

## Chapter 4A

# Additional MCD advising and selling standards

## 4A.2 Adequate explanations

### 4A.2.1

**R**

- (1) An *MCD mortgage lender* or *MCD mortgage credit intermediary* must provide, orally or in a *durable medium*, adequate explanations to the *consumer* of the proposed *MCD regulated mortgage contract* and any ancillary services, before any binding offer is issued to that *consumer*, to enable the *consumer* to assess whether the proposed *MCD regulated mortgage contract* and ancillary services meets their needs and financial situation.

[Note: article 16(1) of the *MCD*]

- (2) The explanations must, where applicable, include:

- (a) the pre-contractual information to be provided in accordance with:
  - (i) the *ESIS* or *illustration*; and
  - (ii) in the case of an *MCD mortgage credit intermediary* (unless it is also acting as an *MCD mortgage lender* and carrying out a direct sale of the proposed *MCD regulated mortgage contract*), ■ MCOB 4.4A.1R (1) and ■ MCOB 4.4A.1R (2), ■ MCOB 4.4A.4 R, ■ MCOB 4.4A.8R (1)(a), ■ (c), ■ (d) and ■ (2), and ■ MCOB 4A.1.1 R to ■ MCOB 4A.1.7 R
- (b) the essential characteristics of the products proposed;
- (c) the specific effects the products proposed may have on the *consumer*, including the consequences of default in payment by the *consumer*; and
- (d) where ancillary services are bundled with an *MCD regulated mortgage contract*, whether each component of the bundle can be terminated separately and the implications for the *consumer* of doing so.

[Note: article 16(1) of the *MCD*]

### 4A.2.2

**R**

In complying with ■ MCOB 4A.2.1 R, a *firm* may adapt the manner and extent of giving the explanations, as well as the person giving them, according to:

- (1) the circumstances of the situation in which the *MCD regulated mortgage contract* is offered;
- (2) the *consumer* to whom it is offered; and

(3) the nature of the *MCD regulated mortgage contract* offered.

[Note: article 16(2) of the *MCD*]

## 4A.2.3

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The explanations given to a *consumer* for the purposes of complying with ■ **MCOB 4A.2.1 R** do not amount to advice to that *consumer*. *Firms* may wish to refer to *PERG* (particularly ■ **PERG 4.6**) for guidance on the regulatory perimeter in relation to *advising on a home finance transaction*.

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