

Temporary permissions regime – client assets rules

Chapter 14

Temporary permissions
regime – client assets rules

14.4 Temporary permission auditor's report

- 14.4.1** **R** This section does not apply in relation to a *TP firm* to which only **■ CASS 5** applies as a result of **■ GEN 2.2.26R**.
- 14.4.2** **R** Subject to **■ CASS 14.4.3R**, a *TP firm* to which this section applies must ensure that the *FCA* receives any report made by its external auditors pursuant to a requirement in its *Home State* that implements article 8 of the *MiFID Delegated Directive*, in the following circumstances:
- (1) where the auditor's report confirms that the *TP firm's* arrangements referred to in article 8 of the *MiFID Delegated Directive* are not adequate; or
 - (2) in response to a request made by the *FCA* to the *TP firm* in writing.
- 14.4.3** **R**
- (1) If the *TP firm* did not have a *temporary permission* during the entire period covered by an auditor's report, that auditor's report is excluded from the requirement under **■ CASS 14.4.2R**.
 - (2) Where the auditor's report required under **■ CASS 14.4.2R** is not in English, the *TP firm* must ensure that the *FCA* receives both the auditor's report and an English translation of it.
- 14.4.4** **R**
- (1) A *TP firm* must ensure that any auditor's report and English translation which are required to be provided to the *FCA* under this section are sent by email.
 - (2) In the case of an auditor's report, this must be sent:
 - (a) where **■ CASS 14.4.2R(1)** applies, as soon as it is made available to the relevant *Home State* regulator; and
 - (b) where **■ CASS 14.4.2R(2)** applies, immediately on the *FCA's* written request.
 - (3) In the case of an English translation, this must be sent:
 - (a) where **■ CASS 14.4.2R(1)** applies, within one *month* of the auditor's report being made available to the relevant *Home State* regulator; and
 - (b) where **■ CASS 14.4.2R(2)** applies, within one *month* of the *FCA's* written request.

14.4.5 **R** Where a *TP firm* intends to rely on another *person* to send an auditor's report to the *FCA* under this section, it must inform the *FCA* in advance of that person's identity by email.

14.4.6 **R** The *rules* in this section apply regardless of whether the scope of an auditor's report includes a *TP firm's* activities specified in **■ CASS 14.1.2R**.