

## Chapter 22

### Regulatory references

## 22.8 Policies and appointed representatives

### Policies and procedures

- 22.8.1 **R** A *firm* must establish, implement and maintain policies and procedures that are adequate for the purpose of complying with the obligations in this chapter.
- 22.8.2 **G**
- (1) ■ SYSC 22.8.1R does not require a *firm* to create or keep records that are not required under ■ SYSC 22.9.1R (General record keeping rules) or another *rule*.
  - (2) (1) applies to a *firm* whether or not ■ SYSC 22.9.1R applies to it.

### Appointed representatives

- 22.8.3 **R** This chapter applies to a *firm's appointed representatives* as well as to the *firm*.
- 22.8.4 **R** When ■ SYSC 22.8.3R applies to an *SMCR firm*, the requirements of this chapter for firms that are not *SMCR firms* apply in place of the requirements that only apply to *SMCR firms*. In particular, the following requirements do not apply in relation to an *appointed representative*:
- (1) ■ SYSC 22.2.1R (Obligation to obtain references);
  - (2) ■ SYSC 22.2.2R(4) (Obligation to give references);
  - (3) ■ SYSC 22.2.4R to ■ SYSC 22.2.6R (Obligation to revise references);
  - (4) ■ SYSC 22.4.2R (How to draft the reference);
  - (5) ■ SYSC 22.8A.1R (Intra-group transfers); and
  - (6) ■ SYSC 22.9.1R (General record keeping rules).
- 22.8.4A **R**
- (1) The *approved person's authorised approved person employer* is responsible for compliance with ■ SYSC 22.8.3R in the case of a requirement:
    - (a) to give a reference about an *approved person* whose approval is under ■ SUP 10A (FCA Approved Persons in Appointed Representatives); and

- (b) [deleted]
- (c) under ■ SYSC 22.2.7R in relation to any such *person*.
- (2) In any other case, each *principal* of the *appointed representative* in question is responsible for compliance with ■ SYSC 22.8.3R.
- (3) If another *principal* of the *appointed representative* has accepted responsibility for the obligation in ■ SYSC 22.8.3R, that *principal* is responsible in place of the other *firms* in (1) or (2).
- 22.8.5** G One effect of ■ SYSC 22.8.4R is that when an *appointed representative* appoints an *approved person* under ■ SUP 10A (FCA Approved Persons in Appointed Representatives) there is no requirement for the *appointed representative* or its *principal* to request a reference.
- 22.8.5A** G This chapter does not apply in relation to an *appointed representative* of a *firm* that is not an *SMCR firm*.
- 22.8.6** G
- (1) A *firm* should ensure that its *appointed representative* gives a reference when another *firm* (or its *appointed representative*) asks that *appointed representative* to give a reference in accordance with this chapter.
- (2) A *firm* is not responsible for its *appointed representative's* giving references if another *principal* has accepted responsibility for this.
- (3) The *appointed representative* need not give the reference using the template in ■ SYSC 22 Annex 1 (Template for regulatory references given by SMCR firms and disclosure requirements).
- 22.8.6A** G If an *appointed representative* asks a *firm* for a reference, the *firm* should give one. The requirements of this chapter apply to the *firm* in the same way as they would if the *appointed representative* were a *firm*.
- 22.8.7** G [deleted] [*Editor's note*: The text of this provision has been moved to ■ SYSC 22.8A.4G]
- 22.8.8** G [deleted] [*Editor's note*: The text of this provision has been moved to ■ SYSC 22.8A.5G]
- 22.8.9** G [deleted] [*Editor's note*: The text of this provision has been moved to ■ SYSC 22.8A.6G]
- 22.8.10** G
- (1) A *firm* should try to ensure that its *appointed representative* considers whether it needs to disclose a breach of individual conduct requirements (as defined in Part Two of SYSC 22 Annex 1R (Template

for regulatory references given by SMCR firms and disclosure requirements)) when giving a reference under this chapter.

- (2) Therefore an example of information that may be relevant under ■ SYSC 22.2.2R(1) to ■ (3) is the fact that the *employee* has breached a requirement in *APER*, not just a requirement in *COCON*.