

## Chapter 10A

# FCA Approved Persons in Appointed Representatives



## 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.4.1 R, comprise the *FCA governing functions* (■ SUP 10A.6). ■ 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 **R** A *significant-influence function*, in relation to the carrying on of a *regulated activity* by an *appointed representative*, means a function that is likely to enable the *person* responsible for its performance to exercise a significant influence on the conduct of the *appointed representative's* affairs, so far as relating to the activity.
- 10A.5.4 **G** [deleted]
- 10A.5.5 **G** Whether an *FCA controlled function* is likely to result in the *person* responsible for its performance exercising significant influence is a question of fact in each case.
- 10A.5.5A **G** A function is not a *significant-influence function* unless it also meets the requirements of ■ SUP 10A.3.1R (Provisions related to the Act).

### Periods of less than 12 weeks

- 10A.5.6 **R** If:
- (1) a *firm* or its *appointed representative* 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.5.6 R 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 *authorised approved person employer* of the *approved person* in question should apply for approval.