

Chapter 1

Application and purpose

1.2 General application: who? what? where?

Providing funeral plan contracts

1.2.1 **R** This sourcebook applies to a *firm* with respect to the activities of:

- (1) *entering as provider into a funeral plan contract*; and
- (2) *carrying out a funeral plan contract as provider*; and

activities connected with them.

1.2.2 **G** The regulated activities of *entering as provider into a funeral plan contract* and *carrying out a funeral plan contract as provider* apply in relation to *funeral plan contracts* under which the provider undertakes to provide, or secure that another *person* provides, a funeral in the *United Kingdom* (article 59(2) of the *Regulated Activities Order* and see ■ PERG 2.4.2AG).

Distributing funeral plan contracts: firms and appointed representatives

1.2.3 **R** This sourcebook applies to a *firm* with respect to *funeral plan distribution* and activities connected with *funeral plan distribution*.

1.2.4 **R** A *firm* (including a *funeral plan provider*) that has appointed an *appointed representative* to carry on *funeral plan distribution* must ensure that its *appointed representative* complies with this sourcebook as it applies to a *firm* carrying on *funeral plan distribution*.

1.2.5 **G** A *funeral plan provider* that wishes to appoint an *appointed representative* to distribute its *funeral plan contracts* should ensure that the *regulated activities* covered by the *appointed representative's* appointment fall within the scope of the *firm's Part 4A permissions* or are otherwise excluded from being *regulated activities* when carried on by the *firm* (see ■ SUP 12.4.1AG).

Financial promotions

1.2.6 **R** This sourcebook applies to a *firm*:

- (1) *communicating a financial promotion* in relation to a *funeral plan contract* or a *regulated funeral plan activity* to a *person* inside the *United Kingdom*; and

(2) approving a financial promotion in relation to a funeral plan contract or a regulated funeral plan activity for communication to a person inside the United Kingdom.

Modifications to the general application rules

1.2.7 **R** The general application rules in this section are modified:

- (1) in the chapters of this sourcebook for particular purposes, including those relating to the type of firm and its activities; and
- (2) in ■ FPCOB 1 Annex 1 according to the type of firm.

New, subsisting and transferred funeral plans

1.2.8 **R** All of the rules in this sourcebook apply in relation to new funeral plans, unless otherwise stated.

1.2.9 **R** The rules in certain sections of this sourcebook also apply in relation to subsisting funeral plans.

1.2.9A **R** Any references in this sourcebook, other than that at ■ FPCOB 16.1.5R(3)(e), to a transfer of a funeral plan contract or a transfer of the business of a funeral plan provider should be read to include circumstances where funeral plan contracts are transferred using the mechanism referred to in ■ FPCOB 10.2.2R.

Application to Gibraltar-based firms

1.2.10 **R** A Gibraltar-based firm with permission for funeral plan provision activity or funeral plan distribution must comply with the relevant provisions of FPCOB and any other provisions in the Handbook relating to regulated funeral plan activity.

Guidance on application

1.2.11 **G** Guidance on the application provisions is in ■ FPCOB 1 Annex 1.

Customers and covered individuals

1.2.12 **G**

- (1) In this sourcebook, rules may apply by reference to the customer or covered individual under a funeral plan contract, or to both.
- (2) The definition of customer includes a prospective customer under a funeral plan contract.
- (3) Reference to the covered individual is to the individual on whose death a funeral will be provided or secured under a funeral plan contract or prospective funeral plan contract. The covered individual under a funeral plan contract will not necessarily be the same person as the customer (article 59(2)(b) of the Regulated Activities Order).

1.2.13 **G** Where the *rules* in this sourcebook require a *firm* to disclose information to a *customer*, the *firm* should also consider:

- (1) whether it should disclose the same information to the *covered individual* (where different from the *customer*) in accordance with its obligations under *Principle 7*; and
- (2) if it considers that disclosure should be made to the *covered individual*, whether it requires the consent of the *customer* in order to make that disclosure.

Interpretation – “concluding” funeral plan contracts

1.2.14 **G** Certain *rules* in this sourcebook apply by reference to the conclusion of a *funeral plan contract*, which means the entering into of the *funeral plan contract*.