

Chapter 12

Appointed representatives



12.1

Application and purpose

General application

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- (1) This chapter applies to a *firm* which is considering appointing, has decided to appoint or has appointed an *appointed representative*.
- (1A) This chapter applies to a *MiFID investment firm* which is considering appointing, has decided to appoint or has appointed an *FCA registered tied agent*.
- (1B) This chapter applies to a *CBTL firm* other than a *CBTL lender* which is considering appointing, has decided to appoint or has appointed an *appointed representative* in relation to *CBTL business* as it does to a *firm*.
- (2) [deleted]
- (3) [deleted]

Territorial application: compatibility with EU law

12.1.1A

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- (1) [deleted]
- (2) [deleted]

12.1.1B

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12.1.1C

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Interaction of SUP 12 and other modules in relation to MiFID business

12.1.1D

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In addition to those rules in ■SUP 12 relating to the *MiFID business* of *appointed representatives* and *tied agents*, there are other obligations derived from *MiFID* in the *Handbook* relevant to the knowledge and competence of *tied agents* and related compliance obligations (see ■SYSC 5.1, *TC* and *FIT* (in respect of *appointed representatives* that are *approved persons*)). These provisions are subject to the territorial application requirements in their respective chapters.

		Territorial application: Gibraltar
12.1.1E	G	This chapter applies to a <i>Gibraltar-based firm</i> which is considering appointing, has decided to appoint or has appointed an <i>appointed representative</i> in accordance with the general application of this chapter.
		Purpose
12.1.2	G	This chapter gives <i>guidance</i> to a <i>firm</i> , which is considering appointing an <i>appointed representative</i> , on how the provisions of section 39 of the Act (Exemption of appointed representatives) work. For example, it gives <i>guidance</i> on the conditions that must be satisfied for a <i>person</i> to be appointed as an <i>appointed representative</i> . It also gives <i>guidance</i> to a <i>firm</i> on the implications, for the <i>firm</i> itself, of appointing an <i>appointed representative</i> .
12.1.3	G	<p>The chapter also sets out the <i>FCA's rules</i>, and guidance on these <i>rules</i>, that apply to a <i>firm</i> before it appoints, when it appoints and when it has appointed an <i>appointed representative</i>. The main purpose of these <i>rules</i> is to place responsibility on a <i>firm</i> for seeking to ensure that:</p> <p>(1) its <i>appointed representatives</i> are fit and proper to deal with <i>clients</i> in its name; and</p> <p>(2) <i>clients</i> dealing with its <i>appointed representatives</i> are afforded the same level of protection as if they had dealt with the <i>firm</i> itself.</p>
12.1.4	G	The <i>FCA's</i> website includes information about becoming and appointing an <i>appointed representative</i> . This information can be found at https://www.fca.org.uk/firms/appointed-representatives-principals .
12.1.5	G	<p>This chapter also sets out:</p> <p>(1) <i>guidance</i> about section 39A of the Act, which is relevant to a <i>MiFID investment firm</i> that is considering appointing an <i>FCA registered tied agent</i>; and</p> <p>(2) the <i>FCA's rules</i>, and guidance on those <i>rules</i>, in relation to the appointment of:</p> <p>(a) an <i>FCA registered tied agent</i> by a <i>MiFID investment firm</i>;</p> <p>(b) a <i>MiFID optional exemption appointed representative</i>; and</p> <p>(c) a <i>structured deposit appointed representative</i>.</p>