

Chapter 9

Suitability (including basic advice) (other than MiFID and insurance-based investment products)

9.1 Application and purpose provisions

Application

- 9.1.1 **R** This chapter applies to a *firm* which:
- (a) makes a *personal recommendation* to a *retail client* in relation to a *designated investment*;
 - (b) *manages investments* of a *retail client* of the *firm*;
 - (c) manages the assets of an *occupational pension scheme, stakeholder pension scheme or personal pension scheme*, other than in relation to its *MiFID, equivalent third country or optional exemption business* or to an *insurance-based investment product*.

- 9.1.1A **G** ■ COBS 9A contains suitability requirements which apply in respect of *insurance-based investment products*, or in respect of a *firm's MiFID, equivalent third country or optional exemption business* involving the provision of *investment advice* or *portfolio management*.

Providing basic advice on a stakeholder product

- 9.1.2 **R** If a *firm* to which this chapter applies makes a *personal recommendation* in relation to a *stakeholder product* it may choose to give *basic advice* under the *rules* in section 9.6 of this chapter instead of the *rules* in the remainder of this chapter.

P2P agreements

- 9.1.3 **R** [deleted]
- 9.1.3A **G** This chapter does not apply to a *firm* which *manages investments* when that *firm* takes a decision to trade for a *client* and that decision relates to a *P2P agreement*. This is because the *regulated activity* of *managing investments* does not extend to the management of assets where those assets are *P2P agreements*.
- 9.1.4 **R** [deleted]

Life policies for professional clients

9.1.5 **R** If the *firm* makes a *personal recommendation* to a *professional client* to take out a *life policy* which is not an *insurance-based investment product*, this chapter applies, but only those *rules* which implement the requirements of the *IDD*.

9.1.6 **G** If a *rule* implements a requirement of the *IDD*, a Note ("**Note:**") follows the *rule* indicating which provision is being implemented. ■ COBS 2.1 (acting honestly fairly and professionally), COBS 2.6 (additional insurance distribution obligations), ■ COBS 4 (communicating with clients), ■ COBS 6 (information about the firm, its services and remuneration) and ■ COBS 14 (product information) contains contain further rules implementing the *IDD*

9.1.7 **G** [deleted]

Related rules

9.1.8 **G** For a *firm* making *personal recommendations* in relation to pensions, ■ COBS 19 contains additional provisions relevant to assessing suitability and the contents of *suitability reports*.

9.1.9 **G** ■ COBS 6.1ZA (Insurance mediation) contains requirements relating to the basis on which certain recommendations may be made, including requirements relating to fair analysis and range and scope.