

Supervision

SUP TP 3

Transitional provisions relating to SUP 10A and SUP 10B: Transition from the FSA to the FCA and PRA

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 [FCA]	R	An <i>approved person</i> who was, as at cutover, approved by the FSA to perform a <i>controlled function</i> specified by the FSA set out in column 1 of the table in SUP TP 3.1.2 R in relation to a <i>firm</i> , is deemed to continue to be approved by the FCA to perform the <i>FCA-controlled function</i> in the same row of column 2 in that table in relation to that <i>firm</i> . Column 3 states whether this applies in relation to all <i>firms</i> or just <i>FCA-authorised persons</i> .
3.1.2 [FCA]	R	Table: FSA controlled functions transitioned to the FCA

FSA controlled function	FCA controlled function into which approved person transitioned	Firms to which transitional relates
Director function (CF1)	<i>Director function</i> (CF1)	<i>FCA-authorised persons only</i>
Non-executive director function (CF2)	<i>Non-executive director function</i> (CF2)	<i>FCA-authorised persons only</i>
Chief executive function (CF3)	<i>Chief executive function</i> (CF3)	<i>FCA-authorised persons only</i>
Partner function (CF4)	<i>Partner function</i> (CF4)	<i>FCA-authorised persons only</i>
Director of unincorporated association function (CF5)	<i>Director of unincorporated association function</i> (CF5)	<i>FCA-authorised persons only</i>
Small friendly society function (CF6)	<i>Small friendly society function</i> (CF6)	<i>FCA-authorised persons only</i>
Apportionment and oversight function (CF8)	<i>Apportionment and oversight function</i> (CF8)	<i>All firms</i>
Compliance oversight function (CF10)	<i>Compliance oversight function</i> (CF10)	<i>All firms</i>
CASS operational oversight function (CF10A)	<i>CASS operational oversight function</i> (CF10A)	<i>All firms</i>
Money laundering reporting function (CF11)	<i>Money laundering reporting function</i> (CF11)	<i>All firms</i>
Systems and controls function (CF28)	<i>Systems and controls function</i> (CF28)	<i>FCA-authorised persons only</i>
Significant management function (CF29)	<i>Significant management function</i> (CF29)	<i>All firms</i>
Customer function (CF30)	<i>Customer function</i> (CF30)	<i>All firms</i>

TP 3.2 Transition to the PRA

3.2.1 [PRA]	R	An <i>approved person</i> who was, as at cutover, approved by the FSA to perform, in relation to a <i>PRA-authorised person</i> , a <i>controlled function</i> 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 <i>firm</i> .
3.2.2[PRA]	R	Table: FSA controlled functions transitioned to the PRA

FSA controlled function	PRA controlled function
Director function (CF1)	<i>Director function</i> (CF1)
Non-executive director function (CF2)	<i>Non-executive director function</i> (CF2)
Chief executive function (CF3)	<i>Chief executive function</i> (CF3)
Partner function (CF4)	<i>Partner function</i> (CF4)
Director of unincorporated association function (CF5)	<i>Director of unincorporated association function</i> (CF5)
Small friendly society function (CF6)	<i>Small friendly society function</i> (CF6)
Actuarial function (CF12)	<i>Actuarial function</i> (CF12)
With-profits actuary function (CF12A)	<i>With-profits actuary function</i> (CF12A)
Lloyd's actuary function (CF12B)	<i>Lloyd's actuary function</i> (CF12B)
Systems and controls function (CF28)	<i>Systems and controls function</i> (CF28)

TP 3.3 Amalgamation of functions		
3.3.1 [FCA]	G	In the case of an <i>FCA-authorised person</i> , if SUP 10.6.2 R (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.6.3 R (the equivalent <i>FCA rule</i>) applies to the same extent following cutover.
3.3.2 [PRA]	G	In the case of a <i>PRA-authorised person</i> , if SUP 10.6.2 R (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 <i>PRA rule</i>) applies following cutover in relation to the <i>systems and controls function</i> .
3.3.3 [FCA] [PRA]	G	In the case of a <i>PRA-authorised person</i> , if a <i>person</i> 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 <i>firm</i> , the effect of SUP TP 3 is that he will be deemed to be approved by the FCA for the <i>apportionment and oversight function</i> and by the PRA for the appropriate <i>governing function</i> in relation to that <i>firm</i> . SUP 10A.11.11 R (disapplication of the apportionment and oversight function if approved for a <i>PRA governing function</i>) and SUP 10B.7.3 R (functions making up the <i>apportionment and oversight function</i> if approved for a <i>PRA governing function</i>) do not apply.

TP 3.4 Changes to approved persons details		
3.4.1 [FCA]	G	<i>Firms</i> are reminded that an effect of the transitional provisions in SUP TP 2.2 is that SUP 10A.14.15 R to SUP 10A.14.21 G (notifications relating to changes to the details relating to <i>approved persons</i> and <i>candidates</i> and new information relating to them) apply to changes and new information as compared to the position before cutover.
3.4.2 [PRA]	G	<i>Firms</i> 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 <i>approved persons</i> and <i>candidates</i> 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 <i>approved person</i> in relation to a <i>PRA-authorised person</i> who: <ol style="list-style-type: none"> (1) immediately before cutover, fell within SUP 10.6.2A R (FSA's governing functions include certain functions relating to <i>bidding in emissions auctions</i>); and (2) immediately before cutover was not approved to perform the FSA's customer controlled function in relation to that <i>firm</i>.
3.5.2 [FCA]	R	SUP 10A.10.7 R (7) does not apply in relation to that <i>person</i> and that <i>firm</i> until that <i>person</i> stops performing that function.
3.5.3 [FCA]	G	Under the FSA's <i>approved persons</i> regime a <i>person</i> acting as a bidder's representative within the meaning of subparagraph 3 of article 6(3) of the <i>auction regulation</i> did not require approval to perform the FSA's customer controlled function if that <i>person</i> had approval for one of the FSA's governing functions. If a <i>person</i> was in this position immediately before cutover, acting as a bidder's representative is not included in the <i>customer function</i> following cutover. It is not included in any <i>PRA controlled function</i> either. This only applies in relation to the <i>firm</i> for which that <i>person</i> was performing that role immediately before cutover. Furthermore if that <i>person</i> stops performing that role and later takes it up again for the same <i>firm</i> he will require approval.
3.5.4 [FCA]	G	This transitional does not apply in relation to an <i>FCA-authorised person</i> .
TP 3.6	General	
3.6.1[FCA] [PRA]	G	References in SUP TP 3 to a <i>person</i> being approved for the purposes of section 59 of the Act (approval for particular arrangements) or being an <i>approved person</i> 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.

