

Chapter 15

Notifications to the FCA



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 4 R** (Notification form), and must give the *firm's* Firm Reference Number unless:

- (1) the *notification rule* states otherwise; or
- (2) the notification is provided solely in compliance with *Principle 11* (see **■ SUP 15.3.7 G**).

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 *FCA* 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 *FCA*. 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 **G** The *FCA* 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 *FCA* on its behalf.

Method of notification

15.7.4 **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 *FCA* and
- (2) delivered to the *FCA* by one of the methods in **■ SUP 15.7.5AR**.

15.7.5 **R**
[deleted]

15.7.5A **R** Methods of notification

	Method of delivery
1.	Post to the appropriate address in SUP 15.7.6A G
2.	Leaving the notification at the appropriate address in SUP 15.7.6A G and obtaining a time-stamped receipt
3.	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
4.	Hand delivery to the <i>firm's</i> usual supervisory contact at the <i>FCA</i>
5.	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
6.	Online submission via the <i>FCA's</i> website at www.fca.org.uk .

15.7.6 **G** [deleted]

15.7.6A **G** The current published address of the *FCA* for postal submission or hand delivery of notifications is:

(1) The Financial Conduct Authority
12 Endeavour Square
London, E20 1JN

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.

15.7.7 **G** If the *firm* or its *group* is subject to lead supervision arrangements by the *FCA* the *firm* or *group* may give or address a notice under **■** SUP 15.7.4 R(1) to the supervisory contact at the *FCA* 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 *undertaking* in the *group* may notify the *FCA* on behalf of all *firms* in the *group* to which the notification applies. In this way, that *undertaking* may satisfy the obligation of all relevant *firms* in the *group* to notify the *FCA*. Nevertheless, the obligation to make the notification remains the responsibility of the individual *firm* itself. See also **■** SUP 15.7.3 G.

15.7.9 **G** *Firms* wishing to communicate with the *FCA* by electronic mail or fax should obtain the appropriate address or number from the *FCA appropriate regulator*.

Timely notification

- 15.7.10 **R** If a *notification rule* requires notification within a specified period:
- (1) the *firm* must give the notification so as to be received by the *FCA* 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 *FCA* no later than the first *business day* after the end of that period.

- 15.7.11 **G** If a *notification rule* does not require notification within a specified period, the *firm* should act reasonably in deciding when to notify.

Underwriting agents: notification to the Society of Lloyd's

- 15.7.12 **R**
- (1) [deleted]
 - (2) [deleted]

- 15.7.13 **G** [deleted]

- 15.7.14 **G** The *FCA* 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 *FCA*. [For further details see the *FCA's* website.]

Consequences of breach of form and method rules

- 15.7.15 **G** If a *firm* fails to comply with the *rules* in this section then the notification is invalid and there may be a breach of the *rule* that required the notification to be given.

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 *FCA*. They do not apply to notifications required under *notification rules* because of the specific *rules* in this section.