

Chapter 3A

Financial promotions and communications with customers

3A.4 Qualifying credit financial promotions

Real time qualifying credit promotions

3A.4.1

R

A *firm* must ensure that an individual who makes a real time financial promotion of *qualifying credit* on the *firm's* behalf:

- (1) makes the purpose(s) of the *financial promotion* clear at the initial point of communication, and identifies themselves and the *firm* which they represent;
- (2) if the time and method of *communication* were not previously agreed by the recipient:
 - (a) checks that the recipient wishes them to proceed;
 - (b) terminates the *communication* if the recipient does not wish them to proceed (but may ask for another appointment);
 - (c) recognises and respects, promptly, the right of the recipient to:
 - (i) end the *communication* at any time;
 - (ii) refuse any request for another appointment;
- (3) gives any *person* with whom they arrange an appointment a contact point;
- (4) does not *communicate* with a *person*:
 - (a) at an unsocial hour, unless the *person* has previously agreed to such a *communication*;
 - (b) on an unlisted telephone number, unless the *person* has previously agreed to such calls on that number.

3A.4.2

G

In ■ [MCOB 3A.4.1R \(4\)\(a\)](#) an unsocial hour usually means on a Sunday or before 9am or after 9pm on any other *day*. It could also mean other *days* of the week or other times if the *firm* knows that a particular *customer* would not wish to be called on that *day* or at that time for reasons of, for example, religious faith or night shift working.

3A.4.3

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The requirements of ■ [MCOB 3A.4.1 R](#) and ■ [MCOB 3A.4.2 G](#) do not prevent, for example, a telephone call centre which has received a call from a *customer* at an hour generally regarded as unsocial, either responding to that call or asking during the call if the *customer* would like details of other *qualifying credit*.

Approval of qualifying credit promotions

- 3A.4.4** **G** Most of the *rules* in this chapter apply when a *firm* approves a *financial promotion* of *qualifying credit* in the same way as when a *firm* communicates a *financial promotion* of *qualifying credit* itself. Therefore, a *firm* has a similar responsibility for a *financial promotion* of *qualifying credit* that it approves, as for one that it communicates.

No approval of real time qualifying credit promotions

- 3A.4.5** **R** A *firm* must not approve a *financial promotion* of *qualifying credit* made in the course of a personal visit, telephone conversation or other interactive dialogue.

Approval of qualifying credit promotions when not all the rules apply

- 3A.4.6** **R** If a *firm* approves a *financial promotion* of *qualifying credit* in circumstances in which one or more of the *rules* in this chapter are expressly disapplied, the approval must be given on terms that it is limited to those circumstances.

- 3A.4.7** **G** If an approval is limited under **■ MCOB 3A.4.6 R**, and an *unauthorised person* communicates the *financial promotion* to persons not covered by the approval, the *unauthorised person* may commit an offence under section 21(1) of the Act (Restrictions on financial promotion). A *firm* giving a limited approval may wish to advise the *unauthorised person* accordingly.

Financial promotions for the business of overseas persons

- 3A.4.8** **R** A *firm* must not communicate or approve a *financial promotion* which relates to *qualifying credit* provided by an overseas person, unless:
- (1) the *financial promotion* of *qualifying credit* makes clear which *firm* has approved or communicated it and, where relevant, explains:
 - (a) that the *rules* made under the Act for the protection of customers do not apply;
 - (b) the extent and level to which the *compensation scheme* will be available or, if the scheme will not be available, a statement to that effect; and
 - (c) if the communicator wishes, the protection or compensation available under another system of regulation; and
 - (2) the *firm* has taken reasonable steps to satisfy itself that the overseas person will deal with customers in the United Kingdom in an honest and reliable way.