the data item, the title of which is set out in column (1), is deleted, except as indicated in column (2).

(1)	(2)
FSA001 – Balance sheet	<p>Retain the text and amend as follows. (underlining indicates new text and striking through indicates deleted text):</p> <p>...</p> <p><b>Valuation</b></p> <p>Firms should follow their normal accounting practice wherever possible. <del>As there is no direct linkage with FSA003, there is no need for the data to follow the valuation rules applicable for capital adequacy purposes eg in relation to adjustments to the accounting values set out in GENPRU 1.3.36R.</del></p> <p><b>Consolidation</b></p> <p>When reporting the balance sheet on a <del>UK</del> consolidation group basis, firms should where possible treat the consolidation group as a single entity (ie line-by-line) rather than on an aggregation basis. However, for the liabilities, <del>in the same way as for the capital resources calculation figure in FSA003,</del> the consolidation should</p>

	<p>only treat the group as a single entity (ie line-by-line).</p> <p>...</p> <p><b>Assets</b></p> <p>These are broken down between trading book assets, and those that are not trading book assets. Hence the items reported in column B will exclude the items reported in column A. If a firm cannot easily identify trading book assets, all assets should be reported in the non-trading book column.</p> <p>Firms can determine whether they have trading book or not. However, it is expected that a firm that identifies trading book profits in FSA002, <del>or reports trading book profits in FSA003 (in data element 61A)</del>, should be able to identify trading book assets.</p> <p><del>However, even if a firm does not identify trading book assets, it does not preclude that firm from having foreign exchange and commodities risk in the <i>market risk capital requirement</i> (data element 93A) in FSA003.</del></p> <p><b>1 Is this report on behalf of a UK consolidation group?</b></p> <p><del>See <i>BIPRU 8.2</i>. Firms should answer yes or no.</del></p> <p><b>2 If yes, please list the firm reference numbers of the other firms in the UK consolidation group.</b></p> <p>Firms should list the reference numbers of all the firms included within the <i>UK consolidation group</i> in Column B.</p> <p><b>3 If no (to data element 1), is this a solo consolidated report?</b></p> <p><del>See <i>BIPRU 2.1</i>. Firms that have a solo consolidation waiver <u>an individual consolidation permission</u> should answer yes here.</del></p> <p>...</p> <p><b>8 Deposits with, and loans to, credit institutions</b></p> <p>For <i>BIPRU-UK designated investment firms</i>, this will include any bank balances. Overdrawn accounts with banks should be reported in data element 23A.</p> <p>...</p> <p><b>12 Investment in group undertakings</b></p> <p>...</p> <p>When completing this on a <i>UK consolidation group</i> basis, investments in subsidiary and associated companies should only include those companies that are excluded from the</p>
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	<p>consolidation.</p> <p>...</p> <p><b>16 Other intangible assets</b></p> <p>Include here intangible assets, other than goodwill. <del>The value here may differ from that reported in FSA003—see GENPRU 2.2.155R and GENPRU 2.2.156G.</del></p> <p>...</p> <p><b>19 Other assets</b></p> <p>Include any other assets not reported elsewhere on FSA001, items in suspense (in the case of <i>UK banks and building societies</i>), and any assets in respect of trading settlement accounts.</p> <p>For <i>UK consolidation group</i> reports, any assets consolidated other than on a line-by-line basis may be reported here.</p> <p>...</p> <p><b>23A Deposits from banks and building societies, including overdrafts and loans from them</b></p> <p>For <i>BIPRU UK designated investment firms</i>, this element will contain any borrowings made from banks or building societies. Deposit-taking firms will include here deposits from other credit institutions.</p> <p><b>24A Customer accounts</b></p> <p>This is unlikely to be relevant for <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>31A Debt securities in issue, excluding covered bonds</b></p> <p>This data element is unlikely to be relevant to <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>32A Covered bonds</b></p> <p>This data element is unlikely to be relevant to <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>42A Called up share capital, including partnership, LLP and sole trader capital</b></p> <p>Exclude holdings by the firm of its own shares (although</p>
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	<p>these holdings should be reported in FSA003) and also excess of drawings over profits for partnerships, LLPs or sole traders (<del>which are also reported in FSA003</del>). <i>Building societies</i> should exclude <i>PIBS</i>, which should be reported in 38A.</p> <p><b>43A Reserves</b></p> <p><del>As firms may use figures compiled on the same basis as audited accounts, the figures presented here may differ from those reported in FSA003. This is because of the different valuation basis used for capital adequacy, as set out in <i>GENPRU 1.3</i>. Firms may use figures compiled on the same basis as audited accounts.</del></p> <p><b>44A Minority interests</b></p> <p><del>As firms may use figures compiled on the same basis as audited accounts, the figures presented here may differ from those reported in FSA003 as a memorandum item. This is because of the different valuation basis used for capital adequacy, as set out in <i>GENPRU 1.3</i>. Firms may use figures compiled on the same basis as audited accounts.</del></p> <p>...</p> <p><b>64A Client money held</b></p> <p>Provide the total amount of client money held at the reporting date. Firms should be identifying this already to ensure compliance with <i>CASS</i>. For <del>UK</del> <i>consolidation group</i> reports, firms should only include client money to which <i>CASS</i> applies.</p> <p>...</p>
FSA002 – Income statement	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>Valuation</b></p> <p>Firms should follow their normal accounting practice wherever possible. <del>In this regard, the figure for profits reported here may differ from the figures reported at the same date in FSA003, primarily because of valuation differences that arise from the application of <i>GENPRU 1.3</i>.</del></p> <p>...</p> <p><b>Consolidation</b></p> <p>Firms reporting on a <del>UK</del> <i>consolidation group</i> basis can use</p>

	<p>the same accounting basis for consolidation as in their accounts, as long as the group on which it is based accords with the <i>UK consolidation group</i>. (<del>On FSA003, such firms will, however, have to report their capital resources on a line by line basis under BIPRU 8, and firms may prefer to do so here too.</del>)</p> <p>...</p> <p><b>Trading book</b></p> <p>Data elements in column A relate only the trading book. Firms should identify their trading book profits separately from the non-trading book profits wherever possible. <del>Firms that intend to include ‘net interim trading book profit and loss’ in data element 61A in FSA003 should complete this column. It is optional for other firms. See BIPRU 1.2 for the definition of the trading book.</del></p> <p>...</p> <p><b>2B Interest income</b></p> <p>...</p> <p>Elements 3B to 6B break this down in more detail, but only 4B and 6B are likely to be relevant for <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>4B Of which: Retail unsecured loans (including bank deposits)</b></p> <p>For <i>BIPRU UK designated investment firms</i>, this will include interest paid by banks or building societies on deposits with them.</p> <p>...</p> <p><b>5B Of which: Card accounts</b></p> <p>This is unlikely to be relevant for <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>18B of which: Foreign exchange</b></p> <p>This is unlikely to be relevant for <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>20B Gains (losses) arising from non-trading</b></p>
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	<p><b>instruments</b></p> <p>This element is unlikely to be relevant for <i><u>BIPRU UK designated investment firms</u></i>.</p> <p>...</p> <p><b>21B Realised gains (losses) on financial assets &amp; liabilities (other than HFT and FVTPL)</b></p> <p>This element is unlikely to be relevant for <i><u>BIPRU UK designated investment firms</u></i>.</p> <p>...</p> <p><b>23B Other operating income</b></p> <p>This is unlikely to be relevant for <i><u>BIPRU UK designated investment firms</u></i>.</p> <p>...</p> <p><b>24B Gains (losses) on disposals of HFS non-current assets &amp; discontinued operations</b></p> <p>This is unlikely to be relevant for <i><u>BIPRU UK designated investment firms</u></i>.</p> <p>...</p> <p><b>26B Interest paid</b></p> <p>...</p> <p>For <i><u>BIPRU UK designated investment firms</u></i>, this is likely to be limited to interest paid, or overdraft charges paid, to banks (also detailed in 27B) or on intra-group loans (detailed in 30B) or on other deposits (detailed in 31B).</p> <p>...</p> <p><b>27B Of which: Bank and building society deposits</b></p> <p>In the case of <i><u>BIPRU UK designated investment firms</u></i>, this will include interest payments to banks for loans or overdrafts.</p> <p>...</p> <p><b>28B Of which: Retail deposits</b></p> <p>This will not be relevant for <i><u>BIPRU UK designated investment firms</u></i>.</p> <p>...</p>
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	<p><b>29B Of which: Corporate deposits</b></p> <p>This will not be relevant for <i>BIPRU UK designated investment firms</i>.</p> <p>...</p> <p><b>30B Of which: Intra-group deposits</b></p> <p>This will only be relevant for <i>BIPRU UK designated investment firms</i> that have borrowed money from other group companies.</p> <p>...</p> <p><b>31B Of which: On other items</b></p> <p>This will only be relevant for <i>BIPRU UK designated investment firms</i> if they have issued bonds, interest rate swaps for hedging purposes or commercial paper.</p> <p>...</p> <p><b>46B Net profit (loss)</b></p> <p>This is the total profit (loss) after tax, before accounting for any minority interests, <del>(which only get reported on FSA003).</del></p> <p>...</p>
FSA003 - Capital Adequacy	
FSA004 – Credit Risk	
FSA005 – Market Risk	<p>Delete the text and substitute with the following (new text is not underlined):</p> <p><b>FSA005 – Market risk</b></p> <p>This data item provides the PRA with information on Risks Not in VaR (RNIV) on a standardised basis.</p> <p><b>Completion of data item</b></p> <p>All cells not specifically referred to below should be left blank.</p> <p><b>62 Grand total PRR</b></p> <p>Firms should input “0” in order for all validations to succeed</p> <p><b>63 Add-ons</b></p>

	<p>This comprises the add-ons under the RNIV framework.</p> <p><b>64 Total Add-ons</b></p> <p>The total of items 1 to n in 63</p> <p><b>FSA005 – Market risk validations</b></p> <p><b>Internal validations</b></p> <p>Data elements are referenced by row then column.</p> <table border="1" data-bbox="539 712 1053 763"> <tr> <td>53</td> <td>64G</td> <td>=</td> <td>SUM (63B)</td> </tr> </table>	53	64G	=	SUM (63B)
53	64G	=	SUM (63B)		
FSA006- Market	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><del>This data item has similarities to CEBS' COREP Tables MKR SA TDI, MKR SA EQU and IM Details<sup>+</sup>, but reflects the Rules and wording in the Handbook, omits elements which are not in our view relevant in the UK, and combines some other elements. The numbers in parenthesis and italics show the corresponding element(s) in CEBS' Tables and are only provided for information purposes to identify the linkage to the CEBS' data.</del></p> <p><b>Valuation</b></p> <p>For the general policy on valuation, please see the <del>rules and guidance set out in GENPRU 1.3</del> <u>relevant provisions of the EU CRR.</u></p> <p>...</p> <p><b>1A Closing P&amp;L data</b></p> <p>This is the daily figure <del>calculated under BIPRU 7.10.100R.</del></p> <p><b>1B VaR confidence level</b></p> <p>The number reported here will remain constant throughout the period, <del>and is determined in accordance with BIPRU 7.10.98R.</del></p> <p><del>[CEBS' MKR IM Details column 5]</del></p> <p><b>1C Holding period (days)</b></p>				

	<p>The number reported here will remain constant throughout the period, and is determined in accordance with <i>BIPRU 7.10.98R</i>.</p> <p><i>{CEBS' MKR IM Details column 9}</i></p> <p><b>1D Business unit code</b></p> <p>This will record the codes for the major business units, typically ones the firm uses itself, that has previously been agreed with the appropriate regulator. See <i>BIPRU 7.10.93G</i>.</p> <p><b>1E Currency</b></p> <p>This identifies the VaR reporting currency. See <i>BIPRU 7.10.113R</i>.</p> <p><b>1F Value at Risk</b></p> <p>This is the <i>One day VaR measure</i> calculated in accordance with <i>BIPRU 7.10.98R</i>. <u>Article 365 of the EU CRR</u>.</p> <p><i>{CEBS' MKR IM Details column 12}</i></p> <p><b>1G BIPRU 7.10 cleaned P&amp;L</b></p> <p>This is the figure calculated in under <i>BIPRU 7.10.100R</i>.</p> <p><i>{CEBS' MKR IM Details column 15}</i></p> <p><b>1H Starting P&amp;L date</b></p> <p>This is the date defined under <i>BIPRU 7.10.100R</i>.</p> <p><b>1J Date on which VaR computed</b></p> <p>This is the date when the VaR is computed under <i>BIPRU 7.10.115R</i>.</p> <p><b>1K Last date VaR historic data updated</b></p> <p>This is the last date on which this has been updated under <i>BIPRU 7.10.34R</i>.</p> <p><b>1L Add-on VaR</b></p> <p>This is the figure calculated in accordance with <i>BIPRU 7.10.113R</i>.</p> <p><i>{Includes CEBS' MKR IM Details column 11}</i></p> <p><b>1M BIPRU 7.10 hypothetical P&amp;L</b></p> <p>This is the figure calculated in accordance with <i>BIPRU 7.10.112G</i>.</p> <p><i>{CEBS' MKR IM Details column 14}</i></p>
FSA007 – Operational Risk	

FSA008 – Large Exposures	
FSA009 – Key data validations	
FSA015 - Sectoral information, including arrears and impairment	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>Valuation</b></p> <p>For the general policy on valuation, please see the <del>rules and guidance set out in GENPRU 1.3.</del> <u>relevant provisions in the EU CRR.</u></p> <p>...</p>
FSA016 – Solo consolidation data	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>2A – Book value of investments included in solo-consolidation – EEA incorporated</b></p> <p>This is the book value of EEA- incorporated investments that are included within the firm’s solo-consolidated reporting <del>under BIPRU 2.1,</del> in the unconsolidated accounts of the firm.</p> <p><b>3A – Book value of investments included in solo-consolidation – non-EEA incorporated</b></p> <p>This is the book value of non-EEA incorporated investments that are included within the firm’s solo-consolidated reporting <del>under BIPRU 2.1,</del> in the unconsolidated accounts of the firm.</p> <p>...</p>
FSA018 – UK integrated group large exposures	<p>Delete the text and substitute with the following (new text is not underlined):</p> <p><b>FSA018 – Exposures from the core UK group to the non-core large exposures group</b></p> <p>This data item is only applicable to <i>firms</i> that have both a <i>core UK group permission</i> and an <i>NCLEG trading book permission</i> or an <i>NCLEG non-trading book permission</i>. It captures information on <i>exposures</i> from the members of a <i>firm’s core UK group</i> (and the <i>firm</i>) to members of a <i>firm’s non-core large exposures group</i>. A single report is required in respect of exposures from all members of the <i>firm’s core UK group</i> (and the <i>firm</i>), reflecting the exposures at the reporting date.</p> <p>FSA018 was originally constructed to capture information</p>

on the level of exposures from the UK integrated group to the diverse blocks and residual blocks, reflecting the intra-group large exposures regime in operation pre-2011. However, *firms* should interpret this form on the basis of the *core UK group* and *non-core large exposures group* respectively, and follow the specific instructions provided for the individual data cells.

### **Valuation**

Unless indicated otherwise, the valuation of data elements should follow article 390 of the *EU CRR*.

### **Currency**

You should report in the currency of your annual audited accounts (i.e. in either Sterling, Euro, US dollars, Canadian dollars, Swedish Kroner, Swiss Francs or Yen). Figures should be reported in 000s.

### **Data elements**

These are referred to by row first, then by column, so data element 2B will be the element numbered 2 in column B. Individual rows within an element are identified as 2B.1, 2B.2 etc.

### **General**

#### **1**

Ignore.

#### **2 Firm Reference Numbers**

List the Firm Reference Numbers for all the authorised firms in the *firm's core UK group* only. Firms should be listed sequentially in 2A, with the Firm Reference Numbers being entered in 2B. Ignore cell 2C.

#### **3A Core UK group eligible capital**

This is *core UK group eligible capital*.

#### **4A Exposure number**

Complete one line in relation to Section 4B. Ignore line marked 'Total'.

#### **4B Non-core large exposures group**

Complete one line only in respect of aggregate exposures of all members of the *core UK group* (and the *firm*) to all members of the *non-core large exposures group*.

#### **4C Gross exposure**

Report here the gross exposures (*non-trading book* and *trading book*) of all members of the *firm's core UK group* (and the *firm*) to all members of the *non-core large exposures group*.

	<p><b>4D % of core UK group eligible capital</b> This is column C as a percentage of data element 3A (<i>core UK group eligible capital</i>). It should be entered to two decimal places, omitting the % sign.</p> <p><b>4E Exposure after credit risk mitigation</b> This is the figure reported in column C after credit risk mitigation. This figure is subsequently broken down in columns F to M.</p> <p><b>4F Amount of the exposure that is exempt</b> That part of the amount reported in column E that is exempted, whether under the <i>firm's NCLEG non trading book permission</i> or its <i>NCLEG trading book permission</i>.</p> <p><b>4G % of core UK group eligible capital</b> This is column F as a percentage of data element 3A (<i>core UK group eligible capital</i>). It should be entered to two decimal places, omitting the % sign.</p> <p><b>4H Amount of the exposure that is not exempt and is in the non-trading book</b> That part of the exposure reported in column E that is not exempt and is in the <i>non-trading book</i>.</p> <p><b>4J % of core UK group eligible capital</b> This is column H as a percentage of <i>core UK group eligible capital</i>. It should be entered to two decimal places, omitting the % sign.</p> <p><b>4K Amount of the exposure that is not exempt and is in the trading book</b> Ignore.</p> <p><b>4L % of core UK group eligible capital</b> Ignore.</p> <p><b>4M Aggregate % of core UK group eligible capital</b> Ignore.</p> <p><b>4N CNCOM</b> . Ignore</p>
FSA019 – Pillar 2 questionnaire	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>Valuation</b></p> <p>For the general policy on valuation, please see <del>the rules</del></p>

and guidance set out in ~~GENPRU 1.3~~ the relevant provisions in the EU CRR.

...

**1B Does GENPRU 1.2 apply to your firm?**

See ~~GENPRU 1.2.1R and GENPRU 1.2.44G to GENPRU 1.2.59R.~~ the rules on Internal Capital Adequacy Assessment in the PRA Rulebook. The answer is either 'Yes' or 'No'.

**2B How much capital do you consider adequate for the nature, scale and complexity of your firm's activities in line with its Internal Capital Adequacy Assessment Process (ICAAP)?**

See ~~GENPRU 1.2.26R.~~ 2.1 PRA Rulebook. Enter the figure in 000s.

**3B What is the actual amount of capital resource that your firm holds at the accounting reference date?**

See ~~GENPRU 1.2.26R.~~ 2.1 PRA Rulebook. Enter the figure in 000s.

**4B Have you documented your ICAAP?**

See ~~GENPRU 1.2.60R.~~ 13.1 PRA Rulebook. The answer is either 'Yes' or 'No'.

**5B When did you last review the ICAAP?**

See ~~GENPRU 1.2.39R and GENPRU 1.2.40G.~~ 3.4 PRA Rulebook. The answer should be in 'ddmmy' format.

...

**8B What is the ratio of dealing errors in relation to the total number of transactions your firm has undertaken in the last 12 months?**

See ~~GENPRU 1.2.30R.~~ 3.1 PRA Rulebook. This figure should be a percentage to one decimal place.

**9B Have you considered your firm's risk appetite when developing its ICAAP?**

See ~~GENPRU 1.2.75G (2).~~ The answer is either 'Yes' or 'No'.

**10B and 11B In your ICAAP, have you considered the impact of an economic downturn on your firm's**

	<p><b>financial capital, and your business plans?</b></p> <p>See <del>GENPRU 1.2.30R (1) and GENPRU 1.2.73R (1)</del>. <u>3.1 PRA Rulebook</u>. The answer to each question is either 'Yes' or 'No'.</p> <p><b>12A to 23A Is your firm exposed to the risks listed</b></p> <p>See <del>GENPRU 1.2.30R</del>. <u>3.1 PRA Rulebook</u>. The answer to each question is either 'Yes' or 'No'.</p> <p>...</p> <p><b>29B Does your firm deduct illiquid assets as set out in GENPRU 2.2.17R to GENPRU 2.2.19R?</b></p> <p>See <del>GENPRU 1.2.30R, GENPRU 2.2.17R to GENPRU 2.2.19R, and GENPRU 2.2.260R to GENPRU 2.2.262G</del>. The answer is either 'Yes' or 'No'.</p> <p><b>30B Does your firm have sufficient liquidity to meet your liabilities as they fall due in the circumstances of an orderly wind down?</b></p> <p>See <del>GENPRU 1.2.30R</del>. <u>3.1 PRA Rulebook</u>. The answer is either 'Yes' or 'No'.</p> <p><b>31B Report the amount of illiquid assets</b></p> <p>See <del>GENPRU 1.2.30R, and GENPRU 2.2.260R to GENPRU 2.2.262G</del>. This number should be entered in integers.</p> <p><b>32B Do you use credit risk mitigation techniques?</b></p> <p>See <del>GENPRU 1.2.30R</del>. <u>3.1 PRA Rulebook</u>. The answer is either 'Yes' or 'No'.</p> <p><b>33B If so, have you considered in your ICAAP the fact that those techniques may not fully work as anticipated?</b></p> <p>This is only relevant if you answered 'Yes' to data element 32B. See <del>GENPRU 1.2.30R</del>. <u>3.1 PRA Rulebook</u>. The answer is either 'Yes' or 'No'.</p> <p><b>34B Have you securitised assets in the last 12 months?</b></p> <p>See <del>GENPRU 1.2.30R</del>. <u>3.1 PRA Rulebook</u>. The answer is either 'Yes' or 'No'.</p>
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	<p><b>35B Do you use an internal model as described in BIPRU 7.10 to calculate your regulatory market risk?</b></p> <p>See <del>BIPRU 7.10</del>. The answer is either ‘Yes’ or ‘No’.</p> <p><b>36B If so, have you taken the results of the market risk stress tests in your ICAAP into account?</b></p> <p>This is only relevant if you answered ‘Yes’ to data element 35B. See <del>BIPRU 7.10, BIPRU 7.10.72R and BIPRU 7.10.73G</del>. The answer is either ‘Yes’ or ‘No’.</p> <p><b>37B Report the result of a 200 basis point shock to interest rate on your firm’s economic value</b></p> <p>See <del>BIPRU 2.3.7R (2)</del>. <u>9.1 and 9.2 PRA Rulebook</u>. Enter the figure in 000s.</p> <p><b>38B Does the result of the above stress test exceed 20% of your capital resources?</b></p> <p>See <del>BIPRU 2.3.7R (3)</del>. <u>9.2 PRA Rulebook</u>. The answer to this is either ‘Yes’ or ‘No’.</p> <p><b>39B Would the valuation adjustments required under GENPRU 1.3.35G enable you to sell out of hedge your firm’s positions within a short period without incurring material losses under normal market conditions?</b></p> <p>See <del>GENPRU 1.3.29R to GENPRU 1.3.35G</del>. The answer to this is either ‘Yes’ or ‘No’.</p> <p>...</p>
FSA028 – Non EEA-sub group	
FSA045 – IRB portfolio risk	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p><del>This data enables the appropriate regulator to understand the relationship between cyclicality and capital requirements under the CRD, help mitigate the risk of financial instability or economic recession, and be in a position to influence/contribute to international discussions on this. The information provided should be used to calculate that <i>firm’s</i> capital requirements. <i>Firms</i> should submit the data in their own PD bands.</del></p> <p>...</p>

	<p><b>Credit risk</b></p> <p>...</p> <p><b>Exposure at default estimate</b></p> <p>Calculate in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>. This should be the downturn EAD.</p> <p><b>Maturity</b></p> <p>This is the exposure weighted average maturity in days. <u>It should take into account the maturity floor and ceiling.</u></p> <p><b>PD – Probability of default</b></p> <p>The probability of default of a counterparty over a one year period, calculated in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>. This should be the long-run PD and take into account the 0.03% PD floor.</p> <p><b>LGD – Loss given default</b></p> <p>The ratio of the loss on an <i>exposure</i> due to the default of a counterparty to the amount outstanding at default, calculated in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>. This should be the downturn LGD.</p> <p><b>Expected loss</b></p> <p>Calculate in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>.</p> <p><b>Risk weighted exposure amount</b></p> <p>Calculate in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>. The SME-supporting factor according to CRR Article 501 should be <u>excluded</u>.</p> <p><b>Counterparty credit risk</b></p> <p>...</p> <p><b>Exposure at default estimate</b></p> <p>Calculate in accordance with <del>BIPRU 4</del> the <u>EU CRR provisions relating to the IRB approach</u>. This should be the downturn EAD.</p> <p>...</p> <p><b>PD – Probability of default</b></p> <p>The probability of default of a counterparty over a one year</p>
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	<p>period, calculated in accordance with <u><i>BIPRU 4</i></u> the <u><i>EU CRR</i></u> provisions relating to the IRB approach. This should be the long-run PD and take into account the 0.03% PD floor.</p> <p><b>LGD – Loss given default</b></p> <p>The ratio of the loss on an exposure due to the default of a counterparty to the amount outstanding at default, calculated in accordance with <u><i>BIPRU 4</i></u> the <u><i>EU CRR</i></u> provisions relating to the IRB approach. This should be the downturn LGD.</p> <p><b>Expected loss</b></p> <p>Calculate in accordance with <u><i>BIPRU 4</i></u> the <u><i>EU CRR</i></u> provisions relating to the IRB approach.</p> <p><b>Risk weighted exposure amount</b></p> <p>Calculate in accordance with <u><i>BIPRU 4</i></u> the <u><i>EU CRR</i></u> provisions relating to the IRB approach.</p> <p>...</p>
FSA046 – Securitisation: Non- Trading Book	
FSA048 – Enhanced Mismatch Report	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>Valuation</b></p> <p>Except where outlined, a <i>firm</i> should follow the <del><i>appropriate regulator’s rules and guidance on valuation set out in GENPRU 1.3</i></del> <u>relevant provisions in the <i>EU CRR</i></u>. A <i>firm</i> not subject to <del><i>GENPRU 1.3</i></del>, for example, an <del><i>incoming EEA firm</i></del> <u>the <i>EU CRR</i></u>, should follow its applicable accounting standards.</p> <p>...</p> <p><b>7 Other high quality central bank, supranational and central government debt</b></p> <p>A <i>firm</i> should report in this row the unencumbered balances and the contractual securities flows of any securities not reported in line 6 or 8 whose obligor is a central government, <i>multilateral development bank</i> or central bank whose credit rating maps to <i>credit quality step</i> 2 or above in the <del><i>credit quality assessment scale</i></del> <u>scale</u> published by the <del>appropriate regulator</del> for the purpose of <del><i>BIPRU 3</i></del> <u>Articles 111 – 141 of the <i>EU CRR</i></u> (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term</p>

mapping)).

...

### **9 Own-name securities and transferable whole-loans**

A *firm* should report in this row (i) the unencumbered balances and contractual securities flows of any own-name covered bonds and asset-backed securities that it holds secured by the *firm's* assets where the credit rating of such *exposures* has a credit rating associated with *credit quality step 2* or above in the ~~*credit quality assessment scale*~~ scale published by the appropriate regulator for the purpose of ~~BIPRU 3~~ Articles 111 – 141 of the *EU CRR* (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping (ii) the unencumbered balances and maturity flows of any whole-loans whose credit rating is associated with *credit quality step 2* or above in the ~~*credit quality assessment scale*~~ scale published by the appropriate regulator for the purpose of ~~BIPRU 3~~ Articles 111 – 141 of the *EU CRR* (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping where such *exposures* are held on the *firm's* balance sheet for which there is no operational or contractual impediment to their being transferred to a third party.

...

### **10 High quality asset-backed securities**

A *firm* should report in this row the unencumbered balances and contractual securities flows of any asset backed securities that it holds where the credit rating of such *exposures* is associated with *credit quality step 2* or above in the ~~*credit quality assessment scale*~~ scale published by the appropriate regulator for the purpose of ~~BIPRU 3~~ Articles 111 – 141 of the *EU CRR* (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping, provided that such *exposure* is the most senior tranche of the issuing *securitisation special purpose entity*. All asset backed securities that are not included in this row should be reported in row 17.

...

### **11 High quality covered bonds**

A *firm* should report in this row the unencumbered balances and contractual securities flows of all covered bonds, where the credit rating of such *exposures* is associated with *credit quality step 2* or above in the ~~*credit*~~

~~quality assessment scale~~ scale published by the appropriate regulator for the purpose of BIPRU 3 Articles 111 – 141 of the EU CRR (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping.

...

## **12 Securities issued by group entities**

...

(2) the credit rating of such *exposures* is associated with *credit quality step 2* or above in the ~~credit quality assessment scale~~ scale published by the ~~appropriate regulator~~ for the purpose of BIPRU 3 Articles 111 – 141 of the EU CRR (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping.

...

## **13 High quality corporate bonds (UK credit institutions)**

A *firm* should report in this row the unencumbered balances and contractual securities flows of all senior corporate bonds that it holds whose obligor is a credit institution incorporated in the *United Kingdom*, if the credit rating of such *exposures* is associated with *credit quality step 2* or above in the ~~credit quality assessment scale~~ scale published by the ~~appropriate regulator~~ for the purpose of BIPRU 3 Articles 111 – 141 of the EU CRR (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping.

...

## **14 High quality corporate bonds (non-UK credit institutions)**

A *firm* should report in this row the unencumbered balances and contractual securities flows of all senior corporate bonds that it holds whose obligor is a credit institution not incorporated in the *United Kingdom*, if the credit rating of such *exposures* is associated with *credit quality step 2* or above in the ~~credit quality assessment scale~~ scale published by the ~~appropriate regulator~~ for the purpose of BIPRU 3 Articles 111 – 141 of the EU CRR (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or *credit quality step 1* in the case of short-term mapping.

...

In addition a *firm* should include any securities whose

	<p>obligor is a local government, state or municipality in this line, whose credit rating is associated with <i>credit quality step 2</i> or above in the <del><i>credit quality assessment scale</i></del> <u>scale published by the appropriate regulator</u> for the purpose of <del>BIPRU 3</del> <u>Articles 111 – 141 of the <i>EU CRR</i></u> (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or <i>credit quality step 1</i> in the case of short-term mapping.</p> <p><b>15 High quality corporate bonds (excluding credit institutions)</b></p> <p>A <i>firm</i> should report in this row the unencumbered balances and contractual securities flows of all senior corporate bonds that it holds whose obligor is not a credit institution, if the credit rating of such <i>exposures</i> is associated with <i>credit quality step 2</i> or above in the <del><i>credit quality assessment scale</i></del> <u>scale published by the appropriate regulator</u> for the purpose of <del>BIPRU 3</del> <u>Articles 111 – 141 of the <i>EU CRR</i></u> (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or <i>credit quality step 1</i> in the case of short-term mapping.</p> <p>In addition a <i>firm</i> should include any securities whose obligor is a local government, state or municipality in this line, whose credit rating is associated with <i>credit quality step 2</i> or above in the <del><i>credit quality assessment scale</i></del> <u>scale published by the appropriate regulator</u> for the purpose of <del>BIPRU 3</del> <u>Articles 111 – 141 of the <i>EU CRR</i></u> (the Standardised Approach to Credit Risk: mapping of the ECAIs credit assessment to credit quality steps (Long term mapping)) or <i>credit quality step 1</i> in the case of short-term mapping.</p> <p><b>16 Equities included in major indices</b></p> <p>A <i>firm</i> should report in this row the unencumbered balances and contractual securities flows of all equities that it holds to the extent they are constituents one or more of the <u>relevant indices listed in the table at <i>BIPRU 7.3.39R</i></u>.</p> <p>...</p>
FSA052 – Pricing Data	<p>Amend the text as follows. Underlining indicates new text and striking through indicates deleted text:</p> <p>...</p> <p><b>Valuation</b></p> <p>Except where outlined, a <i>firm</i> should follow the <del><i>appropriate regulator's rules and guidance on set out in GENPRU 1.3</i></del> <u>relevant provisions in the <i>EU CRR</i></u>. A <i>firm</i> not subject to <del><i>GENPRU 1.3</i></del> <u>the <i>EU CRR</i></u>, such as an <del><i>incoming EEA firm</i></del>, should follow its applicable</p>

	accounting standards. ...
FSA053 – Retail, SME and Large Enterprises Type B Funding	... <b>Valuation</b> Except where outlined, a <i>firm</i> should follow the <del>appropriate regulator’s rules and guidance on set out in GENPRU 1.3</del> <u>relevant provisions in the EU CRR</u> . A <i>firm</i> not subject to <del>GENPRU 1.3</del> <u>the EU CRR</u> , such as an <i>incoming EEA firm</i> , should follow its applicable accounting standards. ...
FSA058 – Securitisation: Trading Book	

### Part 3

#### SUP 16 Annex 31BG Guidance notes for data items in SUP 16 Annex 31AR

SUP 16 Annex 31BG is amended as set out below. Underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

This return provides the *appropriate regulator* with a point-in-time estimate of the valuation uncertainty around a *firm’s* fair-value positions in the context of the size and risk of its positions. The value of the positions at the downside end of the spread of valuation uncertainty will be equivalent to the prudent valuation of the *firm’s* positions as determined using the *rules* laid out in ~~GENPRU 1.3.4R and GENPRU 1.3.14R to 1.3.34R~~ articles 24, 34 and 105 of the EU CRR.

...

#### Row 1-12 Asset Class Granularity

...

The split between ‘Exotic’ and ‘Vanilla’ positions is defined in the same way that products are categorised for the purposes of CAD2 recognition. The definition of a portfolio type is based on the regulatory classes for CAD2 recognition, split by asset class. ~~‘Vanilla’ positions are those positions referred to in BIPRU 7.10.21G(1) and (2) and include products with linear pay-offs in the underlying risk factor (whether securities or derivatives) and products with European, American and Bermudan put and call options (including caps,, floors and swaptions). All other fair-valued positions are included within the ‘Exotic’ portfolios and the broad classes of positions are set out in BIPRU 7.10.21G(3) and (4). BIPRU 7.6.18R provides further granularity on the definitions used in BIRPU 7.10.21G.~~

‘Vanilla’ positions are the following positions:

- linear products, which comprise securities with linear pay-offs (e.g., bonds and equities) and derivative products which have linear pay-offs in the underlying risk factor (e.g., interest rate swaps, FRAs, total return swaps);

- European, American and Bermudan put and call options (including caps, floors and swaptions) and investment with these features.

All other fair-valued positions are included within the 'Exotic' portfolios, ~~and the broad classes of positions are set out in *BIPRU* 7.10.21G(3) and (4). *BIPRU* 7.6.18R provides further granularity on the definitions used in *BIPRU* 7.10.21G.~~

...

**Part 4: Comes into force on 1 July 2014.**

[**Note to reader:** The text marked with “\*” includes text that Part 1 of the Annex amends.]

In this Part, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

16.12.4 R Table of applicable rules containing *data items*, frequency and submission periods

	(1)	(2)	(3)	(4)
RAG number	Regulated Activities	Provisions containing:		
		applicable <i>data items</i>	reporting frequency/period	due date
RAG 1	<ul style="list-style-type: none"> <li>• accepting deposits</li> <li>• <i>meeting of repayment claims</i></li> <li>• <i>managing dormant account funds (including the investment of such funds)</i></li> </ul>	<u>SUP 16.12.5R<sub>2</sub> except FSA001 and FSA002 on consolidated basis for FINREP firms</u>	SUP 16.12.6 R	SUP 16.12.7R
...				
RAG 3	<ul style="list-style-type: none"> <li>• dealing in investment as principal</li> <li>• dealing in investments as agent</li> <li>• advising on investments (excluding retail investment activities)</li> <li>• arranging (bringing about) deals in investments (excluding retail investment activities)</li> </ul>	SUP 16.12.10R SUP 16.12.11R or SUP 16.12.11BR for <i>UK designated investment firms*</i> , <u>except FSA001 and FSA002 on consolidated basis for FINREP firms</u>	SUP 16.12.10R SUP 16.12.12R or SUP 16.12.12AR for <i>UK designated investment firms*</i>	SUP 16.12.10R SUP 16.12.13R
RAG 4	<ul style="list-style-type: none"> <li>• managing investments</li> <li>• establishing, operating or winding up a regulated collective investment scheme</li> <li>• establishing,</li> </ul>	SUP 16.12.14R SUP 16.12.15R or SUP 16.12.15BR for <i>UK designated investment firms*</i> , <u>except FSA001 and FSA002 on consolidated basis</u>	SUP 16.12.14R SUP 16.12.16R or SUP 16.12.16AR for <i>UK designated investment firms*</i>	SUP 16.12.14R SUP 16.12.17R

	operating or winding up an unregulated collective investment scheme <ul style="list-style-type: none"> <li>• establishing, operating or winding up a stakeholder pension scheme</li> <li>• establishing, operating or winding up a personal pension scheme</li> </ul>	<u>for FINREP firms</u>		
...				
RAG 7	<ul style="list-style-type: none"> <li>• retail investment activities</li> <li>• advising on pensions transfers &amp; opt-outs</li> <li>• arranging (bringing about deals) in retail investments</li> </ul>	<i>SUP 16.12.22AR and SUP 16.12.22CR for UK designated investment firms*, <u>except FSA001 and FSA002 on consolidated basis for FINREP firms</u></i>	<i>SUP 16.12.23R and SUPP 16.12.23R for UK designated investment firms*</i>	<i>SUP 16.12.24R</i>
RAG 8	<ul style="list-style-type: none"> <li>• making arrangements with a view to transactions in investments</li> <li>• operating a multilateral trading facility</li> </ul>	<i>SUP 16.12.25AR or SUP 16.12.25CR for UK designated investment firms*, <u>except FSA001 and FSA002 on consolidated basis for FINREP firms</u></i>	<i>SUP 16.12.26R</i>	<i>SUP 16.12.27R</i>
...				

**Part 5: Comes into force on a date specified by a subsequent PRA Board Instrument**

## 16.12 Integrated Regulatory Reporting

Application

16.12.1 G The effect of SUP 16.1.1R is that this section applies to every *firm* carrying on business set out in column (1) of SUP 16.12.4R except:

(1)

(1B) an EEA bank;

...

...

Reporting requirement

16.12.3 R (1) Any *firm* permitted to carry on any of the activities within each of the RAGs set out in column (1) of the table in SUP 16.12.4R must:

(a) ...

...

(iv) in the case of a *non-EEA bank*, ~~or an EEA bank (whether or not it has permission for accepting deposits) other than one with permission for cross border services only~~, any *data items* submitted should, unless indicated otherwise, only cover the activities of the branch operation in the *United Kingdom*;

in the format specified as applicable to the *firm* in the provision referred to in column (2);

...

...

16.12.4A G ~~RAG 1 includes an incoming EEA firm exercising a BCD right through a UK branch. [deleted]~~

...

Regulated Activity Group 1

16.12.5 R The applicable *data items* and forms or reports referred to in SUP

16.12.4R are set out according to *firm* type in the table below:

Description of <i>data item</i>	Prudential category of <i>firm</i> , applicable <i>data items</i> and reporting format (Note 1)							
	<i>UK bank</i>	<i>Building society</i>	<i>Non-EEA bank</i>	<del><i>EEA bank that has permission to accept deposits, other than one with permission for cross border services only</i></del> [deleted]	<del><i>EEA bank that does not have permission to accept deposits, other than one with permission for cross border services only</i></del> [deleted]	[deleted]	<i>Credit union</i>	<i>Dormant account fund operator</i> (note 15)
...								
Daily Flows	FSA047 (Notes 16, 20 and 22)	FSA047 (Notes 16, 20 and 22)	FSA047 (Notes 16, 18, 20 and 22)	<del>FSA047 (Notes 16, 18, 20 and 22)</del>	<del>FSA047 (Notes 16, 18, 20 and 22)</del>			
Enhanced Mismatch Report	FSA048 (Notes 16, 20 and 22)	FSA048 (Notes 16, 20 and 22)	FSA048 (Notes 16, 18, 20 and 22)	<del>FSA048 (Notes 16, 18, 20 and 22)</del>	<del>FSA048 (Notes 16, 18, 20 and 22)</del>			
Liquidity Buffer Qualifying Securities	FSA050 (Notes 17, 21 and 22)	FSA050 (Notes 17, 21 and 22)	FSA050 (Notes 17, 19, 21 and 22)	<del>FSA050 (Notes 17, 19, 21 and 22)</del>	<del>FSA050 (Notes 17, 19, 21 and 22)</del>			
Funding Concentration	FSA051 (Notes 17, 21 and 22)	FSA051 (Notes 17, 21 and 22)	FSA051 (Notes 17, 19, 21 and 22)	<del>FSA051 (Notes 17, 19, 21 and 22)</del>	<del>FSA051 (Notes 17, 19, 21 and 22)</del>			
Pricing data	FSA052 (Notes 17, 22 and 24)	FSA052 (Notes 17, 22 and 24)	FSA052 (Notes 17, 19, 22 and 24)	<del>FSA052 (Notes 17, 19, 22 and 24)</del>	<del>FSA052 (Notes 17, 19, 22 and 24)</del>			

Retail and corporate funding	FSA053 (Notes 17, 21 and 22)	FSA053 (Notes 17, 21 and 22)	FSA053 (Notes 17, 19, 21 and 22)	<del>FSA053 (Notes 17, 19, 21 and 22)</del>	<del>FSA053 (Notes 17, 19, 21 and 22)</del>			
Currency Analysis	FSA054 (Notes 17, 21 and 22)	FSA054 (Notes 17, 21 and 22)	FSA054 (Notes 17, 19, 21 and 22)	<del>FSA054 (Notes 17, 19, 21 and 22)</del>	<del>FSA054 (Notes 17, 19, 21 and 22)</del>			
...								

...

**CAPITAL REQUIREMENTS DIRECTIVE (GOVERNANCE AND  
REMUNERATION) AMENDMENT  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules);
  - (2) section 137H (General rules about remuneration); and
  - (3) section 137T (General supplementary powers);
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (Consultation by the PRA, the PRA consulted the Financial Conduct Authority. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. This instrument comes into force on 1 January 2014, except for Part 2 of Annex A which comes into force on 1 July 2014.

**Amendments to the Handbook**

- E. The Senior Management Arrangements, Systems and Controls sourcebook (SYSC) is amended in accordance with the Annex to this instrument.

**Notes and Guidance**

- F. In Annex B to this instrument, the “notes” (indicated by “**Note:**”) are included for the convenience of readers but do not form part of the legislative text.
- G. The Prudential Regulation Authority gives as guidance each provision in the Annex marked with a G.

**Citation**

- H. This instrument may be cited as the Capital Requirements Directive (Governance and Remuneration) Amendment Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex

### Amendments to the Senior Management Arrangements, Systems and Control manual (SYSC)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

**Part 1: Comes into force on the 1 January 2014.**

#### SYSC 1 Annex 1 Detailed application of SYSC

Part 3	Tables summarising the application of the common platform requirements to different types of firm			
...				
Provision SYSC 4	COLUMN A Application to a common platform firm other than to a UCITS investment firm	COLUMN A+ Application to a UCITS management company	COLUMN A++ Application to a full-scope UK AIFM of an authorised AIF	COLUMN B Application to all other firms apart from insurers, managing agents the Society, and full-scope UK AIFMs of unauthorised AIFs
SYSC 4.1.1 R [FCA] [PRA]	Rule <del>but SYSC 4.1.1R(2) applies only to a BIPRU firm</del>	Rule <del>but SYSC 4.1.1R(2) applies only to a BIPRU firm</del>	Rule <del>but SYSC 4.1.1R(2) applies only to a BIPRU firm</del>	Rule <del>but SYSC 4.1.1R(2) applies only to a third country BIPRU firm</del>
...				
SYSC 4.1.3 R [FCA] [PRA]	Rule <del>applies only to a BIPRU firm</del> [deleted]	Rule <del>for a UCITS investment firm; otherwise not applicable</del> [deleted]	Not applicable [deleted]	Not applicable [deleted]
...				
<u>SYSC 4.3A.1R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	Not applicable	Not applicable
<u>SYSC 4.3A.2R</u> [FCA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS</u>	Not applicable	Not applicable

[PRA]		<i>investment firm</i>		
<u>SYSC 4.3A.3R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.4R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.5R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
...				
<u>SYSC 4.3A.7R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.8R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.9R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.10R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
<u>SYSC 4.3A.11R</u> [FCA] [PRA]	<u>Rule applicable to CRR firms</u>	<u>Rule for a CRR firm that is a UCITS investment firm</u>	<u>Not applicable</u>	<u>Not applicable</u>
...				

Provision SYSC 7	COLUMN A Application to a common platform firm other than to a UCITS investment firm	COLUMN A+ Application to a UCITS management company	COLUMN A++ Application to a full-scope UK AIFM of an authorised AIF	COLUMN B Application to all other firms apart from insurers, managing agents, the Society, and full-scope UK AIFMs of unauthorised AIFs
------------------	---	--	--	--

...				
SYSC 7.1.8 G (1)(2) [FCA] [PRA]	(1) Guidance applies to a <i>BIPRU firm</i> (2) Guidance [deleted]	(1) Guidance for a <i>UCITS investment firm</i> ; otherwise not applicable (2) Guidance [deleted]	Not applicable [deleted]	(1) Not applicable (2) Guidance [deleted]
...				
SYSC 7.1.17R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable
SYSC 7.1.18R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable
SYSC 7.1.19R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable
SYSC 7.1.20R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable
SYSC 7.1.21R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable
SYSC 7.1.22R [FCA] [PRA]	Rule applies to a <i>CRR firm</i>	Rule for a <i>UCITS investment firm</i> that is a <i>CRR firm</i> , otherwise not applicable	Not applicable	Not applicable

#### 4.1 General requirements

- 4.1.1 R (1) ...
- (2) ~~A BIPRU firm and a third country BIPRU firm must comply with the Remuneration Code. [deleted]~~

[~~Note: article 22(1) of the Banking Consolidation Directive~~ article 74 (1) of *CRD*, article 13(5) second paragraph of *MiFID*, article 12(1)(a) of the *UCITS Directive*, and article 18(1) of *AIFMD*]

- 4.1.2 R For a *common platform firm*, the arrangements, processes and mechanisms referred to in SYSC 4.1.1R must be comprehensive and proportionate to the nature, scale and complexity of the risks inherent in the business model and of the common platform firm's activities and must take into account the specific technical criteria described in SYSC 4.1.7R, SYSC 5.1.7R, SYSC 7 and (for a firm to which SYSC 19A applies) (for a BIPRU firm and a third country BIPRU firm) SYSC 19A.

[~~Note: article 22(2) of the Banking Consolidation Directive~~ article 74 (2) of *CRD*]

...

Mechanisms and procedures for a ~~BIPRU~~ firm

- 4.1.3 R ~~A BIPRU firm must ensure that its internal control mechanisms and administrative and accounting procedures permit the verification of its compliance with rules adopted in accordance with the Capital Adequacy Directive at all times.~~
- [~~Note: article 35(1) final sentence of the Capital Adequacy Directive~~]  
[deleted]

...

- 4.1.15 R (1) A firm must have in place appropriate procedures for its employees to report breaches internally through a specific, independent and autonomous channel.
- (2) The channel in (1) may be provided through arrangements provided for by social partners.

[~~Note: article 71 (3) of *CRD*~~]

...

## 4.2 Persons who effectively direct the business

...

- 4.2.2 R A *common platform firm*, a *management company*, a *full scope UK AIFM* and the *UK branch of a non-EEA bank* must ensure that its management is undertaken by at least two persons meeting the requirements laid down in SYSC 4.2.1R and, for a *full-scope UK AIFM*,

SYSC 4.2.7R.

[**Note:** article 9(4) first paragraph of *MiFID*, article 7(1)(b) of the *UCITS Directive*, article 8(1)(c) of *AIFMD* and ~~11(1) first paragraph of the *Banking Consolidation Directive*~~ article 13(1) of *CRD*]

...

#### **4.3A**      **CRR firms**

##### Management body

4.3A.1      R      A CRR firm must ensure that the *management body* defines, oversees and is accountable for the implementation of governance arrangements that ensure effective and prudent management of the *firm*, including the segregation of duties in the organisation and the prevention of conflicts of interest. The *firm* must ensure that the *management body*:

- (1)      has overall responsibility for the firm;
- (2)      approves and oversees implementation of the *firm*'s strategic objectives, risk strategy and internal governance;
- (3)      ensures the integrity of the *firm*'s accounting and financial reporting systems, including financial and operational controls and compliance with the *regulatory system*.
- (4)      oversees the process of disclosure and communications;
- (5)      has responsibility for providing effective oversight of *senior management*.
- (6)      monitors and periodically assesses the effectiveness of the *firm*'s governance arrangements and takes appropriate steps to address any deficiencies.

[Note: article 88(1) of *CRD*]

4.3A.2      R      A CRR firm must ensure that the chairman of the *firm*'s *management body* does not exercise simultaneously the *chief executive function* within the same *firm*.

[Note: article 88(1)(e) of *CRD*]

4.3A.3      R      A CRR firm must ensure that the members of the *management body* of the *firm*:

- (1)      are of sufficiently good repute;

- (2) possess sufficient knowledge, skills and experience to perform their duties;
- (3) possess adequate collective knowledge, skills and experience to understand the *firm's* activities, including the main risks;
- (4) reflect an adequately broad range of experiences;
- (5) commit sufficient time to perform their functions in the *firm*;  
and
- (6) act with honesty, integrity and independence of mind to effectively assess and challenge the decisions of *senior management* where necessary and to effectively oversee and monitor management decision-making.

[Note: article 91(1)-(2) and (7)-(8) of the *CRD*]

4.3A.4     R     A *CRR firm* must devote adequate human and financial resources to the induction and training of members of the *management body*.

[Note: article 91(9) of the *CRD*]

4.3A.5     R     A *CRR firm* must ensure that the members of the *management body* of the *firm* do not hold more directorships than is appropriate taking into account individual circumstances and the nature, scale and complexity of the *firm's* activities.

[Note: article 91(3) of the *CRD*]

...

4.3A.7     R     For the purposes of SYSC 4.3A.5R and SYSC 4.3A.6R:

- (1) directorships in organisations which do not pursue predominantly commercial objectives shall not count; and
- (2) the following shall count as a single directorship:
  - (a) executive or non-executive directorships held within the same *group*; or
  - (b) executive or non-executive directorships held within:
    - (i) *firms* that are members of the same institutional protection scheme provided that the conditions set out in Article 113(7) of the *CRR* are fulfilled; or
    - (ii) *undertakings* (including non-financial entities) in which the *firm* holds a *qualifying*

holding.

[**Note:** article 91(4) and (5) of the *CRD*]

Nomination Committee

- 4.3A.8 R A *CRR firm* that is significant must:
- (1) establish a nomination committee composed of members of the *management body* who do not perform any executive function in the *firm*;
  - (2) ensure that the nomination committee is able to use any forms of resources the nomination committee deems appropriate, including external advice; and
  - (3) ensure that the nomination committee receives appropriate funding.

[**Note:** article 88(2) of the *CRD*]

4.3A.8A G In SYSC 4.3A.8R a '*CRR firm that is significant*' means a deposit-taker or designated investment firm whose size, interconnectedness, complexity and business type gives it the capacity to cause some disruption to the UK financial system (and through that to economic activity more widely) by failing or by carrying on its business in an unsafe manner.

- 4.3A.9 R A *CRR firm* that has a nomination committee must ensure that the nomination committee:
- (1) engage a broad set of qualities and competences when recruiting members to the *management body* and for that purpose puts in place a policy promoting diversity on the *management body*;
  - (2) identifies and recommends for approval, by the *management body* or by general meeting, candidates to fill *management body* vacancies, having evaluated the balance of knowledge, skills, diversity and experience of the *management body*;
  - (3) prepares a description of the roles and capabilities for a particular appointment, and assesses the time commitment required;
  - (4) decides on a target for the representation of the underrepresented gender in the *management body* and prepares a policy on how to increase the number of the underrepresented gender in the *management body* in order to meet that target;

- (5) periodically, and at least annually, assesses the structure, size, composition and performance of the *management body* and makes recommendations to the *management body* with regard to any changes;
- (6) periodically, and at least annually, assesses the knowledge, skills and experience of individual members of the *management body* and of the *management body* collectively, and reports this to the *management body*;
- (7) periodically reviews the policy of the *management body* for selection and appointment of *senior management* and makes recommendations to the *management body*;
- (8) in performing its duties, and to the extent possible, on an ongoing basis, takes account of the need to ensure that the *management body*'s decision making is not dominated by any one individual or small group of individuals in a manner that is detrimental to the interest of the *firm* as a whole;

[Note: article 88(2) and article 91(10) of the *CRD*]

4.3A.10 R A *CRR firm* that does not have a nomination committee must engage a broad set of qualities and competences when recruiting members to the *management body*. For that purpose a *CRR firm* that does not have a nomination committee must put in place a policy promoting diversity on the *management body*.

[Note: article 91(10) of the *CRD*]

#### Website

4.3A.11 R A *CRR firm* that maintains a website must explain on the website how it complies with the requirements of *SYSC 4.3A.1R* to *SYSC 4.3A.3R* and *SYSC 4.3A.4R* to *SYSC 4.3A.11R*.

[Note: article 96 of the *CRD*]

...

## **7.1 Risk control**

...

7.1.4 R The ~~*senior personnel*~~ *management body* of a *common platform firm* must approve and periodically review the strategies and policies for taking up, managing, monitoring and mitigating the risks the *firm* is or might be exposed to, including those posed by the macroeconomic environment in which it operates in relation to the status of the business cycle.

[~~Note: annex V paragraph 2 of the *Banking Consolidation Directive* article 76(1) of *CRD*~~]

...

7.1.7B G In setting the method of determining the *remuneration* of *employees* involved in the risk management function, ~~*BIPRU firms*~~ *firms* that *SYSC 19A* applies to will also need to comply with the *Remuneration Code*.

7.1.8 G (1) ~~*SYSC 4.1.3R* requires a *BIPRU firm* to ensure that its internal control mechanisms and administrative and accounting procedures permit the verification of its compliance with *rules* adopted in accordance with the *Capital Adequacy Directive* at all times. In complying with this obligation, a *BIPRU firm* should document the organisation and responsibilities of its risk management function and it should document its risk management framework setting out how the risks in the business are identified, measured, monitored and controlled.~~ [deleted]

...

#### Credit and counterparty risk

7.1.9 R ~~A *BIPRU firm* must base credit granting on sound and well defined criteria and clearly establish the process for approving, amending, renewing, and re-financing credits.~~  
[~~Note: annex V paragraph 3 of the *Banking Consolidation Directive*~~]  
[deleted]

7.1.10 R ~~A *BIPRU firm* must operate through effective systems the ongoing administration and monitoring of its various credit risk bearing portfolios and exposures, including for identifying and managing problem credits and for making adequate value adjustments and provisions.~~  
[~~Note: annex V paragraph 4 of the *Banking Consolidation Directive*~~]  
[deleted]

7.1.11 R ~~A *BIPRU firm* must adequately diversify credit portfolios given its target market and overall credit strategy.~~  
[~~Note: annex V paragraph 5 of the *Banking Consolidation Directive*~~]  
[deleted]

7.1.12 G ~~The documentation maintained by a *BIPRU firm* under *SYSC 4.1.3R* should include its policy for credit risk, including its risk appetite and provisioning policy and should describe how it measures, monitors and controls that risk. This should include descriptions of the systems used to ensure that the policy is correctly implemented.~~ [deleted]

#### Residual risk

7.1.13 R ~~A *BIPRU firm* must address and control by means of written policies and procedures the risk that recognised credit risk mitigation techniques~~

used by it prove less effective than expected.

~~[Note: annex V paragraph 6 of the *Banking Consolidation Directive*]  
[deleted]~~

#### Market risk

- 7.1.14 R ~~A *BIPRU firm* must implement policies and processes for the measurement and management of all material sources and effects of market risks.  
[Note: annex V paragraph 10 of the *Banking Consolidation Directive*]  
[deleted]~~

#### Interest rate risk

- 7.1.15 R ~~A *BIPRU firm* must implement systems to evaluate and manage the risk arising from potential changes in interest rates as they affect a *BIPRU firm's* non-trading activities.  
[Note: annex V paragraph 11 of the *Banking Consolidation Directive*]  
[deleted]~~

#### Operational risk

- 7.1.16 R ~~A *BIPRU firm* must implement policies and processes to evaluate and manage the exposure to operational risk, including to low frequency high severity events. Without prejudice to the definition of *operational risk*, *BIPRU firms* must articulate what constitutes operational risk for the purposes of those policies and procedures.  
[Note: annex V paragraph 12 of the *Banking Consolidation Directive*]  
[deleted]~~
- 7.1.16A G ~~In meeting the general standard referred to in SYSC 7.1.16R, a *BIPRU firm* that undertakes market related activities should be able to demonstrate to the *appropriate regulator*:~~
- ~~(1) in the case of a *BIPRU firm* calculating its *ORCR* using the *basic indicator approach* or *standardised approach*, that it has considered; or~~
  - ~~(2) in the case of a *BIPRU firm* with an *AMA permission*, compliance with~~
- ~~the Committee of European Banking Supervisors Guidelines on the management of operational risk in market related activities, published in October 2010. These can be found at [http://www.eba.europa.eu/documents/Publications/Standards—Guidelines/2010/Management-of-op-risk/CEBS-2010-216-\(Guidelines-on-the-management-of-op.aspx](http://www.eba.europa.eu/documents/Publications/Standards—Guidelines/2010/Management-of-op-risk/CEBS-2010-216-(Guidelines-on-the-management-of-op.aspx) [deleted]~~
- 7.1.16B G ~~In meeting the general standards referred to in SYSC 7.1.16R, a *firm* with *AMA approval* should be able to demonstrate to the *appropriate regulator* that it has considered and complies with Section III of the European Banking Authority's Guidelines on the Advanced~~

Measurement Approach (AMA) – Extensions and Changes published in January 2012. These can be found at [http://eba.europa.eu/cebs/media/Publications/Standards%20and%20Guidelines/2012/EBA\\_BS\\_2011\\_209\\_final\\_\(EBA\\_GL\\_on\\_AMA\\_extensions\\_and\\_changes\).pdf](http://eba.europa.eu/cebs/media/Publications/Standards%20and%20Guidelines/2012/EBA_BS_2011_209_final_(EBA_GL_on_AMA_extensions_and_changes).pdf) [deleted]

Additional rules for CRR firms

- 7.1.17     R     (1)     The *management body* of a *CRR firm* has overall responsibility for risk management. It must devote sufficient time to the consideration of risk issues.
- (2)     The *management body* of a *CRR firm* must be actively involved in and ensure that adequate resources are allocated to the management of all material risks addressed in the *rules* implementing the *CRD* and in the *CRR* as well as in the valuation of assets, the use of external ratings and internal models related to those risks.
- (3)     A *CRR firm* must establish reporting lines to the *management body* that cover all material risks and risk management policies and changes thereof.

[Note: article 76(2) of *CRD*]

- 7.1.18     R     (1)     A *CRR firm* that is significant must establish a risk committee composed of members of the *management body* who do not perform any executive function in the *firm*. Members of the risk committee must have appropriate knowledge, skills and expertise to fully understand and monitor the risk strategy and the risk appetite of the *firm*.
- (2)     The risk committee must advise the *management body* on the institution's overall current and future risk appetite and assist the *management body* in overseeing the implementation of that strategy by *senior management*.
- (3)     The risk committee must review whether prices of liabilities and assets offered to clients take fully into account the *firm's* business model and risk strategy. Where prices do not properly reflect risks in accordance with the business model and risk strategy, the risk committee must present a remedy plan to the *management body*.

[Note: article 76(3) of *CRD*]

- 7.1.18A     G     In SYSC 7.1.18R a '*CRR firm* that is *significant*' means a deposit-taker or designated investment firm whose size, interconnectedness, complexity and business type gives it the capacity to cause some

disruption to the UK financial system (and through that to economic activity more widely) by failing or by carrying on its business in an unsafe manner.

- 7.1.19 R (1) A CRR firm must ensure that the *management body* in its supervisory function and, where a risk committee has been established, the risk committee have adequate access to information on the risk profile of the *firm* and, if necessary and appropriate, to the risk management function and to external expert advice.
- (2) The *management body* in its supervisory function and, where one has been established, the risk committee must determine the nature, the amount, the format, and the frequency of the information on risk which it is to receive.
- [Note: article 76 (4) of CRD]
- 7.1.20 R In order to assist in the establishment of sound remuneration policies and practices, the risk committee must, without prejudice to the tasks of the remuneration committee, examine whether incentives provided by the remuneration system take into consideration risk, capital, liquidity and the likelihood and timing of earnings.
- [Note: article 76 (4) of CRD]
- 7.1.21 R (1) A CRR firm's risk management function (SYSC 7.1.6R) must be independent from the operational functions and have sufficient authority, stature, resources and access to the *management body*.
- (2) The risk management function must ensure that all material risks are identified, measured and properly reported. It must be actively involved in elaborating the *firm's* risk strategy and in all material risk management decisions and it must be able to deliver a complete view of the whole range of risks of the *firm*.
- (3) A CRR firm must ensure that the risk management function is able to report directly to the *management body* in its supervisory function, independent from *senior management* and that it can raise concerns and warn the *management body*, where appropriate, where specific risk developments affect or may affect the *firm*, without prejudice to the responsibilities of the *management body* in its supervisory and/or managerial functions pursuant to the CRD and the CRR.
- [Note: article 76(5) of CRD]
- 7.1.22 R The head of the risk management function must be an independent senior manager with distinct responsibility for the risk management function. Where the nature, scale and complexity of the activities of the CRR firm do not justify a specially appointed person, another senior person within the *firm* may fulfil that function, provided there is no conflict of interest. The head of the risk management function must not

be removed without prior approval of the *management body* and must be able to have direct access to the *management body* where necessary.

[Note: Article 76(5) of CRD]

## 12.1 Application

...

~~BIPRU firms and other firms to which BIPRU 8 applies~~ CRR firms and non-CRR firms that are parent financial holding companies in a Member State

12.1.13 R If this *rule* applies under SYSC 12.1.14R to a *firm*, the *firm* must:

...

- (2) ensure that the risk management processes and internal control mechanisms at the level of any *UK-consolidation group* or non-*EEA sub-group* of which it is a member comply with the obligations set out in the following provisions on a consolidated (or sub-consolidated) basis:
  - (a) SYSC 4.1.1R and SYSC 4.1.2R;
  - (b) SYSC 4.1.7R;
  - (bA) SYSC 4.3A;
  - (c) SYSC 5.1.7 R;
  - (d) SYSC 7
  - (dA) the *Remuneration Code*;
  - (e) BIPRU 12.3.4R, BIPRU 12.3.5R, BIPRU 12.3.7A R, BIPRU 12.3.8R-(3), BIPRU 12.3.22AR, BIPRU 12.3.22BR, BIPRU 12.3.27R, BIPRU 12.4.-2R, BIPRU 12.4.-1R, BIPRU 12.4.5AR, BIPRU 12.4.10R, and BIPRU 12.4.11R and BIPRU 12.4.11A R;
  - (f) ~~BIPRU 2.3.7 R (1); [deleted];~~
  - (g) ~~BIPRU 9.1.6 R and BIPRU 9.13.21 R (Liquidity Plans); [deleted];~~
  - (h) ~~BIPRU 10.12.3 R (Concentration risk policies); [deleted].~~

[Note: ~~article 73(3) of the Banking Consolidation Directive~~ article 109(2) of CRD]

- (3) ensure that compliance with the obligations in (2) enables the consolidation group or the non-EEA sub-group to have arrangements, processes and mechanisms that are consistent and well integrated and that any data relevant to the purpose of supervision can be produced.

[**Note:** article 109(2) of CRD]

12.1.14 R SYSC 12.1.13R applies to a *firm* that is:

...

- (2) ~~a BIPRU firm~~ a CRR firm; or
- (3) ~~a non-BIPRU firm~~ non-CRR firm that is a *parent financial holding company in a Member State* and is a member of a *UK consolidation group*.

12.1.15 R In the case of a *firm* that:

- (1) is a ~~BIPRU firm~~ CRR firm; and

...

...

## 19A.1 General application and purpose

...

- 19A.1.1 R (1) The *Remuneration Code* applies to: ~~BIPRU firm~~ and a *third country BIPRU firm*.
- (a) a building society;
- (b) a bank;
- (c) an investment firm;
- (d) an overseas firm that;
- (i) is not an EEA firm;
- (ii) has its head office outside the EEA; and
- (iii) would be a firm referred to in (a), (b) or (c) if it had been a UK domestic firm, had carried on all of its business in the United Kingdom and had obtained whatever authorisations for doing so as are required under the Act.
- (2) In relation to a ~~third country BIPRU firm~~ firm that falls under

(1)(d), the *Remuneration Code* applies only in relation to activities carried on from an establishment in the *United Kingdom*.

...

...

19A.1.3 R (1) A firm must apply the remuneration requirements in SYSC 19A.3 other than SYSC 19A.3.44R(3) and SYSC 19.3.44AR in relation to:

(a)(4) ...

(b)(2) ...

(c)(3) ...

[**Note:** article 3(2) of the Third Capital Requirements Directive (Directive 2010/76/EU)]

(2) A firm must apply the remuneration requirements in SYSC 19A.3.44R(3) and SYSC 19.3.44AR in relation to remuneration awarded for services provided or performance from the year 2014 onwards, whether due on the basis of contracts concluded before, on or after 31 December 2013.

[**Note:** article 162(3) of CRD]

...

19A.1.6 G (1) ...

(2) The *Remuneration Code* implements the main provisions of the ~~Third Capital Requirements Directive (Directive 2010/76/EU) CRD~~ which relate to *remuneration*. The Committee of European Banking Supervisors published Guidelines on Remuneration Policies and Practices on 10 December 2010. ~~Provisions of the Third Capital Requirements Directive relating to Pillar 3 disclosures of information relating to remuneration have been implemented through amendments to BIPRU 11 (specifically the rules and guidance in BIPRU 11.5.18R to BIPRU 11.5.21G).~~ Provisions of the Capital Requirements (Amendment) Regulations 2012 (SI 2012/917) together with the European Banking Authority's Guidelines to article 22(3) and (5) of the *Banking Consolidation Directive* relating to the collection of *remuneration* benchmarking information and *high earners* information have been implemented through SUP 16 Annex 33AR and SUP 16 Annex 34AR. The Guidelines can be found at <http://www.eba.europa.eu/cebs/media/Publications/Standards%20and%20Guidelines/2012/EBA-GL-2012-04---GL-4-on->

*remuneration-benchmarking-exercise-.pdf* and  
<http://www.eba.europa.eu/cebs/media/Publications/Standards%20and%20Guidelines/2012/EBA-GL-2012-05---GL-5-on-remuneration-data-collection-exercise-.pdf>.

...

## 19A.2 General requirement

19A.2.1 R ...

[~~Note: Article 22(1) of the *Banking Consolidation Directive*~~ article 74(1) of *CRD*]

...

## 19A.3 Remuneration principles for banks, building societies and investment firms

19A.3.1 R (1) ...

(2) ...

[~~Note: Paragraph 23 (final, unnumbered point) of Annex V to the *Banking Consolidation Directive*~~ article 92(1) of *CRD*]

19A.3.2 G SYSC 12.1.13R(2)(dA) requires the *firm* to ensure that the risk management processes and internal control mechanisms at the level of any *UK consolidation group* or *non-EEA sub-group* of which a *firm* is a member comply with the obligations set out in this section on a consolidated (or sub-consolidated) basis. In the *appropriate regulator's* view, the requirement to apply this section at *group*, *parent undertaking* and *subsidiary undertaking* levels (as provided for in SYSC 19A.3.1R(1)) is in line with the requirements in ~~article 73(3) of the *Banking Consolidation Directive*~~ article 109(2) of *CRD* article concerning the application of systems and controls requirements to *groups* (as implemented in SYSC 12.1.13R).

...

19A.3.3 R (1) ...

(2) ...

(3) ...

[~~Note: Paragraph 23 of Annex V to the *Banking Consolidation Directive*~~ article 92(2) of *CRD*]

...

[**Note:** In addition to the *guidance* in this section which relates to the

*remuneration principles proportionality rule*, the FSA gave guidance on the division of *firms* into categories for the purpose of providing a framework for the operation of the *remuneration principles proportionality rule*. ~~This guidance was published in Policy Statement 10/20 Revising the Remuneration Code and is available at [www.fca.org.uk/your-fca](http://www.fca.org.uk/your-fca). This guidance has been adopted by the FCA and is available in the FCA website at <http://www.fca.org.uk/firms/markets/international-markets/remuneration-code>.]~~

...

19A.3.4 R ...

[~~Note: paragraph 23 of Annex V to the *Banking Consolidation Directive* article 92(2) of CRD]~~

...

19A.3.7 R ...

[~~Note: Paragraph 23(a) of Annex V to the *Banking Consolidation Directive* article 92(2)(a) of CRD]~~

19A.3.8 R ...

[~~Note: Paragraph 23(b) of Annex V to the *Banking Consolidation Directive* article 92(2)(b) of CRD]~~

19A.3.9 R ...

[~~Note: Paragraph 23(b) of Annex V to the *Banking Consolidation Directive* Article 92(2)(b) of CRD]~~

19A.3.10 R

A *firm* must ensure that its *governing management body* in its *supervisory function* adopts and periodically reviews the general principles of the *remuneration policy* and is responsible for overseeing its implementation.

[~~Note: Paragraph 23(e) of Annex V to the *Banking Consolidation Directive* article 92(2)(c) of CRD and Standard 1 of the FSB Compensation Standards]~~

19A.3.11 R

A *firm* must ensure that the implementation of the *remuneration policy* is, at least annually, subject to central and independent internal review for compliance with policies and procedures for *remuneration* adopted by the *governing management body* in its *supervisory function*.

[~~Note: article 92(2)(d) of CRD Paragraph 23(d) of Annex V to the *Banking Consolidation Directive* and Standard 1 of the FSB~~

*Compensation Standards]*

- 19A.3.12 R (1) A *CRR firm* that is significant in terms of its size, internal organisation and the nature, the scope and the complexity of its activities must establish a *remuneration* committee.
- (2) ...
- (3) The chairman and the members of the *remuneration* committee must be members of the ~~*governing management*~~ *body* who do not perform any executive function in the *firm*.
- (4) The *remuneration* committee must be responsible for the preparation of decisions regarding *remuneration*, including those which have implications for the risk and risk management of the *firm* and which are to be taken by the ~~*governing management*~~ *body in its supervisory function*.
- (5) When preparing such decisions, the *remuneration* committee must take into account the long-term interests of shareholders, investors and other stakeholders in the *firm* and the public interest.

~~[Note: Paragraph 24 of Annex V of the *Banking Consolidation Directive* article 95 of *CRD* and Standard 1 of the *FSB Compensation Standards*]~~

...

- 19A.3.12A R A firm that maintains a website must explain on the website how it complies with the *Remuneration Code*.

[Note: article 96 of *CRD*]

...

- 19A.3.14 R ...

~~[Note: Paragraph 23(e) of Annex V to the *Banking Consolidation Directive* article 92(2)(e) of *CRD* and Standard 2 of the *FSB Compensation Standards*]~~

...

- 19A.3.16 R ...

~~[Note: Paragraph 23(f) of Annex V to the *Banking Consolidation Directive* article 92(2)(f) of *CRD*]~~

...

- 19A.3.18 R ...

[~~Note: Paragraph 23(i) of Annex V to the Banking Consolidation Directive~~ article 94(1)(c) of *CRD* and Standard 3 of the *FSB Compensation Standards*]

...

Remuneration Principle 7: Exceptional government intervention

- 19A.3.20 R A *firm* that benefits from exceptional government intervention must ensure that:
- (1) ...
  - (2) it restructures *remuneration* in a manner aligned with sound risk management and long-term growth, including when appropriate establishing limits to the *remuneration* of ~~senior personnel~~ members of its management body; and
  - (3) no variable *remuneration* is paid to members of its ~~senior personnel~~ management body unless this is justified.

[~~Note: Paragraph 23(k) of Annex V to the Banking Consolidation Directive~~ article 93 of *CRD* and Standard 10 of the *FSB Compensation Standards*]

- 19A.3.21 G The *appropriate regulator* would normally expect it to be appropriate for the ban on paying variable *remuneration* to ~~senior personnel~~ members of the management body of a *firm* that benefits from exceptional government intervention to apply only in relation to ~~senior personnel~~ members of the management body who were in office at the time that the intervention was required.

Remuneration Principle 8: Profit-based measurement and risk adjustment

- 19A.3.22 R (1) ...
- (2) ...

[~~Note: Paragraph 23(n) of Annex V to the Banking Consolidation Directive~~ article 94(1)(j), (k) of *CRD* and Standard 4 of the *FSB Compensation Standards*]

...

- 19A.3.27 R A *firm* must ensure that its total variable *remuneration* is generally considerably contracted where subdued or negative financial performance of the *firm* occurs, taking into account both current *remuneration* and reductions in payouts of amounts previously earned, including through malus or clawback arrangements.

[~~Note: Paragraph 23(q) of Annex V to the Banking Consolidation Directive~~ article 94(1)(n) of *CRD* and Standard 5 of the *FSB*]

*Compensation Standards]*

...

## Remuneration Principle 9: Pension policy

19A.3.29 R A *firm* must ensure that:

(1) ...

...

(3) ~~in the case of when~~ an *employee* ~~reaching~~ reaches retirement, *discretionary pension benefits* are paid to the *employee* in the form of instruments referred to in SYSC 19A.3.47R(1) and subject to a five-year retention period.~~[Note: Paragraph 23(r) of Annex V to the *Banking Consolidation Directive* article 94(1)(o) of *CRD*]~~

## Remuneration Principle 10: Personal investment strategies

19A.3.30 R (1) ...

(2) ...

~~[Note: Paragraph 23(s) of Annex V to the *Banking Consolidation Directive* article 94(1)(p) of *CRD* and Standard 14 of the *FSB Compensation Standards*]~~

...

Remuneration Principle 11: ~~Avoidance of~~ Non-compliance with the Remuneration Code19A.3.32 R A *firm* must ensure that variable *remuneration* is not paid through vehicles or methods that facilitate ~~the avoidance of~~ non-compliance with the Remuneration Code.~~[Note: Paragraph 23(t) of Annex V to the *Banking Consolidation Directive* article 94(1)(q) of *CRD*]~~

...

19A.3.35A R A *firm* must ensure that the *remuneration* policy makes a clear distinction between criteria for setting:(1) basic fixed *remuneration* that primarily reflects an *employee's* professional experience and organisational responsibility as set out in the *employee's* job description and terms of employment; and

- (2) variable remuneration that reflects performance in excess of that required to fulfil the employee's job description and terms of employment and that is subject to performance adjustment in accordance with the Remuneration Code.

[Note: article 92(2)(g) of *CRD*]

...

Remuneration Principle 12(b): Remuneration structures – assessment of performance

19A.3.36 R A firm must ensure that where remuneration is performance-related:

(1) ...

(2) ...

[Note: Paragraph 23(g) of Annex V to the *Banking Consolidation Directive* article 94(1)(a) of *CRD* and Standard 6 of the *FSB Compensation Standards*]

...

19A.3.38 R ...

[Note: Paragraph 23(h) of Annex V to the *Banking Consolidation Directive* article 94(1)(b) of *CRD*]

...

19A.3.40 R A firm must ensure that guaranteed variable remuneration is not part of prospective remuneration plans. A firm must not award, pay or provide guaranteed variable remuneration unless it:

(1) it is exceptional;

(2) it occurs in the context of hiring new Remuneration Code staff; and

(3) the firm has a sound and strong capital base; and

(34) it is limited to the first year of service.

[Note: Paragraph 23(j) of Annex V to the *Banking Consolidation Directive* article 94(1)(d) and (e) of *CRD* and Standard 11 of the *FSB Compensation Standards*]

19A.3.40A R A firm must ensure that remuneration packages relating to compensation for, or buy out from, an employee's contracts in previous employment align with the long term interests of the firm and are subject to appropriate retention, deferral and performance and

clawback arrangements.

**[Note: article 94(1)(i) of CRD]**

...

- 19A.3.44 R A *firm* must set appropriate ratios between the fixed and variable components of total *remuneration* and ensure that:
- (1) fixed and variable components of total *remuneration* are appropriately balanced; ~~and~~
  - (2) the fixed component represents a sufficiently high proportion of the total *remuneration* to allow the operation of a fully flexible policy on variable *remuneration* components, including the possibility to pay no variable *remuneration* component; ~~and-~~
  - (3) subject to SYSC 19A.3.44AR, the ratio of the variable component of total *remuneration* to the fixed component does not exceed 1:1.

- 19A.3.44A R A *firm* may set a ratio between the fixed and the variable components of total *remuneration* that exceeds 1:1 provided the ratio:
- (1) does not exceed 1:2; and
  - (2) is approved by the shareholders or owners or members of the *firm* in accordance with SYSC 19A.3.44BR.

**[Note: article 94(1)(g)(ii) of CRD]**

- 19A.3.44B R A *firm* must ensure that any approval by the shareholders or owners or members of the *firm* of a ratio that exceeds 1:1 is carried out in accordance with the following procedure:
- (1) the *firm* must give reasonable notice to all shareholders or owners or members of the *firm* that the *firm* intends to seek approval of a ratio that exceeds 1:1;
  - (2) the *firm* must make a detailed recommendation to all shareholders or owners or members of the *firm* giving the reasons for, and the scope of, the approval sought, including the number of staff affected, their functions and the expected impact on the requirement to maintain a sound capital base;
  - (3) the *firm* must, without delay, inform the *appropriate regulator* of the recommendation to its shareholders or owners or members, including the proposed ratio and the reasons therefor and must demonstrate to the *appropriate regulator* that the proposed higher ratio does not conflict with the *firm's* obligations under the CRD and the CRR, having regard in

particular to the *firm's own funds* obligations:

- (4) the firm must ensure that employees who have an interest in the proposed higher ratio are not allowed to exercise, directly or indirectly, any voting rights they may have as shareholders or owners or members of the firm in respect of the approval sought; and
- (5) the higher ratio is approved by a majority of:
  - (a) at least 66% of shareholders or owners or members of the firm, provided that at least 50% of the shareholders or owners or members are represented; or
  - (b) at least 75% of shareholders or owners or members of the firm if less than 50% of the shareholders, members or owners are represented.

[**Note:** article 94(1)(g)(ii) of *CRD*]

19A.3.44C R A firm must notify without delay the appropriate regulator of the decisions taken by its shareholders or members or owners including any approved higher maximum ratio.

[**Note:** article 94(1)(g)(ii) of *CRD*]

19A.3.44D R A firm may apply a discount rate to a maximum of 25% of an employee's total variable remuneration provided it is paid in instruments that are deferred for a period of not less than five years.

[**Note:** article 94(1)(g)(iii) of *CRD*]

Remuneration Principle 12(e): Remuneration structures - payments related to early termination

19A.3.45 R A firm must ensure that payments ~~related~~ relating to the early termination of a contract reflect performance achieved over time and are designed in a way that does not reward failure or misconduct.

[**Note:** ~~Paragraph 23(m) of Annex V to the Banking Consolidation Directive~~ article 94(1)(h) of *CRD* and Standard 12 of the *FSB Compensation Standards*]

...

19A.3.47 R (1) A firm must ensure that a substantial portion, which is at least 50%, of any variable remuneration consists of an appropriate balance of:

(a) ...

(b) where appropriate, ~~capital instruments which are~~

~~eligible for inclusion at stage B1 of the calculation in the *capital resources table*, where applicable that possible other instruments which are eligible as Additional Tier 1 instruments or are eligible as Tier 2 instruments or other instruments that can be fully converted to Common Equity Tier 1 instruments or written down, that in each case- adequately reflects the credit quality of the *firm* as a going concern and are appropriate for use as variable remuneration.~~

(2) ...

~~[Note: Paragraph 23(o) of Annex V to the *Banking Consolidation Directive* article 94(1)(l) of *CRD* and Standard 8 of the *FSB Compensation Standards*]~~

...

19A.3.49 R (1) ...

...

(5) ...

~~[Note: Paragraph 23(p) of Annex V to the *Banking Consolidation Directive* article 94(1)(m) of *CRD* and Standards 6 and 7 of the *FSB Compensation Standards*]~~

(6) ...

...

19A.3.51 R A *firm* must ensure that any variable *remuneration*, including a deferred portion, is paid or vests only if it is sustainable according to the financial situation of the *firm* as a whole, and justified according to ~~to~~ on the basis of the performance of the *firm*, the business unit and the individual concerned.

~~[Note: Paragraph 23(q) of Annex V to the *Banking Consolidation Directive* article 94(1)(n) of *CRD* and Standards 6 and 9 of the *FSB Compensation Standards*]~~

19A.3.51A R A *firm* must:

- (1) ensure that any of the total variable *remuneration* is subject to malus or clawback arrangements;
- (2) set specific criteria for the application of malus and clawback; and
- (3) ensure that the criteria for the application of malus and clawback in particular cover situations where the *employee*:

- (a) participated in or was responsible for conduct which resulted in significant losses to the firm;
- (b) failed to meet appropriate standards of fitness and propriety.

**[Note: article 94(1)(n) of CRD and Standards 6 and 9 of the FSB Compensation Standards]**

...

19A.3.54 R (1) ...

...

- (1B) Condition 1 is that the firm is a *UK bank, a building society, a designated investment firm*, or a relevant ~~BIPRU 730k firm~~ IFPRU 730k firm that has relevant total assets exceeding £50 billion.

...

- (1D) Condition 2 is that the firm:

- (a) is a *full credit institution, a relevant BIPRU 730k firm a designated investment firm, a relevant IFPRU 730k firm* or a relevant ~~third country BIPRU 730k firm~~ third country IFPRU 730k firm; and
- (b) is part of a *group* containing a *firm* that has relevant total assets exceeding £50 billion and that is a *UK bank, a building society, a designated investment firm* or a relevant ~~BIPRU 730k firm~~ IFPRU 730k firm.

- (1E) In this rule:

- (a) a "~~relevant BIPRU 730k firm~~ IFPRU 730k firm" is any ~~BIPRU 730k firm~~ IFPRU 730k firm that is not a *limited activity firm* or a *limited licence firm*;
- (b) a "~~relevant third country BIPRU 730k firm~~ IFPRU 730k firm" is any ~~third country BIPRU 730k firm~~ IFPRU 730k firm that is not a *limited activity firm* or a *limited licence firm*; and
- (c) ...

...

**Part 2: Comes into force on 1 July 2014.**

## 1 Annex 1 Detailed application of SYSC

...

<b>Part 3</b>	<b>Tables summarising the application of the common platform requirements to different types of firm</b>
---------------	--

...

Provision SYSC 4	COLUMN A Application to a common platform firm other than to a UCITS investment firm	COLUMN A+ Application to a UCITS management company	COLUMN A++ Application to a full-scope UK AIFM of an authorised AIF	COLUMN B Application to all other firms apart from insurers, managing agents, the Society, and full-scope UK AIFMs of unauthorised AIFs
...				
<u>SYSC 4.3A.6R</u> [FCA] [PRA]	<b><u>Rule applicable to CRR firms</u></b>	Rule for a <u>CRR firm</u> that is a <u>UCITS investment firm</u>	<b><u>Not applicable</u></b>	<b><u>Not applicable</u></b>
...				

4.3A.6 R (1) A CRR firm that is significant must ensure that the members of the management body of the firm do not hold more than one of the following combinations of directorship in any organisation at the same time:

- (a) one executive directorship with two non-executive directorships; and
- (b) four non-executive directorships.

(2) Paragraph (1) does not apply to members of the management body that represent the United Kingdom.

[Note: article 91(3) of the CRD]

4.3A.6A G In SYSC 4.3A.6AR a ‘CRR firm that is significant’ means a deposit-taker or designated investment firm whose size, interconnectedness, complexity and business type gives it the capacity to cause some disruption to the UK

financial system (and through that to economic activity more widely) by failing or by carrying on its business in an unsafe manner.

**CAPITAL REQUIREMENTS DIRECTIVE (PASSPORTING) AMENDMENT  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers); and
  - (3) paragraphs 19(10) and 20(4C) of Schedule 3 (Exercise of passport rights by UK firms).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. Part 1 of the Annex to this instrument comes into force on 1 January 2014.
- E. Part 2 of the Annex to this instrument shall come into force on a date specified by a subsequent PRA Board Instrument.

**Amendments**

- F. The Supervisory manual (SUP) is amended in accordance with the Annex to this instrument.

**Notes and Guidance**

- G. In the Annex to this instrument, the “notes” (indicated by “**Note:**”) are included for the convenience of readers but do not form part of the legislative text.
- H. The Prudential Regulation Authority gives as guidance each provision in the Annex that is marked with a G.

**Citation**

- I. This instrument may be cited as the Capital Requirements Directive (Passporting) Amendment Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**  
16 December 2013

## Annex

## Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

**Part 1: Comes into force on 1 January 2014.**

## 13.2 Introduction

13.2.1 G This chapter gives *guidance* to *UK firms*. In most cases *UK firms* will be *authorised persons* under the *Act*. However, under the ~~*Banking Consolidation Directive*~~ *CRD*, a subsidiary of a *firm* which is a *credit institution* which meets the criteria set out in that Directive also has an *EEA right*. Such an unauthorised subsidiary is known as a *financial institution*. References in this chapter to a *UK firm* include a *financial institution*.

...

## 13.3 Establishing a branch in another EEA State

...

13.3.2 G A *UK firm* other than a *UK pure reinsurer* cannot establish a *branch* in another *EEA State* for the first time under an *EEA right* unless the conditions in paragraphs 19 of Part III of Schedule 3 to the *Act* are satisfied. It is an offence for a *UK firm* which is not an *authorised person* to contravene this prohibition (paragraph 21 of Part III of Schedule 3 to the *Act*). These conditions are that:

- (1) the *UK firm* has given the *appropriate UK regulator*, in accordance with the *appropriate UK regulator's rules* (see *SUP 13.5.1R*) or the directly applicable regulations made under the *CRD* (see *SUP 13.5.1C*), notice of its intention to establish a *branch* (known as a *notice of intention*) which:
  - (a) identifies the activities which it seeks to carry on through the *branch*; and
  - (b) includes such other information as may be specified by the *appropriate UK regulator* (see *SUP 13.5.1R*) or by the directly applicable regulations made under the *CRD* (see *SUP 13.5.1C*);
- (2) the *appropriate UK regulator* has given a notice (known as a *consent notice*) to the *Host State regulator*,

...

- 13.3.5 G (1) If the *UK firm's EEA right* derives from the ~~*Banking Consolidation Directive CRD*~~ or *MiFID*, the *appropriate UK regulator* will give the *Host State regulator* a *consent notice* within three *months* unless it has reason to doubt the adequacy of a *UK firm's* resources or its administrative structure. The *Host State regulator* then has a further two *months* to notify the *applicable provisions* (if any) and prepare for the supervision, as appropriate, of the *UK firm*, or in the case of a *MiFID investment firm*, to inform the *UK firm* that a *branch* can be established.

...

#### 13.4 Providing cross border services into another EEA State

...

- 13.4.4 G (1) If the *UK firm's EEA right* derives from *MiFID*, the ~~*Banking Consolidation Directive CRD*~~ or the *UCITS Directive*, paragraph 20(3) of Part III of Schedule 3 to the Act requires the *appropriate UK regulator* to send a copy of the *notice of intention* to the *Host State Regulator* within *one month* of receipt. A *UK firm* passporting under the ~~*Banking Consolidation Directive CRD*~~ may start providing *cross border services* as soon as it satisfies the relevant conditions (see *SUP* 13.4.2G).

...

#### 13.5 Notices of intention

- 13.5.1 R A *UK firm*, other than a *UK pure reinsurer* or a *CRD credit institution*, wishing to establish a *branch* in a particular *EEA State* for the first time under an *EEA right* other than under the *auction regulation* must submit a *notice of intention* in the form set out in *SUP* 13 Annex 1R.

...

- 13.5.2 R A *UK firm* wishing to provide *cross border services* into a particular *EEA State* for the first time under an *EEA right* other than under the *auction regulation* must submit a notice in the form set out in:

...

- ... ...  
 (2) ~~*Sup*~~*SUP* 13 Annex 4R if the *UK firm* is passporting under the ~~*Banking Consolidation Directive CRD*~~; or

...

- 13.5.6 G (1) A *UK firm* passporting under the ~~*Banking Consolidation Directive CRD*~~, the *Insurance Directives* or the *Reinsurance Directive* may have to submit the *requisite details* or relevant details in the language of the *Host State* as well as in English.

For a *UK firm* passporting under the *Insurance Directives* this translated document will not include the relevant UK details. Further information is available from the *PRA* authorisations team.

...

## 13.6 Changes to branches

- 13.6.1 G Where a *UK firm* is exercising an *EEA right*, other than under the *Insurance Mediation Directive* (see *SUP* 13.6.9AG ) or the *Reinsurance Directive* (see *SUP* 13.6.9BR) or the *CRD*, and has established a *branch* in another *EEA State*, any changes to the details of the *branch* are governed by the *EEA Passport Rights Regulations*. ...

...

Firms passporting under the ~~Banking Consolidation Directive~~ *CRD* and the *UCITS Directive*.

- 13.6.4 G If a *UK firm* has exercised an *EEA right*, under the ~~*Banking Consolidation Directive*~~ *CRD* or the *UCITS Directive*, and established a *branch* in another *EEA State*, regulation 11(1) states that the *UK firm* must not make a change in the *requisite details* of the *branch* (see *SUP* 13 Annex 1), unless it has satisfied the requirements of regulation 11(2), or, where the change arises from circumstances beyond the *UK firm's* control, regulation 11(3) (see *SUP* 13.6.10G).

...

- 13.6.13 G If a *UK firm* is passporting under the ~~*Banking Consolidation Directive*~~ *CRD*, then regulation 11(7) provides that the *PRA* may not refuse to consent to a change unless, having regard to the change and to the *EEA* activities the *UK firm* is seeking to carry on, it doubts the adequacy of the administrative structure or the financial situation of the *UK firm*. In reaching its determination, the *PRA* may have regard to the adequacy of management, systems and the presence of relevant skills needed for the *EEA* activities to be carried on.

...

Firms passporting under the ~~Banking Consolidation Directive~~ *CRD* and *Insurance Mediation Directive*

- 13.7.11 G A *UK firm* providing *cross border services* under the ~~*Banking Consolidative Directive*~~ *CRD* or *Insurance Mediation Directive* is not required to supply a change to the details of *cross border services* notice.
- 13.8.2 G *UK firms* passporting under the ~~*Banking Consolidative Directive*~~ *CRD*

or the *Insurance Directives* may be required to submit the change to details notice in the language of the *Host State* as well as in English.

...

### 13.10 Applicable provisions

- 13.10.2 G *UK firms* passporting under the ~~*Banking Consolidation Directive*~~ CRD should note that, under the Directive, the *Host State* is responsible, together with the *PRA*, for monitoring the liquidity of a *branch* established by a *UK firm* in another *EEA State*.

...

### 13 Annex 1 **Passporting: Notification of intention to establish a branch in another EEA state**

- R This annex consists of only one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml>  
<http://www.bankofengland.co.uk/pr/Pages/authorisations/passporting/notifying.aspx>  
 The forms are also to be found through the following address:  
*Passporting: Notification of intention to establish a branch in another EEA state - SUP 13 Annex 1*

In the *SUP 13 Annex 1* form, on page 1 substitute ‘Capital Requirements Directive’ for ‘Banking Consolidation Directive’.

.....

### 13 Annex 4 **Passporting: ~~Banking Consolidation Directive~~ Capital Requirements Directive**

- R This annex consists of only one or more forms. Forms can be completed online now by visiting: <http://www.fsa.gov.uk/Pages/doing/index.shtml>  
<http://www.bankofengland.co.uk/pr/Pages/authorisations/passporting/notifying.aspx>

The forms are also to be found through the following address:

*Passporting: ~~Banking Consolidation Directive~~ Capital Requirements Directive - SUP 13 Annex 4*

Throughout the form in *SUP 13 Annex 4* substitute ‘Capital Requirements Directive’ for ‘Banking Consolidation Directive’ and ‘CRD’ for ‘BCD’.

### 13A Qualifying for authorisation under the Act

...

- 13A.1.3 G (1) Under the *Gibraltar Order* made under section 409 of the *Act*, a Gibraltar firm is treated as an *EEA firm* under Schedule 3 to the *Act* if it is:
- ...
- (b) authorised in Gibraltar under the ~~*Banking Consolidation Directive*~~ *CRD*; or
- (c) authorised in Gibraltar under the *Insurance Mediation Directive*; or

...

#### The notification procedure

...

- 13A.5.3 G (2) For the purposes of paragraph 14(1)(b) of Part II of Schedule 3 to the *Act*, the information to be contained in the regulator’s notice has been prescribed under regulation 3 of the *EEA Passport Rights Regulations* and in the case of *CRD*, the information has been prescribed in the technical standards issued pursuant to and under Article 39 of the *CRD*.
- 13A.5.4 G (1) Unless the *EEA firm* (other than an *EEA pure reinsurer* or an *EEA firm* that received authorisation under article 18 of the *auction regulation*) is passporting under the *Insurance Mediation Directive*, if the appropriate *UK regulator* receives a regulator's notice or, where no notice is required (in the case of an *EEA firm* passporting under the ~~*Banking Consolidation Directive*~~), is informed of the *EEA firm's* intention to provide *cross border services* into the *United Kingdom*, the appropriate *UK regulator* will,

under paragraphs 14(2) and 14(3) of Part II of Schedule 3 to the *Act*, notify the *EEA firm* of the *applicable provisions* (if any) within two *months* of the *day* on which the *appropriate UK regulator* received the regulator's notice or was informed of the *EEA firm's* intention.

....

### 13A Annex 1 G Application of the Handbook to Incoming EEA Firms

1. ....		
....		
<b>(1) Module of Handbook</b>	<b>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</b>	<b>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</b>
<i>PRIN</i>	The <i>Principles</i> apply only in so far as responsibility for the matter in question is not reserved by an <i>EU</i> instrument to the <i>firm's Home State regulator</i> ( <i>PRIN 3.1.1R(1)</i> ). For an <i>incoming EEA firm</i> which is a <del>BCD</del> <i>CRD credit institution</i> without a <i>top-up permission</i> , <i>Principle 4</i> applies only in relation to the liquidity of a branch established in the <i>United Kingdom</i> ( <i>PRIN 3.1.1 R (2)</i> ).	
...		
<i>BIPRU</i>	<del><i>EEA firms</i> are subject to the prudential standards of their home state regulator (<i>BIPRU 1.1.7 R</i> and <i>BIPRU 1.1.9 G</i>).</del> However, <i>BIPRU 12</i> applies to an <i>EEA firm</i> as respects the activities of its <i>UK branch</i> , but in relation to <i>liquidity risk</i> only.	<del>Does not apply if the <i>firm</i> has <i>permission</i> only for <i>cross border services</i> and does not carry on <i>regulated activities</i> in the <i>United Kingdom</i>.</del>
...		

<u>IFPRU</u>	<u>EEA firms that are investment firms (as defined in the EU CRR) are subject to the EU CRR as implemented by their home state regulator (IFPRU 1.1.5R).</u>	Does not apply if the <u>firm has permission only for cross border services and does not carry on regulated activities in the United Kingdom.</u>
...		
COMP	Applies, except in relation to the <i>passported activities</i> of a <i>MiFID investment firm</i> , a <del>BCD</del> <u>CRD credit institution</u> (other than an electronic money institution within the meaning of article 1(3)(a) of the <i>E-Money Directive</i> that has the right to benefit from the mutual recognition arrangements under the <del>Banking Consolidation Directive</del> <u>CRD</u> ), an <i>IMD insurance intermediary</i> or a <i>UCITS management company carrying on non-core services under Article 6.3 of the UCITS Directive</i> and an <i>incoming AIFM branch</i> carrying on either <i>AIFM management functions</i> for an <i>unauthorised AIF</i> or non-core services under article 6.4 of <i>AIFMD</i> (see the definition of " <i>participant firm</i> "). However, a <i>firm</i> specified above may be able to apply for <i>top-up cover</i> in relation to its <i>passported activities</i> (see COMP 14 (Participation by EEA Firms)).	Does not apply in relation to the <i>passported activities</i> of an <i>MiFID investment firm</i> , a <del>BCD</del> <u>CRD credit institution</u> , an <i>IMD insurance intermediary</i> or a <i>UCITS management company</i> carrying on non-core services under article 6.3 of the <i>UCITS Directive</i> or an <i>incoming EEA AIFM</i> regarding <i>AIFM management functions</i> carried on for an <i>unauthorised AIF</i> or non-core services under article 6.4. <sup>8</sup> Otherwise, <i>COMP</i> may apply, but the coverage of the <i>compensation scheme</i> is limited for non-UK activities (see COMP 5)

### 13A Annex 2 G Matters reserved to a Home State regulator

Introduction
...

Requirements in the interest of the general good	
2.	The <i>Single Market Directives</i> , and the <i>Treaty</i> (as interpreted by the European Court of Justice) adopt broadly similar approaches to reserving responsibility to the <i>Home State regulator</i> . To summarise, the <i>FCA</i> or <i>PRA</i> , as <i>Host State regulator</i> , is entitled to impose requirements with respect to activities carried on within the <i>United Kingdom</i> if these can be justified in the interests of the "general good" and are imposed in a non-discriminatory way. This general proposition is subject to the following in relation to activities passported under the <i>Single Market Directives</i> :
	(1) ...
	...
	(3) for a <del><i>BCD</i></del> <i>CRD</i> credit institution, the <i>PRA</i> or <i>FCA</i> , as <i>Host State regulator</i> , is jointly responsible with the <i>Home State regulator</i> under article 41 <del>156</del> of the <del><i>Banking Consolidation Directive</i></del> <i>CRD</i> for supervision of the liquidity of a branch in the <i>United Kingdom</i> ;
	(4) for a <i>MiFID</i> investment firm including a <del><i>BCD</i></del> - <i>CRD</i> credit institution (which is a <i>MiFID</i> investment firm), the protection of <i>clients'</i> money and <i>clients'</i> assets is reserved to the <i>Home State regulator</i> under <i>MiFID</i> ; and
	(5) responsibility for participation in compensation schemes for <del><i>BCD</i></del> <i>CRD</i> credit institutions and <i>MiFID</i> investment firm is reserved in most cases to the <i>Home State regulator</i> under the <i>Deposit Guarantee Directive</i> and the <i>Investor Compensation Directive</i> .
	...

## 14.1 Application and Purpose

...

14.1.3 G (1) Under the *Gibraltar Order* made under section 409 of the *Act*, a Gibraltar firm is treated as an *EEA firm* under Schedule 3 to the *Act* if it is:

- (a) authorised in Gibraltar under the *Insurance Directives*; or
- (b) authorised in Gibraltar under the ~~*Banking Consolidation Directive*~~ *CRD*; or

...

Purpose

14.1.4 G This chapter gives *guidance* on the *Act* and the *EEA Passport Rights Regulations*

made under the *Act*, for an *incoming EEA firm* which has established a *branch* in, or is providing *cross border services* into, the *United Kingdom* and wishes to change the details of the *branch* or *cross border services*.

**Note:** An *EEA bank* is required to comply with the requirements set out in the directly applicable regulations adopted under Articles 35, 36 and 39 CRD.

...

## 14.2 Changes to branch details

...

Firms passporting under the ~~Banking Consolidation Directive~~ CRD and the UCITS Directive

- 14.2.2 G (1) Where an *incoming EEA firm* passporting under the ~~*Banking Consolidation Directive*~~ CRD or the *UCITS Directive* has established a *branch* in the *United Kingdom*, regulation 4 states that it must not make a change in the *requisite details* of the *branch* unless it has complied with the relevant requirements.

...

Changes arising from circumstances beyond the control of an incoming EEA firm passporting under the ~~*Banking Consolidation Directive*~~ CRD, UCITS Directive or Insurance Directive

...

## 14.6 Cancelling qualification for authorisation

Incoming EEA firms

- 14.6.1 G Section 34 of the *Act* states that an *incoming EEA firm* no longer qualifies for *authorisation* under Schedule 3 to the *Act* if it ceases to be an *incoming EEA firm* as a result of:

- (1) ...
- (2) ceasing to have an *EEA right* in circumstances in which *EEA* authorisation is not required; this is relevant to a *financial institution* that is a subsidiary of a *credit institution* (of the kind mentioned in Article ~~19~~ 34 of the ~~*Banking Consolidation Directive*~~ CRD) which fulfils the conditions in articles ~~18~~ and 19 33 and 34 of that *Directive*.

...

Financial institutions giving up right to authorisation

14.6.4 G Where a *financial institution* (that is a subsidiary of a *credit institution*) is passporting under the ~~*Banking Consolidation Directive*~~ CRD (see SUP 14.6.1G (2)), regulation 9(1) states that the *incoming EEA firm* may request the PRA to direct that its qualification for *authorisation* under Schedule 3 to the Act is cancelled from such date as may be specified in the direction.

...

## 15.1 Application

...

15.1.3 G In some cases, the application of provisions set out in SUP 15 Annex 1 depends on whether responsibility is reserved to a *Home State regulator*. ~~SYSC App 1 contains guidance on this.~~

...

### Breaches of rules and other requirements in or under the Act

- 15.3.11 R (1) A *firm* must notify the *appropriate regulator* of:
- (a) ...
  - ...
  - (d)
  - (da) a breach of a directly applicable provision in the EU CRR or any directly applicable regulations made under CRD or the EU CRR; or
  - (e) ...
  - ...

## 15 Annex 1 Application of SUP 15 to incoming EEA firms and incoming Treaty firms

R

Applicable sections		Application
SUP 15.1, SUP 15.2	Application, Purpose	Apply in full

<i>SUP</i> 15.3.1R to <i>SUP</i> 15.3.6 G	Matters having a serious regulatory impact	<del><i>SUP</i> 15.3.1R does not apply, otherwise apply in full</del> <u>Apply in so far as responsibility for the matter in question is not reserved by an <i>EU</i> instrument to the firm's Home State regulator</u>
....		
<i>SUP</i> 15.3.11 R to <i>SUP</i> 15.3.14 G	...	...
<i>SUP</i> 15.3.15 R to <i>SUP</i> 15.3.16 G	...	...
<i>SUP</i> 15.3.17 R to <i>SUP</i> 15.3.20 G	...	...

...

### App3 Guidance on passporting issues

App 3.3.6 G (1) The European Commission has not produce an interpretative communication on *MiFID*. It is arguable, however, that the principles in the communication on the Second Banking Directive can be applied to *investment services and activities*. This is because Chapter II of Title II of *MiFID* (containing provisions relating to operating conditions for investment firms) also applies to the *investment services and activities* of firms operating under the *Banking Consolidation Directive*, which is repealed and replaced by the *CRD*.

(2) ...

...

### App 3.9 Mapping of MiFID, ~~Banking Consolidation Directive~~ *CRD*, UCITS Directive and Insurance Mediation Directive to the Regulated Activities Order

App 3.9.1 G The following Tables 1, 2, 2A and 2B provide an outline of the *regulated activities* and *specified investments* that may be of relevance to firms considering undertaking *passporting activities* under the ~~*Banking Consolidation Directive*~~ *CRD*, *MiFID*, the *UCITS Directive* and the *Insurance Mediation Directive*. The tables may be of assistance to *UK firms* that are thinking of offering financial services in another *EEA State* and to *EEA firms* that may offer those services in the *United Kingdom*.

App 3.9.2 G The tables provide a general indication of the *investments* and activities specified in the *Regulated Activities Order* that may correspond to categories provided for in the ~~*Banking Consolidation Directive*~~ CRD, *MiFID*, the *UCITS Directive* of the *Insurance Mediation Directive*. The tables do not provide definitive *guidance* as to whether a *firm* is carrying on an activity that is capable of being passported, nor do the tables take account of exceptions that remove the effect of articles. Whether a *firm* is carrying on a *passported activity* will depend on the particular circumstances of the *firm*. If a *firm's* activities give rise to potential passporting issues, it should obtain specialist advice on the relevant issues.

...

App 3.9.4 Activities set out in Annex 1 of the ~~BCD~~ CRD

	Table 1: <del>BCD</del> <u>CRD</u> activities		Part II RAO Activities	Part III RAO Investments
	1.	<del>Acceptance of</del> <u>Taking</u> deposits and other repayable funds from the public	Article 5	Article 74
	...			
	15.	<u>Issuing electric money</u>	<u>Article 9B</u>	<u>Article 74A</u>
	...			
<p>Note 1 : The services and activities provided for in Sections A and B of Annex I of <i>MiFID</i> when referring to the <i>financial instruments</i> provided for in Section C of Annex I of that Directive are subject to mutual recognition according to the <del>BCD</del> <u>CRD</u> from 1 <del>November 2007</del> <u>January 2013</u>. See the table at <i>SUP</i> App 3.9.5G below for mapping of <i>MiFID investment services and activities</i>. For further details relating to this residual category, please see the <del>“Banking Consolidation Directive”</del> <u>“CRD”</u> section of the passporting forms entitled “Notification of intention to establish a branch in another EEA State” and “Notification of intention to provide cross border services in another EEA State”.</p>				

**Part 2:** Comes into force on date specified by a subsequent PRA Board instrument.

### 13A Annex 1 Application of the Handbook to Incoming EEA Firms

...		
<b>(1) Module of Handbook</b>	<b>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</b>	<b>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</b>
<i>PRIN</i>	The <i>Principles</i> apply only in so far as responsibility for the matter in question is not reserved by an <i>EU</i> instrument to the <i>firm's Home State regulator (PRIN 3.1.1R(1))</i> . For an <i>incoming EEA firm</i> which is a <i>CRD credit institution without a top-up permission</i> , <i>Principle 4</i> applies only in relation to the liquidity of a branch established in the <i>United Kingdom (PRIN 3.1.1R(2))</i> .	...
....		
<i>BIPRU</i>	<i>BIPRU 12</i> applies to an <i>EEA firm</i> as respects the activities of its <i>UK branch</i> , but in relation to <i>liquidity risk</i> only.	
...		
<i>SUP</i>	<b>SUP 16 (Reporting requirements)</b> Parts of this chapter may apply if the <i>firm</i> has a <i>top-up permission</i> or if the <i>firm</i> is: (a) <del>a bank</del> ; or [deleted] ...	...

...		
-----	--	--

### 13A Annex 2 Matters reserved to a Home State regulator

Introduction		
...		
Requirements in the interest of the general good		
2.	The Single Market Directives, and the Treaty (as interpreted by the European Court of Justice) adopt broadly similar approaches to reserving responsibility to the Home State regulator. To summarise, the FCA or PRA, as Host State regulator, is entitled to impose requirements with respect to activities carried on within the United Kingdom if these can be justified in the interests of the "general good" and are imposed in a non-discriminatory way. This general proposition is subject to the following in relation to activities passported under the Single Market Directives:	
	(1)	....
	(2)	....
	(3)	<del>for a CRD credit institution, the PRA or FCA, as Host State regulator, is jointly responsible with the Home State regulator under article 156 of the CRD for supervision of the liquidity of a branch in the United Kingdom [deleted]</del>
...		

**CAPITAL REQUIREMENTS DIRECTIVE (DISAPPLICATION)  
INSTRUMENT 2013**

**Powers exercised**

A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):

- (1) section 137G (the PRA’s general rules); and
- (2) section 137T (general supplementary powers).

B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act.

C. The Prudential Regulation Authority gives as guidance each provision in the Annex marked with a G.

**Pre-conditions to making**

D. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed amended rules and had regard to representations made.

**Commencement**

E. This instrument comes into force on 1 January 2014.

**Amendments**

F. The General Prudential sourcebook (GENPRU) is amended in accordance with Annex A to this instrument.

G. The Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU) is amended in accordance with Annex B to this instrument.

**Citation**

H. This instrument may be cited as the Capital Requirements Directive (Disapplication) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## Annex A

### Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### Application

#### 1.1 Application

...

1.1.2 G ~~Broadly speaking however, GENPRU applies to:~~

- (1) ~~an insurer;~~
- (2) ~~a bank;~~
- (3) ~~a building society;~~
- (4) ~~a BIPRU investment firm; and~~
- (5) ~~groups containing such firms. [deleted]~~

1.1.2-A G Further, GENPRU also broadly applies to:

- (1) an insurer;
- (2) groups containing an insurer.

...

#### 1.2 Adequacy of financial resources

##### Application

1.2.1 R This section applies to:

- (1) a BIPRU firm; and
- (2) an insurer, unless it is:
  - (a) a non-directive friendly society; or
  - (b) a Swiss general insurer; or
  - (c) an EEA deposit insurer; or
  - (d) an incoming EEA firm; or

(e) ~~an incoming Treaty firm.~~ [deleted]

1.2.1A R ~~This section also applies to an insurer, unless it is:~~

(1) ~~a non-directive friendly society; or~~

(2) ~~a Swiss general insurer; or~~

(3) ~~an EEA-deposit insurer; or~~

(4) ~~an incoming EEA firm; or~~

(5) ~~an incoming Treaty firm.~~

1.2.2A R ~~In relation to any provision in this section which applies to a BIPRU firm, a reference in that provision to "financial resources" does not constitute a reference to "liquidity resources".~~ [deleted]

1.2.3A G ~~In relation to:~~

(1) ~~a BIPRU firm;~~

(2) ~~an incoming EEA firm which:~~

(a) ~~is a full BCD credit institution; and~~

(b) ~~has a branch in the United Kingdom; and~~

(3) ~~a third country BIPRU firm which:~~

(a) ~~is a bank; and~~

(b) ~~has a branch in the United Kingdom;~~

~~BIPRU 12 contains rules and guidance in relation to the adequacy of that firm's liquidity resources.~~ [deleted]

...

1.2.11 G The adequacy of a firm's financial resources needs to be assessed in relation to all the activities of the firm and the risks to which they give rise and so this section applies to a firm in relation to the whole of its business. ~~In the case of a collective portfolio management investment firm this means that this section also applies to its activities in relation to the management of AIFs and/or UCITS.~~

Purpose

...

1.2.13 G This section amplifies Principle 4, under which a firm must maintain adequate financial resources. It is concerned with the adequacy of the

financial resources that a *firm* needs to hold in order to be able to meet its liabilities as they fall due. These resources include both capital and liquidity resources. ~~As noted in GENPRU 1.2.3AG, however, the appropriate regulator's rules and guidance in relation to the adequacy of the liquidity resources of a BIPRU firm are set out in BIPRU 12.~~

- 1.2.14 G ~~In the case of a bank or building society this section implements Article 123 and (in part) Annex XI of the Banking Consolidation Directive. In the case of a BIPRU investment firm this section implements Article 34 of the Capital Adequacy Directive so far as that Article applies Article 123 of the Banking Consolidation Directive. [deleted]~~

...

#### Outline of other related provisions

...

- 1.2.21 G (1) SYSC 11 sets out material on systems and controls that apply specifically to *liquidity risk* as that concept relates to an *insurer*.

(2) [deleted]

(2A) ~~BIPRU 12 sets out material on systems and controls that apply specifically to *liquidity risk* in relation to a BIPRU firm, a branch of an incoming EEA firm that is a full BCD credit institution and a branch of a third country BIPRU firm that is a bank. [deleted]~~

(3) [deleted]

...

(5) ~~GENPRU 2.2 (Adequacy of financial resources) requires certain BIPRU investment firms to deduct illiquid assets when calculating their *capital resources*. [deleted]~~

...

- 1.2.22 G ~~BIPRU 2.3 contains rules and guidance on interest rate risk in the *non-trading book*. That material elaborates on the general obligation in the overall Pillar 2 rule. [deleted]~~

- 1.2.23 G ~~For a BIPRU firm using a VaR model BIPRU 7.10.72R (Risk management standards: Stress testing) sets out certain stress tests that the firm should carry out. [deleted]~~

- 1.2.24 G ~~BIPRU 10.2.22R (Stress testing of credit risk concentrations) sets out further stress tests that a firm should carry out if it uses certain approaches to collateral for the purposes of the rules about large~~

*exposures*: [deleted]

- 1.2.25 G ~~For a *BIPRU firm* using the *IRB approach* *BIPRU 4.3.39R* to *BIPRU 4.3.40R* set out a recession credit rating migration stress test that the *firm* should carry out. Further *rules and guidance* on such stress tests are set out in *BIPRU 2.2* (Internal capital adequacy standards): [deleted]~~

Requirement to have adequate financial resources

...

- 1.2.26A G ~~*BIPRU 12* contains *rules and guidance* in relation to the adequacy of a *BIPRU firm's* liquidity resources. Consistent with *GENPRU 1.2.2AR*, in assessing the adequacy of its liquidity resources, a *BIPRU firm* should do so by reference to the *overall liquidity adequacy rule*, rather than the *overall financial adequacy rule*: [deleted]~~

...

Systems, strategies, processes and reviews

...

- 1.2.33 R ...
- (2) ~~In the case of a *BIPRU firm* the processes, strategies and systems relating to concentration risk must include those necessary to ensure compliance with *BIPRU 10* (*Large exposures* requirements): [deleted]~~

...

...

Application of this section on a solo and consolidated basis: Processes and tests

...

- 1.2.46 R ~~The *ICAAP rules* do not apply on a solo basis to a *BIPRU firm* to which the *ICAAP rules*:~~
- (1) ~~apply on a consolidated basis under *BIPRU 8.2.1R* (Basic consolidation rule for a *UK consolidation group*); or~~
- (2) ~~apply on a sub-consolidated basis under *BIPRU 8.3.1R* (Basic consolidation rule for a non-*EEA sub-group*): [deleted]~~

- 1.2.47 R ~~The *ICAAP rules* apply on a solo basis:~~

- (1) ~~to an insurer to which those rules do not apply on a consolidated basis under GENPRU 1.2.45R;~~
- (2) ~~to a BIPRU firm to which those rules do not apply on a consolidated or sub-consolidated basis as referred to in GENPRU 1.2.46R (including a BIPRU investment firm with an investment firm consolidation waiver); and~~
- (3) ~~a firm referred to in GENPRU 1.2.2R (Application of this section to certain non-EEA firms). [deleted]~~

1.2.47A R The ICAAP rules apply on a solo basis to an insurer to which those rules do not apply on a consolidated basis under GENPRU 1.2.45R.

...

#### Capital planning

...

1.2.78 G Additional guidance in relation to stress tests and scenario analysis for liquidity risk as that concept relates to an insurer is available in SYSC 11 (Liquidity risk systems and controls). ~~BIPRU 12 sets out the main Handbook provisions in relation to liquidity risk for a BIPRU firm.~~

...

### **1.3 Valuation**

#### Application

- 1.3.1 R (1) ~~This section of the Handbook applies to an insurer, unless it is:~~
- (a) ~~non-directive friendly society;~~
  - (b) ~~an incoming EEA firm; or~~
  - (c) ~~an incoming Treaty firm.~~
- (2) ~~This section of the Handbook applies to a BIPRU firm.~~
- (3) ~~This section of the Handbook applies to a UK ISPV. [deleted]~~

1.3.1A R (1) This section of the Handbook also applies to an insurer, unless it is:

- (a) a non-directive friendly society;
- (b) an incoming EEA firm; or
- (c) an incoming Treaty firm.

(2) This section of the *Handbook* also applies to a *UK ISPV*.

Purpose

...

1.3.3 G (1) ~~In the case of a *BIPRU firm*, this section implements Article 74 of the *Banking Consolidation Directive*, Articles 64(4) and 64(5) of the *Banking Consolidation Directive* (Own funds) and Article 33 and Part B of Annex VII of the *Capital Adequacy Directive*. [deleted]~~

...

General requirements: Accounting principles to be applied

1.3.4 R Subject to *GENPRU* 1.3.9R to *GENPRU* 1.3.10R and *GENPRU* 1.3.36R, except where a *rule* in *GENPRU*, *BIPRU* or *INSPRU* provides for a different method of recognition or valuation, whenever a *rule* in *GENPRU*, *BIPRU* or *INSPRU* refers to an asset, liability, *exposure*, equity or income statement item, a *firm* must, for the purpose of that *rule*, recognise the asset, liability, *exposure*, equity or income statement item and measure its value in accordance with whichever of the following are applicable:

...

(4) ~~the *Building Societies (Accounts and Related Provisions) Regulation 1998*; [deleted]~~

...

General requirements: Valuation adjustments or, in the case of an insurer or a *UK ISPV*, valuation adjustments or reserves

...

1.3.35A G ~~*UK banks* and *BIPRU 730k firms* are reminded that they may, in respect of their prudent valuation assessments under *GENPRU* 1.3.4R and *GENPRU* 1.3.14R to *GENPRU* 1.3.34R, be subject to the requirement under *SUP* 16.16.4R to submit a Prudent Valuation Return to the appropriate regulator. [deleted]~~

Specific requirements: *BIPRU* firms

1.3.36 R ~~Adjustments to accounting values~~

(1) ~~For the purposes of *GENPRU* and *BIPRU*, the adjustments in (2) and (3) apply to values calculated pursuant to *GENPRU* 1.3.4R in addition to those required by *GENPRU* 1.3.9R to~~

~~GENPRU 1.3.10R.~~

- (2) ~~A BIPRU firm must not recognise either:~~
- (a) ~~the fair value reserves related to gains or losses on cash flow hedges of financial instruments measured at amortised cost; or~~
  - (b) ~~any unrealised gains or losses on debt instruments held, or formerly held, in the available for sale category.~~
- (3) ~~A BIPRU investment firm must deduct any asset in respect of deferred acquisition costs and add back in any liability in respect of deferred income (but exclude from the deduction or addition any asset or liability which will give rise to future cash flows), together with any associated deferred tax.~~
- (4) ~~The items referred to in (2) and (3) must be excluded from capital resources. [deleted]~~

- 1.3.37 G ~~Provisions for equity instruments held in the available for sale category can be found in GENPRU 2.2.185R. [deleted]~~

Trading book and other fair-valued positions, and revaluations

- 1.3.38 R ~~GENPRU 1.3.39R to GENPRU 1.3.40R apply only to a BIPRU firm. [deleted]~~
- 1.3.39 R ~~Both trading book positions and other fair valued positions are subject to prudent valuation rules as specified in GENPRU 1.3.14R to GENPRU 1.3.34R (Marking to market, Marking to model, Independent price verification, Valuation adjustments or, in the case of an insurer or a UK ISPV, valuation adjustments or reserves). In accordance with those rules, a firm must ensure that the value applied to each of its trading book positions and other fair valued positions appropriately reflects the current market value. This value must contain an appropriate degree of certainty having regard to the dynamic nature of trading book positions, the demands of prudential soundness and the mode of operation and purpose of capital requirements in respect of trading book positions and other fair valued positions. [deleted]~~
- 1.3.40 R ~~Trading book positions must be re-valued at least daily. [deleted]~~

...

## Capital

### 2.1 Calculation of capital resources requirements

#### Application

- 2.1.1 R ~~This section applies to:~~
- ~~(1) a *BIPRU firm*; and~~
  - ~~(2) an *insurer*, unless it is:~~
    - ~~(a) a *non-directive friendly society*; or~~
    - ~~(b) a *Swiss general insurer*; or~~
    - ~~(c) an *EEA deposit insurer*; or~~
    - ~~(d) an *incoming EEA firm*; or~~
    - ~~(e) an *incoming Treaty firm*. [deleted]~~
- 2.1.1A R Except as indicated in SUP 2.1.60R, this section applies to an *insurer*, unless it is:
- (1) a *non-directive friendly society*; or
  - (2) a *Swiss general insurer*; or
  - (3) an *EEA deposit insurer*; or
  - (4) an *incoming EEA firm*; or
  - (5) an *incoming Treaty firm*.
- Purpose
- ...
- 2.1.8 G (1) ~~This section implements minimum EC standards for the *capital resources* required to be held by an *insurer* undertaking business that falls within the scope of the *Consolidated Life Directive* (2002/83/EC), the *Reinsurance Directive* (2005/68/EC) or the *First Non-Life Directive* (1973/239/EEC) as amended.~~
- (2) ~~This section also implements provisions of the *Capital Adequacy Directive* and *Banking Consolidation Directive* concerning the level of *capital resources* which a *BIPRU firm* is required to hold. In particular it implements (in part) Articles 9, 10 and 75 of the *Banking Consolidation Directive* and Articles 5, 9, 10 and 18 of the *Capital Adequacy Directive*.~~
- (3) ~~In the case of a *collective portfolio management investment firm* this section implements article 9 of *AIFMD* and (in part) Article 7 of the *UCITS Directive*. [deleted]~~
- 2.1.8A G This section implements minimum EC standards for the *capital resources* required to be held by an *insurer* undertaking business that

falls within the scope of the *Consolidated Life Directive* (2002/83/EC), the *Reinsurance Directive* (2005/68/EC) or the *First Non-Life Directive* (1973/239/EEC) as amended.

...

Main requirement: BIPRU firms

- 2.1.40 R ~~A *BIPRU firm* must maintain at all times *capital resources* equal to or in excess of the amount specified in the table in *GENPRU 2.1.45R* (Calculation of the variable capital requirement for a BIPRU firm). [deleted]~~
- 2.1.41 R ~~A *BIPRU firm* must maintain at all times *capital resources* equal to or in excess of the *base capital resources requirement* (see the table in *GENPRU 2.1.48R*). [deleted]~~
- 2.1.42 R ~~At the time that it first becomes a *bank, building society* or *BIPRU investment firm*, a firm must hold *initial capital* of not less than the *base capital resources requirement* applicable to that firm. [deleted]~~
- 2.1.43 G ~~The purpose of the *base capital resources requirement* for a *BIPRU firm* is to act as a minimum capital requirement or floor. It has been written as a separate requirement as there are restrictions in *GENPRU 2.2* (Capital resources) on the types of capital that a *BIPRU firm* may use to meet the *base capital resources requirement* which do not apply to some other parts of the capital requirement calculation. In order to preserve the *base capital resources requirement's* role as a floor rather than an additional requirement, *GENPRU 2.2.60R* allows a *BIPRU firm* to meet the *base capital resources requirement* with capital that is also used to meet the variable capital requirements in *GENPRU 2.1.40R*. [deleted]~~
- 2.1.44 G ~~The *base capital resources requirement* and the variable capital requirement in *GENPRU 2.1.40R* are together called the *capital resources requirement (CRR)* in the case of a *BIPRU firm*. [deleted]~~

Calculation of the variable capital requirement for a BIPRU firm

- 2.1.45 R ~~Table: Calculation of the variable capital requirement for a BIPRU firm  
This table belongs to *GENPRU 2.1.40R*. [deleted]~~
- [The table at *GENPRU 2.1.45R* is deleted in its entirety. The deleted text is not shown.]

...

Calculation of the base capital resources requirement for a BIPRU firm

- 2.1.47 R ~~The amount of a *BIPRU firm's base capital resources requirement* is set out in the table in *GENPRU 2.1.48R*. [deleted]~~

Table: Base capital resources requirement for a BIPRU firm

- 2.1.48 R ~~This table belongs to *GENPRU 2.1.47R* [deleted]~~  
 [The table in *GENPRU 2.1.48R* is deleted in its entirety. The deleted text is not shown.]

Definition of BIPRU 730K firm, BIPRU 125K firm and BIPRU 50K firm

- 2.1.49 G ~~The terms *BIPRU 730K firm*, *BIPRU 125K firm* and *BIPRU 50K firm* are defined in *BIPRU 1.1* (Application and purpose). However for convenience the table in *GENPRU 2.1.50G* briefly summarises them. [deleted]~~

Table: Definition of BIPRU 730K firm, BIPRU 125K firm and BIPRU 50K firm

- 2.1.50 G ~~This table belongs to *GENPRU 2.1.49G* [deleted]~~  
 [The table at *GENPRU 2.1.50G* is deleted in its entirety. The deleted text is not shown.]

Calculation of the credit risk capital requirement (BIPRU firm only)

- 2.1.51 R ~~A *BIPRU firm* must calculate its *credit risk capital requirement* as the sum of:~~
- ~~(1) the *credit risk capital component*;~~
  - ~~(2) the *counterparty risk capital component*; and~~
  - ~~(3) the *concentration risk capital component*. [deleted]~~

Calculation of the market risk capital requirement (BIPRU firm only)

- 2.1.52 R (1) ~~A *BIPRU firm* must calculate its *market risk capital requirement* as the sum of:~~
- ~~(a) the *interest rate PRR* (including the *basic interest rate PRR* for equity derivatives set out in *BIPRU 7.3* (Equity PRR and basic interest rate PRR for equity derivatives));~~
  - ~~(b) the *equity PRR*;~~
  - ~~(c) the *commodity PRR*;~~
  - ~~(d) the *foreign currency PRR*;~~
  - ~~(e) the *option PRR*; and~~
  - ~~(f) the *collective investment undertaking PRR*.~~
- ~~(2) Any amount calculated under *BIPRU 7.1.9R* — *BIPRU 7.1.13R*~~

~~(Instruments for which no PRR treatment has been specified) must be allocated between the PRR charges in (1) in the most appropriate manner. [deleted]~~

...

Calculation of base capital resources requirement for banks authorised before 1993

- 2.1.60 R ~~(1) This rule applies to a bank that meets the following conditions:~~
- ~~(a) on 31 December 2006 it had the benefit of IPRU(BANK) rule 3.3.12 (Reduced minimum capital requirement for a bank that is a credit institution which immediately before 1 January 1993 was authorised under the Banking Act 1987);~~
  - ~~(b) the relevant amount (as referred to in IPRU(BANK) rule 3.3.12) applicable to it was below € million as at 31 December 2006; and~~
  - ~~(c) on 1 January 2007 it did not comply with the base capital resources requirement as set out in the table in GENPRU 2.1.48R (€ million requirement).~~
- ~~(2) Subject to (3), the applicable base capital resources requirement as at any time (the "relevant time") is the higher of:~~
- ~~(a) the relevant amount applicable to it under IPRU(BANK) rule 3.3.12 as at 31 December 2006 as adjusted under GENPRU 2.1.62R(2); and~~
  - ~~(b) the highest amount of eligible capital resources which that bank has held between 1 January 2007 and the relevant time.~~
- ~~(3) This rule ceases to apply when:~~
- ~~(a) that bank's eligible capital resources at any time since 1 January 2007 equal or exceed € million; or~~
  - ~~(b) a person (other than an existing controller) becomes the parent undertaking of that bank.~~
- ~~(4) If this rule ceases to apply under (3)(a) it continues not to apply if the bank's eligible capital resources later fall below € million. [deleted]~~
- 2.1.61 G ~~Where two or more banks merge, all of which individually have the benefit of GENPRU 2.1.60R, the PRA may agree in certain circumstances that the base capital resources requirement for the bank resulting from the merger may be the sum of the aggregate capital resources of the merged banks, calculated at the time of the merger,~~

provided this figure is less than ~~€~~ million. ~~[deleted]~~

2.1.62 R For the purpose of *GENPRU 2.1.60R*:

- (1) an existing controller of a *bank* means:
  - (a) ~~a person who has been a parent undertaking of that bank since 31 December 2006 or earlier; or~~
  - (b) ~~a person who became a parent undertaking of that bank after 31 December 2006 but who, when he became a parent undertaking of that bank, was a subsidiary undertaking of an existing controller of that bank;~~
- (2) ~~the relevant amount of capital as referred to in *GENPRU 2.1.60R(2)(a)* is adjusted by identifying the time as of which the amount of capital it was obliged to hold under IPRU(BANK) rule 3.3.12 as referred to in *GENPRU 2.1.60R(2)(a)* was fixed and then recalculating the capital resources it held at that time in accordance with the definition of eligible capital resources (as defined in (3)); and~~
- (3) ~~eligible capital resources mean capital resources eligible under *GENPRU 2.2 (Capital resources)* to be used to meet the base capital resources requirement. ~~[deleted]~~~~

...

## 2.2 Capital resources

### Application

2.2.1 R This section applies to:

- (1) ~~a *BIPRU firm*; and~~
- (2) ~~an insurer unless it is:~~
  - (a) ~~a non-directive friendly society; or~~
  - (b) ~~a Swiss general insurer; or~~
  - (c) ~~an EEA deposit insurer; or~~
  - (d) ~~an incoming EEA firm; or~~
  - (e) ~~an incoming Treaty firm. ~~[deleted]~~~~

2.2.1A R This section applies to an insurer unless it is:

- (1) a non-directive friendly society; or

(2) a Swiss general insurer; or

(3) an EEA-deposit insurer; or

(4) an incoming EEA firm; or

(5) an incoming Treaty firm.

#### Purpose

...

- 2.2.4 G ~~This section also implements minimum EC standards for the composition of *capital resources* required to be held by a *BIPRU firm*. In particular it implements Articles 56–61, Articles 63–64, Article 66 and Articles 120–122 of the *Banking Consolidation Directive* (2006/48/EC) and Articles 12–16, Article 17 (in part), Article 22(1)(e) (in part) and paragraphs 13–15 of Part B of Annex VII of the *Capital Adequacy Directive* (2006/49/EC). [deleted]~~

#### Contents guide

- 2.2.5 G ~~The table in *GENPRU 2.2.6G* sets out where the main topics in this section can be found. [deleted]~~

#### Table: Arrangement of GENPRU 2.2

- 2.2.6 G ~~This table belongs to *GENPRU 2.2.5G* [deleted]~~  
 [The table in *GENPRU 2.2.6G* is deleted in its entirety. The deleted text is not shown.]

#### Simple capital issuers

- 2.2.7 G ~~Parts of this section are irrelevant to a *BIPRU firm* whose *capital resources* consist of straightforward *capital instruments*. [deleted]~~

...

#### Deductions from capital

- 2.2.14 G ~~Deductions should be made at the relevant stage of the calculation of *capital resources* to reflect capital that may not be available to the *firm* or assets of uncertain value (for example, holdings of intangible assets and assets that are inadmissible for an *insurer*). or, in the case of a *bank* or *building society*, where that *firm* has made investments in a *subsidiary undertaking* or in another *financial institution* or in respect of *participations* that it holds).~~
- 2.2.15 G ~~Deductions should also be made, in the case of certain *BIPRU investment firms* for *illiquid assets* (see *GENPRU 2.2.19R*). [deleted]~~

...

Which method of calculating capital resources applies to which type of firm

- 2.2.17 R ~~A firm must calculate its capital resources in accordance with the version of the capital resources table applicable to the firm, subject to the capital resources gearing rules. The version of the capital resources table that applies to a firm is specified in the table in GENPRU 2.2.19R. [deleted]~~
- 2.2.18 R ~~In the case of a BIPRU firm the capital resources table also sets out how the capital resources requirement is deducted from capital resources in order to decide whether its capital resources equal or exceed its capital resources requirement. [deleted]~~

Table: Applicable capital resources calculation

- 2.2.19 R ~~This table belongs to GENPRU 2.2.17R-[deleted]~~  
 [The table in GENPRU 2.2.19R is deleted in its entirety. The deleted text is not shown.]

Calculation of capital resources: Which rules apply to BIPRU investment firms

- 2.2.20 G ~~GENPRU 2.2.19R sets out three different methods of calculating capital resources for BIPRU investment firms. The differences between the three methods relate to whether and how material holdings and illiquid assets are deducted when calculating capital resources. The method depends on whether a firm has an investment firm consolidation waiver. If a firm does have such a waiver, it should deduct illiquid assets, own group material holdings and certain contingent liabilities. If a firm does not have such a waiver, it should choose to deduct either material holdings or, subject to notifying the appropriate regulator, illiquid assets. [deleted]~~
- 2.2.21 G ~~A consequence of a firm deducting all of its illiquid assets under GENPRU 2 Annex 5R is that it is allowed a higher limit on short term subordinated debt under GENPRU 2.2.49R. [deleted]~~

Calculation of capital resources: Insurers

- 2.2.22 G ~~Capital resources for an insurer can be calculated either as the total of eligible assets less foreseeable liabilities (which is the approach taken in the Insurance Directives) or by identifying the components of capital. Both calculations give the same result for the total amount of capital resources. The approach taken in this section has been to specify the components of capital and the relevant deductions. This is set out in the capital resources table. This approach is the same as that used for the calculation of capital resources for banks, building societies and BIPRU investment firms. A simple example, showing the reconciliation of the two methods, is given in the table in GENPRU~~

2.2.23G.

...

- 2.2.28 R ~~In the case of a BIPRU firm, the requirement to obtain a legal opinion in GENPRU 2.2.159R(12) does not apply to hybrid capital treated under GENPRU 2.2.25R but the requirements to obtain a legal opinion in GENPRU 2.2.118R continue to apply. [deleted]~~

...

Limits on the use of different forms of capital: Limits relating to tier one capital applicable to BIPRU firms

- 2.2.30A R ~~In relation to the tier one capital resources of a BIPRU firm, calculated at stage F of the calculation in the capital resources table (Total tier one capital after deductions):~~

- ~~(1) no more than 50% may be accounted for by hybrid capital;~~
- ~~(2) no more than 35% may be accounted for by hybrid capital included at stages B2 and C of the calculation in the capital resources table; and~~
- ~~(3) no more than 15% may be accounted for by hybrid capital included at stage C of the calculation in the capital resources table. [deleted]~~

...

Limits on the use of different kinds of capital: Purposes for which tier three capital may not be used (BIPRU firm only)

- 2.2.44 R ~~Tier one capital and tier two capital are the only type of capital resources that a BIPRU firm may use for the purpose of meeting:~~

- ~~(1) the credit risk capital component;~~
- ~~(2) the operational risk capital requirement;~~
- ~~(3) the counterparty risk capital component; and~~
- ~~(4) the base capital resources requirement. [deleted]~~

- 2.2.45 R ~~GENPRU 2.2.44R (and the capital resources gearing rules that relate to it) also applies for the purposes of any other requirement in the Handbook for which it is necessary to calculate the capital resources of a BIPRU firm, except for the purposes described in GENPRU 2.2.47R and except as may otherwise be stated in the relevant part of the Handbook. [deleted]~~

Limits on the use of different kinds of capital: Tier two limits (BIPRU firm

only)

2.2.46 R For the purpose of *GENPRU 2.2.44R*:

- (1) ~~the amount of the items which may be included in a *BIPRU firm's tier two capital resources* must not exceed the amount calculated at stage F of the calculation in the *capital resources table* (Total tier one capital after deductions); and~~
- (2) ~~the amount of the items which may be included in a *BIPRU firm's lower tier two capital resources* must not exceed 50% of the amount calculated at stage F of the calculation in the *capital resources table*. [deleted]~~

Limits on the use of different kinds of capital: Purposes for which tier three capital may be used (BIPRU firm only)

2.2.47 R For the purposes of meeting:

- (1) ~~the *market risk capital requirement*;~~
- (2) ~~the *concentration risk capital component*; and~~
- (3) ~~the *fixed overheads requirement* (where applicable);~~

~~a *BIPRU firm* may only use the following parts of its *capital resources*:~~

- (4) ~~*tier one capital* to the extent that it is not required to meet the requirements in *GENPRU 2.2.44R* (*GENPRU 2.2.48R* explains how to calculate how much *tier one capital* is required to meet the requirements in *GENPRU 2.2.44R*);~~
- (5) ~~*tier two capital* to the extent that it:~~
  - (a) ~~comes within the limits in *GENPRU 2.2.46R* (100% limit for *tier two capital resources* and 50% limit for *lower tier two capital resources*); and~~
  - (b) ~~it is not required to meet the requirements in *GENPRU 2.2.44R*; (*GENPRU 2.2.48R* explains how to calculate how much *tier two capital* is required to meet the requirements in *GENPRU 2.2.44R*);~~
- (6) ~~*tier two capital* that cannot be used for the purposes in *GENPRU 2.2.44R* because it falls outside the limits in *GENPRU 2.2.46R*; and~~
- (7) ~~*tier three capital*. [deleted]~~

2.2.48 R The amount of *tier one capital* and *tier two capital* that is not used to meet the requirements in *GENPRU 2.2.44R* as referred to in *GENPRU 2.2.47R*(4) and (5)(5) is equal to the amount calculated at stage N of the

~~calculation in the *capital resources table* (Total tier one capital plus tier two capital after deductions) less the parts of the *capital resources requirement* deducted immediately after stage N of the *capital resources table* (the parts of the *capital resources requirements* listed in *GENPRU 2.2.44R*). [deleted]~~

Limits on the use of different kinds of capital: Combined tier two and tier three limits (BIPRU firm only)

2.2.49 R ~~For the purpose of meeting the requirements in *GENPRU 2.2.47R(1)* to *GENPRU 2.2.47R(3)* and subject to *GENPRU 2.2.50R*, a *BIPRU firm* must not include any item in either:~~

~~(1) its *tier two capital resources* falling within *GENPRU 2.2.47R(6)* (*excess tier two capital*); or~~

~~(2) its *upper tier three capital resources*;~~

~~to the extent that the sum of (1) and (2) would exceed 250% of the amount resulting from the following calculation:~~

~~(3) calculate the amount at stage F of the calculation in the *capital resources table* (Total tier one capital after deductions); and~~

~~(4) deduct from (3) those parts of the *firm's tier one capital* used to meet the requirements in *GENPRU 2.2.44R(1)* and (2) as established by *GENPRU 2.2.48R*. [deleted]~~

2.2.50 R ~~In relation to a *BIPRU investment firm* which calculates its *capital resources* under *GENPRU 2 Annex 4R* (*Capital resources table for a BIPRU investment firm deducting material holdings*), the figure of 200% replaces that of 250% in *GENPRU 2.2.49R*. [deleted]~~

Example of how the capital resources calculation for BIPRU firms works

2.2.51 G ~~*GENPRU 2.2.52G* to *GENPRU 2.2.59G* illustrate how to calculate a *BIPRU firm's capital resources* and how the *capital resources gearing rules* work. In this example the *BIPRU firm* has a combined credit, operational and counterparty risk requirement of £100 (of which £10 is due to counterparty risk) and a market risk requirement of £90, making a total capital requirement of £190. Its *capital resources* are as set out in the table in *GENPRU 2.2.52G*. [deleted]~~

Table: Example of the calculation of the capital resources of a BIPRU firm

2.2.52 G ~~This table belongs to *GENPRU 2.2.51G*. [deleted]~~

~~[The table at *GENPRU 2.2.52G* is deleted in its entirety. The deleted text is not shown.]~~

...

- 2.2.54 G ~~In the example in the table in GENPRU 2.2.52G the firm has total tier one capital after deductions of £80. Its tier two capital of £80 is therefore the maximum permitted under GENPRU 2.2.46R (Tier two limits), that is 100% of tier one capital. [deleted]~~
- 2.2.55 G ~~The combined credit, operational and counterparty risk capital requirement is deducted after stage N of the capital resources table and the market risk requirement following stage T of the capital resources table. These calculations are shown in the table in GENPRU 2.2.56G. [deleted]~~

Table: Example of how capital resources of a BIPRU firm are measured against its capital resources requirement

- 2.2.56 G ~~This table belongs to GENPRU 2.2.55G [deleted]~~  
 [The table in GENPRU 2.2.55G is deleted in its entirety. The deleted text is not shown.]
- 2.2.57 G ~~The gearing limit in GENPRU 2.2.49R (Combined tier two and tier three limits) requires that the upper tier three capital used to meet the market risk requirement does not exceed 250% of the relevant tier one capital. [deleted]~~
- 2.2.58 G ~~In this example it is assumed that the maximum possible amount of tier one capital is carried forward to meet the market risk requirement. There are other options as to the allocation of tier one capital and tier two capital to the credit, operational and counterparty risk requirement. In order to calculate the relevant tier one capital for the upper tier three gearing limit in accordance with GENPRU 2.2.49R it is first necessary to allocate tier one capital and tier two capital to the individual credit, operational and counterparty risk requirements. This allocation process underlies the calculation of the overall amount referred to in GENPRU 2.2.48R. The calculation in GENPRU 2.2.49R(3) and GENPRU 2.2.49R(4) then focuses on the tier one element of this earlier calculation.  
 In this worked example, if it is assumed that the counterparty risk requirement has been met by tier one capital, the relevant tier one capital for gearing is £50. This is because the deductions of £20 and the credit and operational risk requirements of £90 have been met by tier two capital in the first instance. However, the total sum of deductions and credit and operational risk requirements exceed the tier two capital amount of £80 by £30. Hence the £80 of tier one capital has been reduced by £30 to leave £50.  
 In practical terms, the same result is achieved for the relevant tier one capital for gearing by taking the amount carried forward to meet market risk of £40 and adding back the £10 in respect of the counterparty risk requirement. Again, there are other options as to the allocation to credit, operational and counterparty risk of the constituent elements of Stage N of the capital resources table.  
 The outcome of these calculations can be summarised as~~

follows:[deleted]

(1) ~~the relevant *tier one capital* for the gearing calculation is £50; [deleted]~~

(2) ~~250% of the relevant *tier one capital* is £125; and [deleted]~~

(3) ~~the *upper tier three capital* used to meet market risk is £50. [deleted]~~

2.2.59 G ~~The 250% gearing limit is met as the limit of £125 is greater than the *upper tier three capital* of £50 used in this example. [deleted]~~

Capital used to meet the base capital resources requirement (BIPRU firm only)

2.2.60 R ~~A *BIPRU firm* may use the *capital resources* used to meet the *base capital resources requirement* to meet any other part of the *capital resources requirement*. [deleted]~~

2.2.61 G ~~The explanation for *GENPRU 2.2.60R* can be found in *GENPRU 2.1.43G* (Base capital resources requirement). In brief the reason is that the *base capital resources requirement* is not in practice meant to act as an additional capital resources requirement. It is meant to act as a floor to the *capital resources requirement*. [deleted]~~

...

Guidance on certain of the general conditions for eligibility as tier one capital

...

2.2.68A R ~~A *BIPRU firm* must not include a *capital instrument* in its *tier one capital resources* if:~~

(1) ~~the *capital instrument* is affected by a dividend stopper; and~~

(2) ~~the dividend stopper operates in a way that hinders recapitalisation. [deleted]~~

2.2.68B G ~~A dividend stopper prevents the *firm* from paying any *coupon* on more junior or *pari passu* instruments in a period in which the *firm* omits payments to the holder of the *capital instrument* containing the dividend stopper, and so may hinder the recapitalisation of the *firm* contrary to *GENPRU 2.2.64R(6)*. [deleted]~~

...

Tier one capital: payment of coupons (BIPRU firm only)

2.2.69A R ~~A *BIPRU firm* must not make a payment of a *coupon* on an item of~~

~~hybrid capital if the firm has no distributable reserves. [deleted]~~

- 2.2.69B R ~~A BIPRU firm must cancel the payment of a coupon on an item of hybrid capital if the BIPRU firm does not meet its capital resources requirement or if the payment of that coupon would cause it to breach its capital resources requirement. [deleted]~~
- 2.2.69C R ~~A BIPRU firm must not pay a coupon on an item of hybrid capital in the form of core tier one capital in accordance with GENPRU 2.2.64R(4)(b) unless:~~
- ~~(1) the firm meets its capital resources requirement; and~~
  - ~~(2) such a substituted payment preserves the firm's financial resources. [deleted]~~
- 2.2.69D G ~~The appropriate regulator considers that a BIPRU firm's financial resources are not preserved under GENPRU 2.2.69CR(2) unless, among other things, the conditions of the substituted payment are that:~~
- ~~(1) there is no decrease in the amount of the firm's core tier one capital;~~
  - ~~(2) the deferred coupon is satisfied without delay using newly issued core tier one capital that has an aggregate fair value no more than the amount of the coupon;~~
  - ~~(3) the firm is not obliged to find new investors for the newly issued instruments; and~~
  - ~~(4) if the holder of the newly issued instruments subsequently sells the instruments and the sale proceeds are less than the value of the coupon, the firm is not obliged to issue further new instruments to cover the loss incurred by the holder of the instruments. [deleted]~~
- 2.2.69E R ~~A BIPRU firm must cancel the payment of a coupon if circumstances arise whereby the payment of the coupon by newly issued instruments, in accordance with GENPRU 2.2.64R(4)(b), does not comply with the requirements of GENPRU 2.2.69CR. [deleted]~~
- 2.2.69F G (1) ~~In relation to the cancellation or deferral of the payment of a coupon in accordance with GENPRU 2.2.64R(4) and GENPRU 2.2.64R(5), GENPRU 2.2.68AR, or GENPRU 2.2.69BR, the appropriate regulator expects that situations where a coupon may need to be cancelled or deferred will be resolved through analysis and discussion between the firm and the appropriate regulator. If the appropriate regulator and the firm do not agree on the cancellation or deferral of the payment of a coupon, then the appropriate regulator may consider using its powers under 55J of the Act to, on its own initiative, vary a firm's Part 4A permission to require it to cancel or defer a coupon in accordance~~

~~with the appropriate regulator's view of the financial and solvency situation of the firm.~~

- (2) ~~In considering a firm's financial and solvency situation, the appropriate regulator will normally take into account, among other things, the following:~~
- ~~(a) the firm's financial and solvency position before and after the payment of the coupon, in particular whether that payment, or other foreseeable internal and external events or circumstances, may increase the risk of the firm breaching its capital resources requirement or the overall financial adequacy rule;~~
  - ~~(b) an appropriately stressed capital plan, covering 3-5 years, which includes the effect of the proposed payment of the coupon; and~~
  - ~~(c) an evaluation of the risks to which the firm is or might be exposed and whether the level of tier one capital ensures the coverage of those risks, including stress tests on the main risks showing potential loss under different scenarios.~~
- (3) ~~If the BIPRU firm is required to cancel or defer the payment of a coupon by the appropriate regulator, it may still be able to pay the coupon by way of newly issued core tier one capital in accordance with GENPRU 2.2.64 R(4)(b) and GENPRU 2.2.69C R. The appropriate regulator may consider using its powers under 55J of the Act to, on its own initiative, vary a firm's Part 4A permission to impose conditions on the use of such a mechanism or to require its cancellation, based on the factors outlined in this guidance. [deleted]~~

#### Redemption of tier one instruments

...

- 2.2.70A G ~~In the case of a BIPRU firm, an incentive to redeem is a feature of a capital instrument that would lead a reasonable market participant to have an expectation that the firm will redeem the instrument. The appropriate regulator considers that interest rate step ups and principal stock settlements, in conjunction with a call option, are incentives to redeem. Only instruments with moderate incentives to redeem are permitted as tier one capital, in accordance with the limited conversion ratio in GENPRU 2.2.138R and the rule on step-ups in GENPRU 2.2.147R. [deleted]~~

...

- 2.2.74B R ~~If a BIPRU firm does not comply with its capital resources requirement or if the redemption of any dated tier one instrument would cause it to~~

~~breach its capital resources requirement, it must suspend the redemption of its dated tier one instruments. [deleted]~~

...

Purchases of tier one instruments: BIPRU firm only

- 2.2.79A R ~~A BIPRU firm must not purchase a tier one instrument that it has included in its tier one capital resources unless:~~
- ~~(1) the firm initiates the purchase;~~
  - ~~(2) [deleted]~~
  - ~~(3) the firm has given notice to the appropriate regulator in accordance with GENPRU 2.2.79GR; and~~
  - ~~(4) (in the case of hybrid capital) it is on or after the fifth anniversary of the date of issue of the instrument. [deleted]~~
- 2.2.79B G ~~In exceptional circumstances a BIPRU firm may apply for a waiver of GENPRU 2.2.79AR(4) under section 138A (Modification or waiver of rules) of the Act. [deleted]~~
- 2.2.79C R ~~GENPRU 2.2.79AR(4) does not apply if:~~
- ~~(1) the firm replaces the capital instrument it intends to purchase with a capital instrument that is included in a higher stage of capital or the same stage of capital; and~~
  - ~~(2) the replacement capital instrument has already been issued. [deleted]~~
- 2.2.79D R ~~GENPRU 2.2.79AR(4) does not apply if:~~
- ~~(1) the firm intends to hold the purchased instrument for a temporary period as market maker; and~~
  - ~~(2) the purchased instruments held by the firm do not exceed the lower of:~~
    - ~~(a) 10% of the relevant issuance; or~~
    - ~~(b) 3% of the firm's total issued hybrid capital. [deleted]~~
- 2.2.79E G ~~In the circumstances provided for in GENPRU 2.2.79DR, a firm would purchase the instrument and, instead of cancelling it, the firm would hold the instrument for a temporary period. In that case a firm should have in place adequate policies to take into account any relevant regulations and rules, which include those relating to market abuse. [deleted]~~

- 2.2.79F R ~~For the purposes of calculating its *tier one capital resources*, a *firm* must deduct the amount of any item of *hybrid capital* which it then holds. [deleted]~~
- 2.2.79G R ~~A *BIPRU firm* must not purchase a *tier one instrument* in accordance with *GENPRU 2.2.79AR* unless it has notified the *appropriate regulator* of its intention at least one month before it becomes committed to doing so. When giving notice, the *firm* must provide details of its position after the purchase in order to show how, over an appropriate timescale, adequately stressed, and without planned recourse to the capital markets, it will:~~
- ~~(1) meet its *capital resources requirement*; and~~
  - ~~(2) have sufficient financial resources to meet the *overall financial adequacy rule*. [deleted]~~
- 2.2.79H G ~~The *appropriate regulator* considers that:~~
- ~~(1) in order to comply with *GENPRU 2.2.79GR*, the *firm* should, at a minimum, provide the *appropriate regulator* with the following information:~~
    - ~~(a) a comprehensive explanation of the rationale for the purchase;~~
    - ~~(b) the *firm's* financial and solvency position before and after the purchase, in particular whether the purchase, or other foreseeable internal and external events or circumstances, may increase the risk of the *firm* breaching its *capital resources requirement* or the *overall financial adequacy rule*;~~
    - ~~(c) an appropriately stressed capital plan covering 3-5 years, which includes the effect of the proposed purchase; and~~
    - ~~(d) an evaluation of the risks to which the *firm* is or might be exposed and whether the level of *tier one capital* ensures the coverage of such risks including stress tests on the main risks showing potential loss under different scenarios; and~~
  - ~~(2) the proposed purchase should not be on the basis that the *firm* reduces capital on the date of the purchase and then plans to raise new external capital during the following 3-5 years to replace the purchased capital. [deleted]~~
- 2.2.79I R ~~A *BIPRU firm* must not announce to the holders of a *tier one instrument* its intention to purchase that instrument unless it has notified that intention to the *appropriate regulator* in accordance with *GENPRU 2.2.79GR* and it has not, during the period of one month from the date of giving notice, received an objection from the~~

~~appropriate regulator.~~ [deleted]

- 2.2.79J R ~~If a BIPRU firm announces the purchase of any tier one instrument, the firm must no longer include that instrument in its tier one capital resources.~~ [deleted]
- 2.2.79K R ~~If a BIPRU firm does not comply with its capital resources requirement, or if the purchase of any tier one instrument would cause it to breach its capital resources requirement, it must suspend the purchase of tier one instruments.~~ [deleted]
- 2.2.79L G ~~A firm should continue to exclude from its tier one capital resources all tier one instruments that are the subject of a purchase notification under GENPRU 2.2.79GR and for which the offer to purchase has been declined by the instrument holders unless the purchase offer period has expired.~~ [deleted]

#### Loss absorption

- 2.2.80 R A firm may not include a share in its tier one capital resources unless (in addition to complying with the other relevant rules in GENPRU 2.2):
- (1) (in the case of a firm that is a company as defined in the Companies Act 2006 it is "called-up share capital" within the meaning given to that term in that Act; or
  - (2) ~~(in the case of a building society) it is a deferred share; or~~ [deleted]
  - (3) (in the case of any other firm) it is:
    - (a) in economic terms; and
    - (b) in its characteristics as capital (including loss absorbency, permanency, ranking for repayment and fixed costs);substantially the same as called-up share capital falling into (1).

...

#### Core tier one capital: permanent share capital

- 2.2.83 R *Permanent share capital* means an item of capital which (in addition to satisfying GENPRU 2.2.64R) meets the following conditions:
- (1) it is:
    - (a) an ordinary share; or
    - (b) a members' contribution; or

(c) part of the *initial fund* of a *mutual*.

(d) a *deferred share*; [deleted]

...

General conditions for eligibility of capital instruments as core tier one capital (BIPRU firm only)

2.2.83A R ~~The conditions that a *BIPRU firm's permanent share capital* must comply with under *GENPRU 2.2.83AR(4)* or that a *BIPRU firm's eligible partnership capital* or *eligible LLP members' capital* must comply with under *GENPRU 2.2.95R* are as follows:~~

- (1) ~~it is undated;~~
- (2) ~~the terms upon which it is issued do not give the holder a preferential right to the payment of a *coupon*;~~
- (3) ~~the terms upon which it is issued do not indicate the amount of any *coupon* that may be payable nor impose an upper limit on the amount of any *coupon* that may be payable;~~
- (4) ~~the *firm's* obligations under the instrument do not constitute a liability (actual, contingent or prospective) under section 123(2) of the Insolvency Act 1986 and the holder has no right to petition for the winding up or administration of the *firm* or for any similar procedure in relation to the *firm* arising from the non-payment of a *coupon* or any other sums payable under the instrument;~~
- (5) ~~there is no contractual or other obligation arising out of the terms upon which it is issued that requires the *firm* to repay capital to the holders other than on a liquidation of the *firm*;~~
- (6) ~~the terms upon which it is issued do not include a dividend pusher or a dividend stopper;~~
- (7) ~~the *firm* is under no obligation to issue *core tier one capital* or to make a payment in kind in lieu of making a *coupon* payment and non-payment of a *coupon* is not an event of default on the part of the *firm*;~~
- (8) ~~it is simple and the terms upon which it is issued are clearly defined;~~
- (9) ~~it is able to fully and unconditionally absorb losses on a non-discretionary basis as soon as they arise to allow the *firm* to continue trading, and it absorbs losses before all *capital instruments* that are not eligible for inclusion in stage A of the *capital resources table* and equally and proportionately with all *capital instruments* that are eligible for inclusion in stage A of~~

~~the *capital resources table*;~~

- (10) ~~it ranks for repayment on winding up, administration or any other similar process lower than all other items of capital, and on a liquidation of the *firm* the holders have a claim on the residual assets remaining after satisfaction of all prior claims that is proportional to their holding and do not have a priority claim or a fixed claim for the nominal amount of their holding;~~
- (11) ~~the *firm* has not provided the holder with a direct or indirect financial contribution specifically to pay for the whole or a part of its subscription or purchase;~~
- (12) ~~a reasonable person would not think that the *firm* is likely to redeem or purchase it because of the description of its characteristics used in its marketing and in its contractual terms of issue; and~~
- (13) ~~its issue is not connected with one or more other transactions which, when taken together with its issue, could result in it no longer displaying all of the characteristics set out in *GENPRU* 2.2.83R(2), *GENPRU* 2.2.83AR(1) to (12) and (in the case of *permanent share capital*) *GENPRU* 2.2.83R(3). [deleted]~~

2.2.83B R ~~A *BIPRU firm* must not include in stage A of the *capital resources table* different classes of the same *share* type (for example "A ordinary shares" and "B ordinary shares") that meet the conditions in *GENPRU* 2.2.83R and *GENPRU* 2.2.83AR but have differences in voting rights, unless it has notified the *appropriate regulator* of its intention at least one month before the *shares* are issued or (in the case of existing issued *shares*) the differences in voting rights take effect. [deleted]~~

2.2.83C R ~~A *BIPRU firm* must not pay a *coupon* on a *tier one instrument* included in stage A of the *capital resources table* if it has no distributable reserves. [deleted]~~

2.2.83D G ~~A *BIPRU firm* may disclose its dividend policy, provided that the policy only reflects the current intention of the *firm* and does not undermine the *firm's* right to choose the amount of any *coupon* that it pays. [deleted]~~

Core tier one capital: exception to eligibility criteria (building societies only)

2.2.83E R ~~A *building society* may include in stage A of the *capital resources table* a *capital instrument* that includes in its terms of issue an upper limit on the amount of any *coupon* that may be payable and the prohibition on a *coupon* limit under *GENPRU* 2.2.83AR(3) does not apply to that *capital instrument*, provided that:~~

- (1) ~~the *capital instrument* satisfies all other conditions for eligibility~~

~~as core tier one capital set out in GENPRU 2.2.83R to GENPRU 2.2.83AR;~~

- ~~(2) the coupon limit has been imposed by law or the constitutional documents of the firm;~~
- ~~(3) the objective of the limit is to protect the capital reserves of the firm;~~
- ~~(4) the firm continues to have the effective right to choose the amount of any coupon that it pays;~~
- ~~(5) all other capital instruments issued by the firm and included in stage A of the capital resources table:
 
  - ~~(a) meet the conditions set out in GENPRU 2.2.83R(2), GENPRU 2.2.83R(3) and GENPRU 2.2.83AR (General conditions for eligibility of capital instruments as core tier one capital (BIPRU firm only)); and~~
  - ~~(b) if subject to a coupon limit, are subject to the same coupon limit; and~~~~
- ~~(6) any preferential coupon on a capital instrument included in stage A of the capital resources table, arising as a result of the inclusion of a coupon limit on another capital instrument, must be restricted to a fixed multiple of the coupon payment on the capital instrument that is subject to the coupon limit. GENPRU 2.2.83AR(2) to (3) do not prevent a capital instrument from being included in stage A of the capital resources table if the only reason for those prohibitions not being met is that a preferential coupon arises, and is restricted, in the manner referred to in this paragraph (6). [deleted]~~

- 2.2.83F R ~~A building society must not issue a capital instrument that includes a coupon limit in its terms of issue in accordance with GENPRU 2.2.83E R unless it has notified the PRA of its intention to do so at least one month before the intended date of issue. [deleted]~~
- 2.2.83G G ~~Under GENPRU 2.2.83E R(4), an effective right means that in practice the firm has, and exercises, full discretion to choose the amount of coupon that it pays (for example, it has not fettered that discretion by indicating to instrument holders that the coupon limit is the standard level of coupon they will receive). [deleted]~~
- 2.2.83H G ~~The purpose of GENPRU 2.2.83ER(6) is to limit the potential preferential rights that may arise on capital instruments that are not subject to a coupon limit. The PRA considers that "preferential" refers to both priority of coupon payment and level of coupon payment. Therefore the PRA considers that:~~

- (1) ~~a coupon arising on a capital instrument which is not subject to an explicit coupon limit within its terms of issue is likely to be preferential to a coupon on a capital instrument included in the same stage of capital which is subject to a coupon limit; and~~
- (2) ~~the preference so arising should be restricted so that it is not an unlimited preference. [deleted]~~

Core tier one capital: additional information

- 2.2.84 G In the case of an *insurer*, *GENPRU 2.2.83R(2)* and *GENPRU 2.2.83R(3)* have the effect that the *firm* should be under no obligation to make any payment in respect of a *tier one instrument* if it is to form part of its *permanent share capital* unless and until the *firm* is wound up. A *tier one instrument* that forms part of *permanent share capital* should not therefore count as a liability before the *firm* is wound up. The fact that relevant company law permits the *firm* to make earlier repayment does not mean that the *tier one instruments* are not eligible. However, the *firm* should not be required by any contractual or other obligation arising out of the terms of that capital to repay *permanent share capital*. Similarly a *tier one instrument* may still qualify if company law allows dividends to be paid on this capital, provided the *firm* is not contractually or otherwise obliged to pay them. There should therefore be no fixed costs. ~~*GENPRU 2.2.83AR* to *GENPRU 2.2.83FR* impose more specific conditions on coupon payment and winding up which are applicable to *BIPRU firms*.~~

...

Core tier one capital: profit and loss account and other reserves: Losses

- 2.2.85 R (1) ~~Negative amounts, including any interim net losses (but in the case of a *BIPRU investment firm*, only material interim net losses), must be deducted from profit and loss account and other reserves.~~
- (2) ~~For these purposes material interim net losses mean unaudited interim losses arising from a *firm's trading book* and *non trading book* business which exceed 10% of the sum of its *capital resources* calculated at stage A (Core tier one capital) in the *capital resources table*.~~
- (3) ~~If interim losses as referred to in (2) exceed the 10% figure in (2) then a *BIPRU investment firm* must deduct the whole amount of those losses and not just the excess. [deleted]~~
- 2.2.85A R (1) In the case of an insurer, negative amounts, including any interim net losses, must be deducted from profit and loss account and other reserves.

- (2) For these purposes material interim net losses mean unaudited interim losses arising from a firm's trading book and non-trading book business which exceed 10% of the sum of its capital resources calculated at stage A (Core tier one capital) in the capital resources table.

Core tier one capital: profit and loss account and other reserves: Losses arising from valuation adjustments (BIPRU firm only)

- 2.2.86 R ~~(1) This rule applies to trading book valuation adjustments or reserves referred to in GENPRU 1.3.29R to GENPRU 1.3.35AG (Valuation adjustments and reserves). It applies to a BIPRU firm.~~
- ~~(2) When valuation adjustments or reserves give rise to losses of the current financial year, a firm must treat them in accordance with GENPRU 2.2.85R.~~
- ~~(3) Valuation adjustments or reserves which exceed those made under the accounting framework to which a firm is subject must be treated in accordance with (2) if they give rise to losses and under GENPRU 2.2.248R (Net interim trading book profits) otherwise. [deleted]~~

...

Core tier one capital: profit and loss account and other reserves: Securitisation (BIPRU firm only)

- 2.2.90 R ~~In the case of a BIPRU firm which is the originator of a securitisation, net gains arising from the capitalisation of future income from the securitised assets and providing credit enhancement to positions in the securitisation must be excluded from profit and loss account and other reserves. [deleted]~~

...

Core tier one capital: profit and loss account and other reserves: Revaluation reserves (BIPRU firm only)

- 2.2.92 G ~~A revaluation reserve is not included as part of a BIPRU firm's profit and loss account and other reserves. It is dealt with separately and forms part of a BIPRU firm's upper tier two capital. [deleted]~~

Core tier one capital: partnership capital account (BIPRU firm only)

- 2.2.93 R ~~Eligible partnership capital means a partners' account:~~
- ~~(1) into which capital contributed by the partners is paid; and~~
- ~~(2) from which under the terms of the partnership agreement an amount representing capital may be withdrawn by a partner only~~

if:

- (a) ~~he ceases to be a partner and an equal amount is transferred to another such account by his former partners or any person replacing him as their partner;~~
- (b) ~~the partnership is wound up or otherwise dissolved; or~~
- (c) ~~the BIPRU firm has ceased to be authorised or no longer has a Part 4A permission. [deleted]~~

Core tier one capital: Eligible LLP members' capital (BIPRU firm only)

2.2.94 R ~~Eligible LLP members' capital means a members' account:~~

- (1) ~~into which capital contributed by the members is paid; and~~
- (2) ~~from which under the terms of the limited liability partnership agreement an amount representing capital may be withdrawn by a member only if:~~
  - (a) ~~he ceases to be a member and an equal amount is transferred to another such account by his former fellow members or any person replacing him as a member;~~
  - (b) ~~the limited liability partnership is wound up or otherwise dissolved; or~~
  - (c) ~~the BIPRU firm has ceased to be authorised or no longer has a Part 4A permission. [deleted]~~

Core tier one capital: Eligible LLP members' and partnership capital accounts (BIPRU firm only)

2.2.95 R ~~A BIPRU firm that is a partnership or a limited liability partnership may not include eligible partnership capital or eligible LLP members' capital in its tier one capital resources unless (in addition to GENPRU 2.2.62R (General conditions relating to tier one capital)) it complies with GENPRU 2.2.83R(2) (Coupons should not be cumulative or mandatory) and GENPRU 2.2.83AR to GENPRU 2.2.83CR (General conditions for eligibility of capital instruments as core tier one capital (BIPRU firm only). However, GENPRU 2.2.64R(3) (Redemption), GENPRU 2.2.83AR(5) (Capital repayment) and GENPRU 2.2.83AR (12) (Characteristics in contract) are replaced by GENPRU 2.2.93R or GENPRU 2.2.94R. [deleted]~~

2.2.96 G ~~If a firm has surplus eligible partnership capital or eligible LLP members' capital that it wishes to repay in circumstances other than those set out in GENPRU 2.2.93R or GENPRU 2.2.94R it may apply to the appropriate regulator for a waiver to allow it to do so. If a firm applies for such a waiver the information that the firm supplies with the~~

application might include:

- (1) ~~a demonstration that the firm would have sufficient capital resources to meet its capital resources requirement immediately after the repayment;~~
- (2) ~~a demonstration that the firm would have sufficient financial resources to meet any individual capital guidance and the firm's latest assessment under the overall Pillar 2 rule immediately after the repayment; and~~
- (3) ~~a two to three year capital plan demonstrating that the firm would be able to meet the requirements in (1) and (2) at all times without needing further capital injections. [deleted]~~

Core tier one capital: Other capital items for limited liability partnerships and partnerships (BIPRU firm only)

- 2.2.97 R ~~The items permanent share capital and share premium account (which form part of core tier one capital) do not apply to a BIPRU firm that is a partnership or a limited liability partnership. [deleted]~~
- 2.2.98 R ~~Without prejudice to GENPRU 2.2.62R (Tier one capital: General), the item other reserves (which forms part of the item profit and loss and other reserves) applies to a BIPRU firm that is a partnership or a limited liability partnership to the extent the reserves correspond to reserves that are eligible for inclusion as other reserves in the case of a BIPRU firm that is incorporated under the Companies Act 2006. [deleted]~~
- 2.2.99 G ~~A BIPRU firm that is a partnership or a limited liability partnership should include profit and loss (taking into account interim losses or material interim net losses) in its core tier one capital. [deleted]~~

Core tier one capital: partnership and limited liability partnership excess drawings (BIPRU firm only)

- 2.2.100 R ~~A BIPRU firm which is a partnership or limited liability partnership must deduct at stage E of the calculation in the capital resources table (Deductions from tier one capital) the amount by which the aggregate of the amounts withdrawn by its partners or members exceeds the profits of that firm. Amounts of eligible partnership capital or eligible LLP members' capital repaid in accordance with GENPRU 2.2.93R or GENPRU 2.2.94R are not included in this calculation. [deleted]~~

...

Core tier one capital: deferred shares (building society only)

- 2.2.108A R ~~A building society may include a deferred share at stage A of the calculation in the capital resources table if (in addition to satisfying all the other requirements in relation to tier one capital) it is permanent share capital and is otherwise equivalent to an ordinary share in terms~~

of its capital qualities, taking into account the specific constitution of *building societies* under the Building Societies Act 1986. [deleted]

- 2.2.108B G ~~The other main provisions relevant to inclusion of a *deferred share* in *tier one capital* are *GENPRU 2.2.62R* (Tier one capital: General), *GENPRU 2.2.64R* (General conditions for eligibility as tier one capital), *GENPRU 2.2.65R* (Connected transactions) and *GENPRU 2.2.80R* (Loss absorption). [deleted]~~

...

Other tier one capital: conditions for eligibility for hybrid capital to be included at the different stages B1, B2 and C of the calculation in the capital resources table (BIPRU firm only)

- 2.2.115A R ~~A *BIPRU firm* must not include a *capital instrument* at stage B1 of the calculation in the *capital resources table* unless (in addition to satisfying all the other requirements in relation to *tier one capital* and *hybrid capital*) its contractual terms are such that:~~
- ~~(1) it cannot be redeemed in cash but can only be converted into *core tier one capital*;~~
  - ~~(2) it must be converted into *core tier one capital* by the *firm* during emergency situations;~~
  - ~~(3) the emergency situations referred to in (2):~~
    - ~~(a) are clearly defined within the terms of the *capital instrument*, legally certain and transparent; and~~
    - ~~(b) occur at the latest, and include, when the *BIPRU firm* does not meet its *capital resources requirement*;~~
  - ~~(4) the *appropriate regulator* may require its conversion into *core tier one capital* when the *appropriate regulator* considers it necessary;~~
  - ~~(5) it may be converted into *core tier one capital* by the *firm* or the holder of the instrument at any time; and~~
  - ~~(6) the maximum number of *capital instruments* which are *core tier one capital* into which it may be converted must:~~
    - ~~(a) be determined at the date of its issue;~~
    - ~~(b) be determined on the basis of the market value of those other instruments at the date of its issue;~~
    - ~~(c) have an aggregate value equal to its par value; and~~
    - ~~(d) not increase if the price of those other instruments~~

decreases. [deleted]

- 2.2.115B G ~~The intention of GENPRU 2.2.115AR is to ensure that capital instruments included in stage B1 of the calculation in the capital resources table have the same permanence as core tier one capital; the presence of a call option for these instruments may reduce their permanence. [deleted]~~
- 2.2.115C G (1) ~~In respect of GENPRU 2.2.115AR(4), the appropriate regulator may require the firm to convert the instrument into core tier one capital based on its financial and solvency situation. The appropriate regulator will take into account, among other things, the factors identified at GENPRU 2.2.69FG(2), adjusted to take into account the effects of a conversion rather than payment of a coupon.~~
- (2) ~~Even if a firm meets its capital resources requirement, the appropriate regulator may consider the amount or composition of the firm's tier one capital as inadequate to cover the financial and solvency risks of the firm in which event the appropriate regulator may require the firm to convert the instrument into core tier one capital. [deleted]~~
- 2.2.115D R ~~A BIPRU firm may include a capital instrument at stage B2 of the calculation in the capital resources table if (while satisfying all the other requirements in relation to tier one capital and hybrid capital) it cannot be included at stage B1 of that calculation as it does not satisfy the requirements of GENPRU 2.2.115AR. [deleted]~~
- 2.2.115E G (1) ~~The other main provisions relevant to the eligibility of a capital instrument to be included at stages B1 and B2 of the calculation in the capital resources table are GENPRU 2.2.62R (Tier one capital: General), GENPRU 2.2.64R (General conditions for eligibility as tier one capital), GENPRU 2.2.65R (Connected transactions), GENPRU 2.2.68AR (Dividend stoppers), GENPRU 2.2.70R to GENPRU 2.2.75R (Redemption of tier one instruments), GENPRU 2.2.80R (Loss absorption) and GENPRU 2.2.116R to GENPRU 2.2.118R (Other tier one capital: loss absorption).~~
- (2) ~~The rule about hybrid capital included at stage C of the calculation in the capital resources table in GENPRU 2.2.115FR is also relevant. Capital instruments that would otherwise qualify for inclusion at stages B1 or B2 of the calculation in the capital resources table may only be eligible for inclusion at stage C of that calculation. [deleted]~~
- 2.2.115F R ~~A BIPRU firm may include a capital instrument at stage C of the calculation in the capital resources table, and must not include it in stage B1 or B2 of that calculation, if (in addition to satisfying all the other requirements in relation to tier one capital and hybrid capital) it~~

either:

- (1) is dated; or
- (2) provides an incentive for the *firm* to redeem it, as assessed at the date of its issue. [deleted]

2.2.115G G ~~An incentive to redeem is a feature of a *capital instrument* that would lead a reasonable market participant to have an expectation that the *firm* will redeem the instrument. The effect of *GENPRU 2.2.115FR(2)* is that the classification of an instrument that provides an incentive to redeem is always assessed at the date of its issue, and it cannot be reclassified. [deleted]~~

Other tier one capital: loss absorption

...

2.2.116A R ~~A *BIPRU firm* must not include a *capital instrument* that is not a *share* at stage B1, B2 or C of the calculation in the *capital resources table* unless (in addition to satisfying all the other requirements in relation to *tier one capital* and *hybrid capital*) the *firm's* obligations under the instrument either:~~

- (1) ~~do not constitute a liability (actual, contingent or prospective) under section 123(2) of the Insolvency Act 1986; or~~
- (2) ~~do constitute such a liability but the terms of the instrument are such that:~~
  - (a) ~~any such liability is not relevant for the purposes of deciding whether:~~
    - (i) ~~the *firm* is, or is likely to become, unable to pay its debts; or~~
    - (ii) ~~its liabilities exceed its assets;~~
  - (b) ~~a *person* (including, but not limited to, a holder of the instrument) is not able to petition for the winding up or administration of the *firm* or for any similar procedure in relation to the *firm* on the grounds that the *firm* is or may become unable to pay any such liability; and~~
  - (c) ~~the *firm* is not obliged to take into account such a liability for the purposes of deciding whether or not the *firm* is, or may become, insolvent for the purposes of section 214 of the Insolvency Act 1986 (Wrongful trading). [deleted]~~

...

2.2.117A R ~~A *BIPRU firm* must not include a *capital instrument* at stage B1, B2 or~~

~~C of the calculation in the *capital resources table* unless (in addition to satisfying all the other requirements in relation to *tier one capital* and *hybrid capital*) its contractual terms provide for a mechanism within the instrument which:~~

- ~~(1) is clearly defined and legally certain;~~
- ~~(2) is disclosed and transparent to the market;~~
- ~~(3) makes the recapitalisation of the *firm* more likely by adequately reducing the potential future outflows to a holder of the *capital instrument* at certain trigger points;~~
- ~~(4) enables the *firm*, at and after the trigger points, to operate the mechanism; and~~
- ~~(5) when initiated, operates in one of the following ways:~~
  - ~~(a) the principal of the instrument is written down permanently; or~~
  - ~~(b) the principal of the instrument is written down temporarily. During the write down period any *coupon* payable on the instrument must be cancelled and any related dividend stoppers and pushers must operate in a way that does not hinder recapitalisation; or~~
  - ~~(c) the instrument is converted into *core tier one capital*. The maximum number of *capital instruments* which are *core tier one capital* into which it must be converted must:
 
    - ~~(i) be determined at the date of its issue;~~
    - ~~(ii) be determined on the basis of the market value of those other instruments at the date of its issue;~~
    - ~~(iii) have an aggregate value no more than 150% of its par value; and~~
    - ~~(iv) not increase if the share price decreases; or~~~~
  - ~~(d) an alternative process applies which has the same or greater effect on the likelihood of recapitalisation as (a), (b), and (c). [deleted]~~

2.2.117B R The trigger points required by ~~GENPRU 2.2.117AR(3)~~ must:

- ~~(1) be clearly defined within the instrument and legally certain;~~
- ~~(2) be disclosed and transparent to the market; and~~
- ~~(3) be prudent and timely, and include trigger points which occur:~~

(a) ~~before a breach of the *firm's capital resources requirement* and both:~~

(i) ~~when the *firm's* losses lead to a significant reduction of the *firm's* retained earnings or other reserves which causes a significant deterioration of the *firm's* financial and solvency conditions; and~~

(ii) ~~when it is reasonably foreseeable that the events described in (i) will occur; and~~

(b) ~~when the *firm* is in breach of its *capital resources requirement*. [deleted]~~

2.2.117C G (1) ~~The effects of the mechanisms described in *GENPRU 2.2.117A R* will be more meaningful if they happen immediately after losses cause a significant deterioration of the financial as well as the solvency situation and even before the reserves are exhausted.~~

(2) ~~If a *firm* does not operate the loss absorption mechanism in a prudent and timely way, then the *appropriate regulator* may consider using its powers under 55J of the *Act* to, on its own initiative, vary the *firm's Part 4A permission* to require it to operate the mechanism. [deleted]~~

...

2.2.118A G ~~For the purposes of *GENPRU 2.2.118R(2)*, the focus of the legal opinion in considering *GENPRU 2.2.64R(6)(b)* should be on whether appropriate mechanisms exist and are designed to operate to ensure that the value of the *hybrid capital* instrument and the position of the *hybrid capital* holder are not enhanced by recapitalisation. [deleted]~~

...

Other tier one capital: hybrid capital: indirectly issued tier one capital (BIPRU firm only)

2.2.123 R ~~*GENPRU 2.2.123R* to *GENPRU 2.2.137R* apply to a *BIPRU firm*. [deleted]~~

2.2.124 R (1) ~~*GENPRU 2.2.123R* – *GENPRU 2.2.137R* apply to capital of a *firm* if:~~

(a) ~~either or both of the conditions in (2) are satisfied; and~~

(b) ~~any of the *SPVs* referred to in (2) is a *subsidiary undertaking* of the *firm*.~~

(2) ~~The conditions referred to in (1) are:~~

- (a) ~~that capital is issued to an *SPV*; or~~
  - (b) ~~the subscription for the capital issued by the *firm* is funded directly or indirectly by an *SPV*.~~
- (3) ~~A *BIPRU firm* may not include capital coming within this *rule* in its *capital resources* unless the requirements in the following *rules* are satisfied:~~
- (a) ~~(if (2)(a) applies and (2)(b) does not) *GENPRU 2.2.127R*, *GENPRU 2.2.129R* and *GENPRU 2.2.132R*; or~~
  - (b) ~~(in any other case) *GENPRU 2.2.133R*. [deleted]~~
- 2.2.125 R ~~A *BIPRU firm* may only count capital to which *GENPRU 2.2.124R* applies at stage *C* of the calculation in the *capital resources table*. [deleted]~~
- 2.2.126 R ~~For the purpose of *GENPRU 2.2*, an *SPV* is, in relation to a *BIPRU firm*, any *undertaking* whose main activity is to raise funds for that *firm* or for a *group* to which that *BIPRU firm* belongs. [deleted]~~
- 2.2.127 R ~~The *SPV* referred to in *GENPRU 2.2.124R*(2)(a) must satisfy the following conditions:~~
- (1) ~~it is controlled by the *firm* and may not operate independently of the *firm*;~~
  - (2) ~~the rights of investors in the *SPV* who do not belong to the *group* of the *BIPRU firm* in question are not such as to affect the ability of the *firm* to control the *SPV*;~~
  - (3) ~~all or virtually all of its *exposures* (calculated by reference to the amount) consist of *exposures* to the *firm* or to that *firm's group*; and~~
  - (4) ~~it is incorporated under, and governed by, the laws and jurisdiction of England and Wales, Scotland or Northern Ireland. [deleted]~~
- 2.2.128 G ~~An *SPV* could take the form of a limited partnership. In such an arrangement, holders of a *capital instrument* issued by the *SPV* which do not belong to the *group* of the *BIPRU firm* in question should have no right to participate in the management of the partnership, whether under the partnership's constitutional documents or the transaction documents. In general, this means that they should be treated as limited partners. It is expected that the general partner, having control of the *SPV*, would be the *firm*. [deleted]~~
- 2.2.128A R ~~*GENPRU 2.2.127R*(4) does not apply if the *firm* has conducted a properly reasoned analysis confirming that any potential risks,~~

~~including legal and operational risks, associated with cross border issues, which undermine the quality of the capital for the issuer, that arise from an *SPV* not being incorporated under or governed by the laws and jurisdiction of England and Wales, Scotland or Northern Ireland, are adequately mitigated. [deleted]~~

2.2.128B R ~~The analysis must be set out in writing and dated before the date of issue of the *capital instrument* and the *firm* must be able to show that the analysis has been fully considered as part of its decision to proceed with the issue. The analysis must be conducted by a person or persons appropriately qualified to assess the relevant risks and that person may be an independent adviser or an employee of the *firm* who is not part of the business unit responsible for the transaction (including the drafting of the issue documentation). [deleted]~~

2.2.129 R ~~The *SPV* referred to in *GENPRU* 2.2.124R(2)(a) must fund its subscription for the capital issued by the *firm* by the issue of capital that satisfies the following conditions:~~

~~(1) it must comply with the conditions for qualification as *tier one capital*, as amended by *GENPRU* 2.2.130R, as if the *SPV* was itself a *firm* seeking to include that capital in its *tier one capital resources*;~~

~~(2) (a) its terms must include an obligation on the *firm* that, in the event of a collapse of the *SPV* structure, and if the mechanism contained within the instrument under *GENPRU* 2.2.117AR is a conversion, the *firm* must substitute the *capital instrument* issued by the *SPV* with *core tier one capital* issued by the *firm*; and~~

~~(b) there must be no obstacle to the *firm's* issue of new securities;~~

~~(3) the conversion ratio in respect of the substitution described in (2) must be fixed when the *SPV* issues the *capital instrument*;~~

~~(4) to the extent that investors have the benefit of an obligation by a *person* other than the *SPV*:~~

~~(a) that obligation must be one owed by a member of the *firm's* *group*; and~~

~~(b) the extent of that obligation must be no greater than would be permitted by *GENPRU* if that obligation formed part of the terms of a *capital instrument* issued by that member which complied with the *rules* in *GENPRU* relating to *tier one capital* included at stage C of the calculation in the *capital resources table*; and~~

- (5) ~~if the SPV structure collapses, the holder of it has no better a claim against the firm than a holder of the same type of instrument directly issued by the firm. [deleted]~~
- 2.2.130 R ~~For the purpose of GENPRU 2.2.129R and GENPRU 2.2.132R, GENPRU 2.2.118R (Requirement to obtain a legal opinion) does not apply. [deleted]~~
- 2.2.131 R ~~In relation to the obligation to substitute described in GENPRU 2.2.129 R(2), a firm must take all reasonable steps to ensure that it has at all times authorised and unissued capital instruments which are core tier one capital (and the authority to issue them) sufficient to discharge its obligation to substitute. [deleted]~~
- 2.2.131A G ~~GENPRU 2.2.129 R(2) and GENPRU 2.2.131R allow a firm to replace the capital issued by the SPV with capital instrument which are core tier one capital. [deleted]~~
- 2.2.132 R ~~The capital which the firm seeks to include in its capital resources under GENPRU 2.2.124R(3)(a) must satisfy the following conditions:~~
- ~~(1) it meets the conditions for inclusion in tier one capital (subject to GENPRU 2.2.130R);~~
- ~~(2) its first call date (if any) must not arise before that on the instrument issued by the SPV; and~~
- ~~(3) its terms relating to repayment must be the same as those of the instrument issued by the SPV. [deleted]~~
- 2.2.133 R (1) ~~This rule deals with any transaction:~~
- ~~(a) under which an SPV directly or indirectly funds the subscription for capital issued by the firm as described in GENPRU 2.2.124R; or~~
- ~~(b) that is directly or indirectly funded by a transaction in (1)(a).~~
- ~~(2) Each undertaking that is a party to a transaction to which this rule applies (other than the firm) must be a subsidiary undertaking of the firm.~~
- ~~(3) Each SPV that is a party to a transaction to which this rule applies must comply with GENPRU 2.2.127R.~~
- ~~(4) Any capital to which (1) applies (other than the capital that is to be included in the firm's capital resources) must be in the form of capital that complies with GENPRU 2.2.129R(1) and GENPRU 2.2.129R(4), whether or not issued by an SPV.~~

- (5) ~~The obligations in GENPRU 2.2.129R(2) and GENPRU 2.2.129R(3) only apply to capital issued by an SPV at the end of the chain of transactions beginning with the issue of capital by the firm referred to in GENPRU 2.2.124R.~~
- (6) ~~GENPRU 2.2.132R applies to the capital issued by the firm as referred to in GENPRU 2.2.124R. For these purposes references in GENPRU 2.2.132R to the instrument issued by the SPV are to the instrument referred to in (5). [deleted]~~
- 2.2.134 G ~~The purpose of GENPRU 2.2.133R is to deal with a capital raising under which the capital raised by a special purpose vehicle is passed through a number of undertakings before it is invested in the firm. If the capital resources of the firm fall below, or are likely to fall below, its capital resources requirement the firm should replace the capital issued by that first special purpose vehicle with a tier one instrument directly issued by the firm which complies with GENPRU 2.2.129R(2). [deleted]~~
- 2.2.135 R ~~A firm which satisfies the conditions for the inclusion of capital set out in GENPRU 2.2.124R, must, in addition, if that transaction is in any respect unusual, notify the appropriate regulator at least one Month in advance of the date on which the firm intends to include that capital in its capital resources. [deleted]~~
- 2.2.136 G ~~The appropriate regulator is likely to consider as unusual a transaction which involves the raising by the firm of tier one capital through a subsidiary undertaking of that firm that is not an SPV. The appropriate regulator would expect a firm to request individual guidance in such circumstances. [deleted]~~
- 2.2.137 R ~~A firm must ensure that, in relation to a transaction falling within GENPRU 2.2.124R:~~
- ~~(1) the marketing document for the transaction contains all the information which a reasonable third party would require to understand the transaction fully and its effect on the financial position of the firm and its group; and~~
- ~~(2) the information in (1) and the transaction are easily comprehensible without the need for additional information about the firm and its group. [deleted]~~

...

## Deductions from tier one: Intangible assets

- 2.2.156 G ~~Intangible assets include goodwill as defined in accordance with the requirements referred to in GENPRU 1.3.4R (General requirements: accounting principles to be applied) applicable to the firm. The treatment of deferred acquisition cost assets for BIPRU investment~~

~~firms is dealt with in GENPRU 1.3 (Valuation); they should not be deducted as an intangible asset. [deleted]~~

2.2.156A G Intangible assets include goodwill as defined in accordance with the requirements referred to in GENPRU 1.3.4R (General requirements: accounting principles to be applied) applicable to the firm.

...

General conditions for eligibility as tier two capital instruments

...

2.2.160 R ~~A holder of a non deferred share of a *building society* must be treated as a senior unsecured creditor of that *building society* for the purpose of GENPRU 2.2.159R. [deleted]~~

...

Upper tier two capital: Revaluation reserves (BIPRU firm only)

- 2.2.185 R (1) ~~This rule applies to a BIPRU firm.~~
- (2) ~~A BIPRU firm must, in relation to equities held in the available-for-sale financial assets category:~~
- (a) ~~deduct any net losses at stage E of the calculation in the *capital resources table* (Deductions from tier one capital); and~~
- (b) ~~include any net gains (after deduction of deferred tax) in revaluation reserves at stage G of the calculation in the *capital resources table* (Upper tier two capital).~~
- (3) ~~A BIPRU firm must include any net gains, after deduction of deferred tax, on revaluation reserves of investment properties at stage G of the calculation in the *capital resources table*. A firm must include any losses on such revaluation reserves in profit and loss account and other reserves.~~
- (4) ~~A BIPRU firm must include any net gains, after deduction of deferred tax, on revaluation reserves of land and buildings at stage G of the calculation in the *capital resources table*. A firm must include any losses on such revaluation reserves in profit and loss account and other reserves.~~
- (5) ~~(2) only applies to a firm to the extent that the category of asset referred to in that paragraph exists under the accounting framework that applies to the firm as referred to in GENPRU 1.3.4R (General requirements: accounting principles to be applied).~~

~~(6) (3) and (4) apply to a firm whatever the accounting treatment of those items is under the accounting framework that applies to the firm as referred to in GENPRU 1.3.4R. [deleted]~~

2.2.186 G ~~Subject to GENPRU 2.2.185R, a BIPRU firm should value its revaluation reserves in accordance with the rules in GENPRU 1.3 (Valuation). [deleted]~~

Upper tier two capital: General/collective provisions (BIPRU firm only)

2.2.187 R ~~A BIPRU firm which adopts the standardised approach to credit risk may include general/collective provisions in its tier two capital resources only if:~~

- ~~(1) they are freely available to the firm;~~
- ~~(2) their existence is disclosed in internal accounting records; and~~
- ~~(3) their amount is determined by the management of the firm, verified by independent auditors and notified to the appropriate regulator. [deleted]~~

2.2.188 R ~~The value of general/collective provisions which a firm may include in its tier two capital resources as referred to in GENPRU 2.2.187R may not exceed 1.25% of the sum of the following:~~

- ~~(1) the sum of the market risk capital requirement and the operational risk capital requirement (if applicable), multiplied by a factor of 12.5; and~~
- ~~(2) the sum of risk weighted assets under the standardised approach for credit risk. [deleted]~~

2.2.189 R ~~Where a firm is unable to determine whether collective/general provisions relate only to exposures on either the standardised approach or the IRB approach, that firm must allocate them on a basis which is reasonable and consistent. [deleted]~~

Upper tier two capital: Surplus provisions (BIPRU firm only)

2.2.190 R ~~A BIPRU firm calculating risk weighted exposure amounts under the IRB approach may include in its upper tier two capital resources positive amounts resulting from the calculation in BIPRU 4.3.8R (Treatment of expected loss amounts), up to 0.6% of the risk weighted exposure amounts calculated under that approach. [deleted]~~

2.2.191 R ~~A BIPRU firm calculating risk weighted exposure amounts under the IRB approach may not include in its capital resources value adjustments and provisions included in the calculation in BIPRU 4.3.8 R (Treatment of expected loss amounts under the IRB approach for trading book exposures) or value adjustments and provisions for~~

~~exposures that would otherwise have been eligible for inclusion in general/collective provisions other than in accordance with GENPRU 2.2.190R. [deleted]~~

- 2.2.192 R ~~For the purpose of GENPRU 2.2.190R and GENPRU 2.2.191R, risk weighted exposure amounts must not include those calculated in respect of securitisation positions which have a risk weight of 1250%. [deleted]~~
- 2.2.193 R ~~If a BIPRU firm calculates risk weighted exposure amounts under the IRB approach for the purposes of BIPRU 14 (Capital requirements for settlement and counterparty risk) it must not include valuation adjustments referred to in BIPRU 14.2.18R(1) (Treatment of expected loss amounts) in its capital resources except in accordance with that rule. [deleted]~~

...

Deductions from tiers one and two: Qualifying holdings (bank or building society only)

- 2.2.202 R ~~GENPRU 2.2.202R to GENPRU 2.2.207R only apply to a bank or building society. [deleted]~~
- 2.2.203 R ~~A qualifying holding is a direct or indirect holding of a bank or building society in a non financial undertaking which represents 10% or more of the capital or of the voting rights or which makes it possible to exercise a significant influence over the management of that undertaking. [deleted]~~
- 2.2.204 R ~~For the purpose of GENPRU 2.2.203R, a non financial undertaking is an undertaking other than:~~
- ~~(1) a credit institution or financial institution;~~
  - ~~(2) an undertaking whose exclusive or main activities are a direct extension of banking or concern services ancillary to banking, such as leasing, factoring, the management of unit trusts, the management of data processing services or any other similar activity; or~~
  - ~~(3) an insurer. [deleted]~~
- 2.2.205 R ~~The amount of qualifying holdings that a bank or building society must deduct in the calculation in the capital resources table is:~~
- ~~(1) (if the firm has one or more qualifying holdings that exceeds 15% of its relevant capital resources) the sum of such excesses; and~~
  - ~~(2) to the extent not already deducted in (1), the amount by which the sum of each of that firm's qualifying holdings exceeds 60% of its relevant capital resources. [deleted]~~

2.2.206 R ~~The relevant *capital resources* of a *firm* mean for the purposes of this rule the sum of the amount of *capital resources* calculated at stages L (Total tier one capital plus tier two capital) and Q (Total tier three capital) of the calculation in the *capital resources table* as adjusted in accordance with the following:~~

- (1) ~~the *firm* must not take into account the items referred to in any of the following:~~
  - (a) ~~*GENPRU 2.2.190R* to *GENPRU 2.2.193R* (surplus provisions); or~~
  - (b) ~~*GENPRU 2.2.236R* (expected loss amounts and other negative amounts); or~~
  - (c) ~~*GENPRU 2.2.237R* (securitisation positions);~~
- (2) ~~the *firm* must make the deductions to be made at stage S of the calculation in the *capital resources table* (Deductions from total capital); and~~
- (3) ~~the *firm* need not deduct any *excess trading book position* under (2). [deleted]~~

2.2.207 R ~~The following are not included as *qualifying holdings*:~~

- (1) ~~*shares* that are not held as investments; or~~
- (2) ~~*shares* that are held temporarily during the normal course of underwriting; or~~
- (3) ~~*shares* held in a *firm's* name on behalf of others. [deleted]~~

Deductions from tiers one and two: Material holdings (BIPRU firm only)

2.2.208 R ~~*GENPRU 2.2.208R* to *GENPRU 2.2.216G* only apply to a *BIPRU firm*. [deleted]~~

2.2.209 R (1) Subject to (2) and (3), a *material holding* is:

- (a) ~~a *BIPRU firm's* holdings of *shares* and any other interest in the capital of an individual *credit institution* or *financial institution* (held in the *non trading book* or the *trading book* or both) exceeding 10% of the *share capital* of the issuer, and, where this is the case, any holdings of subordinated debt of the same issuer are also included as a *material holding*; the full amount of the holding is a *material holding*; or~~
- (b) ~~a *BIPRU firm's* holdings of *shares*, any other interest in the capital and subordinated debt in an individual *credit institution* or *financial institution* (held in the *non trading*~~

- ~~book or the trading book or both) not deducted under (a) if the total amount of such holdings exceeds 10% of that firm's capital resources at stage N (Total tier one capital plus tier two capital after deductions) of the calculation in the capital resources table (calculated before deduction of its material holdings); only the excess amount is a material holding; or~~
- (c) ~~a bank or building society's aggregate holdings in the non-trading book of shares, any other interest in the capital, and subordinated debt in all credit institutions or financial institutions not deducted under (a) or (b) if the total amount of such holdings exceeds 10% of that firm's capital resources at stage N of the calculation in the capital resources table (calculated before deduction of its material holdings); only the excess amount is a material holding; or~~
- (d) ~~a material insurance holding.~~
- (2) ~~If a BIPRU firm holds shares in the capital of Business Growth Fund plc or another financial institution which makes venture capital investments (in this section and its related annexes, a "Venture Capital Investor") and the following conditions are met:~~
- (a) ~~the sole business of the Venture Capital Investor is the making of venture capital investments together with the performance of ancillary activities in relation to the administration of the venture capital investments;~~
- (b) ~~none of the venture capital investments made by the Venture Capital Investor is an investment (direct or indirect) in:~~
- (i) ~~a credit institution; or~~
- (ii) ~~a financial institution the principal activity of which is to perform any activity other than the acquisition of holdings in other undertakings;~~
- (c) ~~the relevant proportion of the Venture Capital Investor is included in the firm's UK consolidation group in accordance with BIPRU 8.5; and~~
- (d) ~~the firm assigns a risk weight to its exposure to the Venture Capital Investor as if it were an equity exposure to which the simple risk weight approach is applied as set out in BIPRU 4.7.9R to BIPRU 4.7.12R (and in calculating its capital resources requirement the firm must assign a risk weight to that exposure in accordance with those rules and notwithstanding that those rules would not otherwise apply to that calculation);~~

~~the Venture Capital Investor may be ignored for the purposes of determining whether there is a *material holding*.~~

- ~~(3) If a *BIPRU firm* holds *shares* in the capital of a *subsidiary undertaking* which is a *financial institution* solely by reason of its principal activity being the acquiring of holdings and which in turn holds (directly or indirectly) *shares* in the capital of a Venture Capital Investor (in this section and its related annexes, a "Venture Capital Holding Company") and the following conditions are met:~~
- ~~(a) the Venture Capital Investor meets the conditions in (2)(a) and (b);~~
  - ~~(b) the Venture Capital Holding Company is included in the *firm's UK consolidation group* in accordance with *BIPRU 8.5*;~~
  - ~~(c) the proportion of the value of the Venture Capital Holding Company attributable to investment in Venture Capital Investors and the proportion of the value of the Venture Capital Holding Company attributable to investment in other investments can be identified and valued on a regular basis; and~~
  - ~~(d) the *firm* assigns a *risk weight* to its *exposure* to the proportion of the Venture Capital Holding Company that represents the value of its investment in Venture Capital Investors as if it were an *equity exposure* to which the simple *risk weight* approach is applied as set out in *BIPRU 4.7.9R* to *BIPRU 4.7.12R* (and in calculating its *capital resources requirement* the *firm* must assign a *risk weight* to that *exposure* in accordance with those *rules* and notwithstanding that those *rules* would not otherwise apply to that calculation);~~

~~the proportion of the *firm's* investment in the Venture Capital Holding Company that represents the value of its investment in Venture Capital Investors may be ignored for the purposes of determining whether there is a *material holding*. The proportion of the *firm's* investment in the Venture Capital Holding Company that represents the value of other investments is a *material holding*. [deleted]~~

- 2.2.210 G ~~For the purpose of the definition of a *material holding*, *share* capital includes *preference shares*. *Share* premium should be taken into account when determining the amount of *share* capital. [deleted]~~
- 2.2.211 R ~~When calculating the size of its *material holdings* a *firm* must only include an actual holding (that is, a long cash position). A *firm* must not~~

net such holdings with a short position. ~~[deleted]~~

2.2.212 R ~~A material insurance holding means the holdings of a BIPRU firm of items of the type set out in GENPRU 2.2.213R in any:~~

~~(1) insurance undertaking; or~~

~~(2) insurance holding company;~~

~~that fulfils one of the following conditions:~~

~~(3) it is a subsidiary undertaking of that firm; or~~

~~(4) that firm holds a participation in it. [deleted]~~

2.2.213 R ~~An item falls into this provision for the purpose of GENPRU 2.2.212R if it is:~~

~~(1) an ownership share; or~~

~~(2) subordinated debt or another item of capital that falls into Article 16(3) of the First Non-Life Directive or, as applicable, Article 27(3) of the Consolidated Life Directive. [deleted]~~

2.2.214 R ~~The amount to be deducted with respect to each material insurance holding is the higher of:~~

~~(1) the book value of the material insurance holding; and~~

~~(2) the solo capital resources requirement for the insurance undertaking or insurance holding company in question calculated in accordance with Part 3 of GENPRU 3 Annex 1R (Method 3 of the capital adequacy calculations for financial conglomerates). [deleted]~~

2.2.215 R ~~For the purpose of the definition of a material holding, holdings must be valued using the valuation method which the holder uses for its external financial reporting purposes. [deleted]~~

2.2.216 G (1) ~~This paragraph gives guidance on how the calculation under GENPRU 2.2.214R(1) should be carried out where an insurance undertaking is accounted for using the embedded value method.~~

~~(2) On acquisition, any "goodwill" element (that is, the difference between the acquisition value according to the embedded value method and the actual investment) should be deducted from tier one capital resources.~~

~~(3) The embedded value should be deducted from the total of tier one capital resources and tier two capital resources.~~

- (4) ~~Post-acquisition, where the embedded value of the *undertaking* increases, the increase should be added to reserves, while the new embedded value is deducted from total *capital resources*.~~
- (5) ~~This means that the net impact on the level of total *capital resources* is zero, although *tier two capital resources* headroom will increase with any increase in *tier one capital resources* reserves.~~
- (6) ~~Embedded value is the value of the *undertaking* taking into account the present value of the expected future inflows from existing life assurance business. [deleted]~~

- 2.2.216A G
- (1) ~~This paragraph gives *guidance* as to the amount to be deducted at Part 2 of stage M (Deductions from the totals of tier one and two) of *GENPRU 2 Annex 2R* (Capital resources table for a bank) and *GENPRU 2 Annex 3R* (Capital resources table for a building society) in respect of investments in *subsidiary undertakings* and *participations* (excluding any amount which is already deducted as *material holdings* or *qualifying holdings*).~~
  - (2) ~~The effect of those *rules* is to achieve the deduction of all investments in *subsidiary undertakings* and *participations* for *banks* and *building societies* by ensuring that amounts not already deducted under other *rules* are accounted for at this stage of the calculation of *capital resources*, except where the investment has been made in:~~
    - (a) ~~a Venture Capital Investor and the conditions in *GENPRU 2.2.209R(2)* are met; or~~
    - (b) ~~a Venture Capital Holding Company and the conditions in *GENPRU 2.2.209R(3)* are met;~~
  - (3) ~~The following investments in *subsidiary undertakings* and *participations* should be deducted at this stage:~~
    - (a) ~~those not deducted in Part 1 of stage M because of the operation of the thresholds in *GENPRU 2.2.205R* (on *qualifying holdings*) and *GENPRU 2.2.209R* (on *material holdings*); and~~
    - (b) ~~those which do not meet the definition of *qualifying holding* or *material holding*, but excluding investments in Venture Capital Investors which are ignored in accordance with *GENPRU 2.2.209R(2)* and investments in Venture Capital Holding Companies which are ignored in accordance with *GENPRU 2.2.209R(3)*, for the purposes of determining whether there is a *material holding*.~~
  - (4) ~~For example, an investment in an *undertaking* which is not a~~

~~qualifying holding under GENPRU 2.2.204R(2) (on the definition of a non financial undertaking), that is whose exclusive or main activities are a direct extension of banking or concern services ancillary to banking, such as leasing, factoring, the management of unit trusts, the management of data processing services or any other similar activity, should be deducted at this stage. [deleted]~~

Deductions from tiers one and two: Reciprocal cross holdings (BIPRU firm only)

- 2.2.217 R ~~GENPRU 2.2.217R to GENPRU 2.2.220R apply to a BIPRU firm. [deleted]~~
- 2.2.218 R ~~A BIPRU firm must deduct at stage M of the calculation in the capital resources table (Deductions from the totals of tier one and two) any reciprocal cross holdings. However a BIPRU firm must not deduct such holdings to the extent that they fall to be deducted at Part 1 of stage M of the calculation in the capital resources table (Deductions for material holdings, qualifying holdings and certain other items). [deleted]~~
- 2.2.219 R ~~A reciprocal cross holding means a holding of the BIPRU firm of shares, any other interest in the capital, and subordinated debt, whether in the trading or non trading book, in:~~
- ~~(1) a credit institution; or~~
  - ~~(2) a financial institution;~~
- ~~that satisfies the following conditions:~~
- ~~(3) the holding is the subject of an agreement or arrangement between the BIPRU firm and either the issuer of the instrument in question or a member of a group to which the issuer belongs;~~
  - ~~(4) under the terms of the agreement or arrangement described in (3) the issuer invests in the BIPRU firm or in a member of the group to which that BIPRU firm belongs; and~~
  - ~~(5) the effect of that agreement or arrangement on the capital position of the BIPRU firm, the issuer, or any member of a group to which either belongs, under any relevant rules is significantly more beneficial than it is in economic terms, taking into account the agreement or arrangement as a whole. [deleted]~~
- 2.2.220 R ~~For the purpose of GENPRU 2.2.219 R, a relevant rule means a rule in GENPRU, BIPRU or INSPRU or any other capital adequacy or solvency requirements of the appropriate regulator or any other regulator, territory or country. [deleted]~~

Deductions from tiers one and two: Connected lending of a capital nature (bank only)

- 2.2.221 R (1) ~~GENPRU 2.2.221R to GENPRU 2.2.235G only apply to a bank.~~
- (2) ~~If a firm has elected to ignore an investment in a Venture Capital Investor or a Venture Capital Holding Company in accordance with GENPRU 2.2.209R(2) or (3), for the purposes of determining whether there is a material holding, GENPRU 2.2.221R to GENPRU 2.2.233R do not apply to any lending by the firm to that Venture Capital Investor or Venture Capital Holding Company, provided that any lending to the Venture Capital Holding Company is made to and deployed by the firm solely in connection with the Venture Capital Investor. [deleted]~~
- 2.2.222 R ~~Connected lending of a capital nature means all lending within GENPRU 2.2.227R or GENPRU 2.2.229R and guarantees within GENPRU 2.2.231R or GENPRU 2.2.233R. [deleted]~~
- 2.2.223 R ~~A bank must not deduct any item as connected lending of a capital nature to the extent that it falls to be deducted at Part 1 of stage M of the calculation in the capital resources table (Deductions for material holdings, qualifying holdings and certain other items) or as a reciprocal cross-holding. [deleted]~~
- 2.2.224 R ~~For the purpose of the rules in this section about connected lending of a capital nature and in relation to a bank, a connected party means another person ("P") who fulfils at least one of the following conditions and is not solo consolidated with the bank under BIPRU 2.1 (Solo consolidation):~~
- (1) ~~P is closely related to the bank; or~~
- (2) ~~P is an associate of the bank; or~~
- (3) ~~the same persons significantly influence the governing body of P and the bank. [deleted]~~
- 2.2.225 R ~~For the purpose of GENPRU 2.2.224R, in relation to a person ("P") to which a bank has an exposure when P is acting on his own behalf and also an exposure to P when P acts in his capacity as a trustee, custodian or general partner of an investment trust, unit trust, venture capital or other investment fund, pension fund or similar fund (a "fund") the bank may choose to treat this latter exposure as an exposure to the fund, unless such treatment would be misleading. [deleted]~~
- 2.2.226 G ~~BIPRU 10.3.13G (Guidance on exposures to trustees) applies to GENPRU 2.2.225R. [deleted]~~
- 2.2.227 R ~~A loan is connected lending of a capital nature if:~~

- (1) it is made by the *bank* to a connected party; and
- (2) it falls into *GENPRU 2.2.228R*. [deleted]
- 2.2.228 R A loan falls into this *rule* for the purposes of *GENPRU 2.2.227R(2)* if, whether through contractual, structural, reputational or other factors:
- (1) based on the terms of the loan and the other knowledge available to the *bank*, the borrower would be able to consider it from the point of view of its characteristics as capital as being similar to *share* capital or subordinated debt; or
- (2) the position of the lender from the point of view of maturity and repayment is inferior to that of the senior unsecured and unsubordinated creditors of the borrower. [deleted]
- 2.2.229 R A loan is also *connected lending of a capital nature* if:
- (1) it funds directly or indirectly a loan to a connected party of the *bank* falling into *GENPRU 2.2.228R* or an investment in the capital of a connected party of the *bank*; and
- (2) it falls into *GENPRU 2.2.228R*. [deleted]
- 2.2.230 G It is likely that a loan is not *connected lending of a capital nature* if:
- (1) it is secured by collateral that is eligible for the purposes of *credit risk mitigation* under the *standardised approach* to credit risk as set out in *BIPRU 5.4* (Financial collateral) and *BIPRU 5.5* (Other funded credit risk mitigation); or
- (2) it is repayable on demand (and should be treated as such for accounting purposes by the borrower and lender) and the *bank* can demonstrate that there are no potential obstacles to exercising the right to repay, whether contractual or otherwise. [deleted]
- 2.2.231 R A guarantee is *connected lending of a capital nature* if it is a guarantee by the *bank* of a loan from a third party to a connected party of the *bank* and:
- (1) the loan meets the requirements of *GENPRU 2.2.228R*; or
- (2) the rights that the *bank* would have against the borrower with respect to the guarantee meet the requirements of *GENPRU 2.2.228R(2)*. [deleted]
- 2.2.232 R A guarantee is also *connected lending of a capital nature* if it is a guarantee by the *bank* of a loan falling into *GENPRU 2.2.229R(1)*; and
- (1) the loan meets the conditions in *GENPRU 2.2.228R*; or

~~(2) the guarantee meets the conditions in GENPRU 2.2.231R(2).  
[deleted]~~

2.2.233 R ~~The amount of a guarantee that constitutes *connected lending of a capital nature* that a firm must deduct is the amount guaranteed.  
[deleted]~~

2.2.234 G ~~A loan may initially fall outside the definition of *connected lending of a capital nature* but later fall into it. For example, if the initial lending to a connected party is subsequently downstreamed to another connected party the relationship between the *bank* and the ultimate borrower may be such that, looking at the arrangements as a whole, the *undertaking* to which the *bank* lends is able to regard the loan to it as being capable of absorbing losses. [deleted]~~

2.2.235 G ~~Lending to a connected party will not normally be *connected lending of a capital nature* where that party:~~

~~(1) is acting as a vehicle to pass funding to an unconnected party;  
and~~

~~(2) has no other creditors whose claims could be senior to those of the lender. [deleted]~~

Deductions from tiers one and two: Expected losses and other negative amounts (BIPRU firm only)

2.2.236 R ~~A BIPRU firm calculating *risk weighted exposure amounts* under the *IRB approach* must deduct:~~

~~(1) any negative amounts arising from the calculation in BIPRU 4.3.8R (Treatment of expected loss amounts); and~~

~~(2) any *expected loss* amounts calculated in accordance with BIPRU 4.7.12R (*Expected loss* amounts under the simple risk weight approach to calculating *risk weighted exposure amounts* for exposures belonging to the *equity exposure IRB exposure class*) or BIPRU 4.7.17R (*Expected loss* amounts under the *PD/LGD approach*): [deleted]~~

Deductions from tiers one and two: Securitisation positions (BIPRU firm only)

2.2.237 R ~~A BIPRU firm calculating *risk weighted exposure amounts* under the *IRB approach* or the *standardised approach* to credit risk must deduct from its *capital resources* the following:~~

~~(1) the exposure amount of *securitisation positions* which receive a *risk weight* of 1250% under BIPRU 9 (Securitisation), unless the firm includes the *securitisation positions* in its calculation of *risk weighted exposure amounts* (see BIPRU 9.10 (Reduction in risk~~

~~weighted exposure amounts)); and~~

- ~~(2) the exposure amount of *securitisation positions* in the *trading book* that would receive a *risk weight* of 1250% if they were in the *firm's non-trading book*. [deleted]~~

Deductions from tiers one and two: Special treatment of material holdings and other items (BIPRU firm only)

2.2.238 R ~~*GENPRU 2.2.238R* to *GENPRU 2.2.241R* apply to a *BIPRU firm* and relate to the deductions in respect of:~~

- ~~(1) *material holdings*;~~
- ~~(2) *expected loss* amounts and other negative amounts referred to in *GENPRU 2.2.236R*; and~~
- ~~(3) *securitisation positions* referred to in *GENPRU 2.2.237R*. [deleted]~~

2.2.239 R (1) ~~The treatment in the *capital resources table* of the deductions in *GENPRU 2.2.238R* only has effect for the purpose of the *capital resources gearing rules*.~~

- ~~(2) In other cases (3) and (4) apply.~~
- ~~(3) A *BIPRU firm* making the deductions described in *GENPRU 2.2.238R* must deduct 50% of the total amount of those deductions at stage E (Deductions from tier one capital) and 50% at stage J (Deductions from tier two capital) of the calculation in the *capital resources table* after the application of the *capital resources gearing rules*.~~
- ~~(4) To the extent that half of the total of:~~
- ~~(a) *material holdings*;~~
- ~~(b) *expected loss* amounts and other negative amounts; and~~
- ~~(c) *securitisation positions*; exceeds the amount calculated at stage I (Total tier two capital) of that calculation, a *firm* must deduct that excess from the amount calculated at stage F (Total tier one capital after deductions) of the *capital resources table*. [deleted]~~

2.2.240 G ~~The alternative calculation in *GENPRU 2.2.239R*(3) to (4) is only relevant to *BIPRU 11* (Pillar 3 disclosures) and certain reporting requirements under *SUP*. However the deduction of *material holdings* at Part 2 of stage E of the *capital resources table* in the case of a *BIPRU investment firm* with an *investment firm consolidation waiver* has effect for all purposes. [deleted]~~

Tier three capital: upper tier three capital resources (BIPRU firm only)

- 2.2.241 R ~~GENPRU 2.2.241R to GENPRU 2.2.245R only apply to a BIPRU firm. [deleted]~~
- 2.2.242 R ~~A BIPRU firm may include subordinated debt in its upper tier three capital resources only if:~~
- ~~(1) it has an original maturity of at least two years or is subject to at least two years' notice of repayment; and~~
  - ~~(2) payment of interest or principal is permitted only if, after that payment, the firm's capital resources would be not less than its capital resources requirement. [deleted]~~
- 2.2.243 R ~~A BIPRU firm which includes subordinated debt in its tier three capital resources must notify the appropriate regulator one month in advance of all payments of either interest or principal made when the firm's capital resources are less than 120% of its capital resources requirement. [deleted]~~
- 2.2.244 R ~~The rules in the table in GENPRU 2.2.245R apply to short term subordinated debt that a BIPRU firm includes in its tier three capital resources in the same way that they apply to a firm's tier two capital resources with the adjustments in that table. [deleted]~~
- 2.2.245 R ~~Table: Application of tier two capital rules to tier three debt~~  
 This table belongs to ~~GENPRU 2.2.244R~~  
 [The table in *GENPRU 2.2.245R* is deleted in its entirety. The deleted text is not shown.]

Tier three capital: lower tier three capital resources (BIPRU firm only)

- 2.2.246 R ~~GENPRU 2.2.246R to GENPRU 2.2.249R only apply to a BIPRU firm. [deleted]~~
- 2.2.247 R ~~A BIPRU firm's net interim trading book profits mean its net trading book profits adjusted as follows:~~
- ~~(1) they are net of any foreseeable charges or dividends and less net losses on its other business; and~~
  - ~~(2) a firm must not take into account items that have already been included in the calculation of capital resources as part of the calculation of the following items:~~
    - ~~(a) interim net profits (see stage (A) of the capital resources table); or~~
    - ~~(b) interim net losses or material interim net losses (see stage (A) of the capital resources table); or~~

(e) ~~profit and loss and other reserves (see stage (A) of the capital resources table). [deleted]~~

2.2.248 R ~~Trading book profits and losses, other than those losses to which GENPRU 2.2.86R(2) (Valuation adjustment and reserves) refers, originating from valuation adjustments or reserves as referred to in GENPRU 1.3.29R to GENPRU 1.3.35AG (Valuation adjustments or reserves) must be included in the calculation of net interim trading book profits and be added to or deducted from tier three capital resources. [deleted]~~

2.2.249 R ~~Trading book valuation adjustments or reserves as referred to in GENPRU 1.3.29R to GENPRU 1.3.35AG which exceed those made under the accounting framework to which a firm is subject must be treated in accordance with GENPRU 2.2.248R if not required to be treated under GENPRU 2.2.86 R(2). [deleted]~~

...

Deductions from total capital: Illiquid assets (BIPRU investment firm only)

2.2.259 R ~~GENPRU 2.2.259R to GENPRU 2.2.262G only apply to a BIPRU investment firm. [deleted]~~

2.2.260 R ~~Illiquid assets means illiquid assets including~~

- ~~(1) tangible fixed assets (except land and buildings if they are used by a firm as security for loans, but this exclusion is only up to the value of the principal outstanding on the loans); or~~
- ~~(2) any holdings in the capital resources of credit institutions or financial institutions, except to the extent that:
 
  - ~~(a) they have already been deducted as a material holding; or~~
  - ~~(b) they are shares which are included in a firm's trading book and included in the calculation of the firm's market risk capital requirement; or~~~~
- ~~(3) holdings of other securities which are not readily realisable securities; or~~
- ~~(4) deficiencies of net assets in subsidiary undertakings; or~~
- ~~(5) deposits which are not repayable within 90 days (except for payments in connection with margined futures or options contracts); or~~
- ~~(6) loans and other amounts owed to a firm except where they are due to be repaid within 90 days; or~~

~~(7) physical stocks except for *positions in physical commodities* which are included in the calculation of a *firm's commodity PRR*.  
[deleted]~~

2.2.261 G ~~If a loan or other amount owing to a *firm* was originally due to be paid more than 90 days from the date of the making of the loan or the incurring of the payment obligation, as the case may be, it may be treated as liquid for the purposes of *GENPRU 2.2.260R(6)* where through the passage of time the remaining time to the contractual repayment date falls below 90 days. [deleted]~~

2.2.262 G ~~If a loan or other amount is due to be paid within 90 days (whether measured by reference to original or remaining maturity), a *firm* should consider whether it can reasonably expect the amount owing to be paid within that period. If the *firm* cannot reasonably expect it to be paid within that period the *firm* should treat it as illiquid. [deleted]~~

Deductions from total capital: Excess trading book position (bank or building society only)

2.2.263 R ~~*GENPRU 2.2.263R* to *GENPRU 2.2.265R* only apply to a *bank* or *building society*. [deleted]~~

2.2.264 R (1) ~~The *excess trading book position* is the excess of:~~

~~(a) a *bank* or *building society's* aggregate net long (including notional) *trading book positions in shares*, subordinated debt or any other interest in the capital of *credit institutions* or *financial institutions*;~~

~~over;~~

~~(b) 25% of that *firm's capital resources* calculated at stage T (Total capital after deductions) of the *capital resources table* (calculated before deduction of the *excess trading book position*).~~

~~(2) Only the excess amount calculated under (1) must be deducted. [deleted]~~

2.2.265 R ~~The *standard market risk PRR rules* apply for establishing what is a net *position* and the amount and value of that *position* for the purposes of *GENPRU 2.2.264R*, ignoring *rules* which would otherwise exclude such *positions* from *BIPRU 7.2* (Interest rate PRR) or *BIPRU 7.3* (Equity PRR and basic interest rate PRR for equity derivatives) on the basis that they are to be deducted from a *bank* or *building society's capital resources*, or for any other reason. [deleted]~~

...

Public sector guarantees

2.2.276 R ~~A BIPRU firm may not include a guarantee from a state or public authority in its capital resources. [deleted]~~

...

**2 Annex  
1 Capital resources table for an insurer**

R	Type of capital	Related text	Stage
	Core tier one capital		(A)
	...		
	Profit and loss account and other reserves (taking into account interim net losses)	<i>GENPRU 2.2.85AR; GENPRU 2.2.87R to GENPRU 2.2.88R</i>	
	...		

**2 Annex  
2 Capital resources table for a bank**

[deleted]

[*GENPRU 2 Annex 2R* is deleted in its entirety. The deleted text is not shown.]

**2 Annex  
3 Capital resources table for a building society**

[deleted]

[*GENPRU 2 Annex 3R* is deleted in its entirety. The deleted text is not shown.]

**2 Annex  
4 Capital resources table for a BIPRU investment firm deducting material holdings**

[deleted]

[*GENPRU 2 Annex 4R* is deleted in its entirety. The deleted text is not shown.]

**2 Annex  
5 Capital resources table for a BIPRU investment firm deducting illiquid assets**

[deleted]

[*GENPRU 2 Annex 5R* is deleted in its entirety. The deleted text is not shown.]

shown.]

...

## 2 Annex 8 Guidance on applications for waivers relating to Implicit items<sup>k</sup>

### G Implicit items under the Act

1	<p>The <i>capital resources table</i> does not permit <i>implicit items</i> to be included in the calculation of a <i>firm's capital resources</i>, except subject to a <i>waiver</i> under section 138A of the Act. Article 27(4) of the <i>Consolidated Life Directive</i> states that <i>implicit items</i> can be included in the calculation of a <i>firm's capital resources</i>, within limits, provided that the supervisory authority agrees. Certain <i>implicit items</i>, however, are not eligible for inclusion beyond 31 December 2009 (see paragraph 5). The <del>appropriate regulator</del> <u>PRA</u> may be prepared to grant a <i>waiver</i> from the <i>capital resources table</i> to allow <i>implicit items</i>, in line with the purpose of the <i>Consolidated Life Directive</i>, and provided the conditions as set out in article 27(4) of the <i>Consolidated Life Directive</i> are met. Such a <i>waiver</i> would allow an <i>implicit item</i> to count towards the <i>firm's capital resources</i> available to count against its <i>capital resources requirement (CRR)</i> set out for <i>realistic basis life firms</i> in GENPRU 2.1.18R and for <i>regulatory basis only life firms</i> in GENPRU 2.1.23R. An <i>implicit item</i> may potentially count as <i>tier one capital</i> (but not <i>core tier one capital</i>) or <i>tier two capital</i>. Where a <i>waiver</i> is granted allowing an <i>implicit item</i> as <i>tier one capital</i>, the value of the <i>implicit item</i> so allowed must be included at stage B of the <i>capital resources table</i>. If the application of the value of the <i>implicit item</i> is restricted by GENPRU 2.2.29R, which requires that at least 50% of a <i>firm's tier one capital resources</i> must be accounted for by <i>core tier one capital</i>, the remainder may be included at stage G of the calculation in the <i>capital resources table</i>, subject to GENPRU 2.2.31G. An <i>implicit item</i> treated as <i>tier two capital</i> will also be included at stage G of the calculation, again subject to GENPRU 2.2.81 R. Article 29(1) of the <i>Consolidated Life Directive</i> requires that <i>implicit items</i> be excluded from the capital eligible to cover the <i>guarantee fund</i>. Under GENPRU 2.2.33R a <i>firm</i> must meet the <i>guarantee fund</i> from the sum of the items listed at stages A, B, G and H of the <i>capital resources table</i> less the sum of the items listed at stage E of the <i>capital resources table</i>. The <del>appropriate regulator</del> <u>PRA</u> will only grant an <i>implicit items waiver</i> if the <i>waiver</i> includes a modification to GENPRU 2.2.33R to ensure that the <i>implicit item</i> does not count towards meeting the <i>guarantee fund</i>.</p>
2	<p>Under section 138A of the Act, the <del>appropriate regulator</del> <u>PRA</u> may, on the application of a <i>firm</i>, grant a <i>waiver</i> from PRU. There</p>

	are general requirements that must be met before any <i>waiver</i> can be granted. As explained in <i>SUP 8</i> , the <del>appropriate regulator</del> <u>PRA</u> may not give a <i>waiver</i> unless the <del>appropriate regulator</del> <u>PRA</u> is satisfied that:
	...
3	The <del>appropriate regulator</del> <u>PRA</u> will assess compliance with the requirements in the light of all the relevant circumstances. This will include consideration of the costs incurred by compliance with a particular <i>rule</i> or whether a <i>rule</i> is framed in a way that would make compliance difficult in view of the <i>firm's</i> circumstances. For example, the <i>firm</i> may demonstrate that if an <i>implicit item</i> were not allowed, the <i>firm</i> would either have to suffer increased (and unwarranted) costs in injecting further <i>capital resources</i> or operate with a lower equity backing ratio (see case studies in paragraph 43). Even if a <i>firm</i> can demonstrate a case for an <i>implicit item waiver</i> , it should not assume that the <del>appropriate regulator</del> <u>PRA</u> will grant the <i>capital resources</i> requested, or that any <i>capital resources</i> will be granted for the full amount of the <i>implicit item</i> which could be granted, as set out in this annex. The <del>appropriate regulator</del> <u>PRA</u> will consider each application on its own merits, and taking into account all relevant circumstances, including the financial situation and business prospects of the <i>firm</i> .
	...
5	The <i>Consolidated Life Directive</i> (reflecting the changes introduced by the <i>Solvency 1 Directive</i> ) requires member states to end a <i>firm's</i> ability to take into account future profits <i>implicit items</i> by (at the latest) 31 December 2009. Until then, the maximum amount of the <i>implicit item</i> relating to future profits permitted under the <i>Consolidated Life Directive</i> is limited to 50% of the product of the estimated annual profits and the average period to run (not exceeding six years) on the <i>policies</i> in the portfolio. The <i>Consolidated Life Directive</i> further limits the maximum amount of these economic reserves that can be counted to 25% of the lesser of the available solvency margin and the required solvency margin. The changes introduced by the <i>Solvency 1 Directive</i> take effect for financial years beginning on or after 1 January 2004. However, the <i>Consolidated Life Directive</i> allows for a transitional period of five years, which runs from 20 March 2002 (the publication date of the <i>Solvency 1 Directive</i> ), for <i>firms</i> to become fully compliant with these new requirements. <i>Firms</i> will need to consider the potential impact of these changes when engaging in future capital planning. When applying for an <i>implicit item waiver</i> a <i>firm</i> should provide the <del>appropriate regulator</del> <u>PRA</u> with a plan showing how the <i>firm</i> intends to maintain its capital adequacy over the period to 31 December 2009. <i>Firms</i> should also be aware that the <del>appropriate regulator</del> <u>PRA</u> will typically only grant <i>waivers</i> for a maximum of

	12 months.
...	
Zillmerisation	
7	<i>Zillmerisation</i> is an allowance for acquisition costs that are expected, under prudent assumptions, to be recoverable from future <i>premiums</i> . <del>f</del> <i>Firms</i> can make a direct adjustment to their reserves for <i>zillmerisation</i> , subject to the <i>rules</i> on <i>mathematical reserves</i> . However, where no such adjustment has been made, the <del>appropriate regulator</del> <i>PRA</i> will consider an application for a <i>waiver</i> to take into account an <i>implicit item</i> .
...	
Process for applying for a waiver, including limits applicable when a waiver is granted	
9	This annex sets out the procedures to be followed and the form of calculations and data which should be submitted by <i>firms</i> to the <del>appropriate regulator</del> <i>PRA</i> . This <i>guidance</i> should also be read in conjunction with the general requirements relating to the <i>waiver</i> process described in <i>SUP</i> 8. The <del>appropriate regulator</del> <i>PRA</i> expects that applications for <i>waivers</i> in respect of future profits and <i>zillmerising</i> will not normally be considered to pass the " <del>not result in undue risk to persons whose interests the rules are intended to protect</del> " " <u>would not adversely affect the advancement of any of the <i>PRA</i>'s objectives</u> " test unless the relevant criteria set out in this <i>guidance</i> have been satisfied and an application for such a may require further criteria to be satisfied for this test to be passed. As set out below, <i>waivers</i> in respect of either <i>zillmerising</i> or hidden reserves will not normally be given except in very exceptional circumstances.
Timing	
10	A <i>long-term insurer</i> may apply to the <del>appropriate regulator</del> <i>PRA</i> for a <i>waiver</i> in respect of <i>implicit items</i> . A <i>waiver</i> will not apply retrospectively (see <i>SUP</i> 8.3.6G). Consequently, applications intended for a particular accounting reference date will normally need to be made well before that reference date. Applications by <i>firms</i> must be made to the <del>appropriate regulator</del> <i>PRA</i> in writing and include the relevant details specified under <i>SUP</i> 8.3.3D. Given the uncertainty in predicting the future, <i>waivers</i> will normally be granted for a maximum of 12 months at a time and any further applications will need to be made accordingly.
...	
13	An <i>implicit item waiver</i> in respect of <i>zillmerising</i> or hidden

	reserves is related to the basis on which liabilities or assets have been valued. In the case of hidden reserves, as explained below, the granting of a <i>waiver</i> will be dependent on the overall <i>capital resources</i> of the <i>firm</i> . <i>Waivers</i> in respect of these <i>implicit items</i> will, therefore, only be made in relation to the position shown in a particular set of <i>returns</i> and it will be essential for <i>firms</i> to submit applications to the <del>appropriate regulator</del> <u>PRA</u> well in advance of the latest date for the submission of the relevant <i>return</i> .
14	<i>Waivers</i> may be withdrawn by the <del>appropriate regulator</del> <u>PRA</u> at any time (e.g. where the <del>appropriate regulator</del> <u>PRA</u> considers the amount in respect of which a <i>waiver</i> has been given can no longer be justified). This may be as a result of changes in the <i>firm's</i> position or as a result of queries arising on scrutiny of the <i>returns</i> .
Information to be submitted	
15	An application for a <i>capital resources waiver</i> (which includes an application for an extension to or other variation of a <i>waiver</i> ) should be prepared using the standard application form for a <i>capital resources</i> (see SUP 8 Annex 2D). In addition, the application should be accompanied by full supporting information to enable the <del>appropriate regulator</del> <u>PRA</u> to arrive at a decision on the merits of the case. In particular, the application should state clearly the nature and the amounts of the <i>implicit items</i> that a <i>firm</i> wishes to count against its <i>capital resources requirement</i> and whether it proposes to treat the <i>implicit item</i> as <i>tier one capital</i> or <i>tier two capital</i> . In order to assess an application, the <del>appropriate regulator</del> <u>PRA</u> needs information as to the make-up of the <i>firm's capital resources</i> , the quality of the capital items which have been categorised into each tier of capital and a breakdown of capital both within and outside the <i>firm's long-term insurance fund</i> or <i>funds</i> and between the <i>firm's with-profits funds</i> and <i>non-profit funds</i> . An explanation as to the appropriateness of the proposed treatment of the <i>implicit item</i> under the <i>capital resources table</i> should also be provided, including a demonstration that, in allowing for <i>implicit items</i> , there has been no double counting of future margins and that the basis for valuing such margins is prudent.
...	
17	As a minimum, applications for a future profits <i>implicit item waiver</i> should be supported by the information contained in Forms 13, 14, 18, 19, 40, 41, 42, 48, 49, the answers to questions 1 to 12 of the abstract of the valuation report, Appendix 9.4 of <i>IPRU(INS)</i> , the abstract of the valuation report for the realistic valuation, Appendix 9.4A of <i>IPRU(INS)</i> and Forms 51, 52, 53,

	<p>54 and 58. For a <i>zillmerisation</i> <del>implicit item</del> <i>implicit item waiver</i>, only those items noted above forming part of the abstract valuation report will normally be needed. Applications for a <i>waiver</i> in respect of a hidden reserves <i>implicit item</i> will normally be considered only if accompanied by the information which is contained in the annual regulatory <i>returns</i>. In particular, the balance sheet forms, <i>long-term insurance business</i> revenue accounts, and abstract of the valuation report as set out in Appendices 9.1, 9.3 and 9.4 of <i>IPRU(INS)</i> should be provided. This is not to say that a full regulatory <i>return</i> must be provided in the specified format, simply that the information contained in these forms should be provided. Where appropriate, the information may be summarised.</p>
18	<p>The following supporting information relating to the calculation of the amounts claimed should be supplied for each type of <i>implicit item</i> in respect of which a <i>waiver</i> is sought: Future profits: in addition to information related to the prospective calculation and retrospective calculation described below, the profits reported in each of the last five <i>financial years</i> up to the date of the most recent available valuation under <i>rule 9.4</i> of <i>IPRU(INS)</i> which has been submitted to the <del>appropriate regulator</del> <i>PRA</i> prior to, or together with, the application, and the amounts and nature of any exceptional items left out of account; the method used for calculating the average period to run and the results for each of the main categories of business, both before and after allowing for premature termination (where the calculation has been made in two stages); and the basis on which this allowance has been made. <i>Zillmerising</i>: the categories of contracts for which an item has been calculated and the percentages of the <i>relevant capital sum</i> in respect of which an adjustment has been made. Hidden reserves: particulars, with supporting evidence, of the undervaluation of assets for which recognition is sought.</p>
Continuous monitoring by firms	
19	<p><i>Firms</i> should take into account any material changes in financial conditions or other relevant circumstances that may have an impact on the level of future profits that can prudently be taken into account. <del>f</del><i>Firms</i> should also re-evaluate whether an application to vary an <i>implicit item waiver</i> should be made whenever circumstances have changed. In the event that circumstances have changed such that an amendment is appropriate, the <i>firm</i> must contact the <del>appropriate regulator</del> <i>PRA</i> as quickly as possible in accordance with Principle 11. (See <i>SUP 8.5.1 R</i>). In this context, the <del>appropriate regulator</del> <i>PRA</i> would expect notice of any matter that materially impacts on the <i>firm's</i> financial condition, or any <i>waivers</i> granted.</p>

Future profits - factors to take into account when submitting calculations to support waiver applications	
...	
21	<i>f</i> Firms need to assess prospective future profit (i.e. how much can reasonably be expected to arise) and compare this to maximum limits (in article 27(4) of the <i>Consolidated Life Directive</i> ), which relate to past profits.
Future profits - prospective calculation	
22	The application for a <i>waiver</i> should be supported by details of a prospective calculation of future profits arising from in-force business. The information supplied to the <del>appropriate regulator</del> <i>PRA</i> should include a description of the method used in the calculation and of the assumptions made, together with the results arising. From 31 December 2009 at the latest, future profits <i>implicit items</i> will no longer be permitted under the <i>Consolidated Life Directive</i> . Where a <i>firm</i> first applies for an <i>implicit item waiver</i> after <i>GENPRU 2.2</i> comes into effect, under the prospective calculation a <i>firm</i> should only take into consideration future profits that are expected to emerge in the period up to 31 December 2009. <i>Implicit item waivers</i> granted before <i>GENPRU 2.2</i> comes into effect will continue to operate under the terms of those <i>waivers</i> , but an application to vary the terms of such a <i>waiver</i> , for example to extend the effective period, is an application for a new <i>waiver</i> for which a <i>firm</i> should usually only take into consideration future profits that are expected to emerge in the period up to 31 December 2009.
Assumptions	
23	The assumptions made should be prudent, rather than best estimate, assumptions of future experience (that is, the prudent assumptions should allow for the fair market price for assuming that risk including associated expenses). In particular, it would not normally be considered appropriate for the projected return on any asset to be taken to be higher than the risk-free yield (that is, assessed by reference to the yield arrived at using a model of future risk free yields properly calibrated from the forward gilts market). It may also be appropriate to bring future withdrawals into account on a suitably prudent basis. For <i>with-profits business</i> , the assumptions for future investment returns should not capitalise future bonus loadings except where the <i>with-profits policyholders</i> share in risks other than the investment performance of the fund. Furthermore, the rate at which future profits are discounted should include an appropriate margin over a risk free rate of return. Calculations should also be carried out to demonstrate that the prospective calculation of the future

	<p>profits arising from the in-force business supporting the application for the <i>implicit item waiver</i> would be sufficient to support the amount of the <i>implicit item</i> under each scenario described for use in determining the <i>resilience capital requirement</i> - where the <i>waiver</i> relates to an <i>implicit item</i> allocated to more than one fund, this should be demonstrated separately for that element of the <i>implicit item</i> allocated to each fund. For an <i>implicit item</i> allocated to a <i>with-profits fund</i>, proper allowance should be made for any shareholder transfers to ensure that the <i>implicit item</i> is not supported by future profits which will be required to support those transfers. To the extent, if any, that future profits are dependent on the levying of explicit expense related charges (for example as in the case of unit-linked business) the documentation submitted should include a demonstration of the prudence of the assumptions made as to the level at which future charges will be levied and expenses incurred.</p>
<p>Other limitations on the extent to which waivers for implicit items will be granted to a realistic basis life firm</p>	
24	<p>Where a <i>waiver</i> in respect of an <i>implicit item</i> is granted to a <i>realistic basis life firm</i> additional limits may apply by reference to a comparison of <i>realistic excess capital</i> and <i>regulatory excess capital</i> including allowance for the effect of the <i>capital resources</i>. Where the <i>capital resources waiver</i> relates to an <i>implicit item</i> allocated partly or entirely to a <i>with-profits fund</i>, the <i>waiver</i> will contain a limitation to the effect that the <i>regulatory excess capital</i> for that <i>with-profits fund</i>, allowing for the effect of the <i>capital resources</i>, may not exceed that fund's <i>realistic excess capital</i>. This limitation will apply on an ongoing basis so that, for example, in the case of an <i>implicit item</i> allocated to a <i>with-profits fund</i>, the amount of the <i>implicit item</i> would be limited to zero whenever the <i>regulatory excess capital</i> exceeded the <i>realistic excess capital</i> of that fund.</p>
<p>Other charges to future profits</p>	
25	<p>To avoid double counting, no account should be taken of any future surplus arising from assets corresponding to explicit items which have been counted towards the <i>capital resources requirement</i> such as shareholders funds, surplus carried forward or investment reserves. Deductions should be made in the calculation of future surpluses for the impact of any other arrangements which give rise to a charge over future surplus emerging (e.g. financial <i>reinsurance</i> arrangements, subordinated loan capital or contingent loan agreements). Deductions should also be made to the extent that any credit has been taken for the purposes of <i>INSPRU</i> 1.4.45R(2) for the present value of future profits relating to non-profit business written in a <i>non-profit fund</i>.</p>

	The information supplied to the <del>appropriate regulator</del> <u>PRA</u> should identify the amount and reason for any adjustments made to the calculation of the prospective amount of future profits.
26	The <i>firm</i> should confirm to the <del>appropriate regulator</del> <u>PRA</u> that the calculations have been properly carried out and that there are no other factors that should be taken into account.
Future profits - retrospective calculation	
...	
Definition of profits	
28	The estimated annual profit should be taken as the average annual surplus arising in the <i>long-term insurance fund</i> over the last five <i>financial years</i> up to the date of the most recent available valuation which has been submitted to the <del>appropriate regulator</del> <u>PRA</u> prior to, or together with, the application. For this purpose, deficiencies arising should be treated as negative surpluses. Where a <i>firm's financial year</i> has altered, the surplus arising in a period falling partly outside the relevant five year period should be assumed to accrue uniformly over the period in question for the purpose of estimating the profits arising within the five year period. When there has been a transfer of a block of business into the <i>firm</i> (or out of the <i>firm</i> ) during the period, surplus arising from the transferred block should be included (or excluded) for the full five year period. Where a portion of a block of business is transferred, the surplus included (or excluded) should be a reasonable estimate of the surplus arising from the portion transferred.
...	
Double counting	
31	The inclusion of investment income arising from the assets representing the explicit components of <i>capital resources</i> (as part of the estimated annual profit for the purpose of determining the future profits <i>implicit item</i> ) would result in double-counting. If those assets were required to meet the effects of adverse developments, this would automatically result in the cessation of the contribution to profits from the associated investment income. It would clearly not be appropriate for the <del>appropriate regulator</del> <u>PRA</u> to grant a <i>capital resources waiver</i> which would enable a <i>firm</i> to meet the <i>capital resources requirement</i> on the basis of counting both the capital values of the assets and the value of the income flow which they can be expected to generate.
...	

33	Where there is reason to suspect that the elimination of any such double-counting would reduce a <i>firm's capital resources</i> to close to or below the required level, or would otherwise be significant, the <del>appropriate regulator</del> <i>PRA</i> will request this information with a view to taking account of this factor in determining the amount of the <i>implicit item</i> . Additional information concerning investment income should be furnished with an application for a <i>waiver</i> , if a <i>firm</i> believes that any double-counting would fall into one of the categories mentioned above.
Average period to run	
34	The average number of years remaining to run on <i>policies</i> should be calculated on the basis of the weighted average of the periods for individual <i>contracts of insurance</i> , using as weights the actuarial present value of the benefits payable under the contracts. A separate weighted average should be calculated for each of the various categories of contract and the results combined to obtain the weighted average for the portfolio as a whole. Approximate methods of calculation, which the <i>firm</i> considers will give results similar to the full calculation, will be accepted. In particular, the <del>appropriate regulator</del> <i>PRA</i> will normally accept the calculation of an average period to run for a specific category of contract on the basis of the average valuation factor for future benefits derived from data contained in the abstract of the valuation report in the regulatory <i>returns</i> . A <i>firm</i> will be asked to demonstrate the validity of the method adopted only where an abnormal distribution of the business in force gives grounds for doubt about its accuracy.
...	
Zillmerising	
41	The <del>appropriate regulator</del> <i>PRA</i> does not normally expect to grant a <del>waivers</del> <i>waiver</i> permitting <i>implicit items</i> due to <i>zillmerisation</i> except in very exceptional circumstances. <i>Zillmerisation</i> is an allowance for acquisition costs that are expected, under prudent assumptions, to be recoverable from future <i>premiums</i> . <i>Firms</i> can make a direct adjustment to their reserves for <i>zillmerisation</i> , subject to the requirements on <i>mathematical reserves</i> set out in <i>INSPRU</i> 1.3.43R, and this is the usual approach. However, where no such adjustment has been made, or where the maximum adjustment has not been made in the <i>mathematical reserves</i> , the <del>appropriate regulator</del> <i>PRA</i> will consider an application for an <i>implicit item waiver</i> , if the amount is consistent with the amount that would have been allowed as an adjustment to <i>mathematical reserves</i> under <i>INSPRU</i> 1.3.43R.
Hidden reserves	

42	The <del>appropriate regulator</del> <u>PRA</u> will grant <i>waivers</i> permitting <i>implicit items</i> due to hidden reserves only in very exceptional circumstances. These items relate to hidden reserves resulting from the underestimation of assets. The <i>rules</i> for the valuation of assets and liabilities (see <i>GENPRU 1.3</i> ) which apply to assets and liabilities other than <i>mathematical reserves</i> are based on the valuation used by the <i>firm</i> for the purposes of its external accounts, with adjustments for regulatory prudence such as concentration limits for large holdings, and would not normally be expected to contain hidden reserves.
Case studies on "unduly burdensome"	
43	Some examples of situations where the existing <i>rules</i> might be considered to be unduly burdensome are given below:
	<ul style="list-style-type: none"> <li>• A <i>firm</i> writes <i>with-profits business</i>. The <i>firm's</i> investment policy is affected by its published financial position. Application of the <i>rules</i> without an <i>implicit item waiver</i> would result in the <i>firm</i> adopting a lower equity backing ratio. It may be possible to demonstrate that, in the circumstances, it would be unduly burdensome to require the <i>firm</i> to incur costs (which might prejudice <i>policyholders</i>) resulting from the lower equity backing ratio, rather than take allowance for an <i>implicit item</i>.</li> </ul>
	...
	<ul style="list-style-type: none"> <li>• A <i>firm</i> has a block of in-force business, on which the future profits may be reasonably estimated. Application of the <i>rules</i> without an <i>implicit item waiver</i> would result in a need to obtain additional capital. It may be possible to demonstrate that it is unduly burdensome, having regard to the particular circumstances of the <i>firm</i>, to require it to incur the costs involved in the injection of further capital rather than take allowance for an <i>implicit item</i>.</li> </ul>
	•
	...
Publicity	
45	The <del>appropriate regulator</del> <u>PRA</u> will publish the <i>capital resources</i> (see <i>SUP 8.6</i> and <i>SUP 8.7</i> ). Public disclosure is standard practice unless the <del>appropriate regulator</del> <u>PRA</u> is satisfied that publication is inappropriate or unnecessary (see section 138AB of the <i>Act</i> ). Any request that a direction not be published should be made to the <del>appropriate regulator</del> <u>PRA</u> in writing with grounds in support, as set out in <i>SUP 8.6</i> . Disclosure of a <i>waiver</i> will normally be

	required in the <i>firm's</i> annual <i>returns</i> .
--	---

...

**TP  
7** ~~Pillar 3 capital resources~~

~~[deleted]~~

[The table at *GENPRU* TP7 is deleted in its entirety. The deleted text is not shown.]

**TP  
8** ~~Miscellaneous capital resources definitions for BIPRU firms~~

~~Miscellaneous capital resources definitions for BIPRU firms [deleted]~~

[The table in *GENPRU* TP 8 is deleted in its entirety. The deleted text is not shown.]

**TP  
8A** ~~Further miscellaneous capital resources definitions for BIPRU firms~~

~~Further miscellaneous capital resources definitions for BIPRU firms [deleted]~~

[The table in *GENPRU* TP8A is deleted in its entirety. The deleted text is not shown.]

**TP  
8B** ~~Miscellaneous capital resources definitions for BIPRU firms: Core tier one capital~~

~~Miscellaneous capital resources definitions for BIPRU firms: Core tier one capital [deleted]~~

[The table in *GENPRU* TP8B is deleted in its entity. The deleted text is not shown.]

**TP 9** ~~Individual capital guidance for BIPRU firms~~

~~Individual capital guidance for BIPRU firms [deleted]~~

[The table in *GENPRU* TP9 is deleted in its entirety. The deleted text is not shown.]

...

**Sch 2** ~~Notification and reporting requirements~~

**G** ...

Handbook reference	Matter to be notified	Contents of notification	Trigger events	Time allowed
...				
<i>GENPRU 2.2.19R</i> [deleted]	Intention to deduct <i>illiquid assets</i> rather than <i>material holdings</i>	Fact of intention	Intention to start or stop using method in column 2	One month prior to change of method
...				
<i>GENPRU 2.2.79GR</i> [deleted]	Intention to purchase a <i>tier one instrument</i> in accordance with <i>GENPRU 2.2.79AR</i>	Fact of intention and details of the <i>firm's</i> position after the purchase in order to show how, over an appropriate timescale, adequately stressed, and without planned recourse to the capital markets, it will meet its <i>capital resources requirement</i> and have sufficient financial resources to meet the <i>overall financial adequacy rule</i>	Intention to purchase	At least one month prior to becoming committed to purchase
<i>GENPRU 2.2.83BR</i> [deleted]	Intention to include in stage A of the <i>capital resources table</i> different classes of the same <i>share</i> type that meet the conditions in <i>GENPRU 2.2.83R</i> and <i>GENPRU 2.2.83AR</i> but have differences in voting rights.	Fact of intention.	Intention to include in stage A of the <i>capital resources table</i> classes of the same <i>share</i> type that have different voting rights.	At least one month before the <i>shares</i> are issued or (in the case of existing issued <i>shares</i> ) the differences in voting rights take effect.
<i>GENPRU 2.2.83FR</i> [deleted]	Intention by a <i>building society</i> to issue a <i>capital instrument</i> that	Fact of intention.	Intention to issue a <i>capital instrument</i>	At least one month before the intended date of issue.

	includes a <i>coupon</i> limit in its terms of issuance in accordance with <i>GENPRU 2.2.83ER</i> .		that includes a <i>coupon</i> limit.	
<i>GENPRU 2.2.135R</i> [deleted]	Intention to include an unusual transaction in capital under <i>GENPRU 2.2.124R</i>	Fact of intention.	Intention to include in capital	At least one month prior to inclusion of that capital in <i>capital resources</i>
...				
<i>GENPRU 2.2.243R</i> [deleted]	Intention to pay interest or principal on subordinated debt included in <i>tier three capital resources</i> if the <i>firm's capital resources</i> are less than 120% of its <i>capital resources requirement</i>	Fact of intention	Intention to pay	One month prior to any payment of interest or principal
<i>GENPRU 2.2.245R</i> [deleted]	Intention to repay (other than on contractual repayment date) <i>tier three capital resources</i>	Fact of intention and details of how the <i>firm</i> will meet its <i>capital resources requirement</i> after such repayment	Intention to repay	One month prior to repayment

## **Annex B**

### **Amendments to the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

The entirety of BIPRU is deleted save for:

- BIPRU 12;
- BIPRU, Schedule 3; and
- BIPRU Schedule 6.

The deleted text is not shown.

**CAPITAL REQUIREMENTS DIRECTIVE IV (CONSEQUENTIAL AMENDMENTS)  
INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules);
  - (2) section 137T (General supplementary powers);
  - (3) section 138D (Actions for damages);
  - (4) section 213 (The compensation scheme); and
  - (5) paragraph 31 (Fees) of schedule 1ZB (The Prudential Regulation Authority).
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

- C. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority) (“FCA”), the PRA consulted the FCA. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

**Commencement**

- D. This instrument comes into force on 1 January 2014.

**Amendments to the PRA Handbook**

- E. The modules of the PRA’s Handbook of rules and guidance listed in column (1) below are amended in accordance with the Annexes in this instrument listed in column (2) below.

(1)	(2)
Glossary of definitions	Annex A
Principles for Businesses (PRIN)	Annex B
Senior Management Arrangements, Systems and Controls sourcebook (SYSC)	Annex C
General Provisions (GEN)	Annex D
Fees manual (FEES)	Annex E
General Prudential sourcebook (GENPRU)	Annex F
Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)	Annex G
Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))	Annex H
Interim Prudential sourcebook for Investment Businesses (IPRU(INV))	Annex I
Supervision manual (SUP)	Annex J

Compensation sourcebook (COMP)	Annex K
Credit Unions New sourcebook (CREDS)	Annex L

**Notes**

- F. In the Annexes to this instrument, the “notes” (indicated by “**Note:**”) are included for the convenience of readers but do not form part of the legislative text.

**Citation**

- G. This instrument may be cited as the Capital Requirements Directive IV (Consequential Amendments) Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## Annex A

### Amendments to the Glossary of definitions

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### Part 1: New definitions

Insert the following new definitions in the appropriate alphabetical position. The text is not underlined.

- |                                       |  |   |
|---------------------------------------|--|---|
| <i>article 12(1)<br/>relationship</i> | (A) (in the <i>PRA Handbook</i> ):       | means a relationship where <i>undertakings</i> are linked by a relationship within the meaning of article 12(1) of Directive 83/349 EEC.  |
| ...                                   |  |   |
| <i>article 18(5)<br/>relationship</i> | (A) (in the <i>PRA Handbook</i> ):       | the relationship where there are participations or capital ties other than those referred to in article 18(1) and (2) of the <i>EU CRR</i> (Methods for prudential consolidation).  |
| ...                                   |  |   |
| <i>consolidated situation</i>         | (A) (in the <i>PRA Handbook</i> ):       | the situation that results from applying the requirements of the <i>EU CRR</i> in accordance with Part One, Title II, Chapter 2 of the <i>EU CRR</i> to an <i>institution</i> as if that <i>institution</i> formed, together with one or more other <i>institutions</i> , a single <i>institution</i> . |
| ...                                   |  |   |
| <i>core UK group</i>                  | (A) <u>(in the <i>PRA Handbook</i>):</u> | <u>has the meaning given in the <i>PRA Rulebook</i>: Large Exposures rules.</u>   |
| ...                                   |  |   |
| <i>core UK group eligible capital</i> | (A) (in the <i>PRA Handbook</i> ):       |   |

has the meaning given in the PRA Rulebook: Large Exposures rules.

...

*core UK group permission* (A) (in the PRA Handbook):

has the meaning given in the PRA Rulebook: Large Exposures rules.

...

*CRR firm* (A) (in the PRA Handbook):

for the purposes of SYSC means *UK banks, buildings society and investment firms* that are subject to the *EU CRR*.

...

*designated investment firm* (A) (in the PRA Handbook):

an *authorised person* that has been designated by the PRA under article 3 of the *PRA-regulated Activities Order*.

...

*EU CRR* (A) (in the PRA Handbook):

Regulation of the European Parliament and the Council on prudential requirements for credit institutions and investment firms (Regulation (EU) No 575/2013) and amending Regulation (EU) No 648/2012.

...

*FINREP firm* (A) (in the PRA Handbook):

- (a) a *credit institution* or *investment firm* subject to the *EU CRR* that is also subject to article 4 of Regulation (EC) No 1606/2002; or
- (b) a *credit institution* other than one referred to in Article 4 of Regulation (EC) No 1606/2002 that prepares its consolidated accounts in conformity with the international accounting standards adopted in accordance with the procedure laid down in article 6(2) of that Regulation.

[**Note:** article 99 of the *EU CRR*]

...

*IFPRU investment firm* (A) (in the *PRA Handbook*):

an *investment firm*, as defined in article 4(1)(2) of the *EU CRR* that satisfies the following conditions:

- (a) it is an *FCA*-authorised *firm*;
- (b) its head office is in the *UK*; and
- (c) it is not:
  - (i) an *incoming EEA firm*;
  - (ii) an *incoming Treaty firm*;
  - (iii) any other *overseas firm*;
  - (iv) a *designated investment firm*;
  - (v) an *insurer*; or
  - (vi) an *ICVC*.

...

*IFPRU limited-activity firm* (A) (in the *PRA Handbook*):

a *limited activity firm* that meets the following conditions:

- (a) it is an *FCA*-authorised *firm*;
- (b) its head office is in the *UK*; and
- (c) it is not:
  - (i) an *incoming EEA firm*;
  - (ii) an *incoming Treaty firm*;
  - (iii) any other *overseas firm*;
  - (iv) a *designated investment firm*;
  - (v) an *insurer*; or

*IFPRU limited-licence firm* (A) (in the *PRA Handbook*):

a *limited activity firm* that meets the following conditions:

- (a) it is an *FCA-authorized firm*;
- (b) its head office is in the *UK*; and
- (c) it is not:
  - (i) an *incoming EEA firm*;
  - (ii) an *incoming Treaty firm*;
  - (iii) any other *overseas firm*;
  - (iv) a *designated investment firm*;
  - (v) an *insurer*; or
  - (i) an *incoming EEA firm*;

...

*management body* (A) (in the *PRA Handbook*):  
 (in accordance with article 3(7) of *CRD*) the *governing body* and *senior personnel* of a *CRR firm* who are empowered to set the *firm's* strategy, objectives and overall direction, and which oversee and monitor management decision-making.

*management body in its supervisory function* (A) (in the *PRA Handbook*):  
 the *management body* acting in its role of overseeing and monitoring management decision-making.

...

*NCLEG non-trading book permission* (A) (in the *PRA Handbook*):  
has the meaning given in the *PRA Rulebook*: Large Exposures rules.

...

*NCLEG trading book permission* (A) (in the *PRA Handbook*):  
has the meaning given in the *PRA Rulebook*: Large Exposures rules.

...

*non-core large exposures group*(A) (in the PRA Handbook):has the meaning given in the PRA Rulebook: Large Exposures rules.

...

*own funds requirements*

(A) (in the PRA Handbook):

as defined in article 92 (Own funds requirements) of the *EU CRR*.

...

*PRA-regulated Activities Order*

(A) (in the PRA Handbook):

[Financial Services and Markets Act 2000 \(PRA-regulated Activities\) Order 2013 \(SI 2013/556\).](#)

...

*tier 2 instruments*

(A) (in the PRA Handbook):

a capital instrument that qualify as tier 2 instruments under article 62 of the *EU CRR*.

...

*UK designated investment firm*

(A) (in the PRA Handbook):

(in *BIPRU 12* and *SUP 16*) a *designated investment firm* which is a *body corporate* or *partnership* formed under the law of any part of the *UK*.

Amend the following definitions as shown.

*AMA permission*an *Article 129 implementing measure*, a *requirement* or a *waiver* that requires a *BIPRU firm* or ~~an institution~~ a *CAD investment firm* to use the *advanced measurement approach* to *operational risk* on a solo basis or, if the context requires, a consolidated basis.

<i>approved credit institution</i>	a <i>credit institution</i> recognised or permitted under the law of an <i>EEA State</i> to carry on any of the activities set out in Annex 1 to the <del><i>Banking Consolidation Directive</i></del> <u><i>CRD</i></u> .
<i>Branch</i>	<p>(a) (in relation to a <i>credit institution</i>):</p> <p>(i) ...</p> <p>(ii) for the purposes of the <del><i>Banking Consolidation Directive</i></del> <u><i>CRD</i></u> and in accordance with <u>article 38 of the <i>CRD</i></u>, any number of places of business set up in the same <i>EEA State</i> by a <i>credit institution</i> with headquarters in another <i>EEA State</i> are to be regarded as a single <i>branch</i>;</p> <p>...</p>
<i>capital resources gearing rules</i>	<p>(1) ...</p> <p>(2) <del>(in relation to a <i>bank</i> or <i>building society</i>) <i>GENPRU 2.2.29R</i>, <i>GENPRU 2.2.30R</i>, <i>GENPRU 2.2.46R</i> and <i>GENPRU 2.2.49R</i>. [deleted]</del></p> <p>(3) <del>(in relation to a <i>BIPRU investment firm</i>) <i>GENPRU 2.2.30R</i>, <i>GENPRU 2.2.46R</i> and <i>GENPRU 2.2.49R</i> and <i>GENPRU 2.2.50R</i>. [deleted]</del></p>
<i>capital resources table</i>	<p>(in relation to an <i>insurer</i> or <i>BIPRU firm</i>) the table specified in <i>GENPRU 2.2.19R</i> (Applicable capital resources calculation) which in summary is as follows:</p> <p>(1) (in the case of an <i>insurer</i>) <i>GENPRU 2 Annex 1R</i>.;</p> <p>(2) <del>(in the case of a <i>bank</i>) <i>GENPRU 2 Annex 2R</i>; [deleted]</del></p> <p>(3) <del>(in the case of a <i>building society</i>) <i>GENPRU 2 Annex 3R</i>; and [deleted]</del></p> <p>(4) <del>(in relation to a <i>BIPRU investment firm</i>) whichever of the tables in <i>GENPRU 2 Annex 4R</i>, <i>GENPRU 2 Annex 5R</i> or <i>GENPRU 2 Annex 6R</i> applies to the <i>firm</i> under <i>GENPRU 2.2.19R</i>. [deleted]</del></p>
<i>CCR internal model method permission</i>	an <i>Article 129 implementing measure</i> , <i>Article 129 permission</i> , a <i>requirement</i> or a <i>waiver</i> that requires a <i>BIPRU firm</i> or an <del><i>institution</i></del> a <u><i>CAD investment firm</i></u> to use the <i>CCR internal model method</i> .

<i>common platform firm</i>	<p>a <i>firm</i> that is:</p> <ul style="list-style-type: none"> <li>(a) a <i>BIPRU firm</i>; or</li> <li>(aa) <u>a bank</u>; or</li> <li>(ab) <u>a building society</u>; or</li> <li>(ac) <u>a designated investment firm</u>; or</li> <li>(ad) <u>an IFPRU investment firm</u>; or</li> <li>...</li> </ul>
<i>consolidation group</i>	<ul style="list-style-type: none"> <li>(1) the following: <ul style="list-style-type: none"> <li>...</li> </ul> </li> <li>(2) <u>(in SYSC) the undertakings included in the scope of prudential consolidation to the extent and in the manner prescribed in Part One, Title II, Chapter 2, Sections 2 and 3 of the EU CRR and IFPRU 8.1.3R to IFPRU 8.1.4R (Prudential consolidation) for which the FCA is the consolidating supervisor under [article 111 of the CRD].</u></li> <li>(3) <u>For the purposes of SUP 16, the group of undertakings which are included in the consolidated situation of a parent institution in a Member State, an EEA parent institution, an EEA parent financial holding company or an EEA parent mixed financial holding company (including any undertaking which is included in that consolidation because of an Article 12(1) relationship, Article 18(5) relationship or Article 18 relationship).</u></li> </ul>
<i>consumer</i>	<ul style="list-style-type: none"> <li>...</li> <li>(D) (for the purposes of (2A)(b)): <ul style="list-style-type: none"> <li>(a) “credit institution” means: <ul style="list-style-type: none"> <li>(i) a credit institution authorised under the <i>banking consolidation directive CRD</i>; or</li> </ul> </li> </ul> </li> <li>...</li> </ul>
<i>core concentration risk group counterparty</i>	<p><del>(in relation to a firm) a counterparty which is its parent undertaking, its subsidiary undertaking or a subsidiary undertaking of its parent undertaking, provided that (in each</del></p>

case) both the counterparty and the *firm* are:

- (a) ~~included within the scope of consolidation on a full basis with respect to the same *UK consolidation group*; and~~
- (b) ~~(where relevant) held by one or more intermediate *parent undertaking or financial holding company*, all of which are incorporated in the *United Kingdom*.~~

...

*counterparty credit risk*

- (1) (in accordance with Part 1 of Annex III of the *Banking Consolidation Directive* (Definitions) and for the purposes of *BIPRU*) the risk that the counterparty to a transaction could default before the final settlement of the transaction's cash flows.
- (2) (other than in (1)) has the meaning as used in the *EU CRR*.

*covered bond*

...

- (2) (in accordance with point 68 of Part 1 of Annex VI of the *Banking Consolidation Directive* (Exposures in the form of covered bonds) and for the purposes of the IRB approach or the *standardised approach* to credit risk in *BIPRU*) a covered bond as defined in (1) collateralised in accordance with *BIPRU* 3.4.107R (Exposures in the form of covered bonds).

...

*CRD implementation measure*

(in relation to a *person* and for the purposes of *GENPRU* and *BIPRU* (except in *GENPRU* 3), a provision of the *Banking Consolidation Directive* or the *Capital Adequacy Directive* and an *EEA State* other than the *United Kingdom*) a measure implementing that provision of that Directive for that type of *person* in that *EEA State*.

*credit institution*

- (1) (except in *REC*) ~~(in accordance with articles 4(1) and 107 of the *BCD*):~~
  - (a) ~~an undertaking whose business is to receive deposits and other repayable funds from the public and to grant credits for its own account~~ has the meaning in article 4(1)(1) of the *EU CRR*; or
  - (b) [deleted]

- (c) [deleted]
- (d) ~~for the purpose of BIPRU 10 (Large exposures requirements) it means:~~
- (i) ~~a credit institution defined by (1)(a) to (1)(b) that has been authorised in an EEA State; or~~
  - (ii) ~~any private or public undertaking which meets the definition in (1)(a)–1(b) and which has been authorised in a non-EEA State. [deleted]~~

~~(see also BCD credit institution, full credit institution, full BCD credit institution and Zone A credit institution.)~~

- (2) (in REC) and in SUP 11 (Controllers and close links and SUP 16 (Reporting requirements)):
- (a) a credit institution authorised under the *Banking Consolidation Directive CRD*;
  - (b) an institution which would satisfy the requirements for authorisation as a credit institution under the *Banking Consolidation Directive CRD* if it had its registered office (or if it does not have a registered office, its head office) in an EEA State.
- (3) (in relation to the definition of *electronic money issuer*) a credit institution as defined by (1)(a) and includes a branch of the credit institution within the meaning of ~~Article 4(3) of the Banking Consolidation Directive~~ article 4(1)(17) of the *EU CRR* which is situated within the EEA and which has its head office in a territory outside the EEA in accordance with ~~Article 38 of the Banking Consolidation Directive~~ article 47 of the *CRD*.

*DGD claim*

a claim, in relation to a *protected deposit*, against a *BCD CRD credit institution*, whether established in the *United Kingdom* or in another *EEA State*.

*DLG by default*

...

For these purposes:

- (iii) *credit institution* has the meaning used in SUP 16 (Reporting requirements), namely either of the following:
- (A) a credit institution authorised under the ~~*Banking Consolidation Directive*~~ CRD; or
  - (B) an institution which would satisfy the requirements for authorisation as a credit institution under the ~~*Banking Consolidation Directive*~~ CRD if it had its registered office (or if it does not have a registered office, its head office) in an *EEA State*; and

...

*EEA bank*

an *incoming EEA firm* which is a ~~BCD~~ CRD *credit institution*.

*EEA firm*

(in accordance with paragraph 5 of Schedule 3 to the Act (EEA Passport Rights)) any of the following, if it does not have its relevant office in the *United Kingdom*:

...

- (b) a *credit institution* (as defined in article 4(1)(1) of the ~~*Banking Consolidation Directive*~~ EU CRR);
- (c) a financial institution (as defined in article 4(5)(1)(26) of the ~~*Banking Consolidation Directive*~~ EU CRR) which is a subsidiary of the kind mentioned in article 24 34 of the CRD and which fulfils the conditions in articles 23 33 and 24 34;

...

*energy market participant*

a *firm*:

...

- (b) which is not an *authorised professional firm*, *bank*, *BIPRU investment firm* (unless it is an *exempt BIPRU commodities firm*), *IFPRU investment firm* (unless it is an *exempt IFPRU commodities firm*), *building society*, *credit union*, *friendly society*, *ICVC*, *insurer*, *MiFID investment firm* (unless it is an *exempt BIPRU commodities firm* or *exempt IFPRU commodities firm*), *media firm*, *oil market participant*, *service company*, *insurance intermediary*, *home finance administrator*, *home finance provider*, *incoming EEA firm* (without a *top-up permission*), or *incoming*

*Treaty firm without a top-up permission).*

<i>fee-paying electronic money issuer</i>	any of the following when they issue <i>electronic money</i> :  ...  (d) a <i>full credit institution</i> , including a branch of the <i>full credit institution</i> within the meaning of article 4(3) (17) of the <del>BCD</del> <u>EU CRR</u> which is situated within the <i>EEA</i> and which has its head office in a territory outside the <i>EEA</i> in accordance with article 38 47 of the <del>BCD</del> <u>EU CRR</u> ;  ...
<i>fixed overheads requirement</i>	(1) (except in <i>IPRU(INV)</i> and for the purposes of <i>GENPRU</i> (except in <i>GENPRU</i> 3) and <i>BIPRU</i> (except in <i>BIPRU</i> 12)) the part of the <i>capital resources requirement</i> calculated in accordance with <i>GENPRU</i> 2.1.53R (Calculation of the fixed overheads requirement).  ...
<i>full <del>BCD</del> CRD credit institution</i>	a <del>BCD</del> <u>CRD</u> <i>credit institution</i> that falls within paragraph (1)(a) of the definition of <i>credit institution</i> .
<i>Home State</i>	(1) (in relation to a <i>credit institution</i> ) the <i>EEA State</i> in which the <i>credit institution</i> has been authorised in accordance with the <del>Banking Consolidation Directive</del> <u>CRD</u> .  ...
<i>Institution</i>	(1) (in accordance with Article 3(1)(e) of the <del>Capital Adequacy Directive</del> and Article 4(6) of the <del>Banking Consolidation Directive (Definitions)</del> and for the purposes of <i>GENPRU</i> and <i>BIPRU</i> ) a <i>credit institution</i> <a href="http://fshandbook.info/FS/glossary-html/handbook/Glossary/C?definition=G239n">http://fshandbook.info/FS/glossary-html/handbook/Glossary/C?definition=G239n</a> or a <i>CAD investment firm</i> , whether or not it is incorporated in, or has its head office in, an <i>EEA State</i> has the meaning in article 4(1)(3) of the <u>EU CRR</u> .  (2) (for the purposes of <i>GENPRU</i> and <i>BIPRU</i> ) includes a <u><i>CAD investment firm</i></u> .
<i>Investment firm</i>	...  (5) (in <i>SYSC 19A</i> ) a <i>firm</i> in (3) except for a <i>BIPRU firm</i>

*investment management firm* ~~(subject to BIPRU TP 1.3R (Revised definition of investment management firm for certain transitional purposes)), a firm whose permitted activities include designated investment business, which is not an authorised professional firm, bank, BIPRU IFPRU investment firm, BIPRU firm, building society, collective portfolio management firm, credit union, energy market participant, friendly society, ICVC, insurer, media firm, oil market participant, service company, incoming EEA firm (without a top-up permission), incoming Treaty firm (without a top-up permission), or UCITS qualifier (without a top-up permission), whose permission does not include a requirement that it comply with IPRU(INV) 3 or IPRU(INV) 13 (Personal investment firms) and which is within (a), (b) or (c):~~

...

*IRB approach*

one of the following:

- (a) the adjusted method of calculating the *credit risk capital component* set out in BIPRU 4 (IRB approach) and BIPRU 9.12 (Calculation of risk weighted exposure amounts under the internal ratings based approach), including that approach as applied under BIPRU 14 (Capital requirements for settlement and counterparty risk);
- (b) (where the approach in (a) is being applied on a consolidated basis) the method in (a) as applied on a consolidated basis in accordance with BIPRU 8 (Group risk - consolidation); or
- (c) when the reference is to the rules of or administered by a *regulatory body* other than the <sup>26</sup> *appropriate regulator*,<sup>26</sup> whatever corresponds to the approach in (a) or (b), as the case may be, under those rules.

*large exposure*

~~has the meaning set out in BIPRU 10.5.1 R, which in summary is the *total exposure* of a *firm* to a *counterparty*, or a *group of connected clients*, whether in the *firm's non-trading book* or *trading book* or both, and *counterparties* falling within BIPRU 10.10A.1 R within the *trading book*, which in aggregate equals or exceeds 10% of the *firm's capital resources*.~~

(A) (In the *PRA Handbook*):

has the meaning given in the *PRA Rulebook*: Large

	<u>Exposures rules.</u>
<i>listed activity</i>	an activity listed in Annex 1 to the <i>Banking Consolidation Directive CRD</i> .
<i>main BIPRU firm Pillar 1 rules</i>	GENPRU 2.1.40R (Variable capital requirement for BIPRU firms), GENPRU 2.1.41R (Base capital resources requirement for BIPRU firms), GENPRU 2.1.48R (Table: Base capital resources requirement for a BIPRU firm) and, where applicable, <del>GENPRU 2.1.60 R (Calculation of base capital resources requirement for banks authorised before 1993).</del>
<i>MiFID investment firm</i>	... (in full) a <i>firm</i> which is: ... (2) a <del>BCD</del> <u>CRD</u> <i>credit institution</i> (only when providing an <i>investment service or activity</i> in relation to the <i>rules</i> implementing the Articles referred to in Article 1(2) of <i>MiFID</i> ); ...
<i>mixed-activity holding company</i>	<del>one of the following:</del>  (a) <del>(in accordance with Article 4(20) of the <i>Banking Consolidation Directive (Definitions)</i>) a <i>parent undertaking</i>, other than a <i>financial mixed activity holding company</i>, a <i>credit institution</i> or a <i>mixed financial holding company</i>, the <i>subsidiary undertakings</i> of which include at least one <i>credit institution</i>; or</del>  (b) <del>(in accordance with Articles 2(2) and 37(1) of the <i>Capital Adequacy Directive (Supervision on a consolidated basis)</i> and in relation to a <i>banking and investment group</i> without any <i>credit institutions</i> in it) a <i>parent undertaking</i>, other than a <i>financial holding company</i>, an <i>investment firm</i> or a <i>mixed financial holding company</i>, the <i>subsidiary undertakings</i> of which include at least one <i>investment firm</i>.</del>  <u>has the meaning given to the definition of “mixed activity holding company” in article 4(1)(22) of the <i>EU CRR</i>.</u>
<i>multilateral development bank</i>	...

- (b) ~~for the purposes of the *standardised approach* to credit risk the following are considered to be a multilateral development bank: [deleted]~~

...

*oil market participant*

a firm:

- (b) which is not an *authorised professional firm, bank, BIPRU investment firm*, (unless it is an *exempt BIPRU commodities firm*), *IFPRU investment firm* (unless it is an *exempt IFPRU commodities firm*), *building society, credit union, friendly society, ICVC, insurer, MiFID investment firm* (unless it is an *exempt BIPRU commodities firm* or *exempt IFPRU commodities firm*), *media firm, service company, insurance intermediary, home finance administrator, mortgage intermediary, home finance provider, incoming EEA firm* (without a *top-up permission*), or *incoming Treaty firm* (without a *top-up permission*).

*operational risk*

...

- (2) ~~(except in *COLL* and *FUND* in *GENPRU* (except *GENPRU 3* (Cross sector groups) and *BIPRU* (except *BIPRU 12* (Liquidity Standards)))~~ (in accordance with Article 4(22) of the *Banking Consolidation Directive*) the risk of loss resulting from inadequate or failed internal processes, people and systems or from external events, including legal risk.
- (3) (in *GENPRU 3*, *IFPRU*, and *BIPRU 12* ) has the meaning in Article 4(1)(52) of the *EU CRR*.

*option*

...

but so that for the purposes of calculating capital requirements for *BIPRU firms* and ~~*BIPRU 10* (Large exposures requirements)~~ it also includes any of the items listed in the table in *BIPRU 7.6.18R* (Option PRR: methods for different types of option) and any case settled option.

*own funds*

- (1) (in *GENPRU* (except *GENPRU 3* (Cross sector groups) and *BIPRU* (except *BIPRU 12* (Liquidity standards))) own funds described in articles 56 to 57 of the *Banking Consolidation Directive*.

...

- (5) (( *except in (1) to (4)*) has the meaning in article 4(1)(118) of the *EU CRR*.

- parent financial holding company in a Member State*
- (1) (in GENPRU (except GENPRU 3) and BIPRU (except BIPRU 12)) (in accordance with Article 4(15) of the *Banking Consolidation Directive* (Definitions) and Article 3 of the *Capital Adequacy Directive* (Definitions)) a *financial holding company* which is not itself a *subsidiary undertaking* of an *institution* authorised in the same *EEA State*, or of a *financial holding company* or *mixed financial holding company* established in the same *EEA State*.
- (2) (except in (1)) has the meaning in article 4(1)(30) of the *EU CRR*.
- parent institution in a Member State*
- (1) (in GENPRU (except GENPRU 3) and BIPRU (except BIPRU 12)) (in accordance with Article 4(14) of the *Banking Consolidation Directive* and Article 3 of the *Capital Adequacy Directive* (Definitions)) an *institution* which has an *institution* or a *financial institution* as a *subsidiary undertaking* or which holds a *participation* in such an institution, and which is not itself a *subsidiary undertaking* of another *institution* authorised in the same *EEA State*, or of a *financial holding company* or *mixed financial holding company* established in the same *EEA State*.
- (2) (except in (1)) has the meaning in article 4(1)(28) of the *EU CRR*.
- parent mixed financial holding company in a Member State*
- (1) (in GENPRU (except GENPRU 3) and BIPRU (except BIPRU 12)) (in accordance with Article 4(15a) of the *Banking Consolidation Directive* (Definitions)) a *mixed financial holding company* which is not itself a *subsidiary undertaking* of an *institution* authorised in the same *EEA State*, or of a *financial holding company* or *mixed financial holding company* established in the same *EEA State*.
- (2) (except in (1)) has the meaning in article 4(1)(32) of the *EU CRR*.
- parent undertaking*
- (1) ...
- (c) for the purposes of *BIPRU (except BIPRU 12)*, *GENPRU (except GENPRU 3)* and *INSPRU* as they apply on a consolidated basis, ~~for the purposes of BIPRU 10 (Large exposures requirements)~~ and for the purposes of SYSC 12 (Group risk systems and controls requirement) and SYSC 19A 19C (Remuneration Code for BIPRU firms) and in relation to whether an *undertaking* is a *parent undertaking*) an

*undertaking* which has the following relationship to another *undertaking* ("S"):

...

...

(3) (for the purposes of GENPRU 3, BIPRU 12, IFPRU and SYSC 19A (Remuneration Code)) has the meaning in article 4(1)(15) of the EU CRR but so that (in accordance with article 2(9) of the Financial Groups Directive) article 4(1)(15)(b) applies for the purpose of GENPRU 3.

*Participation*

(1) (for the purposes of UPRU and GENPRU (except GENPRU 3) and for the purposes of BIPRU (except BIPRU 12) and INSPRU as they apply on a consolidated basis):

...

(2) (except in (1)) has the meaning in article 4(1)(35) of the EU CRR.

*permanent interest bearing shares*

any shares of a class defined as deferred shares for the purposes of section 119 of the Building Societies Act 1986 which are issued as permanent interest bearing shares and on terms which qualify them as own funds for the purposes of the *Banking Consolidation Directive EU CRR*.

*personal investment firm*

~~(subject to BIPRU TP 1 (Revised definition of personal investment firm for certain transitional purposes))~~ a firm whose *permitted activities* include *designated investment business*, which is not an *authorised professional firm*, bank, *BIPRU IFPRU investment firm*, *BIPRU firm*, *building society*, *collective portfolio management firm*, *credit union*, *energy market participant*, *ICVC*, *insurer*, *media firm*, *oil market participant*, *service company*, *incoming EEA firm* (without a *top-up permission*), *incoming Treaty firm* (without a *top-up permission*) or *UCITS qualifier* (without a *top-up permission*), whose *permission* does not include a *requirement* that it comply with *IPRU(INV) 3* (Securities and futures firms) or 5 (Investment management firms), and which is within (a), (b) or (c):

...

*recognised third country investment firm*

a *CAD investment firm* that satisfies the following conditions:

...

- (d) that *investment firm* is subject to and complies with prudential rules of or administered by that *third country competent authority* that are at least as stringent as those laid down in the ~~*EEA prudential sectoral legislation for the investment services sector*~~ *Banking Consolidation Directive and the Capital Adequacy Directive as applied under the third paragraph of article 95(2) of the EU CRR.*

*regulatory system*

the arrangements for regulating a *firm* or other *person* in or under the *Act*, including the *threshold conditions*, the *Principles* and other *rules*, the *Statements of Principle*, codes and *guidance* and including any relevant directly applicable provisions of a Directive or Regulation such as those contained in the *MiFID implementing Directive*, ~~and the *MiFID Regulation*~~ and the *EU CRR*.

*remuneration*

any form of remuneration, including salaries, *discretionary pension benefits* and benefits of any kind.

[Note: ~~paragraph 23 of Annex V to the *Banking Consolidation Directive*~~ article 92(2) of *CRD*]

*Remuneration Code staff*

(for a *BIPRU CRR firm* and a ~~*third country BIPRU firm*~~ an *overseas firm* in SYSC 19A1.1.1R(1)(f)) has the meaning given in SYSC 19A.3.4 R.

...

*repurchase transaction*

(in accordance with Article 3(1)(m) of the *Capital Adequacy Directive* and Article 4(33) of the *Banking Consolidation Directive* (Definitions) and for the purposes of *BIPRU*) any agreement in which an *undertaking* or its counterparty transfers securities or *commodities* or guaranteed rights relating to title to securities or *commodities* where that guarantee is issued by a *designated investment exchange* or *recognised investment exchange* which holds the rights to the securities or *commodities* and the agreement does not allow an *undertaking* to transfer or pledge a particular security or *commodity* to more than one counterparty at one time, subject to a commitment to repurchase them or substituted securities or *commodities* of the same description at a specified price on a future date specified, or to be specified, by the transferor, being a *repurchase agreement* for the *undertaking* selling the securities or *commodities* and a *reverse repurchase agreement* for the *undertaking* buying them.

*risk weight*

(in relation to an *exposure* for the purposes of *BIPRU*) a degree of risk expressed as a percentage assigned to that *exposure* in accordance with whichever is applicable of the *standardised approach* to credit risk and the *IRB approach*,

	including (in relation to a <i>securitisation position</i> ) under <i>BIPRU</i> 9 (Securitisation).
<i>risk weighted exposure amount</i>	(in relation to an <i>exposure</i> <u>for the purposes of <i>BIPRU</i></u> ) the value of an <i>exposure</i> for the purposes of the calculation of the <i>credit risk capital component</i> after application of a <i>risk weight</i> .
<i>securities and futures firm</i>	<del>(subject to <i>BIPRU</i> TP 1 (Revised definition of securities and futures firm for certain transitional purposes))</del> a firm whose <i>permitted activities</i> include <i>designated investment business</i> or <i>bidding in emissions auctions</i> , which is not an <i>authorised professional firm</i> , <i>bank</i> , <i>BIPRU investment firm</i> (unless it is an <i>exempt BIPRU commodities firm</i> ), <u><i>IFPRU investment firm</i> (unless it is an exempt <i>IFPRU investment firm</i>)</u> , <i>building society</i> , <i>collective portfolio management firm</i> , <i>credit union</i> , <i>friendly society</i> , <i>ICVC</i> , <i>insurer</i> , <i>media firm</i> , <i>service company</i> , <i>incoming EEA firm</i> (without a <i>top-up permission</i> ), <i>incoming Treaty firm</i> (without a <i>top-up permission</i> ) or <i>UCITS qualifier</i> (without a <i>top-up permission</i> ), whose <i>permission</i> does not include a <i>requirement</i> that it comply with <i>IPRU(INV) 5</i> (Investment management firms) or 13 (Personal investment firms), and which is within (a), (b), (c), (d), (e), (f), (g), <u>(ga)</u> or (h):
	...
	(g) an <i>exempt BIPRU commodities firm</i> ;
	<u>(ga) an exempt <i>IFPRU commodities firm</i></u> ;
	...
<i>securities or commodities lending or borrowing transaction</i>	(in accordance with Article 4(34) of the <i>Banking Consolidation Directive</i> and Article 3(1)(n) of the <i>Capital Adequacy Directive</i> (Definitions) <u>and for the purposes of <i>BIPRU</i></u> ) any transaction in which an <i>undertaking</i> or its counterparty transfers securities or <i>commodities</i> against appropriate collateral subject to a commitment that the borrower will return equivalent securities or <i>commodities</i> at some future date or when requested to do so by the transferor, that transaction being <i>securities or commodities lending</i> for the <i>undertaking</i> transferring the securities or <i>commodities</i> and being <i>securities or commodities borrowing</i> for the <i>undertaking</i> to which they are transferred.
<i>securitisation position</i>	(in accordance with Article 4(40) (Definitions) and Article 96 (Securitisation) of the <i>Banking Consolidation Directive</i> <u>and for the purposes of <i>BIPRU</i></u> ) an <i>exposure</i> to a <i>securitisation</i> within the meaning of paragraph (2) of the definition of <i>securitisation</i> ; and so that:

	...
<i>securitisation special purpose entity</i>	(in accordance with Article 4(44) of the <i>Banking Consolidation Directive</i> (Definitions) <u>and for the purposes of <i>BIPRU</i></u> ) a corporation, trust or other entity, other than a <i>credit institution</i> , organised for carrying on a <i>securitisation</i> or <i>securitisations</i> (within the meaning of paragraph (2) of the definition of <i>securitisation</i> ), the activities of which are limited to those appropriate to accomplishing that objective, the structure of which is intended to isolate the obligations of the <i>SSPE</i> from those of the <i>originator</i> , and the holders of the beneficial interests in which have the right to pledge or exchange those interests without restriction.
<i>securitised exposure</i>	<u>(for the purposes of <i>BIPRU</i>)</u> an <i>exposure</i> in the pool of <i>exposures</i> that has been securitised, either via a <i>traditional securitisation</i> or a <i>synthetic securitisation</i> . The cash-flows generated by the securitised exposures are used to make payments to the <i>securitisation positions</i> .
<i>Single Market Directives</i>	(a) the <i>Banking Consolidation Directive</i> <u>(to the extent it applies to <i>CAD investment firms</i>)</u>  (aa) <u>the <i>CRD</i></u> ;
	...
<i>standardised approach</i>	<u>(for the purposes of <i>BIPRU</i>)</u> one of the following:  ...
<i>third country BIPRU firm</i>	(1) <u>(in <i>BIPRU</i> (except in <i>BIPRU</i> 12 (Liquidity standards)) and <i>SYSC</i> 19C)</u> an <i>overseas firm</i> that:  ...  (2) <u>(in <i>BIPRU</i> 12 (Liquidity standards))</u> an <i>overseas firm</i> that:  (a) <u>is a <i>bank</i></u> ;  (b) <u>is not an <i>EEA firm</i></u> ; and  (c) <u>has its head office outside the <i>EEA</i></u> .
<i>trading book</i>	...  (2) (in <i>BIPRU</i> , <u>and <i>GENPRU</i>, <del><i>BSOCS</i></del> and <del><i>IPRU(INV)</i></del> 11 <del>and</del> in relation to a <i>BIPRU firm</i>) has the meaning in <i>BIPRU</i> 1.2 (Definition of the trading book) which is in summary, all that <i>firm's positions</i> in <i>CRD financial instruments</i> and <i>commodities</i> held either with trading</u>

intent or in order to hedge other elements of the *trading book*, and which are either free of any restrictive covenants on their tradability or able to be hedged.

...

(4) (in IFPRU and in relation to an IFPRU investment firm) has the meaning in article 4(1)(86) of the EU CRR.

UK consolidation group

...

(A) (In the PRA Handbook):

The group of undertakings which are included in the consolidated situation of a parent institution in a Member State, an EEA parent institution, an EEA parent financial holding company or an EEA parent mixed financial holding company (including any undertaking which is included in that consolidation because of an Article 12(1) relationship, Article 18(5) relationship or Article 18 relationship).

UK lead regulated firm

...

For the purposes of this definition:

- (a) Consolidated supervision of a group of *persons* means supervision of the adequacy of financial and other resources of that group on a consolidated basis *consolidated basis*. For example, this includes supervision under *BIPRU 8* (Group risk consolidation).
- (d) It is not relevant whether or not any supervision by another *regulatory body* has been assessed as equivalent under the *CRD* and *EU CRR* or the *Financial Groups Directive*.
- (e) If the group is a *consolidation group* or *financial conglomerate* of which the *FCA* or the *PRA* is lead regulator that is headed by an *undertaking* that is not itself the *subsidiary undertaking* of another *undertaking* the *firm* is a 'UK lead regulated firm'.

...

Amend the following definitions and re-position them in the appropriate alphabetical position.

~~BCD~~ CRD *credit institution* a *credit institution* that has its registered office (or, if it has no registered office, its head office) in an *EEA State*, excluding an *institution* to which the ~~BCD~~ CRD does not apply under article 2 of the ~~BCD~~ CRD (see also *full* ~~BCD~~ CRD *credit institution*).

~~EAD~~ CRD *bank* a *bank* which uses the ~~Capital Adequacy Directive~~ EU CRR to measure the capital requirement on its trading book.

Delete the following definitions altogether. The deleted text is not shown.

*advanced prudential calculation approach permission*

*cash assimilated instrument*

*CNCOM*

*concentration risk capital component*

*connected lending of a capital nature*

*consolidated operational risk requirement*

*consolidated requirement component*

*consolidation UK integrated group*

*consolidation wider integrated group*

*conversion factor*

*credit enhancement*

*credit valuation adjustment*

*default*

*effective expected positive exposure*

*eligible institution*

*financial derivative instrument*

*free delivery*

*funded credit protection*

*group of connected clients*

*individual CNCOM*

*individual counterparty CNCOM*

*lending firm*

*master netting agreement internal models approach permission*

*matched principal exemption conditions*

*non-core concentration risk group counterparty*

*non-core large exposure group*

*one-sided credit valuation adjustment*

*payment leg*

*probability of default*

*protection buyer*

*protections seller*

*PRR item*

*public sector entity*

*qualifying equity index*

*risk capital requirement*

*secured lending transaction*

*simple capital issuer*

*specific risk position risk adjustment*

*standard market risk PRR rules*

*stressed VaR*

*synthetic securitisation*

*third country BIPRU 730K firm*

*total exposure*

*trading book concentration risk excess*

*traditional securitisation*

*tranche*

*unfunded credit protection*

*value at risk*

*VaR measure*

*VaR model position*

## Annex B

### Amendments to the Principles for Business (PRIN)

In this Annex, underlining indicates new text and striking through indicates deleted text.

### 3 Rules about application

#### 3.1 Who?

3.1.1 R *PRIN* applies to every *firm*, except that:

- (1) for an *incoming EEA firm* or an *incoming Treaty firm*, the *Principles* apply only in so far as responsibility for the matter in question is not reserved by an *EU instrument* to the *firm's Home State regulator*;
- (2) for an *incoming EEA firm* which is a ~~BCD~~ CRD *credit institution* without a *top-up permission*, *Principle 4* applies only in relation to the liquidity of a *branch* established in the *United Kingdom*

...

...

3.1.3 G *PRIN* 3.1.1R(2) reflects article 41 156 of the ~~*Banking Consolidation Directive*~~ CRD which provides that the *Host State regulator* retains responsibility in cooperation with the *Home State regulator* for the supervision of the liquidity of a *branch* of a ~~BCD~~ CRD *credit institution*.

...

## Annex C

### Amendments to the Senior Management, Systems and Controls sourcebook (SYSC)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 4 General Organisational Requirements

##### 4.1 General requirements

...

Business continuity

...

##### 4.1.7 R ...

[**Note:** article 5(3) of the *MiFID implementing Directive*, annex V paragraph 13 of the *Banking Consolidation Directive*, ~~and~~ article 4(3) of the *UCITS implementing Directive* and article 85(2) of the CRD.]

...

##### 4.2 Persons who effectively direct the business

...

##### 4.2.1 R ...

[**Note:** article 9(1) of *MiFID*, article 7(1)(b) of the *UCITS Directive*, article 8(1)(c) of *AIFMD*, ~~and~~ article 11(1) of the *Banking Consolidation Directive* and article 13(1) of the CRD].

...

#### 5 Employees, agents and other relevant persons

##### 5.1 Skills, knowledge and expertise

...

Segregation of functions

...

##### 5.1.7 R The *senior personnel* of a *common platform firm* must define arrangements concerning the segregation of duties within the *firm* and the prevention of

conflicts of interest.

[**Note:** article 88 of the *CRD* and annex V paragraph 1 of the *Banking Consolidation Directive*].

...

## **6 Compliance, internal audit and financial crime**

### **6.1 Compliance**

...

6.1.4-A G In setting the method of determining the *remuneration* of *relevant persons* involved in the compliance function;

(1) *firms* that SYSC 19A applies to will also need to comply with the *Remuneration Code*; and

(2) *BIPRU firms* will also need to comply with the *BIPRU Remuneration Code*.

...

## **21 Risk control: additional guidance**

### **21.1 Risk control: guidance on governance arrangements**

...

21.1.2 G (1) A Chief Risk Officer should:

(a) ...

...

(j) provide risk-focused advice and information into the setting and individual application of the *firm's remuneration policy*. (~~W~~Where the *Remuneration Code* applies, see in particular SYSC 19A.3.15E. Where the *BIPRU Remuneration Code* applies, see in particular SYSC 19C.3.15E.);

## Annex D

### Amendments to the General Provisions (GEN)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 2            **Interpreting the Handbook**

...

## 2.2          **Interpreting the Handbook**

...

2.2.25      G    Examples of rules being interpreted as cut back by *GEN 2.2.23R* include the following:

(1)        ~~*BIPRU 4 imposes capital requirements that, for a PRA-authorised person such as a bank, are the exclusive responsibility of the PRA; accordingly this section is not applied by the FCA to a PRA-authorised person.*~~[deleted]

(2)        *SYSC 6.1.1R* requires a *firm* to maintain adequate policies and procedures to ensure compliance with its obligations under the *regulatory system*; *SYSC 6.1.1R* should be interpreted:

...

(b)        as applied by the *PRA* in respect of a *PRA-authorised person*'s compliance with those regulatory obligations that are the responsibility of the *PRA* (for example, in respect of a *bank* maintaining policies and procedures to ensure compliance with financial resources requirements in *BIPRU* [the *PRA* Rulebook and the *EU CRR*]).

...

## Annex E

## Amendments to the Fees manual (FEES)

In this Annex, underlining indicates new text and striking through indicates deleted text.

## 3.2 Obligation to pay fees

...

## 3.2.7A

(1) Fee payer	(2) Fee payable	(3) Due date
...		
<p>(f) Either:</p> <p>(i) a <i>firm</i> applying to the <i>appropriate regulator</i> for permission to use one of the <del><i>advanced prudential calculation approaches</i></del> <u><i>internal approaches</i></u> listed in <i>FEES</i> 3 Annex <del>6R</del> <u>6BR</u> (or guidance on its availability), including any future proposed amendments to those approaches or (in the case of any application being made for such permission to the <i>appropriate regulator</i> as <del><i>EEA consolidated supervisor</i></del> <u><i>consolidating supervisor</i></u> under the <i>Capital Requirements Regulations 2006 EU CRR</i>) any <i>firm</i> making such an application; or</p> <p>(ii) in the case of an application to a <del><i>Home State regulator</i></del> <u><i>the consolidating supervisor</i></u> other than the</p>	<p>(a) Unless (2) applies, <i>FEES</i> 3 Annex <del>6R</del> <u>6BR</u>. (2) (a) Unless (b) applies a <i>firm</i> submitting a second application for the permission or <i>guidance</i> described in column (1) within 12 months of the first application (where the fee was paid in accordance with (1)) must pay 50% of the fee applicable to it under <i>FEES</i> 3 Annex <del>6R</del> <u>6BR</u>, but only in respect of that second application.</p> <p>(b) No fee is payable by a <i>firm</i> in relation to a successful application for a permission based on a minded to grant decision in respect of the same matter following a complete application for <i>guidance</i> in accordance with prescribed submission requirements.</p> <p>(c) No fee is payable where the <del><i>Home State regulator</i></del> <u><i>consolidating supervisor</i></u> has requested the assistance</p>	<p>Where the <i>firm</i> has made an application directly to the <i>appropriate regulator</i>, on or before the date the application is made, otherwise within 30 days after the <i>appropriate regulator</i> notifies the <i>firm</i> that its <i>EEA parent's Home State regulator</i> <del><i>consolidating supervisor</i></del> <u>has requested assistance.</u></p>

<p><i>appropriate regulator</i> for the use of the <del>Internal Ratings Based IRB</del> approach and the <del>Home State regulator</del> consolidating supervisor requesting the <i>appropriate regulator's</i> assistance in accordance with the <del>Capital Requirements Regulations 2006 EU CRR</del>, any firm to which the <i>appropriate regulator</i> would have to apply any decision to permit the use of that approach.</p>	<p>described in paragraph <del>(e)(ii)</del> <u>(f)(ii)</u> of column 1 except in the cases specified in <i>FEES 3 Annex 6</i> <del>R 6BR</del>.</p>	
---	--	--

...

Delete FEES 3 Annex 6 and add FEES 3 Annex 6B

**Annex 6B**      **Part 1**

R	<p><u>Fees payable in relation to internal approaches that require permission under Part Three of the EU CRR other than internal model method for counterparty credit risk:</u></p> <p><u>(1) Subject to (3), for applications made to the <i>appropriate regulator</i> to authorise a new internal approach:</u></p> <p><u>(i) where the application relates to <i>CRD credit institutions</i> or <i>designated investment firms</i> and to five or more significant overseas entities within the same group (Group 1) and the application is for a permission to use one of the internal approaches in Tables 1 or 2 or guidance on the availability of such a permission, the fees in Table 1 are applicable.</u></p> <p><u>(ii) for all other <i>CRD credit institutions</i> or <i>designated investment firms</i> the fees in Table 2 are applicable.</u></p> <p><u>(2) Subject to (3), for applications made to the consolidating supervisor other than the <i>appropriate regulator</i> for a joint decision under Article 20 of the EU CRR on the use of one of the internal approaches in Tables 1 or 2 and where the <i>appropriate regulator</i> is requested to assist the consolidating supervisor, the fees in Table 1 and Table 2 are applicable if the <i>firm</i> concerned meets the following conditions :</u></p> <p><u>(i) it is a <i>CRD credit institution</i>; and</u></p> <p><u>(ii) the <i>firm</i> does not fall within Group 4 as defined in Table 2.</u></p>
---	---

(3) If however the application or request for assistance is in relation to the use of the Advanced IRB approach and the *appropriate regulator* (in the case of (1)) or the relevant consolidating supervisor (in the case of (2)) has already granted permission for the use of the Foundation IRB approach then table 3 applies.

(4) References to the internal approaches in Tables 1, 2 and 3 shall be construed as follows:

(i) Foundation IRB means the *internal approach* for credit risk referred to in Article 143(1) of the *EU CRR*;

(ii) Advanced IRB means the internal approach for credit risk referred to in Article 151(4) and (9) of the *EU CRR*; and

(iii) AMA means the internal approach for operational risk referred to in 312(2) of the *EU CRR*.

(5) All fees are shown in £.

Table 1

<u>Application Group</u>	<u>Description of Group</u>	<u>Application fee</u>		
		<u>Advanced IRB ('000)</u>	<u>Foundation IRB ('000)</u>	<u>AMA ('000)</u>
<u>Group 1</u>	<u>Five or more significant overseas entities as described in more detail in the definition of Group 1 in the introduction to Part 1 of this Annex</u>	<u>268</u>	<u>232</u>	<u>181</u>

Table 2

<u>Application Group</u>	<u>Description of Group</u>		<u>Application fee</u>		
	<u>Modified eligible liabilities</u>	<u>Number of traders as at 31 December prior to the <i>PRA</i>'s fee year in which the fee is payable</u>	<u>Advanced IRB ('000)</u>	<u>Foundation IRB ('000)</u>	<u>AMA ('000)</u>

<u>Group 2</u>	<u>&gt;40,000</u>	<u>&gt;200</u>	<u>232</u>	<u>198</u>	<u>146</u>
<u>Group 3</u>	<u>&gt;5,000 – 40,000</u>	<u>26-200</u>	<u>94</u>	<u>72</u>	<u>51</u>
<u>Group 4</u>	<u>0-5,000</u>	<u>0-25</u>	<u>42</u>	<u>30</u>	<u>24</u>

- (1) For the purposes of Table 2, a firm's A.1 or A10 tariff data for the relevant period will be used to provide the value of modified eligible liabilities or number of traders.

Table 3 (Advanced IRB approach where the appropriate regulator or the consolidating supervisor has already given permission to use Foundation IRB)

<u>Application Group</u>	<u>Advanced IRB Application fee</u>
<u>Group 1</u>	<u>67,000</u>
<u>Group 2</u>	<u>58,000</u>
<u>Group 3</u>	<u>23,500</u>
<u>Group 4</u>	<u>10,500</u>
<u>The four application groups have the same meaning as they do in Tables 1 and 2</u>	

## Part 2

- R Fees payable in relation to the application for a permission to use the internal model method for counterparty credit risk under Article 283 of the EU CRR: 54,000

...

## **6 Financial Services Compensation Scheme Funding**

...

### **6.6 Incoming EEA firms**

- 6.6.1 R If an *incoming EEA firm*, which is a ~~BCD~~ CRD *credit institution*, an *IMD insurance intermediary* or *MiFID investment firm*, is a *participant firm*, the *FSCS* must give the *firm* such discount (if any) as is appropriate on the share of any levy it would otherwise be required to pay, taking account of the nature of the levy and the extent of the compensation coverage provided by the firm's

Home State scheme.

## Annex F

### Amendments to the General Prudential sourcebook (GENPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

## 3 Cross sector groups

### 3.1 Application

...

- 3.1.16 G *GENPRU 3.1.26 29R* to *GENPRU 3.1.31R* and *GENPRU 3 Annex 1R* implement the detailed capital adequacy requirements of the *Financial Groups Directive*. They only deal with a *financial conglomerate* for which the *appropriate regulator* is the *coordinator*. If another *competent authority* is *coordinator* of a *financial conglomerate*, those *rules* do not apply with respect to that *financial conglomerate* and instead that *coordinator* will be responsible for implementing those detailed requirements.

...

Risk concentration and intragroup transactions: the main rule

- 3.1.35 R A *firm* must ensure that the *sectoral rules* regarding *risk concentration* and *intra-group transactions* of the *most important financial sector* in the *financial conglomerate* referred to in *GENPRU 3.1.34R* are complied with with respect to that *financial sector* as a whole, including the *mixed financial holding company*. The ~~*appropriate regulator's*~~ *sectoral rules* for these purposes are those identified in the table in *GENPRU 3.1.36R*.

Risk concentration and intra-group transactions: Table of applicable sectoral rules

- 3.1.36 R Table: application of sectoral rules  
This table belongs to *GENPRU 3.1.35R*

The most important financial sector	Applicable sectoral rules	
	Risk concentration	Intra-group transactions

<i>Banking and investment services sector</i>	<del><i>BIPRU 8.9A (Consolidated large exposure requirements) including BIPRU TP as it applies to a UK consolidation group. the EU CRR</i></del>	<del><i>BIPRU 10 (Large exposures requirements) including BIPRU TP as it applies on a solo basis and relates to BIPRU 10. Part Four of the EU CRR</i></del>
...		

- 3.1.37 R (1) Where the sectoral rules for the *banking and investment services sector* are being applied, a *mixed financial holding company* must be treated as being a *financial holding company*.

...

- 3.1.38 R (1) This *rule* applies for the purposes of the definitions of:
- (a) a *core concentration risk group counterparty*; and
  - (b) a *non-core concentration risk group counterparty*;

as they apply for the purposes of the ~~rules for the banking and investment services sector as applied by GENPRU 3.1.36R. [deleted]~~

- (2) For the purposes of ~~BIPRU 10.9A.4R(1) and BIPRU 10.9A.4R(2) (as they apply to the definitions in GENPRU 3.1.38R(1)), the conditions are also satisfied if the counterparty and the firm are included within the scope of consolidated supervision on a full basis with respect to the same financial conglomerate under GENPRU 3.1 or the relevant implementation measures in another EEA State for the Financial Groups Directive. [deleted]~~

...

The financial sectors: asset management companies and alternative investment fund managers

- 3.1.39 R (1) ...
- (2) An *asset management company* or an *alternative investment fund manager* is in the *overall financial sector* and is a *regulated entity* for the purpose of:

...

- (c) any other provision of the *Handbook* or PRA Rulebook relating to the supervision of *financial conglomerates*.

...

- (5) This *rule* applies even if:
- (a) a *UCITS management company* is a ~~BIPRU~~ an IFPRU investment firm; or
- (b) an *asset management company* or an alternative investment fund manager is an *investment firm*.

### 3.2 Third-country groups

...

#### Purpose

- 3.2.2 G *GENPRU* 3.2 implements in part Article 18 of the *Financial Groups Directive* and Article ~~143~~ 127 of the ~~*Banking Consolidation Directive*~~ *CRD*.

#### Equivalence

- 3.2.3 G The first question that must be asked about a *third-country financial group* is whether the *EEA regulated entities* in that *third-country group* are subject to supervision by a *third-country competent authority*, which is equivalent to that provided for by the *Financial Groups Directive* (in the case of a *financial conglomerate*) or the *EEA prudential sectoral legislation* for the *banking sector* or the *investment services sector* (in the case of a *banking and investment group*). Article 18(1) of the *Financial Groups Directive* sets out the process for establishing equivalence with respect to *third-country financial conglomerates* and Article ~~143 (1) and (2) of the *Banking Consolidation Directive*~~ 127(1) and (2) of the *CRD* does so with respect to *third-country banking and investment groups*.

#### Other methods: General

- 3.2.4 G If the supervision of a *third-country group* by a *third-country competent authority* does not meet the equivalence test referred to in *GENPRU* 3.2.3G, the methods set out in the *CRD* and *EU CRR* will apply or *competent authorities* may apply other methods that ensure appropriate supervision of the *EEA regulated entities* in that *third-country group* in accordance with the aims of supplementary supervision under the *Financial Groups*

*Directive* or consolidated supervision under the applicable *EEA prudential sectoral legislation*.

Supervision by analogy: introduction

...

3.2.7 G *GENPRU* 3.2.8R and *GENPRU* 3.2.9R and *GENPRU* 3 Annex 2R set out *rules* to deal with the situation covered in *GENPRU* 3.2.5G. Those *rules* do not apply automatically. Instead, they can only be applied with respect to a particular *third-country group* through the *Part 4A permission* of a *firm* in that *third-country group*. ~~Broadly speaking the procedure described in *GENPRU* 3.1.22G also applies to this process.~~

...

### 3 Annex 1 Capital adequacy calculations for financial conglomerates (*GENPRU* 3.1.29R)

R

1 Table: PART 1: Method of Annex I of the Financial Groups Directive ~~Groups Directive~~ Groups Directive (Accounting Consolidation Method)

...

7 Table

A mixed financial holding company	4.4	<p>A <i>mixed financial holding company</i> must be treated in the same way as:</p> <p>(1) a <i>financial holding company</i> (if <del>the rules in <i>BIPRU</i> 8 Part One, Title II, Chapter 2 of the <i>EU CRR</i> and the <i>PRA Rulebook</i> are applied</del>); or</p> <p>(2) an <i>insurance holding company</i> (if the rules in <i>INSPRU</i> 6.1 are applied).</p>
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8 Table: PART 5: Principles applicable to all methods

Transfer-ability of capital	5.1	<p>Capital may not be included in:</p> <p>(1) a <i>firm's conglomerate capital resources</i> under <i>GENPRU</i> 3.1.29R; <del>or,</del></p> <p>(2) <del>in the capital resources of the <i>financial conglomerate</i> for the purposes of <i>GENPRU</i> 3.1.26R;</del></p>
-----------------------------	-----	---

		...
Double counting	5.2	<p>Capital must not be included in:</p> <p><del>(1) a firm's conglomerate capital resources under GENPRU 3.1.29R ; or</del></p> <p><del>(2) the capital resources of the financial conglomerate for the purposes of GENPRU 3.1.26R;</del></p> <p>if:</p> <p><del>(3)</del>(1) it would involve double counting or multiple use of the same capital; or</p> <p><del>(4)</del>(2) it results from any inappropriate intra-group creation of capital.</p>
Cross sectoral capital	5.3	<p>In accordance with the second sub-paragraph of paragraph 2(ii) of Section I of Annex I of the <i>Financial Groups Directive</i> (Other technical principles and insofar as not already required in Parts 1-3):</p> <p>(1) the solvency requirements for each different <i>financial sector</i> represented in a <i>financial conglomerate</i> required by <del>GENPRU 3.1.26R or, as the case may be, GENPRU 3.1.29R</del> must be covered by own funds elements in accordance with the corresponding <i>applicable sectoral rules</i>; and</p> <p>(2) if there is a deficit of own funds at the <i>financial conglomerate</i> level, only cross sectoral capital (as referred to in that sub-paragraph) shall qualify for verification of compliance with the additional solvency requirement required by <del>GENPRU 3.1.26R or, as the case may be, GENPRU 3.1.29R.</del></p>
		...
Application of sectoral rules: Banking sector and investment services sector	5.6	<p><del>The</del> <u>In relation to a BIPRU firm that is a member of a financial conglomerate where there are no credit institutions or investment firms, the following</u> adjustments apply to the <i>applicable sectoral rules</i> for the <i>banking sector</i> and the <i>investment services sector</i> as they are applied by the <i>rules</i> in this annex.</p> <p>(1) References in those <i>rules</i> to <i>non-EEA sub-groups</i> do not apply.</p>

		<p>(2) (For the purposes of Parts 1 and 2), where those <i>rules</i> require a group to be treated as if it were a single <i>undertaking</i>, those <i>rules</i> apply to the <i>banking sector</i> and <i>investment services sector</i> taken together. <u>[deleted]</u></p> <p>...</p> <p><u>(Other than as above) the CRD and EU CRR applies for the banking sector and the investment services sector.</u></p>
No capital ties	5.7	<p>(1) This <i>rule</i> deals with a <i>financial conglomerate</i> in which some of the members are not linked by capital ties at the time of the notification referred to in <del>GENPRU 3.1.28R(1)</del> <u>3.1.29AR</u> (Capital adequacy requirements: Application of <u>Method 1 or 2</u> from Annex I of the Financial Groups Directive).</p> <p>(2) <del>If:</del></p> <p>(a) <del>GENPRU 3.1.26R</del> (Capital adequacy requirements: Application of Annex I of the Financial Groups Directive) would otherwise apply with respect to a <i>financial conglomerate</i> under <del>GENPRU 3.1.28R</del>; and</p> <p>(b) all members of that <i>financial conglomerate</i> are linked directly or indirectly with each other by capital ties except for members that collectively are of negligible interest with respect to the objectives of supplementary supervision of <i>regulated entities</i> in a <i>financial conglomerate</i> (the "peripheral members"); <del>GENPRU 3.1.28R</del> continues to apply. Otherwise <del>GENPRU 3.1.28R</del> does not apply with respect to a <i>financial conglomerate</i> falling into (1). <u>[deleted]</u></p> <p>(3) <del>If GENPRU 3.1.28R applies with respect to a financial conglomerate in accordance with (2) the peripheral members must be excluded from the calculations under GENPRU 3.1.26R.</del> <u>[deleted]</u></p> <p>(4) If:</p> <p>(a) <del>GENPRU 3.1.26R</del> applies with respect to <i>financial conglomerate</i> falling into (1) under <del>GENPRU 3.1.27R(2)</del> (Use of <i>Part 4A</i> permission to apply Annex I of the <i>Financial</i></p>

		<p><del>Groups Directive); or [deleted]</del></p> <p>(b) <i>GENPRU</i> 3.1.29R (Capital adequacy requirements: Application of <del>Methods 1, 2 or 3</del> <u>Method 1 or 2</u> from Annex I of the Financial Groups Directive) applies with respect to a <i>financial conglomerate</i> falling into (1);</p> <p>then:</p> <p>(c) the treatment of the links in (1) (including the treatment of any <i>solvency deficit</i>) is as provided for <u>in whichever of Part 1 or Part 2 of <i>GENPRU</i> 3 Annex 1R the firm has, under <i>GENPRU</i> 3.1.30R, indicated to the <i>appropriate regulator</i> it will apply or, if applicable, in the requirement referred to in <del><i>GENPRU</i> 3.1.30R</del> <u><i>GENPRU</i> 3.1.31R</u>; and</u></p> <p>(d) <del><i>GENPRU</i> 3.1.26R or <i>GENPRU</i> 3.1.29R</del> ; as the case may be, <u>apply</u> <del>applies</del> even if the <i>applicable sectoral rules</i> do not deal with how <i>undertakings</i> not linked by capital ties are to be dealt with for the purposes of consolidated supervision (or, in the case of the <i>insurance sector</i>, supplementary supervision).</p> <p>(5) <del>Once <i>GENPRU</i> 3.1.26R applies to a firm with respect to a <i>financial conglomerate</i> of which it is a member under <i>GENPRU</i> 3.1.27R(1) (automatic application of Method 4 from Annex I of the <i>Financial Groups Directive</i> on satisfaction of the condition in <i>GENPRU</i> 3.1.28R), the disapplication of <i>GENPRU</i> 3.1.28R under (2) ceases to apply with respect to that <i>financial conglomerate</i>. [deleted]</del></p>
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9 Table: PART 6: Definitions used in this Annex

...		
Solo capital resources requirement: Banking sector and investment service sector	6.2	<p>(1) The <i>solo capital resources requirement</i> of an <i>undertaking</i> in the <i>banking sector</i> or the <i>investment services sector</i> must be calculated in accordance with this <i>rule</i>, subject to paragraphs 6.5 and 6.6.</p> <p>(2) The <i>solo capital resources requirement</i> of a</p>

	<p><i>building society is its <del>CRR</del> <u>own funds requirements</u>.</i></p> <p>...</p> <p>(4) If there is a <i>credit institution</i> in the <i>financial conglomerate</i>, the <i>solo capital resources requirement</i> for any <i>undertaking</i> in the <i>banking sector</i> or the <i>investment services sector</i> is, subject to (2) and (3), calculated in accordance with the <del>rules</del> <u>EU CRR</u> for calculating the <del>CRR</del> <u>own funds requirements</u> of a <i>bank</i> <del>that is a BIPRU firm</del>.</p> <p>(5) If:</p> <p>(a) the <i>financial conglomerate</i> does not include a <i>credit institution</i>;</p> <p>(b) there is at least one <del>CAD</del> <i>investment firm</i> in the <i>financial conglomerate</i>; and</p> <p>(c) all the <del>CAD</del> <i>investment firms</i> in the <i>financial conglomerate</i> are <i>limited licence firms</i> or <i>limited activity firms</i>;</p> <p>the <i>solo capital resources requirement</i> for any <i>undertaking</i> in the <i>banking sector</i> or the <i>investment services sector</i> is calculated in accordance with the <del>rules</del> <u>EU CRR</u> for calculating the <del>CRR</del> <u>own funds requirements</u> of:</p> <p>(d) (if there is a <i>limited activity firm</i> in the <i>financial conglomerate</i>), a <del>BIPRU</del> <u>IFPRU</u> <i>limited activity firm</i>; or</p> <p>(e) (in any other case), a <del>BIPRU</del> <u>IFPRU</u> <i>limited licence firm</i>.</p> <p>(6) If:</p> <p>(a) the <i>financial conglomerate</i> does not include a <i>credit institution</i>; and</p> <p>(b) (5) does not apply;</p> <p>the <i>solo capital resources requirement</i> for any <i>undertaking</i> in the <i>banking sector</i> or the <i>investment services sector</i> is calculated in accordance with the <del>rules</del> <u>EU CRR</u> for calculating the <del>CRR</del> <u>own funds</u></p>
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		<p><u>requirements of a full scope BIPRU IFPRU investment firm.</u></p> <p>(7) <u>In relation to a BIPRU firm that is a member of a financial conglomerate where there are no credit institutions or investment firms, Any any CRR capital resources requirements</u> calculated under a BIPRU TP may be used for the purposes of the <i>solo capital resources requirement</i> in this rule in the same way that the <u>CRR capital resources requirements</u> can be used under BIPRU 8.</p>
...		
Solo capital resources requirement: EEA firms in the banking sector or investment services sector	6.5	<p>The <i>solo capital resources requirement</i> for an EEA regulated entity (other than a <i>bank, building society, designated investment firm, IFPRU investment firm, BIPRU firm, an insurer or an EEA insurer</i>) that is subject to the solo capital adequacy <i>sectoral rules</i> for its <i>financial sector</i> of the <i>competent authority</i> that authorised it is equal to the amount of capital it is obliged to hold under those <i>sectoral rules</i> provided that the following conditions are satisfied:</p> <p>...</p>
		...
...		

...

11 Table: Paragraph 6.10: Application of sectoral consolidation rules

Financial sector	Appropriate regulator's sectoral <u>Sectoral rules</u>
<i>Banking sector</i>	<u>BIPRU 8 and BIPRU TP, as adjusted under paragraph 4.5 Part One, Title II, Chapter 2 of the EU CRR and the PRA Rulebook</u>
<i>Insurance sector</i>	<u>INSPRU 6.1</u>
<i>Investment services sector</i>	<u>BIPRU 8 and BIPRU TP (in relation to a designated investment firm or IFPRU investment firm which is a member</u>

	<p><u>of a financial conglomerate for which the PRA is the coordinator) Part One, Title II, Chapter 2 of the EU CRR and the PRA Rulebook;</u></p> <p><u>(in relation to an IFPRU investment firm which is a member of a financial conglomerate for which the FCA is the coordinator) Part One, Title II, Chapter 2 of the EU CRR and IFPRU 8.1;</u></p> <p><u>(in relation to a BIPRU firm that is a member of a financial conglomerate where there are no credit institutions or investment firms for which the FCA is the coordinator) BIPRU 8 and BIPRU TP.-</u></p>
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...

### 3 Annex 2 Prudential rules for third country groups (GENPRU 3.2.8R to GENPRU 3.2.9R)

R

#### 1 Table: PART 1: Third-country financial conglomerates

...	
1.2	A firm must comply, with respect to the <i>financial conglomerate</i> referred to in paragraph 1.1, with <del>whichever of GENPRU 3.1.26R and GENPRU 3.1.29R</del> <u>is as applied under paragraph 1.3.</u>
1.3	<p>For the purposes of paragraph 1.2:</p> <p>(1) <del>the rule in GENPRU 3.1 that applies as referred to in paragraph 1.2 is the one that is specified by the requirement referred to in GENPRU 3.2.8R; [deleted]</del></p> <p>(2) <del>(where GENPRU 3.1.29R is applied)</del> the definitions of <i>conglomerate capital resources</i> and <i>conglomerate capital resources requirement</i> that apply for the purposes of that rule are the ones from whichever of Part 1; <u>or Part 2 or Part 3 of GENPRU 3 Annex 1R is specified in that requirement</u> <u>the requirement referred to in GENPRU 3.2.8R; and</u></p> <p>...</p>
...	

#### 2 Table: PART 2: Third-country banking and investment groups

...	
2.3	<p>The rules referred to in paragraph 2.2 are as follows:</p> <p>(1) the <u>applicable sectoral consolidation rules in BIPRU 8 paragraph 6.10 of</u></p>

	<u>GENPRU 3 Annex 1R</u> ; or (2) the <i>rules</i> in <i>ELM 7</i> .
...	

### 3 Annex 3      **Guidance Notes for Classification of Groups**

G

...

Please note the following:

...

(d) You will need to assign non-regulated financial entities to one of these sectors:

- **banking/investment** activities are listed in - Annex 1 to the ~~Banking Consolidation Directive~~ Capital Requirements Directive 2013/36/EU

- **insurance** activities are listed in - IPRU Insurers Annex 11.1 and 11.2 ~~p 163-168~~.

...

## Annex G

### Amendments to the Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 4 Capital resources

##### 4.2 Capital resources requirements

...

Capital resources requirement: firms carrying on regulated activities including designated investment business

- 4.2.5 R The capital resources requirement for a *firm* (other than a *credit union*) carrying on *regulated activities*, including *designated investment business*, is the higher of:

...

- (2) the financial resource requirement which is applied by the Interim Prudential sourcebook for investment businesses, the Prudential sourcebook for Investment Firms and the *EU CRR* or the General Prudential sourcebook and the Prudential sourcebook for Banks, Building Societies and Investment Firms.

...

#### 4.4 Calculation of capital resources

The calculation of a firm's capital resources

- 4.4.1 R (1) ...
- (2) If the *firm* is subject to the Interim Prudential sourcebook for investment businesses, the Prudential sourcebook for Investment Firms and the *EU CRR*, the General Prudential sourcebook, the Prudential sourcebook for Banks, Building Societies and Investment Firms or the Credit Unions sourcebook, the capital resources are the higher of:
- (a) the amount calculated under (1); and

- (b) the financial resources calculated under those sourcebooks and regulations.

## Annex H

### Amendments to the Interim Prudential sourcebook for Friendly Societies (IPRU(FSOC))

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 7 Chapter 7: Definitions

##### PART I DEFINITIONS

#### 7.1 In this Part of the *IPRU(FSOC)*, unless the contrary intention appears, the following definitions apply.

...
<i>approved credit institution</i> means an institution recognised or permitted under the law of an <i>EEA State</i> to carry on any of the activities set out in Annex 1 to the <del><i>Banking Consolidation Directive</i></del> <u><i>CRD</i></u> ;
...

## Annex I

### Amendments to the Interim Prudential sourcebook for Investment Businesses (IPRU(INV))

In this Annex, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

#### 1 Chapter 1: Application and General Provisions

##### 1.1 PURPOSE

1.1.1 ~~Before 1 January 2007, the Interim Prudential Sourcebook for Investment Businesses (IPRU(INV)) was the part of the *Handbook* that dealt with capital requirements for *investment firms* subject to the position risk requirements of the previous version of the *Capital Adequacy Directive*. Now, however, *investment firms* which are subject to the risk-based capital requirements of the *Capital Adequacy Directive* are subject to the General Prudential sourcebook (GENPRU) and the Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU). [deleted]~~

...

##### 1.2 APPLICATION

...

1.2.2 R (1) ...

(2) IPRU(INV) does not apply to:

...

(b) a *media firm*; or

(c) a *BIPRU investment firm* (unless it is an *exempt BIPRU commodities firm*); or

(d) an IFPRU investment firm (unless it is an exempt IFPRU commodities firm).

...

1.2.3 G For the avoidance of doubt, *IPRU(INV)* does not apply to any of the following:

...

- (b) ...
- (ba) a designated investment firm; or
- (c) ...

...

1.2.5 R Table

This table belongs to IPRU(INV) 1.2.4R

...	
<i>Securities and futures firm</i> (which is an <i>exempt BIPRU commodities firm</i> or an <i>exempt IFPRU commodities firm</i> )	Chapters 1 and 3
...	

...

**4 Chapter 4: Lloyd’s firms**

...

**4.2 Purpose**

...

4.2.4 G *A members’ adviser is not regulated by the Society and accordingly this chapter specifies the financial resource and accounting requirements to be met. Firms which fall within the scope of this chapter will be firms with permission only to advise persons on syndicate participation at Lloyd’s. The nature of that advisory business is akin to corporate finance advice and so the applicable requirements are those in IPRU(INV) 3 relevant to firms giving corporate finance advice. Firms with other permissions will fall within the scope of other chapters of IPRU(INV), GENPRU, BIPRU, IFPRU (and the EU CRR) or INSPRU.*

...

## Annex J

### Amendments to the Supervision manual (SUP)

In this Part, underlining indicates new text and striking through indicates deleted text, unless otherwise stated.

3.1.10 G Other relevant sections of the Handbook (see SUP 3.1.9G)

<i>Friendly society</i>	<i>IPRU(FSOC)</i>
<i>Insurer (other than a friendly society)</i>	<i>IPRU(INS)</i>
<i>Investment management firm, personal investment firm, securities and futures firm (other than <u>IFPRU investment firms</u> and <u>BIPRU investment firms</u>)</i>	<i>IPRU(INV)</i>
<i>UCITS firm</i>	<i>(UPRU)</i>
<i>Society of Lloyd's and Lloyd's managing agents</i>	<i>IPRU(INS)</i>

...

### 11.8 Changes in the circumstances of existing controllers

11.8.1 R A firm must notify the *appropriate regulator* immediately it becomes aware of any of the following matters in respect of one or more of its *controllers*:

...

- (4) if a *controller*, who is authorised in another *EEA State* as a *MiFID investment firm*, ~~BCD~~ *CRD credit institution* or *UCITS management company* or under the *Insurance Directives* or the *Insurance Mediation Directive*, ceases to be so authorised (registered in the case of an *IMD insurance intermediary*).

...

## Annex K

### Amendments to the Compensation sourcebook (COMP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

#### 1 Introduction and Overview

...

#### 1.4 EEA Firms

- 1.4.1 G *Incoming EEA firms* which are conducting *regulated activities* in the *United Kingdom* under a ~~BCD~~ CRD, *IMD* or *MiFID* passport are not required to participate in the *compensation scheme* in relation to those *passported activities*. They may apply to obtain the cover of, or ‘top-up’ into, the *compensation scheme* if there is no cover provided by the *incoming EEA firm’s Home State* compensation scheme or if the level or scope of the cover is less than that provided by the *compensation scheme*. This is covered by *COMP 14*.

## Annex L

### Amendments to the Credit Unions New sourcebook (CREDS)

In this Annex, underlining indicates new text and striking through indicates deleted text.

- 2.2.2 G For *credit unions*, the arrangements, processes and mechanisms referred to in SYSC 4.1.1R should be comprehensive and proportionate to the nature, scale, and complexity of the risks inherent in the business model and of the *credit union's* activities. That is the effect of SYSC 4.1.2R and SYSC 4.1.2AG.



## PRA RULEBOOK CRR FIRMS INSTRUMENT 2013

### Powers exercised

- A. The Prudential Regulation Authority (the “PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
  - (2) section 137T (General supplementary powers)
- B. The rule-making powers listed above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

### Pre-conditions to making

- C. In accordance with section 138J of the Act (Consultation by the PRA), the PRA consulted the Financial Conduct Authority. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

### PRA Rulebook CRR Firms Instrument 2013

- D. The PRA makes the rules in Annexes A to M of this instrument.

Part	Annex
Glossary	Annex A
Internal Capital Adequacy Assessment	Annex B
Definition of Capital	Annex C
Benchmarking of internal approaches	Annex D
Credit Risk	Annex E
Counterparty credit risk	Annex F
Market Risk	Annex G
Groups	Annex H
Large Exposures	Annex I
Public Disclosure	Annex J
Waivers Transitional Provisions	Annex K
Interpretation	Annex L
Permissions	Annex M

### Commencement

- E. This instrument comes into force on 1 January 2014, except for Rule 2.2 in Annex D which comes into force on the date specified by subsequent PRA Board Instrument.

### Citation

- F. This instrument may be cited as the PRA Rulebook CRR Firms Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## Annex A

### Glossary

In this Annex, the text is all new and is not underlined.

After [...] insert the following new Part.

#### *building society*

has the meaning given in section 119 of the Building Societies Act 1986.

#### *CRD*

means Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC.

#### *credit union*

has the meaning given in section 31 of the Credit Unions Act 1979.

#### *CRR*

Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012.

#### *CRR firm*

means a *UK bank*, a *building society* or a *UK designated investment firm*.

#### *EBA*

means the European Banking Authority.

#### *firm*

means a *PRA-authorised person* within the meaning of section 2B(5) of *FSMA*.

#### *FSMA*

means the Financial Services and Markets Act 2000.

#### *market risk*

means the risk that arises from fluctuations in values of, or income from assets, or in interest or exchange rates.

#### *PRA*

means the Prudential Regulation Authority.

*third country*

means a territory or country that is not an *EEA State*.

*UK bank*

means a *UK undertaking* that has permission under Part 4A of *FSMA* to carry on the *regulated activity* of accepting deposits and is a *credit institution*, but is not a *credit union*, *friendly society* or a *building society*.

*UK designated investment firm*

means a *UK undertaking* that is an investment firm that has been designated by the *PRA* under Article 3 of Financial Services and Markets Act 2000 (PRA-regulated Activities) Order (S.I. 2013/556).

*UK undertaking*

means an undertaking within the meaning of section 1161(1) of the Companies Act 2006 (meaning of “undertaking” and related expressions) whose registered office or, if the undertaking does not have a registered office, whose head office is in any part of the *UK*.

*UK*

means *United Kingdom*.

*unregulated activity*

means an activity that is not a *regulated activity*.

## Annex B

In this Annex, the text is all new and is not underlined.

Part

# INTERNAL CAPITAL ADEQUACY ASSESSMENT

---

## Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 ADEQUACY OF FINANCIAL RESOURCES
- 3 STRATEGIES, PROCESSES AND SYSTEMS
- 4 CREDIT AND COUNTERPARTY RISK
- 5 RESIDUAL RISK
- 6 CONCENTRATION RISK
- 7 SECURITISATION RISK
- 8 MARKET RISK
- 9 INTEREST RISK ARISING FROM NON-TRADING BOOK ACTIVITIES
- 10 OPERATIONAL RISK
- 11 RISK OF EXCESSIVE LEVERAGE
- 12 STRESS TESTS AND SCENARIO ANALYSIS
- 13 DOCUMENTATION OF RISK ASSESSMENTS
- 14 APPLICATION OF THIS PART ON AN INDIVIDUAL BASIS, A CONSOLIDATED BASIS AND A SUB-CONSOLIDATED BASIS

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*Article 12(1) relationship*

means a relationship where undertakings are linked by a relationship within the meaning of Article 12(1) Directive 83/349/EEC.

*business risk*

means any risk to a *firm* arising from:

- (1) changes in its business, including:
  - (a) the acute risk to earnings posed by falling or volatile income; and
  - (b) the broader risk of a *firm's* business model or strategy proving inappropriate due to macroeconomic, geopolitical, industry, regulatory or other factors; or
- (2) its remuneration policy.

*consolidation group*

means the undertakings included in the scope of consolidation pursuant to Articles 18(1), 18(8), 19(1), 19(3) and 23 of the CRR and Groups 2.1- 2.3.

*central counterparty*

has the meaning given in point (1) of Article 2 of Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC Derivatives, central counterparties and trade repositories.

*financial conglomerate*

has the meaning given in point (14) of Article 2 of Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate.

*group*

means in relation to a *person* ("A"), A and any *person*:

- (a) who has relationship with A of the kind specified in s. 421 of *FSMA*;
- (b) who is a member of the same *financial conglomerate* as A;
- (c) who has a *Article 12(1)* relationship with A;
- (d) who has a *Article 12(1)* relationship with any *person* who falls into (a);

- (e) who is a *subsidiary* of a person in (c) or (d) ;
- (f) who is member of the same *consolidation group* as A; or
- (g) whose omission from an assessment of the risks to A of A's connection to any person coming within (a)-(f) or an assessment of the financial resources available to such persons would be misleading.

*group risk*

means the risk that the financial position of a *firm* may be adversely affected by its relationships (financial or non-financial) with other entities in the same *group* or by risk which may affect the financial position of the whole *group*, including reputational contagion.

*ICAAP rules*

means the rules in Chapter 3 (Strategies, processes, and systems), Chapter 12 (Stress test and scenario analysis) and Chapter 13 (Documentation of risk assessments).

*liquidity risk*

means the risk that a *firm* although solvent, either does not have available sufficient financial resources to enable it to meet its obligations as they fall due, or can secure such resources only at excessive cost.

*market risk*

means the risk that arises from fluctuations in values of or income from assets or in interest or exchange rates.

*parent financial holding company in a Member State*

means (in accordance with point (26) of Article 1(1) of the *CRD*) a *financial holding company* which is not itself a *subsidiary* of an *institution* authorised in the same *EEA State*, or of a *financial holding company* or *mixed financial holding company* set up in the same *EEA State*.

*parent institution in a Member State*

means (in accordance with point (24) of Article 1(1) of the *CRD*) an *institution* authorised in an *EEA State* which has an *institution* or *financial institution* as *subsidiary* or which holds a *participation* in such an *institution* or *financial institution*, and which is not itself a *subsidiary* of another *institution* authorised in the same *EEA State* or of a *financial holding company* or *mixed financial holding company* set up in the same *EEA State*.

*parent mixed financial holding company in a Member State*

means (in accordance with point (28) of Article 1(1) of the *CRD*) a *mixed financial holding company* which is not itself a *subsidiary* of an *institution* authorised in the same *EEA State*, or of a *financial holding company* or *mixed financial holding company* set up in the same *EEA State*.

*pension obligation risk*

means:

- (1) the risk to a *firm* caused by its contractual or other liabilities to or with respect to a pension scheme (whether established for its employees or those of a related company or otherwise); or
- (2) the risk that the *firm* will make payments or other contributions to or with respect to a pension scheme because of a moral obligation or because the *firm* considers that it needs to do so for some other reason.

*residual risk*

means the risk that credit risk mitigation techniques used by the *firm* prove less effective than expected.

*risk control rules*

means the rules in Chapter 4 to Chapter 11 of this Part.

- 1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## **2 ADEQUACY OF FINANCIAL RESOURCES**

---

Overall financial adequacy rule

- 2.1 A *firm* must at all times maintain overall financial resources, including *own funds* and liquidity resources, which are adequate both as to amount and quality, to ensure there is no significant risk that its liabilities cannot be met as they fall due.

## **3 STRATEGIES, PROCESSES AND SYSTEMS**

---

Overall Pillar 2 rule

- 3.1 A *firm* must have in place sound, effective and comprehensive strategies, processes and systems:
- (1) to assess and maintain on an ongoing basis the amounts, types and distribution of financial resources, *own funds* and internal capital that it considers adequate to cover:
    - (a) the nature and level of the risks to which it is or might be exposed;
    - (b) the risk in the overall financial adequacy rule in 2.1; and
    - (c) the risk that the *firm* might not be able to meet the obligations in Part Three of the *CRR* in the future;
  - (2) that enable it to identify and manage the major sources of risk referred to in (1) including the major sources of risk in each of the following categories where they are relevant to the *firm* given the nature and scale of its business:

- (a) credit and counterparty risk;
- (b) *market risk*;
- (c) *liquidity risk*;
- (d) *operational risk*;
- (e) concentration risk;
- (f) *residual risk*;
- (g) *securitisation risk*, including the risk that the *own funds* held by a *firm* in respect of assets which it has securitised are inadequate having regard to the economic substance of the transaction including the degree of risk transfer achieved;
- (h) *business risk*;
- (i) interest rate risk in the non-trading book;
- (j) *risk of excessive leverage*;
- (k) *pension obligation risk*; and
- (l) *group risk*.

**[Note: Art 73 (part) of the CRD]**

- 3.2 As part of its obligations under the overall Pillar 2 rule in 3.1, a *firm* must identify separately the amount of *common equity tier one capital*, *additional tier one capital* and *tier two capital* and each category of capital (if any) that is not eligible to form part of its *own funds* which it considers adequate for the purposes described in the overall Pillar 2 rule.
- 3.3 The processes, strategies and systems required by the overall Pillar 2 rule in 3.1 must be comprehensive and proportionate to the nature, scale and complexity of the *firm's* activities.
- 3.4 A *firm* must:
  - (1) carry out regularly the assessments required by the overall Pillar 2 rule in 3.1; and
  - (2) carry out regularly assessments of the processes, strategies and systems required by the overall Pillar 2 rule in 3.1 to ensure they remain comprehensive and proportionate to the nature, scale and complexity of the *firm's* activities.

**[Note: Art 73(part) of the CRD]**

- 3.5 As part of its obligations under the overall Pillar 2 rule in 3.1, a *firm* must:
  - (1) make an assessment of the firm-wide impact of the risks identified in accordance with that rule, to which end a *firm* must aggregate the risks across its various business lines and units, taking appropriate account of any correlation between risks; and
  - (2) take into account the stress tests that the *firm* is required to carry out under the general stress test and scenario analysis rule in 12.1 and any stress tests that the *firm* is required to carry out under the *CRR*.

## 4 CREDIT AND COUNTERPARTY RISK

---

- 4.1 A *firm* must base credit-granting on sound and well-defined criteria and clearly establish the process for approving, amending, renewing and re-financing credits.

**[Note: Art 79(a) of the CRD]**

- 4.2 A *firm* must have internal methodologies that:
- (1) enable it to assess the credit risk of exposures to individual obligors, securities or *securitisation positions* and credit risk at the portfolio level;
  - (2) do not rely solely or mechanistically on external credit ratings; and
  - (3) where its *own funds* requirements under Part Three of the *CRR* are based on a rating by an *ECAI* or based on the fact that an exposure is unrated, enable the *firm* to consider other relevant information for assessing its allocation of financial resources and internal capital.

**[Note: Art 79(b) of the CRD]**

- 4.3 A *firm* must operate through effective systems the ongoing administration and monitoring of its various credit risk-bearing portfolios and exposures, including for identifying and managing problem credits and for making adequate value adjustments and provisions.

**[Note: Art 79(c) of the CRD]**

- 4.4 A *firm* must adequately diversify credit portfolios given its target markets and overall credit strategy.

**[Note Art 79(d) of the CRD]**

## 5 RESIDUAL RISK

---

- 5.1 A *firm* must address and control, by means which include written policies and procedures, the risk that recognised credit risk mitigation techniques used by it prove less effective than expected.

**[Note: Art 80 of the CRD]**

## 6 CONCENTRATION RISK

---

- 6.1 A *firm* must address and control, by means which include written policies and procedures, the concentration risk arising from:
- (1) exposures to each counterparty including central counterparties, groups of connected counterparties and counterparties in the same economic sector, geographic region or from the same activity or commodity;

- (2) the application of credit risk mitigation techniques; and
- (3) risks associated with large indirect credit exposures such as a single collateral issuer.

**[Note: Art 81 of CRD]**

## 7 SECURITISATION RISK

---

- 7.1 A *firm* must evaluate and address through appropriate policies and procedures the risks arising from *securitisation* transactions in relation to which the *firm* is investor, *originator* or *sponsor*, including reputational risks, to ensure in particular that the economic substance of the transaction is fully reflected in risk assessment and management decisions.

**[Note: Art 82(1) of CRD]**

- 7.2 A *firm* which is an *originator* of a revolving *securitisation* transaction involving *early amortisation provisions* must have liquidity plans to address the implications of both scheduled and early amortisation.

**[Note Art 82(2) of the CRD]**

## 8 MARKET RISK

---

- 8.1 A *firm* must implement policies and processes for the identification, measurement and management of all material sources and effects of market risks.

**[Note: Art 83(1) of the CRD]**

- 8.2 A *firm* must take measures against the risk of a shortage of liquidity if the short position falls due before the long position.

**[Note: Art 83(2) of the CRD]**

- 8.3 A *firm's* financial resources and internal capital must be adequate for material market risks that are not subject to an *own funds* requirement.
- 8.4 A *firm* which has, in calculating *own funds* requirements for position risk in accordance with Part Three, Title IV, Chapter 2 of the *CRR*, netted off its positions in one or more of the equities constituting a stock-index against one or more positions in the stock-index future or other stock-index product, must have adequate financial resources and internal capital to cover the basis risk of loss caused by the future's or other product's value not moving fully in line with that of its constituent equities.
- 8.5 A *firm* using the treatment in Article 345 of the *CRR* must ensure that it holds sufficient financial resources and internal capital against the risk of loss which exists between the time of the initial commitment and the following working day.

**[Note: Art 83(3) of the CRD]**

- 8.6 As part of its obligations under the overall Pillar 2 rule in 3.1, a *firm* must consider whether the value adjustments and provisions taken for positions and portfolios in the *trading book* enable

the *firm* to sell or hedge out its positions within a short period without incurring material losses under normal market conditions.

**[Note: Art 98(4) of the CRD]**

## 9 INTEREST RISK ARISING FROM NON-TRADING BOOK ACTIVITIES

---

9.1 A *firm* must implement systems to identify, evaluate and manage the risk arising from potential changes in interest rates that affect a *firm's* non-trading activities.

**[Note: Art 84 of the CRD]**

9.2 As part of its obligations under the overall Pillar 2 rule in 3.1, a *firm* must carry out an evaluation of its exposure to the interest rate risk arising from its non-trading activities.

9.3 The evaluation under 9.2 must cover the effect of a sudden and unexpected change in interest rates of 200 basis points in both directions.

9.4 A *firm* must immediately notify the *PRA* if any evaluation under this *rule* suggests that, as a result of the change in interest rates described in 9.3, the economic value of the *firm* would decline by more than 20% of its *own funds*.

9.5 A *firm* must carry out the evaluation under 9.2 as frequently as necessary for it to be reasonably satisfied that it has at all times a sufficient understanding of the degree to which it is exposed to the risks referred to in 9.2 and the nature of that exposure. In any case it must carry out those evaluations no less frequently than once a year.

**[Note: Art 98(5) of the CRD]**

## 10 OPERATIONAL RISK

---

10.1 A *firm* must implement policies and processes to evaluate and manage the exposure to operational risk, including model risk and to cover low-frequency high severity events. Without prejudice to the definition of *operational risk*, a *firm* must articulate what constitutes *operational risk* for the purposes of those policies and procedures.

**[Note: Art 85(1) of the CRD]**

10.2 A *firm* must have in place adequate contingency and business continuity plans aimed at ensuring that in the case of a severe business disruption the *firm* is able to operate on an ongoing basis and that any losses are limited.

**[Note: Art 85(2) of the CRD]**

## 11 RISK OF EXCESSIVE LEVERAGE

---

11.1 A *firm* must have in place policies and procedures for the identification, management and monitoring of the *risk of excessive leverage*.

- 11.2 Those policies and procedures must include, as an indicator for the *risk of excessive leverage*, the leverage ratio determined in accordance with Article 429 of the *CRR* and mismatches between assets and obligations.

**[Note: Art 87(1) of the *CRD*]**

- 11.3 A *firm* must address the *risk of excessive leverage* in a precautionary manner by taking due account of potential increases in that risk caused by reductions of the *firm's own funds* through expected or realised losses, depending on the applicable accounting rules. To that end, a *firm* must be able to withstand a range of different stress events with respect to the *risk of excessive leverage*.

**[Note: Art 87(2) of the *CRD*]**

## 12 STRESS TESTS AND SCENARIO ANALYSIS

---

### General stress test and scenario analysis rule

- 12.1 As part of its obligation under the overall Pillar 2 rule in 3.1, a *firm* must, for the major sources of risk identified in accordance with that rule, carry out stress tests and scenario analyses that are appropriate to the nature, scale and complexity of those major sources of risk and to the nature, scale and complexity of the *firm's* business.
- 12.2 In carrying out the stress tests and scenario analyses in 12.1, a *firm* must identify an appropriate range of adverse circumstances of varying nature, severity and duration relevant to its business and risk profile and consider the exposure of the *firm* to those circumstances, including:
- (a) circumstances and events occurring over a protracted period of time;
  - (b) sudden and severe events, such as market shocks or other similar events; and
  - (c) some combination of the circumstances and events described in (a) and (b), which may include a sudden and severe market event followed by an economic recession.
- 12.3 In carrying out the stress tests and scenario analyses in 12.1, the *firm* must estimate the financial resources that it would need in order to continue to meet the overall financial adequacy rule in 2.1 and the obligations laid down in Part Three of the *CRR* under the adverse circumstances being considered.
- 12.4 In carrying out the stress tests and scenario analyses in 12.1, the *firm* must assess how risks aggregate across business lines or units, any material non-linear or contingent risks and how risk correlations may increase in stressed conditions.

## 13 DOCUMENTATION OF RISK ASSESSMENTS

---

- 13.1 A *firm* must make a written record of the assessments required under this Part. These assessments must include assessments carried out on a consolidated basis and on an individual basis. In particular it must make a written record of:

- (a) the major sources of risk identified in accordance with the overall Pillar 2 rule in 3.1;
  - (b) how it intends to deal with those risks; and
  - (c) details of the stress tests and scenario analyses carried out, including any assumptions made in relation to scenario design, and the resulting financial resources estimated to be required in accordance with the general stress test and scenario analysis rule in 12.1.
- 13.2 A *firm* must maintain the records referred to in 13.1 for at least three years.

#### 14 APPLICATION OF THIS PART ON AN INDIVIDUAL BASIS, A CONSOLIDATED BASIS AND A SUB-CONSOLIDATED BASIS

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The ICAAP rules

14.1 A *firm* that is neither a *subsidiary of a parent undertaking* incorporated in or formed under the law of any part of the *UK* nor a *parent undertaking* must comply with the *ICAAP rules* on an individual basis.

14.2 A *firm* that is not a member of a *consolidation group* must comply with the *ICAAP rules* on an individual basis.

**[Note: Art 108(1) of the CRD]**

14.3 A *firm* which is a *parent institution in a Member State* must comply with the *ICAAP rules* on a consolidated basis.

14.4 A *firm* controlled by a *parent financial holding company in a Member State* or a *parent mixed financial holding company in a Member State* must comply with the *ICAAP rules* on the basis of the *consolidated situation* of that holding company, if the *PRA* is responsible for supervision of the *firm* on a *consolidated basis* under Article 111 of the *CRD*.

**[Note: Art 108(2) and 108(3) of the CRD]**

14.5 A *firm* that is a *subsidiary* must apply the *ICAAP rules* on a *sub-consolidated basis* if the *firm*, or the *parent undertaking* where it is a *financial holding company* or *mixed financial holding company*, have an *institution* or *financial institution* or an *asset management company* as a *subsidiary* in a *third country* or hold a *participation* in such an undertaking.

**[Note: Art 108(4) of the CRD]**

14.6 If the *ICAAP rules* apply to a *firm* on a *consolidated basis* or on a *sub-consolidated basis* the *firm* must carry out consolidation to the extent and in the manner prescribed in Articles 18(1), 18(8), 19(1), 19(3), 23 and 24(1) of the *CRR* and Groups 2.1-2.3.

14.7 For the purpose of the *ICAAP rules* as they apply on a *consolidated basis* or on a *sub-consolidated basis*:

- (1) the *firm* must ensure that the *consolidation group* has the processes, strategies and systems required by the overall Pillar 2 rule in 3.1;
  - (2) the risks to which the overall Pillar 2 rule in 3.1 and the general stress test and scenario analysis rule refer are those risks as they apply to each member of the *consolidation group*;
  - (3) the reference in the overall Pillar 2 rule in 3.1 to amounts and types of financial resources, *own funds* and internal capital (referred to in this *rule* as resources) must be read as being to the amounts and types that the *firm* considers should be held by the members of the *consolidation group*;
  - (4) other references to resources must be read as being to resources of the members of the *consolidation group*;
  - (5) the reference in the overall Pillar 2 rule in 3.1 to the distribution of resources must be read as including a reference to the distribution between members of the *consolidation group*;
  - (6) the reference in the overall Pillar 2 rule in 3.1 to the overall financial adequacy rule in 2.1 must be read as being to that *rule* as adjusted under 14.14-14.16 (level of application of the overall financial adequacy rule);
  - (7) a *firm* must be able to explain how it has aggregated the risks referred to in the overall Pillar 2 rule in 3.1 and the financial resources, *own funds* and internal capital required by each member of the *consolidation group*; and
  - (8) in particular, to the extent that the transferability of resources affects the assessment in (2), a *firm* must be able to explain how it has satisfied itself that resources are transferable between members of the group in question in the stressed cases and the scenarios referred to in the general stress test and scenario analysis rule in 12.1.
- 14.8 A *firm* must allocate the total amount of financial resources, *own funds* and internal capital identified as necessary under the overall Pillar 2 rule in 3.1 (as applied on a *consolidated basis* or on a *sub-consolidated basis*) between different parts of the *consolidation group*.
- 14.9 The *firm* must carry out the allocation in 14.8 in a way that adequately reflects the nature, level and distribution of the risks to which the *consolidation group* is subject.
- 14.10 A *firm* must also allocate the total amount of financial resources, *own funds* and internal capital identified as necessary under the overall Pillar 2 rule in 3.1 as applied on a *consolidated basis* or on a *sub-consolidated basis* between each *firm* which is a member of the *consolidated group* on the following basis:
- (a) the amount allocated to each *firm* must be decided on the basis of the principles in 14.9; and
  - (b) if the process in (a) were carried out for each group member, the total so allocated would equal the total amount of financial resources, *own funds* and internal capital identified as necessary under the overall Pillar 2 rule in 3.1 as applied on a *consolidated basis* or on a *sub-consolidated basis*.

#### The risk control rules

- 14.11 The *risk control rules* apply to a *firm* on an individual basis whether or not they also apply to the firm on a *consolidated basis* or *sub-consolidated basis*.

**[Note: Art 109(1) (part) of the CRD]**

- 14.12 Where a *firm* is a member of a *consolidation group*, the *firm* must ensure that the risk management processes and internal control mechanisms at the level of the *consolidation group* of which it is a member comply with the obligations set out in the *risk control rules* on a *consolidated basis* (or a *sub-consolidated basis*).
- 14.13 Compliance with the obligations referred to in 14.12 must enable the *consolidation group* to have arrangements, processes and mechanisms that are consistent and well integrated and that any data relevant to the purpose of supervision can be produced.

**[Note: Art 109(2) (part) of the CRD]**

Level of application of the overall financial adequacy rule

- 14.14 The overall financial adequacy rule in 2.1 applies to a *firm* on an individual basis whether or not it also applies to the *firm* on a *consolidated basis* or *sub-consolidated basis*.
- 14.15 The overall financial adequacy rule in 2.1 applies to a *firm* on a *consolidated basis* if the *ICAAP rules* apply to it on a *consolidated basis* and applies to a *firm* on a *sub-consolidated basis* if the *ICAAP rules* apply to it on a *sub-consolidated basis*.
- 14.16 When the overall financial adequacy rule in 2.1 applies on a *consolidated basis* or *sub-consolidated basis*, the *firm* must ensure that at all times its *consolidation group* maintains overall financial resources, including *own funds* and liquidity resources, which are adequate, both as to amount and quality, to ensure that there is no significant risk that the liabilities of any members of its *consolidation group* cannot be met as they fall due.

## Annex C

In this Annex, the text is all new and is not underlined.

### Part

# DEFINITION OF CAPITAL

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### Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 HOLDINGS OF OWN FUNDS INSTRUMENTS ISSUED BY FINANCIAL SECTOR ENTITIES INCLUDED IN THE SCOPE OF CONSOLIDATED SUPERVISION
- 3 QUALIFYING HOLDINGS OUTSIDE THE FINANCIAL SECTOR
- 4 CONNECTED FUNDING OF A CAPITAL NATURE
- 5 CONNECTED TRANSACTIONS
- 6 INSTRUMENTS ISSUED UNDER NON-EEA LAW
- 7 NOTIFICATION REGIME – ISSUANCE
- 8 NOTIFICATION REGIME – AMENDMENT
- 9 NOTIFICATION REGIME – REDUCTION OF OWN FUNDS
- 10 BUILDING SOCIETIES – CREDITOR HIERARCHY
- 11 TRANSITIONAL PROVISIONS FOR OWN FUNDS
- 12 BASE CAPITAL RESOURCES REQUIREMENT

### Links

## 1 APPLICATION AND DEFINITIONS

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1.1 Unless otherwise stated, this Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*Small specialist bank*

a *bank* that has capital resources equal to or in excess of the base capital resources requirement for a *small specialist bank* in 12.1 but less than the base capital resources requirement of a *bank* and that carries out one or more of the following activities:

- (1) provides current and savings accounts;
- (2) lending to *small and medium-sized enterprises*;
- (3) lending secured by mortgages on residential property.

1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## 2 HOLDINGS OF OWN FUNDS INSTRUMENTS ISSUED BY FINANCIAL SECTOR ENTITIES INCLUDED IN THE SCOPE OF CONSOLIDATED SUPERVISION

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2.1 For the purposes of calculating *own funds* on an individual basis and a *sub-consolidated basis*, *firms* subject to supervision on a *consolidated basis* must deduct at least the relevant percentage of holdings of *own funds instruments* issued by *financial sector entities* included in the scope of consolidated supervision in accordance with Part Two of the *CRR*, except where the exception in 2.3 or 2.6 applies.

2.2 For the purposes of 2.1 the relevant percentage is as follows:

- (1) 50% for the period from 1 January 2014 to 31 December 2014;
- (2) 60% for the period from 1 January 2015 to 31 December 2015;
- (3) 70% for the period from 1 January 2016 to 31 December 2016;
- (4) 80% for the period from 1 January 2017 to 31 December 2017;
- (5) 90% for the period from 1 January 2018 to 31 December 2018; and
- (6) 100% for the period after 31 December 2018.

- 2.3 A *firm* must not apply the deduction in 2.1 to its holdings of *own funds instruments* issued by a venture capital investor that is included in the scope of consolidated supervision of the *firm*.
- 2.4 For the purposes of this Chapter, a venture capital investor is a *financial institution*, in relation to which:
- (1) the sole purpose is to make venture capital investments and carry out unregulated activities in relation to the administration of venture capital investments; and
  - (2) none of its venture capital investments is in a *credit institution* or a *financial institution*, the principal activity of which is to perform any activity other than the acquisition of holdings in other undertakings (within the meaning of section 1161(1) of the Companies Act 2006).
- 2.5 For the purposes of this Chapter, a venture capital investment is a designated investment which, at the time the investment is made, is:
- (1) in a new or developing company or venture; or
  - (2) in a management buy-out or buy-in; or
  - (3) made as a means of financing the investee company or venture and accompanied by a right of consultation, or rights to information, or board representation, or management rights; or
  - (4) acquired with a view to, or in order to, facilitate a transaction falling within (1) to (3).
- 2.6 For the purposes of this Chapter, a designated investment is a security or contractually-based investment specified in Articles 76 to 85 and 89 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.
- 2.7 A *firm* must not apply the deduction in 2.1 to that percentage of its holdings of *own funds instruments* issued by a venture capital holding company included in the scope of consolidated supervision of the *firm* that represents the value of the venture capital holding company's investment in venture capital investors.
- 2.8 For the purposes of this Chapter, a venture capital holding company is a *financial institution*, in respect of which:
- (1) it is a *financial institution* solely by reason of its principal activity being the acquiring of holdings;
  - (2) it holds shares (in the meaning of section 76 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001) in a venture capital investor; and
  - (3) the proportion of the value of the venture capital holding company attributable to investment in Venture Capital Investors and the proportion of the value of the venture capital holding company attributable to other investments can be identified and valued on a regular basis

**[Note: Art 49(2) of the CRR]**

### **3 QUALIFYING HOLDINGS OUTSIDE THE FINANCIAL SECTOR**

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- 3.1 In respect of the qualifying holdings described in Article 89(1) and (2) of the *CRR*, a *firm* must, in accordance with Article 89(3), comply with the requirement in Article 89(3)(a).

**[Note: Art 89(3) of the *CRR*]**

#### **4 CONNECTED FUNDING OF A CAPITAL NATURE**

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- 4.1 This Chapter applies to every *firm* that is a *UK bank*.
- 4.2 A *firm* must not avoid the requirements of the *CRR* by structuring its investments as connected funding of a capital nature.
- 4.3 A *firm* must treat all connected funding of a capital nature as a holding of capital of the connected party and apply to it the treatment under the *CRR* and the PRA Rulebook applicable to such a holding, including any reporting or disclosure requirements in respect of such holding.
- 4.4 If the connected party is a *financial sector entity*, the *firm* must treat the connected funding of a capital nature as a holding of *Common Equity Tier 1 instruments*, *Additional Tier 1 instruments* or *Tier 2 instruments* of the connected party, as appropriate in light of the funding's characteristics when compared to the characteristics of each type of *own funds instruments*.
- 4.5 A *firm* must report to the *PRA* all connected funding of a capital nature at least 30 days in advance of entry into the relevant funding transaction and identify each relevant transaction with sufficient detail to allow the *PRA* to evaluate it.
- 4.6 A loan or other funding transaction is connected funding of a capital nature if it is made by the *firm* to a connected party and:
- (1) based on its terms and other factors of which the *firm* is aware, the connected party would be able to consider it from the point of view of its characteristics as capital as being similar to an *own funds instrument*; or
  - (2) the position of the *firm* from the point of view of maturity and repayment is inferior to that of the senior unsecured and unsubordinated creditors of the connected party.
- 4.7 A loan or other funding transaction is connected funding of a capital nature if it:
- (1) funds directly or indirectly a loan to a connected party that has the characteristics described in 4.6 or of a capital investment in a connected party; or
  - (2) has itself the characteristics described in 4.6.
- 4.8 A guarantee is connected funding of a capital nature if it is a guarantee by the *firm* of a loan or other funding transaction from a third party to a connected party of the *firm* and:
- (1) the loan or other funding transaction has the characteristics described in 4.6 or the characteristics described in 4.7; or

- (2) the rights that the *firm* would have against the connected party have the characteristics described in 4.6(2).

4.9 For the purposes of this Chapter and in relation to a *firm*, a connected party means another person (“P”) in respect of whom the *firm* has not been permitted to apply the individual consolidation method under Article 8 of the *CRR* and one of the following applies:

- (1) P is closely related to the *firm*;
- (2) P is an associate of the *firm*; or
- (3) the same persons significantly influence the *management body* of P and the *firm*.

4.10 For the purposes of 4.9(1), a *firm* and another person are closely related when:

- (1) the insolvency of one of them is likely to be associated with the insolvency or default of the others;
- (2) it would be prudent when assessing the financial condition or creditworthiness of one to consider that of the other; or
- (3) there is, or there is likely to be, a close relationship between the financial performance of the *firm* and that person.

4.11 For the purposes of 4.9(2), a person is an associate of a *firm* if it is:

- (1) in the same group as the *firm*;
- (2) an appointed representative (in the sense of section 39 of *FSMA*) or tied agent (as described in Article 4(1)(25) of *MiFID*) of the *firm* or a member of the *firm's* group; or
- (3) any other person whose relationship with the *firm* or a member of the *firm's* group might reasonably be expected to give rise to a community of interest between them which may involve a conflict of interest in dealings with third parties.

## 5 CONNECTED TRANSACTIONS

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5.1 In determining whether an item of capital qualifies as a *Common Equity Tier 1 item*, an *Additional Tier 1 item* or a *Tier 2 item* a *firm* must take into account any connected transaction which, when taken together with the item of capital, would cause it not to display the characteristics of a *Common Equity Tier 1 item*, an *Additional Tier 1 item* or a *Tier 2 item*.

5.2 A *firm* must report to the *PRA* all connected transactions described in 5.1 at least 30 days in advance of entry into the relevant transaction and identify each relevant transaction with sufficient detail to allow the *PRA* to evaluate it.

## 6 OWN FUNDS INSTRUMENTS ISSUED UNDER NON-EEA LAW

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- 6.1 A *firm* must demonstrate to the *PRA* that any *Additional tier 1 instruments* or *Tier 2 instruments* issued by it that are governed by the law of a *third country* are by their terms capable, as part of a resolution of the *firm*, of being written down or converted into *Common Equity Tier 1 instruments* of the *firm* to the same extent as an equivalent *own funds instrument* issued under the law of the United Kingdom.
- 6.2 A *firm* must include in the materials it provides to the *PRA* under 6.1 a properly reasoned independent legal opinion from an individual appropriately qualified in the relevant *third country*.

## 7 NOTIFICATION REGIME - ISSUANCE

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- 7.1 A *firm* shall notify the *PRA* in writing of its intention, or the intention of another member of its *group* that is not a *firm* but is included in the supervision on a consolidated basis of the *firm*, to issue a capital instrument that it believes will qualify under the *CRR* as an *own funds instrument* at least thirty days before the intended date of issue. This rule does not apply to the capital instruments described in 7.3 below.
- 7.2 When giving notice under 7.1, the *firm* shall provide:
- (1) details of the amount and type of *own funds* the *firm* is seeking to raise through the intended issue and whether the capital instruments are intended to be issued to external investors or to other members of its *group*;
  - (2) a copy of the term sheet and details of any features of the capital instrument which are novel, unusual or different from a capital instrument of a similar nature previously issued by the *firm* or widely available in the market;
  - (3) confirmation from a member of the *firm's senior management* responsible for authorising the intended issue or, in the case of an issue by another *group* member, for the issue's inclusion in the *firm's* consolidated *own funds*, that the capital instrument meets the conditions for qualification as an *own funds instrument*; and
  - (4) a properly reasoned independent legal opinion from an appropriately qualified individual confirming that the capital instrument meets the conditions for qualification as the relevant type of *own funds instrument*.
- 7.3 The *firm* does not have to give notice under 7.1 if the capital instrument is:
- (1) an ordinary share with voting rights and no new or unusual features; or
  - (2) a debt instrument issued under a debt securities programme under which the *firm* or *group* member has previously issued and the *firm* has notified the *PRA* in accordance with this Chapter prior to a previous issuance under the programme.
- 7.4 A *firm* shall notify the *PRA* in writing no later than the date of issue of its intention, or the intention of another member of its *group* that is not a *firm* but is included in the supervision on a consolidated basis of the *firm*, to issue a capital instrument described in 7.3.
- 7.5 When giving notice under 7.4, the *firm* shall provide:

- (1) confirmation that the terms of the capital instrument have not changed since the previous issue by the *firm* of that type of capital instrument; and
- (2) the items described in 7.2(1) and (3).

7.6 The *firm* shall notify the *PRA* in writing of any change to the intended date of issue, amount of issue, type of investors, type of *own funds instrument* or any other feature of the capital instrument to that previously notified to the *PRA* under 7.1 or 7.4.

## 8 NOTIFICATION REGIME - AMENDMENT

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8.1 A *firm* shall notify the *PRA* in writing of its intention, or the intention of another member of its *group* that is not a *firm* but is included in the supervision on a consolidated basis of the *firm*, to amend or otherwise vary the terms of any *own funds instrument* included in its *own funds* or the *own funds* of its consolidated group at least thirty days before the intended date of such amendment or other variation.

## 9 NOTIFICATION REGIME – REDUCTION OF OWN FUNDS

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9.1 A *firm* shall notify the *PRA* of its intention, or the intention of another member of its *group* that is not a *firm* but is included in the supervision on a consolidated basis of the *firm*, to carry out in respect of an *own funds instrument* any of the actions described in Article 77 of the *CRR*.

## 10 BUILDING SOCIETIES – CREDITOR HIERARCHY

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10.1 This Chapter applies to every *firm* that is a *building society*.

10.2 A *firm* must ensure that any *Additional Tier 1 instrument* or *Tier 2 instrument* issued by it is contractually subordinated to its non-deferred shares.

## 11 TRANSITIONAL PROVISIONS FOR OWN FUNDS

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11.1 The *Common Equity Tier 1 capital ratio* which *firms* must under Article 465(1)(a) of the *CRR* meet or exceed for the period from 1 January 2014 until 31 December 2014 shall be 4.0%.  
**[Note: Art 465(1)(a) of the CRR]**

11.2 The *Tier 1 capital ratio* which *firms* must under Article 465(1)(b) of the *CRR* meet or exceed for the period from 1 January 2014 until 31 December 2014 shall be 5.5%.  
**[Note: Art 465(1)(b) of the CRR]**

11.3 The applicable percentage for the purposes of Article 467(1) of the *CRR* shall be:

- (1) 100% during the period from 1 January 2014 to 31 December 2014;

- (2) 100% during the period from 1 January 2015 to 31 December 2015;
- (3) 100% during the period from 1 January 2016 to 31 December 2016; and
- (4) 100% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 467 of the CRR]**

11.4 The applicable percentage for the purposes of Article 468(1) of the *CRR* shall be:

- (1) 0% during the period from 1 January 2015 to 31 December 2015;
- (2) 0% during the period from 1 January 2016 to 31 December 2016; and
- (3) 0% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 468(1)-(3) of the CRR]**

11.5 The applicable percentage for the purposes of Article 468(4) of the *CRR* shall be:

- (1) 100% for the period from 1 January 2014 to 31 December 2014;
- (2) 100% for the period from 1 January 2015 to 31 December 2015;
- (3) 100% for the period from 1 January 2016 to 31 December 2016; and
- (4) 100% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 468(4), 478(1) of the CRR]**

11.6 The applicable percentage for the purposes of Article 469(1)(a) of the *CRR* as it applies to the items referred to in points (a)-(b) and (d)-(h) of Article 36(1) shall be:

- (1) 100% during the period from 1 January 2014 to 31 December 2014;
- (2) 100% during the period from 1 January 2015 to 31 December 2015;
- (3) 100% during the period from 1 January 2016 to 31 December 2016; and
- (4) 100% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 469(1)(a), 478(1) of the CRR]**

11.7 The applicable percentage for the purposes of Article 469(1)(c) of the *CRR* as it applies to the items referred to in point (c) of Article 36(1) that existed prior to 1 January 2014 shall be:

- (1) 100% for the period from 1 January 2014 to 31 December 2014;
- (2) 100% for the period from 1 January 2015 to 31 December 2015;
- (3) 100% for the period from 1 January 2016 to 31 December 2016;
- (4) 100% for the period from 1 January 2017 to 31 December 2017;

- (5) 100% for the period from 1 January 2018 to 31 December 2018;
- (6) 100% for the period from 1 January 2019 to 31 December 2019;
- (7) 100% for the period from 1 January 2020 to 31 December 2020;
- (8) 100% for the period from 1 January 2021 to 31 December 2021;
- (9) 100% for the period from 1 January 2022 to 31 December 2022; and
- (10) 100% for the period from 1 January 2023 to 31 December 2023.

**[Note: Art 469(1)(c), 478(2) of the CRR]**

11.8 The applicable percentage for the purposes of Article 469(1)(c) of the *CRR* as it applies to the items referred to in point (c) of Article 36(1) that did not exist prior to 1 January 2014 and the items referred to in point (i) of Article 36(1) shall be:

- (1) 100% during the period from 1 January 2014 to 31 December 2014;
- (2) 100% during the period from 1 January 2015 to 31 December 2015;
- (3) 100% during the period from 1 January 2016 to 31 December 2016; and
- (4) 100% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 469(1)(c), 478(1) of the CRR]**

11.9 The applicable percentage for the purposes of Article 474(a) of the *CRR* shall be:

- (1) 20% during the period from 1 January 2014 to 31 December 2014;
- (2) 40% during the period from 1 January 2015 to 31 December 2015;
- (3) 60% during the period from 1 January 2016 to 31 December 2016; and
- (4) 80% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 474(a), 478(1) of the CRR]**

11.10 The applicable percentage for the purposes of Article 476(a) of the *CRR* shall be:

- (1) 20% during the period from 1 January 2014 to 31 December 2014;
- (2) 40% during the period from 1 January 2015 to 31 December 2015;
- (3) 60% during the period from 1 January 2016 to 31 December 2016; and
- (4) 80% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 476(a), 478(1) of the CRR]**

11.11 The applicable percentage for the purposes of Article 479(2) of the *CRR* shall be:

- (1) 0% for the period from 1 January 2014 to 31 December 2014;
- (2) 0% for the period from 1 January 2015 to 31 December 2015;
- (3) 0% for the period from 1 January 2016 to 31 December 2016; and
- (4) 0% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 479 of the CRR]**

11.12 The applicable factor for the purposes of Article 480(1) of the *CRR* as it applies to point (b) of Article 84(1) shall be:

- (1) 1 in the period from 1 January 2014 to 31 December 2014;
- (2) 1 in the period from 1 January 2015 to 31 December 2015;
- (3) 1 in the period from 1 January 2016 to 31 December 2016; and
- (4) 1 in the period from 1 January 2017 to 31 December 2017.

**[Note: Art 480 of the CRR]**

11.13 The applicable factor for the purposes of Article 480(1) of the *CRR* as it applies to point (b) of Article 85(1) and point (b) of Article 87(1) shall be:

- (1) 0.2 in the period from 1 January 2014 to 31 December 2014;
- (2) 0.4 in the period from 1 January 2015 to 31 December 2015;
- (3) 0.6 in the period from 1 January 2016 to 31 December 2016; and
- (4) 0.8 in the period from 1 January 2017 to 31 December 2017.

**[Note: Art 480 of the CRR]**

11.14 The applicable percentage for the purposes of Article 481(1) of the *CRR* shall be:

- (1) 0% for the period from 1 January 2014 to 31 December 2014;
- (2) 0% for the period from 1 January 2015 to 31 December 2015;
- (3) 0% for the period from 1 January 2016 to 31 December 2016; and
- (4) 0% for the period from 1 January 2017 to 31 December 2017.

**[Note: Art 481 of the CRR]**

11.15 The applicable percentage for the purposes of Article 486(2), (3) and (4) of the *CRR* shall be:

- (1) 80% for the period from 1 January 2014 to 31 December 2014;
- (2) 70% for the period from 1 January 2015 to 31 December 2015;

- (3) 60% for the period from 1 January 2016 to 31 December 2016;
- (4) 50% for the period from 1 January 2017 to 31 December 2017;
- (5) 40% for the period from 1 January 2018 to 31 December 2018;
- (6) 30% for the period from 1 January 2019 to 31 December 2019;
- (7) 20% for the period from 1 January 2020 to 31 December 2020; and
- (8) 10% for the period from 1 January 2021 to 31 December 2021.

**[Note: Art 486 of the CRR]**

## 12 BASE CAPITAL RESOURCES REQUIREMENT

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- 12.1 A *CRR firm* must maintain at all times capital resources equal to or in excess of the base capital resources requirement set out in the table below:

<b><i>Firm category</i></b>	<b><i>Amount: Currency equivalent of</i></b>
<i>bank</i>	€5 million
<i>small specialist bank</i>	The higher of €1 million and £1 million
<i>building society</i>	The higher of €1 million and £1 million
<i>designated investment firm</i>	€730,000

## Annex D

In this Annex, the text is all new and is not underlined.

Part

# **BENCHMARKING OF INTERNAL APPROACHES**

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Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 SUPERVISORY BENCHMARKING OF INTERNAL APPROACHES FOR CALCULATING OWN FUNDS REQUIREMENTS

Links

## 1 APPLICATION AND DEFINITIONS

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- 1.1 This Part applies to every *firm* that is a *CRR firm*.
- 1.2 Unless otherwise defined, any italicised expression used in this Part and in the *CRD* has the same meaning as in the *CRD*.

## 2 SUPERVISORY BENCHMARKING OF INTERNAL APPROACHES FOR CALCULATING OWN FUNDS REQUIREMENTS

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- 2.1 Except for *operational risk*, a *firm* that is permitted to use *internal approaches* for the calculation of risk weighted exposure amounts or *own funds* requirements must report annually to the *PRA*:
- (1) the results of the calculations of their *internal approaches* for their exposures or positions that are included in the benchmark portfolios; and
  - (2) an explanation of the methodologies used to produce those calculations.
- 2.2 A *firm* shall submit the results of the calculations referred to in 2.1 above to the *PRA* and to *EBA* in accordance with the template set out in the Commission Regulation adopted under Article 78(8) of the *CRD*.

**[Note: Art 78(1) and (2) of the *CRD*]**

## Annex E

In this Annex, the text is all new and is not underlined.

Part

# CREDIT RISK

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## Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 STANDARDISED APPROACH – TREATMENT OF EXPOSURES TO REGIONAL GOVERNMENTS
- 3 SECURITISATION – RECOGNITION OF SIGNIFICANT RISK TRANSFER
- 4 CRITERIA FOR CERTAIN EXPOSURES SECURED BY MORTGAGES ON COMMERCIAL IMMOVABLE PROPERTY
- 5 SETTLEMENT RISK

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part, the following definitions shall apply:

*exposure*

means an asset or off-balance sheet item as defined for credit risk purposes by Article 5(1) of the *CRR*.

*loss*

means economic loss, including material discount effects, and material direct and indirect costs associated with collecting on the instrument as defined for credit risk purposes by Article 5(2) of the *CRR*.

1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## 2 STANDARDISED APPROACH – TREATMENT OF EXPOSURES TO REGIONAL GOVERNMENTS

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2.1 For the purposes of Article 115 of the *CRR*, a *firm* may treat *exposures* to the following regional governments as *exposures* to the *UK* central government:

- (1) The Scottish Parliament;
- (2) The National Assembly for Wales; and
- (3) The Northern Ireland Assembly.

**[Note: Art 115 of the *CRR*]**

## 3 SECURITISATION – RECOGNITION OF SIGNIFICANT RISK TRANSFER

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3.1 A *firm* must notify the *PRA* that it is relying on the deemed transfer of significant credit risk under paragraph 2 of Article 243 of the *CRR* or paragraph 2 of Article 244 of the *CRR*, including when this is for the purposes of Article 337(5) of the *CRR*, no later than one month after the date of the transfer.

3.2 The notification in 3.1 must include sufficient information to allow the *PRA* to assess whether the possible reduction in risk weighted *exposure* amounts which would be achieved by the *securitisation* is justified by a commensurate transfer of credit risk to third parties.

#### **4 CRITERIA FOR CERTAIN EXPOSURES SECURED BY MORTGAGES ON COMMERCIAL IMMOVABLE PROPERTY**

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- 4.1 For the purposes of Articles 124(2) and 126(2) of the *CRR* and in addition to the conditions set out therein, a *firm* may only treat *exposures* as fully and completely secured by mortgages on commercial immovable property located in the *UK* in accordance with Article 126 of the *CRR* where annual average *losses* stemming from lending secured by mortgages on commercial property located in the *UK* did not exceed 0.5% of risk-weighted exposure amounts over a representative period. A firm shall calculate the *loss* level referred to in this rule on the basis of the aggregate market data for commercial property lending published by the *PRA* in accordance with Article 101(3) of the *CRR*.
- 4.2 For the purposes of this rule, a representative period shall be a time horizon of sufficient length and which includes a mix of good and bad years.

**[Note: Arts. 124(2) and 126(2) of the *CRR*]**

#### **5 SETTLEMENT RISK**

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- 5.1 In accordance with Article 380 of the *CRR*, where a system wide failure of a settlement system, a clearing system or a *CCP* occurs, the *own funds* requirements calculated as set out in Articles 378 and 379 of the *CRR* are waived until the situation is rectified. In this case, the failure of a counterparty to settle a trade shall not be deemed a default for purposes of credit risk.

**[Note: Art. 380 of the *CRR*]**

## Annex F

In this Annex, the text is all new and is not underlined.

Part

# COUNTERPARTY CREDIT RISK

---

Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 HEDGING SETS
- 3 RECOGNITION OF NETTING: INTEREST RATE DERIVATIVES

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*CCR Mark-to-Market method*

means the method set out in in Chapter Six, Section 3 of the *CRR*.

*interest-rate contract*

means an interest rate contract of a type listed in paragraph 1 of Annex II of the *CRR*.

1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## 2 HEDGING SETS

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2.1 For the purpose of Article 282(6) of the *CRR*, a *firm* must apply the *CCR Mark-to-Market method* to:

- (a) *transactions* with a non-linear risk profile; or
- (b) *payment legs* and *transactions* with debt instruments as underlying

for which it cannot determine the delta or modified duration, as the case may be, using an internal model approved by the *PRA* under Title IV of the *CRR* for the purposes of determining *own funds* requirements for *market risk*.

2.2 For the purposes of 2.1, a *transaction* means a transaction to which Chapter Six of the *CRR* applies.

## 3 RECOGNITION OF NETTING: INTEREST RATE DERIVATIVES

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3.1 For the purpose of Article 298(4) of the *CRR*, a *firm* must use the original maturity of the *interest-rate contract*.

## Annex G

In this Annex, the text is all new and is not underlined.

Part

# MARKET RISK

---

Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 USE OF INTERNAL MODELS: RISK CAPTURE
- 3 NETTING: CONVERTIBLE BONDS
- 4 INSTRUMENTS FOR WHICH NO TREATMENT SPECIFIED

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*convertible bond*

means a *security* which gives the investor the right to convert the security into a *share* at an agreed price on an agreed basis.

*equity*

means a *share*.

*security*

has the meaning specified in Article 3(1) of the *Regulated Activities Order*.

*share*

means the investment specified in Article 76 of the *Regulated Activities Order*.

1.3 Unless otherwise defined, any italicised expression used in this Part and defined in the *CRR* has the same meaning as in the *CRR*.

## 2 USE OF INTERNAL MODELS: RISK CAPTURE

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2.1 A *firm* which has a permission to use internal models in accordance with Title IV, Chapter 5 of the *CRR*:

- (a) must identify any material risks, or risks that when considered in aggregate are material, which are not captured by those models; and
- (b) must ensure that it holds *own funds* to cover those risk(s) in addition to those required to meet its *own funds* requirement calculated in accordance with Title IV, Chapter 5 of the *CRR*.

## 3 NETTING: CONVERTIBLE BONDS

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3.1 For the purposes of Article 327(2) of the *CRR*, the netting of a *convertible bond* and an offsetting position in the instrument underlying is permitted. The *convertible bond shall* be:

- (a) treated as a position in the *equity* into which it converts; and

- (b) the *firm's own funds* requirement for the general and specific risk in its *equity* instruments shall be adjusted by making:
- (i) an addition equal to the current value of any loss which the *firm* would make if it did convert to *equity*; or
  - (ii) a deduction equal to the current value of any profit which the *firm* would make if it did convert to *equity* (subject to a maximum deduction equal to the *own funds* requirements on the notional position underlying the *convertible bond*).

#### 4 INSTRUMENTS FOR WHICH NO TREATMENT SPECIFIED

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- 4.1 Where a *firm* has a position in a *financial instrument* for which no treatment has been specified in the *CRR*, it must calculate its *own funds* requirement for that position by applying the most appropriate *rules* relating to positions that are specified in the *CRR*, if doing so is prudent and appropriate, and if the position is sufficiently similar to those covered by the relevant *rules*.
- 4.2 A *firm* must document its policies and procedures for calculating own funds for such positions in its *trading book policy statement*.
- 4.3 If there are no appropriate treatments the *firm* must calculate an *own funds* requirement of an appropriate percentage of the current value of the position. An appropriate percentage is either 100%, or a percentage that takes into account the characteristics of the position.
- 4.4 For the purposes of this rule, *trading book policy statement* means the statement of policies and procedures relating to the *trading book*.

## Annex H

In this Annex, the text is all new and is not underlined.

Part

# GROUPS

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Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 METHODS OF PRUDENTIAL CONSOLIDATION

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*Article 12(1) relationship*

means a relationship where undertakings are linked by a relationship within the meaning of Article 12(1) of Directive 83/349 EEC.

*Article 18(5) relationship*

means a relationship where undertaking are linked by participations or capital ties other than those referred to in paragraphs (1) and (2) of Article 18 of the *CRR*.

*Article 18(6) relationship*

means a relationship of one of the following kinds:

- (a) where an *institution* exercises a significant influence over one or more *institutions* or *financial institutions*, but without holding a *participation* or other capital ties in these *institutions*; or
- (b) where two or more *institutions* or *financial institutions* are placed under single management other than pursuant to a contract or clauses of their memoranda or articles of association.

1.3 Unless otherwise defined:

- (1) any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*; and
- (2) any italicised expression used in this Part and in the *CRD* has the same meaning as in the *CRD*.

## 2 METHODS OF PRUDENTIAL CONSOLIDATION

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- 2.1 (1) In carrying out the calculations in (Part One, Title II, Chapter 2 of the *CRR*) for the purposes of prudential consolidation, a *firm* must include the relevant proportion of an undertaking with whom it has an:
- (a) *Article 12(1) relationship*; or
  - (b) *Article 18(6) relationship*.
- (2) In 2.1(1), the relevant proportion is such proportion (if any) as stated in a requirement imposed on the *firm* in accordance with section 55M of *FSMA*.

**[Note: Art 18(3) and (6) of the *CRR*]**

- 2.2 In carrying out the calculations in Part One, Title II, Chapter 2 of the *CRR* for the purposes of prudential consolidation, a *firm* (for which the *PRA* is the *consolidating supervisor*) must include the proportion of the share of capital held of *participations* in *institutions* and *financial institutions* managed by an undertaking included in the consolidation together with one or more undertakings not included in the consolidation, where those undertakings' liability is limited to the share of capital they hold.

**[Note: Art 18(4) of the *CRR*]**

- 2.3 In carrying out the calculations in Part One, Title II, Chapter 2 of the *CRR* for the purposes of prudential consolidation, a *firm* must carry out a full consolidation of any undertaking with whom it has an *Article 18(5) relationship*.

**[Note: Art 18(5) of the *CRR*]**

## Annex I

In this Annex, the text is all new and is not underlined.

Part

# LARGE EXPOSURES

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## Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 INTRA-GROUP EXPOSURES: NON-CORE LARGE EXPOSURES GROUP EXEMPTIONS
- 3 SOVEREIGN LARGE EXPOSURES EXEMPTION
- 4 CONDITIONS FOR THE NON-CORE LARGE EXPOSURES GROUP EXEMPTION AND THE SOVEREIGN LARGE EXPOSURES EXEMPTION

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*core UK group*

means all counterparties that:

- (a) are listed in a *firm's core UK group permission*;
- (b) in relation to a *firm*, satisfy the conditions in Article 113(6) of the *CRR*; and
- (c) in respect of which *exposures* are exempted, under Article 400(1)(f) of the *CRR*, from the application of Article 395(1) of the *CRR*.

*core UK group eligible capital*

means the sum of the following amounts for each member of the *core UK group* and the *firm* (the sub-group):

- (a) for the ultimate *parent undertaking* of the sub-group, the amount calculated in accordance with Article 6 of the *CRR* (or other applicable prudential requirements);
- (b) for any other member of the sub-group, the amount calculated in accordance with Article 6 of the *CRR* (or other applicable prudential requirements) less the book value of the sub-group's holdings of capital instruments in that member, to the extent not already deducted in calculations done in accordance with Article 6 of the *CRR* (or other applicable prudential requirements) for:
  - (i) the ultimate *parent undertaking* of the sub-group; or
  - (ii) any other member of the sub-group.

The deduction in (b) must be carried out separately for each type of capital instrument eligible as *own funds*.

*core UK group permission*

means a permission given by the *PRA* under Article 113(6) of the *CRR*.

*exposure*

has the meaning given to it in Article 389 of the *CRR*.

*non-core large exposures group or NCLEG*

means all counterparties that:

- (a) are listed in a *firm's NCLEG non-trading book permission* or *NCLEG trading book permission*; and
- (b) in relation to a *firm*, satisfy the conditions in 2.1 or 2.2.

*NCLEG non-trading book exemption*

means the exemption in 2.1.

*NCLEG non-trading book permission*

means a permission given by the *PRA* in respect of Article 400(2)(c) of the *CRR* to apply the *NCLEG non-trading book exemption*.

*NCLEG trading book exemption*

means the exemption in 2.2.

*NCLEG trading book permission*

means a permission given by the *PRA* in respect of Article 400(2)(c) of the *CRR* to apply the *NCLEG trading book exemption*.

*sovereign large exposures exemption*

means the exemption in 3.1.

*sovereign large exposures permission*

means a permission given by the *PRA* in respect of Article 400(2)(g) or (h) of the *CRR* to apply the *sovereign large exposures exemption*.

*trading book exposure allocation*

means the allocation in 2.2

1.3 Unless otherwise defined:

- (1) any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*; and
- (2) any italicised expression used in this Part and in the *CRD* has the same meaning as in the *CRD*.

## **2 INTRA-GROUP EXPOSURES: NON-CORE LARGE EXPOSURES GROUP EXEMPTIONS**

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*NCLEG non-trading book exemption*

2.1 (1) A *firm* with an *NCLEG non-trading book permission* may (in accordance with that permission) exempt, from the application of Article 395(1) of the *CRR*, *non-trading book exposures*, including participations or other kinds of holdings, incurred by the *firm* to members of its *NCLEG* that are:

- (a) its *parent undertaking*;

- (b) other *subsidiaries* of that *parent undertaking*; or
- (c) its own *subsidiaries*,

in so far as those undertakings are covered by the supervision on a *consolidated basis* to which the *firm* itself is subject, in accordance with the *CRR*, Directive 2002/87/EC or with equivalent standards in force in a third country.

(2) A *firm* may only use the *NCLEG non-trading book exemption* where:

- (a) the total amount of *non-trading book exposures* (whether or not exempted from Article 395(1) of the *CRR*) from the *firm* to its *NCLEG* does not exceed 100% of the *firm's eligible capital*; or
- (b) (if the *firm* has a *core UK group permission*) the total amount of *non-trading book exposures* (whether or not exempted from Article 395(1) of the *CRR*) from its *core UK group* (and the *firm*) to its *NCLEG* does not exceed 100% of the *core UK group eligible capital*.

A *firm* may calculate the total amount of such *exposures* after taking into account the effect of credit risk mitigation in accordance with Articles 399 to 403 of the *CRR*.

**[Note: Art 400(2)(c) of the CRR]**

NCLEG trading book exemption

2.2 (1) A *firm* with an *NCLEG trading book permission* may (in accordance with that permission) exempt, from the application of Article 395(1) of the *CRR*, *trading book exposures* up to its *trading book exposure allocation*, including *participations* or other kinds of holdings, incurred by the *firm* to members of its *NCLEG* that are:

- (a) its *parent undertaking*;
- (b) other *subsidiaries* of that *parent undertaking*; or
- (c) its own *subsidiaries*,

in so far as those undertakings are covered by the supervision on a *consolidated basis* to which the *firm* itself is subject, in accordance with the *CRR*, Directive 2002/87/EC or with equivalent standards in force in a third country;

(2) The *trading book exposure allocation* for a *firm* that does not have a *core UK group permission* is 100% of the *firm's eligible capital* less the total amount of *non-trading book exposures* (whether or not exempted from Article 395(1) of the *CRR*) from the *firm* to its *NCLEG*.

(3) The *trading book exposure allocation* for a *firm* (F) that has a *core UK group permission* is equal to RxTTBE where:

- (a) R is F's *trading book exposures* to its *NCLEG* divided by the total *trading book exposures* of the *core UK group* (and F) to F's *NCLEG*; and
- (b) TTBE is 100% of F's *core UK group eligible capital* less the total amount of *non-trading book exposures* (whether or not exempted from Article 395(1) of the *CRR*) from the *core UK group* (and F) to F's *NCLEG*.

(4) A firm may calculate its *trading book exposure allocation* after taking into account the effect of credit risk mitigation in accordance with Articles 399 to 403 of the *CRR*.

(5) A firm must allocate the *trading book exposures* it has to its *NCLEG* to its *trading book exposure allocation* in ascending order of specific-risk requirements in Part Three, Title IV, Chapter 2 and/or requirements in Article 299 and Part Three, Title V of the *CRR*.

**[Note: Art 400(2)(c) of the *CRR*]**

Notifications and reporting

2.3 (1) A firm with a *core UK group permission* and an *NCLEG trading book permission* or an *NCLEG non-trading book permission* must give the *PRA* written notice whenever the firm:

(a) intends, or becomes aware that a member of its *core UK group* intends, for the total amount of *exposures* from the *core UK group* (and the firm) to a particular member of the firm's *NCLEG* to exceed 25% of its *core UK group eligible capital*;

(b) becomes aware that the total amount of *exposures* from the *core UK group* (and the firm) to a particular member of the firm's *NCLEG* are likely to exceed, or have exceeded, 25% of its *core UK group eligible capital*;

(2) The written notice required under (1) must contain the following:

(a) details of the size and the expected duration of the relevant *exposures*; and

(b) an explanation of the reason for those *exposures*.

(3) A firm with a *core UK group permission* and an *NCLEG trading book permission* or an *NCLEG non-trading book permission* must submit FSA018 in accordance with SUP 16.12.

### **3 SOVEREIGN LARGE EXPOSURES EXEMPTION**

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3.1 (1) If a firm has a *sovereign large exposures permission*, the *exposures* specified in that permission are exempt from Article 395(1) of the *CRR* to the extent specified in that permission.

(2) For the purposes of the *sovereign large exposures permission*, and in relation to a firm, the *exposures* referred to in (1) are limited to the following:

(a) asset items constituting claims on *central banks* in the form of required minimum reserves held at those *central banks* which are denominated in their national currencies; and

- (b) asset items constituting claims on central governments in the form of statutory liquidity requirements held in government securities which are denominated and funded in their national currencies provided that, at the discretion of the *PRA*, the credit assessment of those central governments assigned by a *nominated ECAI* is investment grade.

**[Note: Art 400(2)(g)-(h) of the *CRR*]**

#### **4 CONDITIONS FOR NON-CORE LARGE EXPOSURES GROUP EXEMPTIONS AND THE SOVEREIGN LARGE EXPOSURES EXEMPTION**

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4.1 A *firm* may only use the *NCLEG non-trading book exemption*, the *NCLEG trading book exemption* or the *sovereign large exposures exemption* where it can demonstrate to the *PRA* that the following conditions are met:

- (1) the specific nature of the *exposure*, the counterparty or the relationship between the *firm* and the counterparty eliminate or reduce the risk of the *exposure*; and
- (2) any remaining concentration risk can be addressed by other equally effective means such as the arrangements, processes and mechanisms provided for in Article 81 of *CRD*.

**[Note: Art 400(3) of the *CRR*]**

## Annex J

In this Annex, the text is all new and is not underlined.

Part

# PUBLIC DISCLOSURE

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Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 PUBLIC DISCLOSURE OF RETURN ON ASSETS

Links

## 1 APPLICATION AND DEFINITIONS

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1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*annual report and accounts*

- (1) (in relation to a company incorporated in the *UK*) an annual report and annual accounts as those terms are defined in:
  - (a) section 262(1) of the Companies Act 1985, together with an auditor's report prepared in relation to those accounts under section 235 of the same Act where these provisions are applicable; or
  - (b) section 471 of the Companies Act 2006 together with an auditor's report prepared in relation to those accounts under sections 495 to 497 of the same Act;
- (2) (in relation to any other body) any similar or analogous documents which it is required to prepare whether by its constitution or by the law under which it is established.

## 2 PUBLIC DISCLOSURE OF RETURN ON ASSETS

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2.1 A *firm* must disclose in its *annual report and accounts* among the key indicators their return on assets, calculated as their net profit divided by their total balance sheet.

**[Note: Art 90 of the CRD]**

## Annex K

In this Annex, the text is all new and is not underlined.

Part

# WAIVERS TRANSITIONAL PROVISIONS

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Chapter content

- 1 APPLICATION AND DEFINITIONS
- 2 WAIVERS TRANSITIONAL PROVISIONS
- 3 SCHEDULES

Links

## 1 APPLICATION AND DEFINITIONS

---

1.1 This Part applies to every *firm* that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*CRR permission*

means a permission given to a *firm* by the *PRA* under any *CRR Article* listed in column B of the Tables in Schedules 1 and 2 in the exercise of the discretion afforded to it as a *competent authority*.

*Waiver*

means a direction waiving or modifying a rule given by the *PRA* under section 138A (waiver or modification of rules) *FSMA*.

1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## 2 WAIVERS TRANSITIONAL PROVISIONS

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- 2.1 (1) This rule applies where, immediately before 1 January 2014, a *waiver* given in relation to a rule listed in column A of the Tables in Schedules 1 and 2 and any condition relevant to the application of that waiver has effect.
- (2) Subject to paragraph (5), each *waiver* given in relation to a *PRA* rule listed in column A of the Tables in Schedules 1 and 2 is treated as a *CRR permission* given by the *PRA* to the *firm* under the *CRR Article* listed in the same row in column B of the Table.
- (3) Each *CRR permission* given in accordance with paragraph (2) shall continue to have effect until the expiry date specified in the *waiver*.
- (4) Where a *waiver* listed in Schedules 1 and 2 specifies that it applies to a *firm* on a consolidated basis in accordance with a relevant provision in *BIPRU* 8, the *CRR permission* shall apply to the *firm* on the basis of its *consolidated situation* in accordance with Article 11 of the *CRR*.
- (5) Paragraphs (1) to (4) only have effect in relation to a *waiver* listed in Schedule 1 where the *firm* has confirmed to the *PRA* that it materially complies with the requirements relevant to the *rules* listed in Column A of the Table, as waived or modified by the *waiver*, and any conditions relevant to the application of the *waiver* or the *firm* has a *remediation plan*.
- (6) Any condition relevant to the application of the waiver shall have effect on 1 January 2013 until the expiry date specified in the waiver.
- (7) A *waiver* listed in row 1 of the Table in Schedule 2 (individual consolidation method) only includes a deemed *waiver* under the *PRA*'s prudential sourcebook for Banks, Building Societies and Investment Firms transitional provision 22.3R where a *firm* has confirmed to

the *PRA* that the solo consolidation minimum standards are met with respect to the relevant *subsidiary undertaking*.

- 2.2 (1) This rule applies where, immediately before 1 January 2014, a *waiver* given in relation to a *rule* in the *PRA's supervision manual* listed in column A of the Table in Schedule 3 has effect.
- (2) Each *waiver* given in relation to a *rule in the PRA's supervision manual* listed in column A of the Table in Schedule 3 is to be treated as a *waiver* given by the *PRA* to the *firm* under the *SUP rule* listed in the same row in column B of the Table.

## SCHEDULES

## Schedule 1

## Internal model waivers

	CRR Permission	Column A PRA/FCA Rule (rule waiver or modification)	Column B CRR Reference
1	Internal Ratings Based (IRB) permission for credit risk	<ul style="list-style-type: none"> <li>- <i>BIPRU 4</i> applies to a <i>firm</i> with an <i>IRB permission</i></li> <li>- Rules waived or modified: <ul style="list-style-type: none"> <li>(a) <i>GENPRU 2.1.51R</i></li> <li>(b) <i>BIPRU 3.1.1R</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Part Three, Title II, Chapter 3</li> <li>- Art. 143</li> <li>- Art. 178.1(b) (where a <i>firm</i> is authorised by its <i>IRB waiver</i> to use a 180 days definition of default for exposures secured by residential real estate in the retail exposure class, as well as for exposures to public sector entities)</li> </ul>
2	Eligibility of physical collateral under the IRB Approach	<ul style="list-style-type: none"> <li>- <i>BIPRU 4.10.16R</i> (Where authorised by the <i>firm's IRB permission</i>)</li> </ul>	Art. 199.6
3	Master netting agreement internal models approach	<ul style="list-style-type: none"> <li>- <i>BIPRU 5.6.1R</i> in accordance with <i>BIPRU 5.6.12R</i></li> </ul>	Art. 221
4	Supervisory formula method for securitisation transactions	<ul style="list-style-type: none"> <li>- <i>BIPRU 9.12.3R</i></li> <li>- <i>BIPRU 9.12.5R</i></li> <li>- <i>BIPRU 9.12.21R</i> (Where authorised by the <i>firm's IRB permission</i>)</li> </ul>	Art. 259.1(b) Art. 262
5	ABCP internal assessment approach	<ul style="list-style-type: none"> <li>- <i>BIPRU 9.12.20R</i> (Where authorised by the <i>firm's IRB permission</i>)</li> </ul>	Art. 259.3
6	Exceptional treatment for liquidity facilities where pre-securitisation RWEA cannot be calculated	<ul style="list-style-type: none"> <li>- <i>BIPRU 9.11.10R</i> as modified in accordance with <i>BIPRU 9.12.28G</i> (Where authorised by the <i>firm's IRB permission</i>)</li> </ul>	Art. 263.2

7	Advanced Measurement Approach (AMA) permission	<ul style="list-style-type: none"> <li>- <i>BIPRU 6.5 applies to a firm with an AMA permission</i></li> <li>- <i>Rule waived or modified: BIPRU 6.2.1R</i></li> </ul>	<ul style="list-style-type: none"> <li>- Art. 312.2</li> <li>- Part Three, Title III, Chapter 4</li> </ul>
8	Combined use of different approaches for operational risk – AMA and standardised approach or basic indicator approach	<ul style="list-style-type: none"> <li>- <i>BIPRU 6.2.9R (in accordance with BIPRU 6.2.10G and the firm's AMA permission)</i></li> </ul>	Art. 314, par. 2 and 3
9	Permission to use internal models to calculate own funds requirements for market risk (Value at Risk)	<ul style="list-style-type: none"> <li>- <i>BIPRU 7.10 applies to a firm with a VaR model permission</i></li> <li>- <i>Standard market risk PRR rules as specified and waived or modified by the firm's VaR model permission waiver</i></li> <li>- <i>GENPRU 2.1.52R</i></li> </ul>	<ul style="list-style-type: none"> <li>- Art. 363</li> <li>- Part Three; Title IV; Chapter 5; Sections 2, 3 and 4</li> </ul>
10	Permission to use internal models to calculate own fund requirements for the correlation trading portfolio	<ul style="list-style-type: none"> <li>- <i>BIPRU 7.10.55T R to BIPRU 7.10 55ZA R</i></li> </ul> <p>(Where the <i>firm</i> is authorised to use the <i>all price risk measure</i> in its <i>VaR model permission waiver</i>)</p>	Art. 377

## Schedule 2

## Other Waivers and Requirements

	CRR Permission	Column A	Column B
		PRA/FCA Rule (rule waiver or modification)	CRR Reference
1	Individual consolidation method	- <i>BIPRU 2.1.7R</i> ( <i>Solo consolidation waivers</i> )	Art. 9
2	Application of requirements of Part Five (exposures to transferred credit risk) on a consolidated basis	- <i>BIPRU 9.15.16A R</i>	Art. 14.3
3	Entities excluded from the scope of prudential consolidation	- <i>BIPRU 8.5.9R</i> - <i>BIPRU 8.5.10R</i>	Art. 19.2
4	Permission to revert to the use of a less sophisticated approach for credit risk	- <i>BIPRU 4.2.23R</i> (as modified in accordance with <i>BIPRU 4.2.25G</i> ) - <i>BIPRU 4.2.24R</i> (as modified in accordance with <i>BIPRU 4.2.25G</i> )	Art. 149
5	Traditional securitisation – recognition of significant risk transfer	- <i>BIPRU 9.4.11R</i> - <i>BIPRU 9.4.12R</i> (subject to conditions in <i>BIPRU 9.4.15D</i> )	Art. 243 par. 2, 3, 4 and 5
6	Synthetic securitisation – recognition of significant risk transfer	- <i>BIPRU 9.5.1R</i> (6) and(7) (subject to conditions in <i>BIPRU 9.5.1B D</i> )	Art. 244, par. 2, 3, 4 and 5
7	Securitisations of revolving exposures with early amortisation provisions – similar transactions	- <i>BIPRU 9.13.11R</i> - <i>BIPRU 9.13.13R</i> - <i>BIPRU 9.13.14R</i> - <i>BIPRU 9.13.15R</i> - <i>BIPRU 9.13.16R</i> - <i>BIPRU 9.13.17R</i> (subject to conditions in <i>BIPRU 9.13.18G</i> )	Art. 256.7
8	Permission to revert to the use of a less sophisticated approach for operational risk	- <i>BIPRU 6.2.5R</i> (as modified in accordance with <i>BIPRU 6.2.6G</i> ) - <i>BIPRU 6.2.7R</i> (as modified in accordance with <i>BIPRU 6.2.8G</i> )	Art. 313

9	Combined use of different approaches for operational risk – standardised approach and basic indicator approach	- <i>BIPRU 6.2.12R</i> (as modified in accordance with <i>BIPRU 6.2.13G</i> )	Art. 314.4
10	Waiver of the 3 year average for calculating the own funds requirement under the basic indicator approach for operational risk	- <i>BIPRU 6.3.2R</i> (as modified in accordance with <i>BIPRU 6.3.9G</i> )	Art. 315
11	Waiver of the 3 year average for calculating the own funds requirement under the standardised approach for operational risk	- <i>BIPRU 6.4.5R</i> (as modified in accordance with <i>BIPRU 6.4.8G</i> )	Art. 317.4
12	Own funds requirements for position risk for options and warrants on:  (a) interest rates; (b) debt instruments; (c) equities; (d) equity indices; (e) financial futures; (f) swaps; and (g) foreign currencies	- <i>BIPRU 7.9</i> applies to a <i>firm</i> with a <i>CAD1 model waiver</i> .  - <i>Rules waived or modified:</i>  (a) <i>GENPRU 2.1.52R</i> (b) <i>BIPRU 7.6.1R</i>	Art. 329
13	Own funds requirements for commodities risk for options and warrants on:  (a) commodities; and (b) commodities derivatives	- <i>BIPRU 7.9</i> applies to a <i>firm</i> with a <i>CAD1 model waiver</i> .  - <i>Rules waived or modified:</i>  (a) <i>GENPRU 2.1.52R</i> (b) <i>BIPRU 7.4.1R</i>	Art. 358.3
14	Interest rate risk on derivative instruments	- <i>CAD1 model waiver</i> for the use of an interest rate pre-processing model in accordance with <i>BIPRU 7.9.44G</i>  - <i>Rule waived: GENPRU 2.1.52R</i>	Art. 331 Art. 340
15	Waiver of 100% large exposure limit where the €150 million limit applies	- <i>BIPRU 10.6.32R</i> – As waived in accordance with <i>BIPRU 10.6.33G</i>  - <i>SUP 15.3.11R</i>	- Art. 396 in relation to the 100% large exposure limit set out in Art. 395(1)
16	Waiver of large exposure limits in relation to intra-group exposures: core group waivers	- <i>BIPRU 3.2.25R(2)</i> - <i>BIPRU 10.8A</i>	Art. 113.6  Art. 400.1(f)

17	Waiver of large exposure limits in relation to intra-group exposures: non-core group waivers	- <i>BIPRU 10.9A</i>	- Art. 400.2(c) as implemented by rule 2 at Annex I of the PRA Rulebook CRR Firms Instrument 2013
18	Waiver of large exposure limits in relation to sovereign exposures	- BIPRU 10.6.34R as waived in accordance with BIPRU 10.6.37G	- Art. 400.2(g) and (h) as implemented by rule 3 at Annex I of the PRA Rulebook CRR Firms Instrument 2013

**Schedule 3****Waivers in Supervision Manual (SUP) 16**

<b>Column A</b> <b>SUP 16 rule as in force until 31 December 2013</b>	<b>Column B</b> <b>SUP 16 rule as in force from 1 January 2014</b>
SUP 16.12.11R	SUP 16.12.11B R
SUP 16.12.12. R	SUP 16.12.12A R
SUP 16.12.15 R	SUP 16.12.15B R
SUP 16.12.16 R	SUP 16.12.16A R
SUP 16.12.22A R	SUP 16.12.22C R
SUP 16.12.25A R	SUP 16.12.25C R
SUP 16.12.26 R	SUP 16.12.26A R

## **Annex L**

In this Annex, the text is all new and is not underlined.

**Part**

# **INTERPRETATION**

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**Chapter content**

- 1 APPLICATION**
- 2 INTERPRETATIVE PROVISIONS**

**Links**

## 1 APPLICATION

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- 1.1 This Part applies to a *firm*.

## 2 INTERPRETATIVE PROVISIONS

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### Purposive interpretation

- 2.1 Every provision in the *PRA* Rulebook must be interpreted in the light of its purpose.

### Use of defined expressions

- 2.2 In the *PRA* Rulebook, save as otherwise indicated in a Part of the *PRA* Rulebook, an expression in italics defined:

- (1) in the *PRA* Rulebook Glossary has the meaning given in that glossary;
- (2) for the purposes of *FSMA* has the meaning given in that Act;
- (3) in the Interpretation Act 1978 has the meaning given in that Act.

### Application of the Interpretation Act 1978

- 2.3 Save as otherwise indicated, the Interpretation Act 1978 applies to the *PRA* Rulebook.

### Cross-references in the *PRA* Rulebook

- 2.4 A reference in the *PRA* Rulebook to another provision in the *PRA* Rulebook is a reference to that provision as amended from time to time.

### Activities covered by rules

- 2.5 In the *PRA* Rulebook, a rule made by the *PRA* under section 137G of *FSMA* applies to a *firm* with respect to the carrying on of any activities, except to the extent that a contrary intention appears.

### Continuity of authorised partnerships and unincorporated associations

- 2.6 If a *firm* is dissolved, but its authorisation continues to have effect under section 32 (Partnerships and unincorporated associations) of *FSMA* in relation to any partnership or unincorporated association that succeeds to the business of the dissolved *firm*, the successor partnership or unincorporated association is to be regarded as the same *firm* for the purposes of the *PRA* Rulebook unless the context otherwise requires.

## **Annex M**

In this Annex, the text is all new and is not underlined.

**Part**

# **PERMISSIONS**

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**Chapter content**

- 1 APPLICATION AND DEFINITIONS**
- 2 FORM AND MANNER OF APPLICATION FOR A CRR PERMISSION**
- 3 NOTIFICATION OF ALTERED CIRCUMSTANCES**

**Links**

## **1 APPLICATION AND DEFINITIONS**

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1.1 This Part applies to every firm that is a *CRR firm*.

1.2 In this Part the following definitions shall apply:

*CRR permission*

means a permission given to a *firm* by the *PRA* under powers conferred on the *PRA* by the *CRR*.

1.3 Unless otherwise defined, any italicised expression used in this Part and in the *CRR* has the same meaning as in the *CRR*.

## **2 FORM AND MANNER OF APPLICATION FOR A CRR PERMISSION**

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2.1 The *PRA* directs that a *firm* wishing to apply for a *CRR permission* must make a written application to the *PRA*.

2.2 The application must be accompanied by such information and documents as are necessary to demonstrate how the firm complies with the conditions contained in the relevant *CRR* Article.

## **3 NOTIFICATION OF ALTERED CIRCUMSTANCES**

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3.1 A *firm* that has applied for or has been granted a *CRR permission* must notify the *PRA* immediately if it becomes aware of any matter which could affect the continuing relevance or appropriateness of the application, the *CRR permission* or any condition to which the *CRR permission* is subject.

**PRA RULEBOOK RECOVERY AND RESOLUTION INSTRUMENT 2013**

**Powers exercised**

- A. The Prudential Regulation Authority (“PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
  - (1) section 137G (the PRA’s general rules); and
  - (2) section 137T (general supplementary powers).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instruments) of the Act.

**Pre-conditions to making**

- C. The FSA published in 2011 a draft of proposed rules and had regard to representations made. The FSA consulted the Treasury and the Bank of England, and had regard to representations made, for the purposes of sections 139B and 139F of the Act as then in force. The PRA relies on these consultations in accordance with Schedule 20 to the Financial Services Act 2012. In accordance with section 138J of the Act (consultation with the Financial Conduct Authority), the PRA consulted the Financial Conduct Authority.

**PRA Rulebook Recovery and Resolution Instrument 2013**

- D. The PRA makes the rules in Annex A to this instrument.

**Commencement**

- E. This instrument comes into force on 1 January 2014.

**Citation**

- F. This instrument may be cited as the Recovery and Resolution Instrument 2013.

**By order of the Board of the Prudential Regulation Authority**

16 December 2013

## **Annex A**

In this Annex, the text is all new and is not underlined.

**Part**

# **RECOVERY AND RESOLUTION**

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**Chapter content**

- 1. APPLICATION AND DEFINITIONS**
- 2. RECOVERY PLANS**
- 3. RESOLUTION PACK**
- 4. REVIEW OF RECOVERY PLAN AND RESOLUTION PACK**
- 5. GOVERNANCE ARRANGEMENTS**

**Links**

## 1 APPLICATION AND DEFINITIONS

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1.1 Unless otherwise stated, this Part applies to:

- (1) a *UK Bank*;
- [(2) a *building society*; and
- [(3) a *UK designated investment firm*.

1.2 In this Part, the following definitions shall apply:

*group*

means A and any *person* who is:

- (a) a *parent undertaking* of A;
- (b) a *subsidiary undertaking* of A;
- (c) a *subsidiary undertaking* of a *parent undertaking* of A;
- (d) a *parent undertaking* of a *subsidiary undertaking* of A;
- (e) if A or an undertaking in (a) or (d) is an incorporated friendly society, a body corporate of which that friendly society has joint control (as defined in section 13(9)(c) or (cc) of the Friendly Societies Act 1992);

*recovery plan*

means a document containing information which:

- (a) relates to action to be taken to secure that, in the event of specified circumstances affecting the carrying on of business (or any part of the business) of a *firm*:
  - (i) the business of the *firm*; or
  - (ii) a specified part of that business;

is capable of being carried on (whether or not by the *firm* and whether or not in the same way as previously);

- (b) would facilitate the carrying on of the business (or any part of the business) of a *firm* by any other *person*.

**[Note: This definition is based on the definition for ‘recovery plan’ in section 137J of the Act.]**

*resolution pack*

means a document containing information which:

- (a) relates to action to be taken in the event of:

- (i) circumstances arising in which it is likely that the business (or any part of the business) of a *firm* will fail; or
- (ii) the failure of the business (or any part of the business) of a *firm*;
- (b) would facilitate anything falling to be done by any *person* in consequence of that failure. An example of information within (b) is information that, in the event of that failure, would facilitate:
  - (i) planning by the *Treasury* in relation to the possible exercise of any of its powers under Part 1 of the Banking Act 2009; or
  - (ii) planning by the *Bank of England* in relation to the possible exercise of any of its powers under Part 1, 2 or 3 of that *Act*.

**[Note: This definition is based on the definition for ‘resolution plan’ in section 137K of the Act.]**

*senior personnel*

those *persons* who effectively direct the business of the *firm*, which could include a *firm's governing body* and other *persons* who effectively direct the business of the *firm*.

1.3 In this Part:

- (1) references to the taking of action include the taking of action by:
  - (a) the *firm*;
  - (b) any other *person* in the same *group* as the *firm*; and
  - (c) a *partnership* of which the *firm* is a member;
- (2) references to the business of the *firm* include references to the business of:
  - (a) any other *person* in the same *group* as the *firm*; and
  - (b) a *partnership* of which the *firm* is a member.

## 2 RECOVERY PLANS

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- 2.1 (1) Subject to (2), every *firm* must prepare and maintain an adequate *recovery plan*.
- (2) If a *group* has within it more than one *firm* to which this Part applies, only one of those *firms* needs to have a *recovery plan*, so long as that plan contains content for each *firm* in the *group* that complies with 2.3, 2.4, 2.5 and 2.6.
- 2.2 A *firm* must provide its *recovery plan* to the *PRA* by online submission through:
  - (1) email; or
  - (2) the appropriate systems made available to *firms*.
- 2.3 The *recovery plan* must set out the actions that could be taken to secure that:

- (1) the business of the *firm*; or
- (2) any part of the business of the *firm*,

is capable of being carried on and returned to a stable and sustainable condition (whether or not by the *firm* and whether or not in the same way as previously) if circumstances arise which adversely affect the carrying on of the business (or any part of the business) of the *firm*.

2.4 The *recovery plan* must contain a comprehensive range of options setting out actions that could be taken in a number of different scenarios and stresses, whether by:

- (1) the *firm* alone; or
- (2) the *firm* in conjunction with other members of its *group*; or
- (3) by another member of the *group*.

2.5 The *recovery plan* must, in particular, include:

- (1) the actions that could be taken to return the *firm* to adequate levels of capital and liquidity; and
- (2) the applicable governance arrangements, and indicators when options in the *recovery plan* might be employed, and procedures to ensure the timely implementation of the actions.

2.6 A *firm* must notify the *PRA* as soon as it becomes aware that the *firm's recovery plan* indicators have been met.

2.7 A *firm's recovery plan* must take into account the wider business of the *group* of which the *firm* is a *member*.

**[Note: Art 74(4) of the CRD]**

### **3 RESOLUTION PACK**

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3.1 Every *firm* must prepare and maintain a *resolution pack*.

3.2 A *firm* must provide its *resolution pack* to the *PRA* by online submission through:

- (1) email; or
- (2) the appropriate systems made available to *firms*.

3.3 (1) A *resolution pack* must contain information and analysis which would facilitate the taking of actions in the event that it is likely that the *firm* will fail, or in the event that the *firm* fails.

- (2) The *resolution pack* must, in particular, contain sufficient information and analysis to facilitate planning by the *Treasury*, the *Bank of England* or the *PRA* in relation to the possible exercise of any of their powers under the Banking Act 2009.

3.4 A *firm's resolution pack* must take into account the wider business of the *group* of which the *firm* is a *member*.

**[Note: Art 74(4) of the CRD]**

#### **4 REVIEW OF RECOVERY PLAN AND RESOLUTION PACK**

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- 4.1 (1) Every *firm* must review its *recovery plan* at least once a year.
- (2) Every *firm* must keep its *recovery plan* and its *resolution pack* up to date, which includes ensuring that each is updated to reflect any material developments in the *firm's* business and in the business of any member of the *group*.
- 4.2 A *firm* must notify the *PRA* of any material changes made to its *recovery plan* and *resolution pack* promptly and, in any event, within one month of making any such change.

#### **5 GOVERNANCE ARRANGEMENTS**

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- 5.1 A *firm* must, taking into account the nature, scale and complexity of its business and the business of other members of its *group*, establish and maintain appropriate internal processes regarding the governance of its *recovery plan* and *resolution pack*.
- 5.2 (1) A *firm's recovery plan* must be subject to oversight and approval by the *firm's governing body*.
- (2) A *firm's governing body* must be responsible for assessing, approving and overseeing the *firm's* arrangements in place to produce the *firm's resolution pack*. The *firm's* audit committee must periodically review these arrangements and the *recovery plan*.
- (3) A *firm* must nominate an executive *director* who is a member of the *firm's governing body* to have responsibility for the *recovery plan* and *resolution pack* and for overseeing the internal processes regarding their governance.