

Chapter 12

Appointed representatives

12.7 Notification requirements

Notification of appointment of an appointed representative

12.7.1

R

- (1) This rule applies to a *firm* which intends to appoint:
 - (a) an *appointed representative* to carry on *insurance distribution activities*; or
 - (b) a *tied agent*; or
 - (c) an *appointed representative* to carry on *MCD credit intermediation activity*; or
 - (d) a *MiFID optional exemption appointed representative*; or
 - (e) a *structured deposit appointed representative*.
- (2) This rule also applies to a *firm* which has appointed an *appointed representative*.
- (3) A *firm* in (1) must complete and submit the form in ■ SUP 12 Annex 3 before the appointment.
- (4) A *firm* in (2) must complete and submit the form in ■ SUP 12 Annex 3 within ten *business days* after the commencement of activities.

12.7.1A

R

- (1) A *firm* other than:
 - (a) a *credit union*; or
 - (b) a *firm* which intends to appoint, or has appointed, an *appointed representative* to carry on only *credit-related regulated activity*;

must submit the form in ■ SUP 12 Annex 3 via online submission at the FCA's website at <http://www.fca.org.uk> or any of the methods set out in ■ SUP 15.7.4R to ■ SUP 15.7.5AR (Method of notification).
- (2) A *credit union* or a *firm* which intends to appoint, or has appointed, an *appointed representative* to carry on only *credit-related regulated activity* must submit the form in ■ SUP 12 Annex 3 R in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).
- (3) Where a *firm* is obliged to submit an application online under (1), if the FCA's information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit the form in ■ SUP 12 Annex 3 R in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).

[Note: See ■ SUP 12.7.10 G to ■ SUP 12.7.11 G regarding notification in the event of online failure.]

- 12.7.2 **G** A firm's notice under ■ SUP 12.7.1 R should give details of the *appointed representative* and the *regulated activities* which the *firm* is, or intends to, carry on through the *appointed representative*, including:
- (1) the name of the *firm's* new *appointed representative* (if the *appointed representative* is a *body corporate*, this is its registered name);
 - (2) any trading name under which the *firm's* new *appointed representative* carries on a *regulated activity* in that capacity;
 - (3) a description of the *regulated activities* which the *appointed representative* is permitted or required to carry on and for which the *firm* has accepted responsibility;
 - (4) any restrictions imposed on the *regulated activities* for which the *firm* has accepted responsibility; and
 - (5) where the appointed representative is not an individual, the name of the individuals who are responsible for the management of the business carried on by the appointed representative so far as it relates to *insurance distribution activity*.
- 12.7.3 **G** A firm need not notify the FCA of any restrictions imposed on the *regulated activities* for which the *firm* has accepted responsibility (under ■ SUP 12.7.2 G (4)) if the *firm* accepts responsibility for the unrestricted scope of the *regulated activities*.
- 12.7.3A **G** Where a notification is linked to an application for approval under section 59 of the Act (Approval for particular arrangements), see ■ SUP 10A.13.7 G.
- 12.7.4 **G** (1) [deleted]
(2) [deleted]
- 12.7.5 **G** To contact the FCA's Contact Centre with *appointed representatives* enquiries:
- (1) telephone 0300 500 0597; fax 020 7066 0017; or
 - (2) write to: Customer Contact Centre, The Financial Conduct Authority, 12 Endeavour Square, London, E20 1JN; or
 - (3) email firm.queries@fca.org.uk.
- 12.7.6 **G** [deleted]

12.7.7

R

Notification of changes in information given to the FCA

(1) If:

- (a) (i) the scope of appointment of an appointed representative is extended to cover *insurance distribution activities* for the first time; and
- (ii) the appointed representative is not included on the Financial Services Register as carrying on *insurance distribution activities* in another capacity; or
- (b) the scope of appointment of an appointed representative ceases to include *insurance distribution activity*;

the appointed representative's principal must give written notice to the FCA of that change before the appointed representative begins to carry on *insurance distribution activities* under the contract (see ■ SUP 12.4) or as soon as the scope of appointment of the appointed representative ceases to include *insurance distribution activities*.

(1A) If:

- (a) (i) the scope of appointment changes such that the *appointed representative acts as a tied agent, MiFID optional exemption appointed representative or structured deposit appointed representative* for the first time; and
- (ii) the *appointed representative* is not included on the *Financial Services Register*; or
- (b) the *appointed representative ceases to act as a tied agent, MiFID optional exemption appointed representative or structured deposit appointed representative*;

the *appointed representative's principal* must give written notice to the FCA of that change before the *appointed representative* begins to act as a *tied agent, MiFID optional exemption appointed representative or structured deposit appointed representative* (see ■ SUP 12.4) or as soon as the *appointed representative ceases to act as a tied agent, MiFID optional exemption appointed representative or structured deposit appointed representative*.

(1B) If:

- (a) (i) the scope of appointment of an *appointed representative* is extended to cover *MCD credit intermediation activity* for the first time; and
- (ii) the *appointed representative* is not included on the *Financial Services Register*; or
- (b) the scope of appointment of an *appointed representative* ceases to include *MCD credit intermediation activity*;

the *appointed representative's principal* must give written notice to the FCA of that change before the *appointed representative* begins to carry on *MCD credit intermediation activity* under the contract (see ■ SUP 12.4), or as soon as the scope of appointment of the *appointed representative ceases to include MCD credit intermediation activity*.

[Note: article 31(4) of the MCD]

12

(2) Where there is a change in any of the information provided to the FCA under ■ SUP 12.7.1 R or ■ SUP 12.7.7 R (1A), a *firm* must complete and submit to the FCA the form in ■ SUP 12 Annex 4 R (Appointed representative or tied agent – change details) within ten *business days* of that change being made or, if later, as soon as the *firm* becomes aware of the change. The Appointed representative or tied agent – change details form must state that the information has changed.

(3) [deleted]

[Note: See ■ SUP 12.7.8A R regarding the method of submission for the form in ■ SUP 12 Annex 4 R.]

Notification of changes in conditions of appointment

12.7.8

R

(1) As soon as a *firm* has reasonable grounds to believe that any of the conditions in ■ SUP 12.4.2 R, ■ SUP 12.4.6 R, ■ SUP 12.4.8A R, ■ SUP 12.4.10A R or ■ SUP 12.4.10B R (as applicable) are not satisfied, or are likely not to be satisfied, in relation to any of its *appointed representatives*, it must complete and submit to the FCA the form in ■ SUP 12 Annex 4 R (Appointed representative notification form), in accordance with the instructions on the form.

(2) In its notification under ■ SUP 12.7.8 R (1), the *firm* must state either:

- (a) the steps it proposes to take to rectify the matter; or
- (b) the date of termination of its contract with the *appointed representative* (see ■ SUP 12.8).

(3) [deleted]

Method of submission of the form in SUP 12 Annex 4R

12.7.8A

R

(1) Subject to (2A), a *firm* other than a *credit union* must submit the form as set out in ■ SUP 12 Annex 4 R online at <http://www.fca.org.uk> using the FCA's *online notification and application system*.

(2) A *credit union* must submit the form in ■ SUP 12 Annex 4 R in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).

(2A) If the notification:

- (a) relates to an *appointed representative* whose scope of appointment covers only *credit-related regulated activity*; or
- (b) is of a change to the scope of appointment of an *appointed representative* to add or remove *credit-related regulated activity*;

the *firm* must submit the form in ■ SUP 12 Annex 4 in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).

(3) Where a *firm* is obliged to submit an application online under (1), if the FCA's information technology systems fail and online submission is unavailable for 24 hours or more, until such time as facilities for online submission are restored, a *firm* must submit the form in

■ SUP 12 Annex 4 R in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).

[Note: See ■ SUP 12.7.10 G to ■ SUP 12.7.11 G regarding notification in the event of online failure.]

Notifications relating to EEA tied agents

12.7.9 **R** If a *UK MiFID investment firm* appoints an *EEA tied agent* this section applies to that *firm* as though the *EEA tied agent* were an *appointed representative*.

Submission in the event of failure of FCA information technology systems

12.7.10 **G** If the *FCA's* information technology systems fail and online submission is unavailable for 24 hours or more, the *FCA* will endeavour to publish a notice on its website confirming that online submission is unavailable and that *firms*, other than *credit unions*, should use the alternative methods of submission set out in ■ SUP 12.7.1AR (3) and ■ SUP 12.7.8AR (3) (as appropriate), and ■ SUP 15.7.4 R to ■ SUP 15.7.9 G, addressing applications for the attention of the Approved Persons, Passporting and Mutuels Team.

12.7.11 **G** Where ■ SUP 12.7.1AR (3) or ■ SUP 12.7.8AR (3) apply to a *firm*, ■ GEN 1.3.2 R (Emergency) does not apply.