

Chapter 1

Application and purpose

1.1A Application

Who?

1.1A.1 **R** *APER* applies to *FCA-approved persons* who are approved to perform a *controlled function* in **SUP 10A** (FCA Approved Persons in Appointed Representatives).

1.1A.1A **G** [deleted]

What?

- 1.1A.2 **P**
- (1) *APER* applies to the performance by an *approved person* of *FCA controlled functions* in **SUP 10A** (FCA Approved Persons in Appointed Representatives) (whether or not approval has been sought and granted).
 - (2) *APER* also applies to the performance by an *approved person* of any other functions in relation to the carrying on of a *regulated activity* by their *authorised approved person employer*.
 - (3) Subject to (4), *APER* does not apply to conduct to which *COCON* applies.
 - (4) *APER* applies to conduct to which *COCON* does not apply under **COCON 1.1.8AR** (To what conduct does it apply?).
 - (5) *APER* does not apply to conduct unless it is within the scope of section 64A of the *Act* (Rules of conduct).

1.1A.3 **G** The functions described in **APER 1.1A.2R** are called *accountable functions*.

1.1A.4 G [deleted]

Where?

1.1A.5 G The territorial scope of the *approved persons* regime is set out in SUP 10A.1.

Coverage of APER

1.1A.6 G [deleted]

1.1A.7 G [deleted]

1.1A.8 G [deleted]

1.1A.9 G [deleted]

1.1A.10 E [deleted]

1.1A.11 G [deleted]

1.2 Purpose

- 1.2.1
- G
- [deleted]
- 1.2.1A
- G
- The *Statements of Principle* contained in ■ APER 2 are *rules* made under section 64A(1)(a) of the Act (Rules of conduct).
- 1.2.1B
- G
-
- 1.2.2
- G
- The *guidance* in ■ APER 3 and ■ APER 4 is *guidance* on the *Statements of Principle* and is called the *Code of Practice for Approved Persons*.
- 1.2.3
- G
- The *Code of Practice for Approved Persons* sets out descriptions of conduct which, in the opinion of the FCA, do or do not comply with a *Statement of Principle*. The *Code of Practice for Approved Persons* also sets out, in certain cases, factors which, in the opinion of the FCA, are to be taken into account in determining whether or not an *approved person's* conduct complies with a *Statement of Principle*.
- 1.2.3A
- G
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- 1.2.4
- G
- [deleted]
- 1.2.5
- G
- As set out in ■ SUP 10A.3.1 R (Provisions related to the Act), a function is a *controlled function* only to the extent that it is performed under an *arrangement* entered into by:

(1) a *firm*; or

(2) a contractor of the *firm*;

in relation to the carrying on by the *firm* of a *regulated activity*.

1.2.6 G [deleted]

1.2.7 G [deleted]

1.2.8 G [deleted]

1.2.9 G [deleted]

