

Chapter 6

Relevant persons and successors in default

6.2 Who is a relevant person?

- 6.2.1** **R** A *relevant person* is a person who was, at the time the act or omission giving rise to the *claim* against it took place:
- (1) a *participant firm*; or
 - (2) an *appointed representative of a participant firm*.
- 6.2.2** **G** [deleted]
- 6.2.2A** **R** The *FSCS* may pay compensation in respect of the activities of a *relevant person*:
- (1) (if it was a *firm*) whether or not it was acting within the scope of its *permission*;
 - (2) (if it was an *appointed representative*) whether or not it was acting within the scope of the business for which its *principal* had accepted responsibility;
 - (3) (if it was a *recognised investment exchange*) whether or not it was acting in accordance with any *recognition requirements* resulting from section 286 of the *Act* and relating to the *regulated activity* of operating a *multilateral trading facility* or operating an *organised trading facility*.
- [**Note:** sections 39(3) and 213(3)(a) of the *Act*]
- 6.2.3** **G** A *pre-IP completion day incoming EEA firm* may be a *participant firm* in respect of acts or omissions before *IP completion day* that give rise to a *claim* against it.
- 6.2.4** **G** A *TP firm* to which regulation 8 or 11 of the *EU Exit Passport Regulations* applies, that is not to be regarded as a *relevant person* under section 213(9A) of the *Act* (as inserted by regulation 24 of the *EU Exit Passport Regulations*) is not a *participant firm*. A *TP firm* to which regulation 28 or 34 of the *EU Exit Passport Regulations* applies, that is not to be regarded as a *relevant person* under section 213(9A) of the *Act* (as inserted by regulation 70 of the *EU Exit Passport Regulations*) is not a *participant firm*. For the purposes of the *FCA's compensation rules*, this means that most (but not all) *TP firms* operating in the *UK* without an *establishment* are not *participant firms*.