

Senior managers and certification regime: Certification regime

Chapter 27

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certification regime:
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27.5 Exclusions for emergency and temporary appointments

Emergency appointments

27.5.1

R

- (1) If:
- (a) a *firm* appoints an individual to perform a function which, but for this *rule*, would be an *FCA certification function*;
 - (b) the appointment is to provide cover for a *certification employee* whose absence is reasonably unforeseen; and
 - (c) the appointment is for less than four weeks;
- then the performance by that individual of such function does not constitute an *FCA certification function*.
- (2) This *rule* does not apply to *FCA certification function* (4) (functions requiring qualifications).

27.5.2

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- SYSC 27.5.1R does not apply to *FCA certification function* (4) (functions requiring qualifications). Where there is an unforeseen absence of an *employee* performing a function for which there is a qualification requirement:
- (1) the *firm* should take reasonable care to ensure that no *employee* of that *firm* performs that function without a valid certificate; and
 - (2) the certificate should be issued before the *person* starts to perform the function.

Temporary UK role (the 30-day rule)

27.5.3

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- (1) None of the *FCA certification functions* extend to an individual ("P") in relation to a *firm* if:
- (a) P is based outside the *United Kingdom* for the *firm*; and
 - (b) in a 12-month period, P spends no more than 30 days performing what would otherwise be an *FCA certification function* for that *firm* within the territorial scope of this chapter as described in ■ SYSC 27.3.1R.
- (2) Paragraph (1) only applies to the extent that P is appropriately supervised by:
- (a) one of the *firm's SMF managers*; or

- (b) one of the *firm's certification employees* whose certificate covers the *FCA certification function* that is to be disapplied under (1).
- (3) This *rule* does not apply to any *FCA certification function* to the extent that it involves:
 - (a) giving advice or performing related activities in connection with *pension transfers, pension conversions or pension opt-outs for retail clients*; or
 - (b) giving advice to a *person* to become, or continue or cease to be, a member of a particular Lloyd's syndicate.
- (4) In the case of a *UK SMCR firm*, this *rule* does not apply to *FCA certification function* (6) (material risk takers).

27.5.4 **G** ■ SYSC 27 Annex 1G gives examples of how ■ SYSC 27.5.3R works.

27.5.5 **G** The *FCA* would expect an individual from overseas using the temporary *UK role rule* in ■ SYSC 27.5.3R to be accompanied on a visit to a *customer* in the *United Kingdom*.

27.5.6 **G** An individual benefiting from the temporary *UK role rule* in ■ SYSC 27.5.3R may still be subject to the requirements of *TC* (Training and competence). However, ■ TC 2.1.9R gives an exemption from certain qualification requirements in *TC* to an individual benefiting from the temporary *UK role rule*.