

## Chapter 28A

Regulated funeral plan  
activities: good repute  
requirements



## **28A.1 Application**

**28A.1.1** **R** This chapter applies to a *firm* with respect to *regulated funeral plan activities*.

**28A**



**28A.2 Good repute**

**Good repute requirements**

- 28A.2.1** **R** A firm must ensure that all the *persons* in its management structure and any staff directly involved in the activities specified in ■ SYSC 28A.1.1R are of good repute.
- 28A.2.2** **G** This includes but is not limited to those natural *persons*:

  - (1) that are directly involved in the activities specified in ■ SYSC 28A.1.1R; or
  - (2) within the management structure responsible for the activities specified in ■ SYSC 28A.1.1R; or
  - (3) within the management structure responsible for any staff directly involved in the activities specified in ■ SYSC 28A.1.1R.
- 28A.2.3** **R** In considering a *person's* repute the *firm* must at a minimum ensure that the *person*:

  - (1) has a clean criminal record or any other national equivalent in relation to serious criminal offences linked to crimes against property or other crimes related to financial activities; and
  - (2) has not previously been declared bankrupt,

unless they have been rehabilitated in accordance with national law.
- 28A.2.4** **G**

  - (1) In the *United Kingdom* the following *persons* will be considered to have been rehabilitated:
    - (a) in relation to a serious criminal offence, where the conviction is considered 'spent' under the *Rehabilitation of Offenders Act 1974*;
    - (b) in relation to bankruptcy, where the bankruptcy has been discharged.
  - (2) References to "serious criminal offences" are not restricted to offences considered to have been committed in or under the law of the *United Kingdom*.

(3) A *firm* should give particular consideration to offences of dishonesty, fraud, financial crime or other offences under legislation relating to banking and financial services, companies, insurance and consumer protection.

**28A.2.5**

**G**

A *firm's* systems and controls should enable it to satisfy itself of the suitability of anyone who acts for it (see ■ SYSC 5.1.2G). This includes, among other things, the assessment of an individual's honesty.

28A



## 28A.3 Record keeping requirements

### Record keeping requirements

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- 28A.3.1** **R** A *firm* must:
- (1) establish, maintain and keep appropriate records to demonstrate compliance with this chapter; and
  - (2) be in a position to provide to the *FCA*, on request, the name of the *person* responsible for the record-keeping requirement in (1).
- 28A.3.2** **R** A *firm* must not prevent any *person* from obtaining a copy of the records relating to them which are maintained by the firm for the purposes of **SYSC 28A.3.1R**.
- 28A.3.3** **G** The rules specified in **SYSC 28A.3.1R** relate to the requirements specified in **SYSC 5.1.1R**, **SYSC 9.1.1R** and **SYSC 10.1.6R**.

