

Chapter 12

Appointed representatives

Guidance on information firms should take reasonable steps to obtain to verify and to assess the fitness and propriety of an appointed representative (other than an introducer appointed representative). See

■ SUP 12.4.4 G (1).

2.

1. The *guidance* in this annex applies to a *firm* which intends to appoint or has appointed an appointed representative (except an introducer appointed representative).
2. Items 1(c) and 1(d) in the following table will not be relevant in the case of an individual who is himself an appointed representative, unless, in the case of 1(d), the individual is in business on his own.
3. If the appointed representative is a *partnership*, the information a *firm* should obtain, having regard to SUP 12.4.4 G (1), is that contained in this annex on the basis that the information sought applies to each *partner*. When considering the fitness and propriety of each *partner*, having regard to SUP 12.4.4 G (1), information a firm should obtain will also include information in this annex. Therefore, a *firm* may wish to assess the fitness and propriety of *partners* as suggested in SUP 12.4.4 G (2) and then consider if any additional information is recommended under this annex.

(1)	Information about the appointed representative	(a)	Name
	The appointed representative's professional reputation	(a)	Disciplinary proceedings
		(b)	Address, and, where applicable and different, address of the registered office and the principal place of business
		(c)	full name of every <i>director</i> , senior manager and <i>controller</i>
		(d)	accounts (see SUP 12 Annex 1) for the last three complete financial years
		(i)	whether the appointed representative has ever been publicly censured, disciplined, suspended or expelled by the <i>FCA</i> , another regulator, a <i>clearing house</i> , an exchange, a professional body, or a government body or agency;
		(ii)	whether the appointed representative is currently the subject of any disciplinary proceedings by a body referred to in (i) above or is aware that such proceedings are pending;
		(iii)	whether the appointed representative has ever been the subject of a formal investigation under the powers in the Companies Acts 1985 to 2006; and
		(iv)	whether the appointed representative has had anything equivalent to (i) to (iii) above occur under relevant overseas provisions.

	<p>The appointed representative's professional reputation - continued</p>	<p>(b)</p> <p>(c)</p>	<p>Criminal or civil proceedings</p> <p>Whether the appointed representative is a defendant in any current civil proceedings connected with professional activities in which an allegation of fraud or dishonesty is being made, the subject of any current criminal proceedings, or has been convicted of any criminal offence, either in the <i>United Kingdom</i> or overseas.</p> <p>Insolvency, bankruptcy and winding up</p> <p>Whether the appointed representative has:</p> <ul style="list-style-type: none"> (i) been wound up or had a petition presented, or had a meeting called to consider a resolution, for winding it up; or (ii) in the case of a company, been the subject of an application to dissolve it or to strike it off the Register of Companies; or (iii) made, or proposed to make, a composition or voluntary arrangement with any one of more of its creditors; or (iv) had an administrator or trustee in bankruptcy appointed to it or had an application made for such an appointment; or (v) had a receiver appointed to it (whether an administrative receiver or a receiver appointed over particular property); or (vi) had an application for an interim order made against it under section 252 of the Insolvency Act 1986 (or, in Northern Ireland, section 227 of the Insolvency (Northern Ireland) Order 1989); or (vii) if it is a <i>sole trader</i>, been the subject of an application for a sequestration order or a petition for bankruptcy; or (viii) ceased trading in circumstances in which any of its creditors did not receive full payment; or (ix) had anything equivalent to (i) to (viii) above occur under relevant overseas law.
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