

Chapter 1

Application and purpose

1.2 General application: who? what? where?

Providing funeral plan contracts

1.2.1 **R** This sourcebook applies to a *firm* with respect to the activities of:

- (1) *entering as provider into a funeral plan contract*; and
- (2) *carrying out a funeral plan contract as provider*; and

activities connected with them.

1.2.2 **G** The regulated activities of *entering as provider into a funeral plan contract* and *carrying out a funeral plan contract as provider* apply in relation to *funeral plan contracts* under which the provider undertakes to provide, or secure that another *person* provides, a funeral in the *United Kingdom* (article 59(2) of the *Regulated Activities Order* and see ■ PERG 2.4.2AG).

Distributing funeral plan contracts: firms and appointed representatives

1.2.3 **R** This sourcebook applies to a *firm* with respect to *funeral plan distribution* and activities connected with *funeral plan distribution*.

1.2.4 **R** A *firm* (including a *funeral plan provider*) that has appointed an *appointed representative* to carry on *funeral plan distribution* must ensure that its *appointed representative* complies with this sourcebook as it applies to a *firm* carrying on *funeral plan distribution*.

1.2.5 **G** A *funeral plan provider* that wishes to appoint an *appointed representative* to distribute its *funeral plan contracts* should ensure that the *regulated activities* covered by the *appointed representative's* appointment fall within the scope of the *firm's Part 4A permissions* or are otherwise excluded from being *regulated activities* when carried on by the *firm* (see ■ SUP 12.4.1AG).

Financial promotions

1.2.6 **R** This sourcebook applies to a *firm*:

- (1) *communicating a financial promotion* in relation to a *funeral plan contract* or a *regulated funeral plan activity* to a *person* inside the *United Kingdom*; and

(2) approving a financial promotion in relation to a funeral plan contract or a regulated funeral plan activity for communication to a person inside the United Kingdom.

Modifications to the general application rules

1.2.7 **R** The general application *rules* in this section are modified:

- (1) in the chapters of this sourcebook for particular purposes, including those relating to the type of *firm* and its activities; and
- (2) in ■ FPCOB 1 Annex 1 according to the type of *firm*.

New, subsisting and transferred funeral plans

1.2.8 **R** All of the *rules* in this sourcebook apply in relation to *new funeral plans*, unless otherwise stated.

1.2.9 **R** The *rules* in certain sections of this sourcebook also apply in relation to *subsisting funeral plans*.

1.2.9A **R** Any references in this sourcebook, other than that at ■ FPCOB 16.1.5R(3)(e), to a transfer of a *funeral plan contract* or a transfer of the business of a *funeral plan provider* should be read to include circumstances where *funeral plan contracts* are transferred using the mechanism referred to in ■ FPCOB 10.2.2R.

Application to Gibraltar-based firms

1.2.10 **R** A *Gibraltar-based firm* with *permission* for *funeral plan provision activity* or *funeral plan distribution* must comply with the relevant provisions of *FPCOB* and any other provisions in the *Handbook* relating to *regulated funeral plan activity*.

Guidance on application

1.2.11 **G** *Guidance* on the application provisions is in ■ FPCOB 1 Annex 1.

Customers and covered individuals

1.2.12 **G**

- (1) In this sourcebook, *rules* may apply by reference to the *customer* or *covered individual* under a *funeral plan contract*, or to both.
- (2) The definition of *customer* includes a prospective *customer* under a *funeral plan contract*.
- (3) Reference to the *covered individual* is to the *individual* on whose death a funeral will be provided or secured under a *funeral plan contract* or prospective *funeral plan contract*. The *covered individual* under a *funeral plan contract* will not necessarily be the same person as the *customer* (article 59(2)(b) of the *Regulated Activities Order*).

1.2.13 **G** Where the *rules* in this sourcebook require a *firm* to disclose information to a *customer*, the *firm* should also consider:

- (1) whether it should disclose the same information to the *covered individual* (where different from the *customer*) in accordance with its obligations under *Principle 7*; and
- (2) if it considers that disclosure should be made to the *covered individual*, whether it requires the consent of the *customer* in order to make that disclosure.

Interpretation – “concluding” funeral plan contracts

1.2.14 **G** Certain *rules* in this sourcebook apply by reference to the conclusion of a *funeral plan contract*, which means the entering into of the *funeral plan contract*.