

Mortgages and Home Finance: Conduct of Business Sourcebook

MCOB TP 1  
MCD Transitional Provisions

(1)	(2) Material to which the trans- itional provision applies	(3)	(4) Transitional provision	(5) Trans- itional provi- sion: dates in force	(6) Hand- book pro- vision: coming into force
1	[deleted]		[deleted]	Expired	[deleted]
2	[deleted]		[deleted]	Expired	[deleted]
3	[deleted]		[deleted]	Expired	[deleted]
4	[deleted]		[deleted]	Expired	[deleted]
5	[deleted]		[deleted]	Expired	[deleted]
6	[deleted]		[deleted]	Expired	[deleted]
7	[deleted]		[deleted]	Expired	[deleted]
8	[deleted]		[deleted]	Expired	[deleted]
9 [FCA]	MCOB 5.6.9 R and MCOB 9.4.13 R	R	Expired		
10 [FCA]	MCOB 4 Annex 1, MCOB 4 Annex 2, MCOB 5 Annex 1, MCOB 8 Annex 1	R	Expired		

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
	and MCOB 9 Annex 1				
11 [FCA]	MCOB 4.4.1 R, MCOB 4.4.7 R and MCOB 4.10.2 R	R	Expired		
12 [FCA]	MCOB 5.6.2 R, MCOB 5.6.5 R, MCOB 5.6.65 R, MCOB 5.6.121 R, MCOB 5.6.145 R and MCOB 5 Annex 1	R	Expired		
13 [FCA]	MCOB 13.3.9 R	R	Expired		
14 [FCA]	MCOB 5.6.2 R, MCOB 5.6.65 R, MCOB 5.6.145 R and MCOB 5 Annex 1	R	Expired		
15 [FCA]	MCOB 9.4.2 R, MCOB 9 Annex 1 and MCOB 9 Annex 2	R	Expired		
16 [FCA]	MCOB 13.4.1 R (1)	R	Expired		
17	MCOB 4.4.1 R, MCOB 4.10.2 R	R	Expired		
18	MCOB 4.4.1 R, MCOB 4.10.2 R	R	Expired		
19	MCOB 4.8A	R	Expired		
20	MCOB TPs 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 53 and 55	G	[expired]		
21	MCOB TPs 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 53 and 55	R	[expired]		
22	MCOB 2A.1	R	[expired]		
23	MCOB TP 22	G	[expired]		

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
24	MCOB 2A.3, MCOB 7A.4 MCOB 5A, MCOB 6A, MCOB 7B and MCOB 10A	R	[expired]		
25	MCOB TP 24	G	[expired]		
26	MCOB 3A and MCOB 10A		[expired]		
27	MCOB TP 26	G	[expired]		
28	MCOB 3B	R	[expired]		
29	MCOB TP 28	G	[expired]		
30	MCOB 4.4A.4R (1)(a) and (3), MCOB 4.4A.8R (1)(c) and (d), MCOB 4.4A.8R (2)(e) and MCOB 4A.1	R	[expired]		
31	MCOB TP 30	G	[expired]		
32	MCOB 4.7A.15 R, MCOB 4.7A.21 G, MCOB 4.8A.7 R and MCOB 11A	R	[expired]		
33	MCOB TP 32	G	[expired]		
34	MCOB 4A.2	R	[expired]		
35	MCOB TP 34	G	[expired]		
36	MCOB 4.4A.4R (3) and MCOB 4A.2	R	[expired]		
37	MCOB TP 36	G	[expired]		
38	MCOB 5A, MCOB 6A and MCOB 10A	R	[expired]		
39	MCOB TP 39	G	[expired]		
40	MCOB 5A, MCOB 6A, MCOB 7B, MCOB 7.6.18R to MCOB 7.6.26G, MCOB 7.6.31R to MCOB 7.6.36G and MCOB 10A	R	[expired]		
41	MCOB TP 40	G	[expired]		
42	MCOB (all)	R	[expired]		
43	MCOB TP 42	G	[expired]		
44	MCOB TP 42	G	[expired]		
45	MCOB 5A, MCOB 6A and MCOB 7B	R	A firm that is an MCD mortgage lender or MCD mortgage credit intermediary may provide an illustration instead of an ESIS for an MCD regulated mortgage contract that	From 21 March 2016 until 21 March 2019	21 March 2016

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
			is not a <i>second charge regulated mortgage contract</i> .  [Note: article 14(5) of the <i>MCD</i> ]		
46	MCOB 5A, MCOB 6A and MCOB 7B	R	A <i>firm</i> that applies TP 45 must also provide the information in (1), (2) and either (3)(a) or (3)(b) below:  (1) for a <i>foreign currency loan</i> , the warning and illustrative example required by section 6 of MCOB 5A Annex 1 and MCOB 5A Annex 2, 8.6R;  (2) the reflection period required by MCOB 6A.3.4R(1) and (2), section 11 of MCOB 5A Annex 1 and MCOB 5A Annex 2, 13.1R; and  (3) where the <i>borrowing rate</i> is variable:  (a) the warning and the additional <i>APRC</i> required by section 4 of MCOB 5A Annex 1R and MCOB 5A Annex 2, 6.2R to 6.8R, and the maximum instalment illustration required by section 6 of MCOB 5A Annex 1R and MCOB 5A Annex 2, 8.5R; or  (b) the information set out in (a), but reading references to " <i>APRC</i> " as references to " <i>APR</i> "	From 21 March 2016 until 21 March 2019	21 March 2016
47	MCOB 5A, MCOB 6A and MCOB 7B	R	A <i>firm</i> must provide the information required by TP 46 no later than when it provides the <i>illustration</i> .	From 21 March 2016 until 21 March 2019	21 March 2016
48	MCOB 5A, MCOB 6A and MCOB 7B	R	A <i>firm</i> may provide the information required by MCOB TP 46 either within the <i>illustration</i> or separately in a <i>durable medium</i> . Where a <i>firm</i> provides that information within the <i>illustration</i> , it should either add the information within the most relevant section of the <i>illustration</i> or it should add a new section which should be marked "[number of the preceding section]A" to identify the additional information.	From 21 March 2016 until 21 March 2019	21 March 2016
49	MCOB 5A, MCOB 6A and MCOB 7B	R	Where a <i>firm</i> provides an additional <i>APRC</i> in accordance with TP 46R(3) above, the <i>firm</i> is not required to comply with MCOB 5.6.59 R (1)(g) and MCOB 5.6.59 R (1)(h).	From 21 March 2016 until 21 March 2019	21 March 2016

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
50	MCOB 5A, MCOB 6A and MCOB 7B	R	Where a <i>firm</i> applies MCOB TP 45, MCOB 5.6.34 R (3) has effect with the following amendment: " 'The overall cost for comparison is [insert the APR]% APR' or 'The APRC applicable to your loan is [APRC]'."	From 21 March 2016 until 21 March 2019	21 March 2016
51	MCOB 5A, MCOB 6A and MCOB 7B	R	A <i>firm</i> may cease to apply MCOB TP 45 at any time,	From 21 March 2016 until 21 March 2019	21 March 2016
52		R	MCOB 2A.6.1 R does not apply to information provided for a contract entered into before 21 March 2016 that would be an <i>MCD regulated mortgage contract</i> if it were entered into on, or after, 21 March 2016	From 21 March 2016 indefinitely	21 March 2016
53	MCOB 14	R	[expired]		
54	MCOB TP 1.53	G	(1) [expired]		
			(2) [expired]		
			(3) [expired]		
55	MCOB TP 1.20 to TP 1.53	R	[expired]		
56	MCOB 5 Annex 1R	R	[expired]		
57	MCOB 5 Annex 1R	R	[expired]		
58	MCOB 5 Annex 1R	G	[expired]		
59	MCOB 5A Annex 2R	R	A <i>firm</i> that is an <i>MCD mortgage lender</i> , when carrying out a direct sale of an <i>MCD regulated mortgage contract</i> , may provide the content in Section 2 of the ESIS ("Credit intermediary") in addition to that in Section 1 ("Lender").	From 23 September 2016 until 21 March 2019	23 September 2016



## Mortgages: Conduct of Business

### MCOB TP 4 Other Transitional Provisions

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provisions: coming into force
1	MCOB 2.9.1R(1) to (3)	R	<p>A <i>firm</i> need not comply with MCOB 2.9.1R(1) to (3) in relation to an automatic renewal of an agreement for an optional additional product which was entered into on or before 31 March 2016 provided:</p> <p>(1) the automatic renewal of the agreement is on substantially the same terms. The phrase “on substantially the same terms” is to be interpreted in the same way as in MCOB 2.9.1R(10)(b) and (c);</p> <p>(2) on the occasion of the first automatic renewal on or after 1 April 2016, the <i>firm</i> takes reasonable steps to ensure that the <i>customer</i> is informed:</p> <p>(a) that the renewal of the agreement is optional;</p> <p>(b) that the <i>customer</i> may elect not to renew the agreement; and</p> <p>(c) of the effect of the non-renewal of the agreement, if any, on the <i>home finance transaction</i>; and</p> <p>(3) the procedure to be used by <i>customers</i> for electing not to renew the agreement pays due regard to the interests of <i>customers</i> and treats them fairly.</p>	From 1 April 2016	On 1 April 2016
2	MCOB 9.4, MCOB 9 Annex 1R	R	[expired]		
3	MCOB TP 4(2)	G	The Direction referred to in MCOB TP 4(2) modifies <i>rules</i> relating to <i>lifetime mortgages</i> which permit the <i>consumer</i> to switch from an interest-paying to an interest roll-up basis. TP 4 (2) allows a <i>firm</i> to which the Direction applied a transitional period during which to amend its pre-sale disclosure materials so that they comply with the <i>rules</i> relating to those disclosures as amended from 26 January		

(1)	(2) Material to which the transitional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provisions: coming into force
4	MCOB 4.8A.18	R	<p>2017, rather than with the <i>rules</i> as modified under the Direction.</p> <p>Notwithstanding the deletion of MCOB 4.8A.18R(3) on 31 January 2020, a <i>firm</i> must retain an adequate record of:</p> <p>(1) the policy required by MCOB 4.8A.17R, in the form in which that policy had effect immediately before 31 January 2020, for one year from that date; and</p> <p>(2) any previous policy which was in force in the period of one year ending on that date, for one year from the date on which that policy came into effect.</p>	31 January 2020 to 30 January 2021 (inclusive)	26 April 2014
5	MCOB 4.4A.1R(1A)	R	A <i>firm</i> may choose to comply with MCOB 4.4A.1R as if the changes to it made by the Mortgages (Advice) Instrument 2020 had not been made.	31 January 2020 to 30 July 2020 (inclusive)	21 March 2016
6	MCOB 4.7A.23AR	R	A <i>firm</i> may choose to comply with MCOB 4.7A as if the insertion of MCOB 4.7A.23AR had not been made.	31 January 2020 to 30 July 2020 (inclusive)	26 April 2014
7	MCOB chapters 4, 5, 6, 9 and 13	R	A <i>firm</i> may choose to comply with MCOB chapters 4, 5, 6, 9 and 13 as if the changes to them made by the Money and Pensions Service (Consequential Amendments) Instrument 2021 had not been made.	26 November 2021 to 25 November 2022	26 November 2021



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## MCOB TP 5 Transitional Provisions: Regulated mortgage contracts

(1)	(2) Material to which the trans- itional provision applies	(3)	(4) Transitional provision	(5) Transitional provision: dates in force	(6) Handbook provision: coming into force
1	MCOB 7.5.1R	R	[expired]		



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Schedule 1  
Record keeping requirements

Sch 1.1 G

The aim of the guidance in the following table is to give the reader a quick overall view of the relevant record keeping requirements.

Sch 1.2 G

It is not a complete statement of those requirements and should not be relied on as if it were.

Sch 1.3 G

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 1.2.9CR (1)	A <i>high net worth mortgage customer</i>	Evidence of satisfaction of definition of <i>high net worth mortgage customer</i>	When it is used or obtained	Three years from when obtained or, if later, used
MCOB 1.2.9CR (2)	A <i>high net worth mortgage customer</i>	Written statement confirming the <i>customer is a high net worth mortgage customer</i>	When it is used or obtained	Three years from when obtained or, if later, used
MCOB 1.2.9D R	A loan solely for a business purpose	Business plan	When it is used or obtained	Three years from when obtained or, if later, used

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 1.2.9E R	<i>A professional customer</i>	Evidence of satisfaction of definition of <i>professional customer</i>	When it is used or obtained	Three years from when obtained or, if later, used
MCOB 4.4A.23 G	Disclosures	Appropriate records of disclosures required by section MCOB 4.4A	When disclosure made	As required by SYSC 9
MCOB 4.6.11 R	Notice of cancellation	A record of the fact that notice has been given (including the original notice instructions and a copy of any receipt of notice issued)	When the <i>firm</i> first becomes aware that notice has been served	Three years

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 4.7A.25R (1)(a)	Suitability of <i>regulated mortgage contracts</i>	<i>Customer</i> information obtained for the purposes of assessing suitability of a <i>regulated mortgage contract</i>	When advice given	Three years
MCOB 4.7A.25R (1)(b)	Suitability of <i>regulated mortgage contracts</i>	An explanation of why the <i>firm</i> has concluded its advice is suitable	When advice given	Three years
MCOB 4.7A.25R (1)(c)	Rolling-up of fees or charges into loan	The <i>customer's</i> positive choice to add fees or charges to the sum advanced	When choice made	Three years
MCOB 4.7A.25R(1)(d)	Suitability of <i>regulated mortgage contracts</i>	An explanation of why the <i>firm</i> has not recommended a cheaper <i>regulated mortgage contract</i>	When explanation given	Three years
MCOB 4.8A.18R (1)(a)	<i>Execution-only sales of regulated mortgage contracts</i>	Information provided by the <i>customer</i> about the <i>regulated mortgage contract</i> he wishes to purchase.	The date a <i>regulated mortgage contract</i> was entered into or <i>arranged</i>	Three years
MCOB 4.8A.18R (1)(b)	<i>Execution-only sales of regulated mortgage contracts</i>	The warning to the <i>customer</i> regarding their lack of protection of the rules on assessing suitability	The date a <i>regulated mortgage contract</i> was entered into or <i>arranged</i>	Three years
MCOB 4.8A.18R (1)(c)	<i>Execution-only sales of regulated mortgage contracts</i>	The <i>customer's</i> confirmation of his positive election to proceed with an <i>execution-only sale</i>	The date a <i>regulated mortgage contract</i> was entered into or <i>arranged</i>	Three years

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 4.8A.18R (1)(d)	<i>Execution-only sales of regulated mortgage contracts</i>	Details of advice rejected.	The date a <i>regulated mortgage contract</i> was entered into or <i>arranged</i>	Three years
MCOB 4.10.9B R	<i>Execution-only sales of home purchase plans</i>	Information provided by the <i>customer</i> about the <i>home purchase plan</i> he wishes to purchase; the warning to the <i>customer</i> in a <i>durable medium</i> regarding his lack of protection of the rules on assessing suitability; the <i>customer's</i> confirmation of his positive election to proceed with an <i>execution-only sale</i> .	The date a <i>home purchase plan</i> was entered into or <i>arranged</i>	Three years
		The <i>firm's</i> policy for managing <i>execution-only sales</i>	When the policy is made	One year from when the policy is changed
MCOB 4.10.13R (1)(a)	<i>Suitability of home purchase plans</i>	<i>Customer</i> information obtained for the purposes of assessing suitability of a <i>home purchase plan</i>	When advice given	Three years
MCOB 4.10.13R (1)(b)	<i>Suitability of home purchase plans</i>	An explanation of why the <i>firm</i> has concluded its advice is suitable	When advice given	Three years
MCOB 4.10.13R (1)(c)	<i>Advice on home purchase plans</i>	Any advice rejected, including the reasons rejected and details of any <i>home purchase plan</i> the <i>customer</i> has proceeded with as an <i>execution-only sale</i>	When advice given	Three years

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 4.11.8 R	Customer information on which an assessment of the affordability and appropriateness for a <i>regulated sale and rent back agreement</i> was based	Customer information on his income, expenditure, resources, needs, objectives and individual circumstances	The date on which the <i>firm</i> assessed suitability	Five years, or one year after the end of the fixed term of the tenancy agreement, if later
MCOB 5.4.19R	Each <i>illustration</i> a <i>firm</i> issues to a <i>customer</i> where the <i>customer</i> applies for that particular <i>regulated mortgage contract</i>	The Key facts illustrations (KFI) issued	The date the <i>customer</i> applies for the particular <i>regulated mortgage contract</i>	One year
MCOB 5.4.21R	Each KFI retained	Detail of: the date the KFI was issued; the date on which the <i>customer</i> applied for the <i>regulated mortgage contract</i> ; and the medium through which the KFI was issued	The date the <i>customer</i> applies for the particular <i>regulated mortgage contract</i>	One year
MCOB 5.9.2R	Each pre-sale disclosure	A record of the main terms of the <i>regulated sale and rent back agreement</i>	The date on which the disclosure is made	The longer of a period of one year from the end of the fixed term of the tenancy or five years from the date of the disclosure

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 5.9.8R	Provider information	A record of the contact details of the provider, making it clear whether it is a <i>SRB agreement provider</i> or an <i>unauthorised SRB agreement provider</i>	The date on which the <i>regulated sale and rent back mediation activity</i> is carried on	The longer of one year, or one year from the end of the fixed term of the tenancy under the <i>regulated sale and rent back agreement</i>
MCOB 6.4.3R(1)	Offer document	Each <i>offer document</i> issued to the <i>customer</i>	The date on which the <i>firm</i> issues the <i>offer document</i> to the <i>customer</i>	One year
MCOB 6.4.3R(2)	Tariff of charges	A copy of the tariff of charges issued with, or as part of the <i>offer document</i>	The date on which the <i>firm</i> issues the tariff of charges to the <i>customer</i>	One year
MCOB 6.4.3R(3)	Supplemental information relating to <i>mortgage credit cards</i>	Information explaining that rights associated with a traditional credit card do not apply,	The date on which the <i>firm</i> issues the information to the <i>customer</i>	One year



Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
<i>MCOB 6.9.11R</i>	Each written pre-offer document (Stage One) required under <i>MCOB 6.9.3R</i>	A record of the main terms of the proposed <i>regulated sale and rent back agreement</i>	The date on which the document is produced	The longer of a period of one year from the end of the fixed term of the tenancy under the <i>regulated sale and rent back agreement</i> or five years from the date of the written pre-offer document
<i>MCOB 6.9.11R</i>	Each written offer document for signing (Stage Two) required under <i>MCOB 6.9.10R (1)</i>	A record of the contents of the documents and the cooling-off period	The date on which the document is produced	The longer of a period of one year from the end of the fixed term of the tenancy under the <i>regulated sale and rent back agreement</i> or five years from the date of the written offer document
<i>MCOB 7.4.2R</i>	Start of contract disclosure	The amount of the first and subsequent payments; the date	The date on which	One year

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
		and method of collection of the first and subsequent payments; details of insurance products and any repayment vehicle purchased through the <i>firm</i> , of the first premium payable and whether this is to be collected with the mortgage payment; detail of the repayment method, and if interest only a reminder to the <i>customer</i> to maintain a suitable repayment vehicle; what to do if the account falls into <i>arrears</i> ; information about linked borrowing or savings available and whether or not overpayments or underpayments are permitted.	the <i>firm</i> issues the information to the <i>customer</i>	
MCOB 8.3.1R(1)	Notice of cancellation	A record of the fact that notice has been given (including the original notice instructions and a copy of any receipt of notice issued)	When the <i>firm</i> first becomes aware that notice has been served	Three years
MCOB 8.5A.19R (1)(a)	Suitability of <i>equity release transactions</i>	<i>Customer</i> information obtained for the purposes of assessing suitability of an <i>equity release transaction</i>	When advice given	Three years
MCOB 8.5A.19R (1)(b)	Suitability of <i>equity release transactions</i>	An explanation of why the <i>firm</i> has concluded its advice is suitable	When advice given	Three years
MCOB 8.5A.19R (1)(c)	Advice on <i>equity release transactions</i>	Any advice rejected, including the reasons rejected and details of any <i>regulated mortgage contract</i> the <i>customer</i> has proceeded with	When advice given	Three years

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
		as an <i>execution-only sale</i>		
MCOB 8.5A.19R (1)(d)	Rolling-up of fees or charges into loan	The <i>customer's</i> positive choice to add fees or charges to the sum advanced	When choice made	Three years
MCOB 8.6A.9 R	<i>Execution-only sales of equity release transactions</i>	Information provided by the <i>customer</i> about the <i>equity release transaction</i> he wishes to purchase; the warning to the <i>customer</i> in a <i>durable medium</i> regarding his lack of protection of the rules on assessing suitability; the <i>customer's</i> confirmation of his positive election to proceed with an <i>execution-only sale</i> ; any advice from the <i>firm</i> which the <i>customer</i> rejected, including the reasons why it was rejected.	The date a <i>home purchase plan</i> was entered into or arranged	Three years
MCOB 9.3.1R	Each <i>illustration</i> a <i>firm</i> issues to a <i>customer</i> where the <i>customer</i> applies for that particular <i>equity release transaction</i>	The keyfacts illustrations (KFI) issued	The date the <i>customer</i> applies for the particular <i>equity release transaction</i>	One year
MCOB 9.3.1R	Each KFI retained	Detail of: the date the KFI was issued; the date on which the <i>customer</i> applied for the <i>equity release transaction</i> ; and the medium through which the KFI was issued	The date the <i>customer</i> applies for the particular <i>equity release transaction</i>	One year
MCOB 9.5.2R	<i>Offer document</i>	Each <i>offer document</i> issued to the <i>customer</i>	The date on which the <i>firm</i> issues the of-	One year

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
			<i>fer document to the customer</i>	
MCOB 9.5.2R	Tariff of charges	A copy of the tariff of charges issued with, or as part of the offer document	The date on which the <i>firm</i> issues the tariff of charges to the <i>customer</i>	One year
MCOB 9.5.2R	Supplemental information relating to <i>mortgage credit card</i>	Information explaining that rights associated with a traditional credit card do not apply	The date on which the firm issues the information to the <i>customer</i>	One year
MCOB 9.7.10R	Start of contract disclosure where interest payments are required	The amount of the first and subsequent payments; the date, frequency and method of collection of the first and subsequent payments; the net amount the <i>customer</i> will receive where interest is deducted from income and the method by which this will be paid; details of insurance products purchased through the <i>firm</i> , of the first premium payable and whether this is to be collected with the mortgage payment; confirmation that the <i>lifetime mortgage</i> is on an interest-only basis and details of how the firm expects the capital to be repaid; what to do if the account falls into <i>ar-rears</i> ; information	The date on which the <i>firm</i> issues the information to the <i>customer</i>	One year

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
		about linked borrowing or savings available and whether or not overpayments or underpayments are permitted.		
MCOB 9.6.1R	<i>Illustrations</i> required on event-driven changes to the contract	A copy of the illustrations issued for further advances requiring authorisation; rate switches and the removal or addition of a party to the contract	When the illustrations is issued	One year
MCOB 9.7.10R	Start of contract disclosure for a draw-down mortgage with fixed payments to the <i>customer</i>	The amount of the first and subsequent payments; the date of issue and method of the payment of the first and subsequent payments; details of insurance products purchased through the <i>firm</i> , and of the first and subsequent premiums and the method and date of collection; details of how the firm expects the capital and interest to be paid; information about linked borrowing or savings available and whether or not repayments are permitted	The date on which the firm issues the information to the customer	One year
MCOB 9.7.10R	Start of contract disclosure for a draw-down mortgage without fixed payments to the <i>customer</i>	Where the <i>customer</i> can choose the frequency of the payment, details of the limitations on frequency and amount of payments; where payments can vary for any other reasons, details of the amount of the first payment and how subsequent payments can vary; the method by which payments will be made; details of	The date on which the <i>firm</i> issues the information to the <i>customer</i>	One year

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
		insurance products purchased through the <i>firm</i> , and of the first and subsequent premiums and the method and date of collection; details of how the firm expects the capital and interest to be paid; information about linked borrowing or savings available and whether or not repayments are permitted		
MCOB 9.7.10R	Start of contract disclosure where a lump sum payment to the <i>customer</i> is made and interest is rolled up	Confirmation if appropriate that no payments are required and details of how the <i>firm</i> expect capital and interest to be paid; if payments are to be made, the amount, frequency and method of collection of the first and subsequent payments; what to do in the case of <i>ar-rears</i> ; details of insurance products purchased through the <i>firm</i> , and of the first and subsequent premiums and the method and date of collection; details of how the firm expects the capital and interest to be paid; information about linked borrowing or savings available and whether or not repayments are permitted	The date on which the firm issues the information to the customer	One year
MCOB 11.6.60R (1) to MCOB 11.6.60R (4)	Responsible lending and financing	Steps taken to comply with rules including: information taken into account in each affordability assessment; in relation to <i>interest-only mortgages</i> , the	When <i>regulated mortgage contract</i> or <i>home pur-</i>	The term of the contract or plan

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
		reasons for the offer decision, evidence relating to the <i>customer's</i> repayment strategy, details of the <i>firm's</i> attempts to contact the <i>customer</i> and the outcome of each mid-term review; information relating to the extension of the term of <i>bridging loans</i> which are neither with a <i>high net worth mortgage customer</i> nor or a secured overdraft solely for a business purpose	<i>chase plan</i> (or variation) is entered into, or the mid-term review takes place	
MCOB 11.6.60R (6)(a)	Transitional arrangements	The outstanding balance on the existing contract	When new contract or variation is entered into	For the term of the <i>regulated mortgage contract</i> or <i>home purchase plan</i>
MCOB 11.6.60R (6)(b)	Transitional arrangements	The cost of repairs or maintenance work to the property	When new contract or variation is entered into	For the term of the <i>regulated mortgage contract</i> or <i>home purchase plan</i>
MCOB 11.6.60R (6)(c)	Transitional arrangements	Any product fee or arrangement fee financed by any additional borrowing or increase in finance	When new contract or variation is entered into	For the term of the <i>regulated mortgage contract</i> or <i>home purchase plan</i>

Handbook reference	Subject of record	Contents of record	When record must be made	Retention period
MCOB 11.6.60R (6)(d)	Transitional arrangements	The rationale for each decision to enter into or vary a contract under MCOB 11.7	When new contract or variation is entered into	For the term of the regulated mortgage contract or home purchase plan
MCOB 11.6.60R (7)	Responsible lending and financing policy	The firm's policy, setting out the factors it will take into account in assessing a customer's ability to pay the sums due	When the policy is made	For so long as any regulated mortgage contract or home purchase plan to which it was applicable remains outstanding
MCOB 13.3.9 R	Dealings with customers with a payment shortfall, or with a sale shortfall	Details of all dealings with the customer (including a recording of all telephone conversations which discuss any arrears or any amount subject to payment shortfall charges); information relating to any repayment plan; date of issue of any legal proceedings; arrangements made for sale of a repossessed property; and the basis of any tailored information where the loan is for a business purpose.	The date of the dealing	Three years from the date on which the record is made



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### Schedule 2 Notification Requirements

#### Sch 2.1 G

There are no notification requirements in *MCOB*.



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## **Schedule 3 Fees and other required payments**

### **Sch 3.1 G**

There are no requirements for fees or other payments in MCOB.



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### Schedule 4 Powers exercised

**Sch 4.1 G**  
[deleted]

**Sch 4.2 G**  
[deleted]



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Schedule 5  
Rights of action for damages

Sch 5.1 G

The table below sets out the *rules* in *MCOB* contravention of which by an *authorised person* may be actionable under Section 138D of the *Act* (Actions for damages) by a *person* who suffers loss as a result of the contravention.

If a "Yes" appears in the column headed "For private person?", the *rule* may be actionable by a *private person* under Section 138D (or, in certain circumstances, his fiduciary or representative; see article 6(2) and (3)(c) of the Financial Services and Markets Act 2000 (Rights of Action) Regulations 2001 (SI 2001/2256)). A "Yes" in the column headed "Removed" indicates that the *FCA* has removed the right of action under Section 138D(3) of the *Act*. If so, a reference to the *rule* in which it is removed is also given.

The column headed "For other person?" indicates whether the *rule* may be actionable by a *person* other than a *private person* (or his fiduciary or representative) under article 6(2) and (3) of those Regulations. If so, an indication of the type of *person* by whom the *rule* may be actionable is given.

Sch 5.2 G

Chapter / Appendix	Sec- tion / Annex	Paragraph	Right of action under section 138D			
			For private person?	Removed?	For other person?	
All <i>rules</i> in <i>MCOB</i> with the status let- ter "E"			No	No	No	
Any <i>rule</i> in <i>MCOB</i> which prohibits an <i>authorised person</i> from seeking to make provision excluding or re- stricting any duty or liability			Yes	No	Yes	Any other <i>person</i>
All other <i>rules</i> in <i>MCOB</i>			Yes	No	No	





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## Schedule 6 Rules that can be waived

### Sch 6.1 G

As a result of section 138A of the *Act* (Modification or waiver of rules) the *FCA* has power to waive all its *rules*, other than *rules* made under section 137O (Threshold condition code), section 247 (Trust scheme rules), section 248 (Scheme particular rules), section 261I (Contractual scheme rules) or section 261J (Contractual scheme particulars rules) of the *Act*.

