Chapter 15

Notifications to the FCA
15.1 Application

Who?

15.1.1 G This chapter applies to every firm except that:

(1) only SUP 15.10 applies to an ICVC or a UCITS qualifier; and

(2) SUP 15.3.22 D to SUP 15.3.25 D apply only to the Society.

15.1.2 R The application of this chapter to an incoming EEA firm or an incoming Treaty firm is set out in SUP 15 Annex 1.

15.1.3 G In some cases, the application of provisions set out in SUP 15 Annex 1 depends on whether responsibility is reserved to a Home State regulator.

15.1.3A G The guidance in SUP 15.13 applies to all CBTL firms whether or not they are also firms.

15.1.3B D The directions and guidance in SUP 15.14 apply to payment service providers as set out in that section.

What?

15.1.4 R This chapter:

(1) applies with respect to the carrying on of both regulated activities and unregulated activities; and

(2) takes into account any activity of other members of a group of which the firm is a member.

15.1.4AR D SUP 15.8 and SUP 15.14 apply with respect to the carrying on of payment services and other activities to which the Payment Services Regulations apply.
15.1.5  
Firms are reminded that, unless expressly stated otherwise, where a rule or guidance includes a reference to a firm this includes all UK and overseas branches and representative offices of that firm, whether or not those branches or offices carry on any regulated activities.

15.1.6  
This chapter does not apply to an incoming ECA provider acting as such.

SMCR firms

15.1.7  
The following apply only to SMCR firms:

(1) SUP 15.2.5G (Purpose);

(2) SUP 15.11 (Notification of COCON breaches and disciplinary action);

(3) SUP 15.15 (Enhanced scope SMCR firm retail intermediaries); and

(4) SUP 15.16 (Notification of changes in the management body).
15.2 Purpose

15.2.1 A firm is required to provide the FCA with a wide range of information to enable the FCA to meet its responsibilities for monitoring the firm’s compliance with requirements imposed by or under the Act. Some of this information is provided through regular reports, including those set out in SUP 16 (Reporting requirements) and SUP 17 (Transaction reporting). In addition, other chapters in the Handbook set out specific notification and reporting requirements. Principle 11 includes a requirement for a firm to disclose to the FCA appropriately anything relating to the firm of which the FCA would reasonably expect notice.

15.2.1A Payment service providers are required to provide the FCA with such information as the FCA may direct in respect of their provision of payment services or compliance with the requirements imposed by or under Parts 2 to 7 or regulation 105 of the Payment Services Regulations. The purpose of SUP 15.8 is to request information from full credit institutions where they provide (or propose to provide) account information services or payment initiation services. In addition to this general requirement, payment service providers are required under the Payment Services Regulations to notify the FCA on the occurrence of certain specified events. The purpose of SUP 15.14 is to provide directions and guidance to payment service providers on the form, content and timing of notifications required under the Payment Services Regulations.

15.2.2 This chapter sets out:

(1) guidance on the type of event or change in condition which a firm should consider notifying in accordance with Principle 11; the purpose of this guidance is to set out examples and not to give comprehensive advice to firms on what they should notify in order to be in compliance with Principle 11;

(2) rules on events and changes in condition that a firm must notify; these are the types of event that the FCA must be informed about, usually as soon as possible, if it is to be able to carry out its monitoring function effectively and react in good time to developments that may require a regulatory response;

(3) rules on the core information that a firm must provide to the FCA for example its name and address and the names of its other regulators, so that the FCA is able to maintain a relationship with the firm and with those regulators;
(4) rules requiring a firm to ensure that information provided to the FCA is accurate and complete; section 398 of the Act makes it an offence knowingly or recklessly to provide the FCA with information which is false or misleading in a material particular, in purported compliance with any requirement imposed by or under the Act; the purpose of the rules in SUP 15.6 is to ensure that firms take due care to ensure the accuracy of information and to require them to ensure that information is not only accurate but also complete;

(5) material (in SUP 15.10 (Notification of Suspicious Transactions or Orders (Market Abuse)) which makes reference to the provisions of the Market Abuse Regulation that detail requirements on the reporting of transactions or orders about which there is reasonable suspicion of market abuse; and

(6) directions and guidance for a payment service provider on the form, content and timing of notifications required to be submitted to the FCA in accordance with or in relation to the Payment Services Regulations.

15.2.3 G Rules and guidance have also been included to set out how firms should make a notification and to determine when it may be appropriate to discuss matters with their usual supervisory contact at the FCA by telephone (SUP 15.7).

15.2.4 G [deleted]

15.2.5 R SUP 15.11 (Notification of COCON Breaches and Disciplinary Action) provides rules and guidance on notifications to the FCA by an SMCR firm where the SMCR firm takes disciplinary action in relation to any conduct rules staff and the reason for taking that action is a reason specified in rules made by the FCA. This is a requirement imposed under section 64C of the Act.

15.2.6 R SUP 15.12 (Ongoing Alerts for Retail Adviser Complaints) sets out rules and guidance on a firm’s obligation to notify the FCA of complaints against an employee acting as a retail investment adviser.
15.3 General notification requirements

Matters having a serious regulatory impact

15.3.1 A firm must notify the FCA immediately it becomes aware, or has information which reasonably suggests, that any of the following has occurred, may have occurred or may occur in the foreseeable future:

1. the firm failing to satisfy one or more of the threshold conditions; or
2. any matter which could have a significant adverse impact on the firm’s reputation; or
3. any matter which could affect the firm’s ability to continue to provide adequate services to its customers and which could result in serious detriment to a customer of the firm; or
4. any matter in respect of the firm which could result in serious financial consequences to the UK financial system or to other firms.

The circumstances which may give rise to any of the events in □ SUP 15.3.1 R are wide-ranging and the probability of any matter resulting in such an outcome, and the severity of the outcome, may be difficult to determine. However, the FCA expects firms to consider properly all potential consequences of events.

In determining whether the FCA should be notified of an event that may occur in the foreseeable future, a firm should consider both the probability of the event happening and the severity of the outcome should it happen.

Guidance on satisfaction of the threshold conditions is given in COND.

A firm making a notification in accordance with □ SUP 15.3.1 R should consider the guidance in □ SUP 15.7.2 G and notify the FCA by telephone if appropriate.

Communication with the appropriate regulator in accordance with Principle 11

Principle 11 requires a firm to deal with its regulators in an open and cooperative way and to disclose to the FCA appropriately anything relating to the firm of which the FCA would reasonably expect notice. Principle 11
applies to unregulated activities as well as regulated activities and takes into account the activities of other members of a group.

Although PRIN does not apply to a firm in relation to its carrying on of auction regulation bidding, the FCA expects to be given notice of events that are material to the FCA’s supervision of that business and so firms carrying on that business should have regard to the guidance in SUP 15.3.8 G to SUP 15.3.10 G.

Compliance with Principle 11 includes, but is not limited to, giving the FCA notice of:

(1) any proposed restructuring, reorganisation or business expansion which could have a significant impact on the firm’s risk profile or resources, including, but not limited to:
   (a) setting up a new undertaking within a firm’s group, or a new branch (whether in the United Kingdom or overseas); or
   (b) commencing the provision of cross border services into a new territory; or
   (c) commencing the provision of a new type of product or service (whether in the United Kingdom or overseas); or
   (d) ceasing to undertake a regulated activity or ancillary activity, or significantly reducing the scope of such activities; or
   (e) entering into, or significantly changing, a material outsourcing arrangement (a bank, a building society and a dormant account fund operator should also see SYSC8, and an insurer should also see SYSC13.9 for further details); or
   (f) a substantial change or a series of changes in the governing body of an overseas firm (other than an incoming firm); or
   (g) any change to the firm’s prudential category or sub-category, as used in the Interim Prudential sourcebooks and SUP and on which guidance is given in SUP App 1; or
   (h) any proposed change which limits the liability of any of the members or partners of a firm such as a general partner becoming a limited partner or re-registration as a limited liability company of a company incorporated with unlimited liability; or
   (i) in relation to a dormant account fund operator, notify the FCA when the operator intends to rely on a third party for the performance of operational functions which are critical or important for the performance of relevant services and activities in connection with operating a dormant account fund on a continuous and satisfactory basis;

(2) any significant failure in the firm’s systems or controls, including those reported to the firm by the firm’s auditor;

(3) any action which a firm proposes to take which would result in a material change in its capital adequacy or solvency, including, but not limited to:
   (a) any action which would result in a material change in the firm’s financial resources or financial resources requirement; or
(b) a material change resulting from the payment of a special or unusual dividend or the repayment of share capital or a subordinated loan; or

(c) for firms which are subject to the rules on consolidated financial supervision, any proposal under which another group company may be considering such an action; or

(d) significant trading or non-trading losses (whether recognised or unrecognised).

The period of notice given to the FCA will depend on the event, although the FCA expects a firm to discuss relevant matters with it at an early stage, before making any internal or external commitments.

A notification under Principle 11 may be given orally or in writing (as set out in [SUP 15.7.1 R and SUP 15.7.2 G]), although the FCA may request written confirmation of a matter. However, it is the responsibility of a firm to ensure that matters are properly and clearly communicated to the FCA. A firm should provide a written notification if a matter either is complex or may be such as to make it necessary for the FCA to take action. A firm should also have regard to Principle 11 and the guidance in [SUP 15.7.2 G] in respect of providing important information promptly.

Breaches of rules and other requirements in or under the Act or the CCA

(1) A firm must notify the FCA of:

(a) a significant breach of a rule (which includes a Principle, a Statement of Principle or a COCON rule); or

(aa) a significant breach of any requirement imposed by the CCA or by regulations or an order made under the CCA (except if the breach is an offence, in which case (c) applies), but any notification under (aa) is required to be made only to the FCA; or

(b) a breach of any requirement imposed by the Act or by regulations or an order made under the Act by the Treasury (except if the breach is an offence, in which case (c) applies); or

(ba) a breach of any requirement imposed by or under either the MiFIR Regulations or the DRS Regulations; or

(c) the bringing of a prosecution for, or a conviction of, any offence under the Act or the CCA; or

(d) a breach of a directly applicable provision imposed by MiFIR or any EU regulation adopted under MiFID or MiFIR; or

(dA) a breach of a directly applicable provision in the EU CRR or any directly applicable regulations made under CRD or the EU CRR; or

(e) a breach of any requirement in regulation 4C(3) (or any successor provision) of the [Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2007] or any [EU regulation] or any [directly applicable regulation] or any [supplementary regulation]; or

(ea) a breach of a directly applicable provision in the auction regulation; or

(f) it exceeding (or becoming aware that it will exceed) the limit in [BIPRU 10.5.6 R]; or

(g) a breach of the AIFMD UK regulation; or
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15.3.11A ■ SUP 15.3.11 R (1)(e) relates to the standard requirement in the permission of those firms which fall outside MiFID because of the Treasury's implementation of Article 3 of MiFID. Guidance on how the Treasury has exercised the Article 3 exemption for the United Kingdom is given in Q48 and the following questions and answers in ■ PERG 13.5 (Exemptions from MiFID).

15.3.12 ■ In ■ SUP 15.3.11 R(1)(a) or (1)(aa), significance should be determined having regard to potential financial losses to customers or to the firm, frequency of the breach, implications for the firm's systems and controls and if there were delays in identifying or rectifying the breach.

15.3.13 ■ In assessing whether an event that may occur in the foreseeable future should be notified to the FCA a firm should consider the guidance in ■ SUP 15.3.3 G.

15.3.14 ■ A notification under ■ SUP 15.3.11 R should include:

(1) information about any circumstances relevant to the breach or offence;

(2) identification of the rule or requirement or offence; and

(3) information about any steps which a firm or other person has taken or intends to take to rectify or remedy the breach or prevent any future potential occurrence.

15.3.14A ■ (1) Some matters that need to be notified under ■ SUP 15.3.11R may also have to be notified under ■ SUP 10A.14 (Changes to an FCA-approved person's details).

(2) However, there is no need to make the same notification twice.
(3) Any notification required under both SUP 10C.14 and SUP 15.3.11R should be made in accordance with SUP 10C.14, which requires notification using Forms C or D.

(4) SUP 10C.14 only applies to SMCR firms. SUP 10A.14 applies similar, but less extensive, obligations to firms that are not SMCR firms. Paragraphs (2) and (3) apply to those notifications as well. Such notifications should however be made under SUP 10A.14.

15.3.14B

(1) Some matters that need to be notified under SUP 15.3.11R may also have to be notified under SUP 15.11 (Notification of COCON breaches and disciplinary action).

(2) If the same thing has to be notified under SUP 15.11 and SUP 15.3.11R, a firm should make separate notifications under both. This is because:
   (a) notification under SUP 15.11 is annual and notification under SUP 15.3.11R is immediate; and
   (b) the details of what has to be notified under those requirements are different.

Civil, criminal or disciplinary proceedings against a firm

15.3.15

A firm must notify the FCA immediately if:

(1) civil proceedings are brought against the firm and the amount of the claim is significant in relation to the firm's financial resources or its reputation; or

(2) any action is brought against the firm under section 71 of the Act (Actions for damages) or section 138D (Actions for damages); or

(3) disciplinary measures or sanctions have been imposed on the firm by any statutory or regulatory authority, competition authority, professional organisation or trade body (other than the FCA or the firm becomes aware that one of those bodies has started an investigation into its affairs; or

(4) the firm is prosecuted for, or convicted of, any offence involving fraud or dishonesty, or any penalties are imposed on it for tax evasion; or

(5) it is an OPS firm, which is a trustee, and is removed as trustee by a court order.

15.3.16

A notification under SUP 15.3.15 R should include details of the matter and an estimate of the likely financial consequences, if any.

Fraud, errors and other irregularities

15.3.17

A firm must notify the FCA immediately if one of the following events arises and the event is significant:

(1) it becomes aware that an employee may have committed a fraud against one of its customers; or

(2) it becomes aware that a person, whether or not employed by it, may have committed a fraud against it; or
(3) it considers that any person, whether or not employed by it, is acting with intent to commit a fraud against it; or

(4) it identifies irregularities in its accounting or other records, whether or not there is evidence of fraud; or

(5) it suspects that one of its employees may be guilty of serious misconduct concerning his honesty or integrity and which is connected with the firm’s regulated activities or ancillary activities.

15.3.18 In determining whether a matter is significant, a firm should have regard to:

(1) the size of any monetary loss or potential monetary loss to itself or its customers (either in terms of a single incident or group of similar or related incidents);

(2) the risk of reputational loss to the firm; and

(3) whether the incident or a pattern of incidents reflects weaknesses in the firm’s internal controls.

15.3.19 The notifications under SUP 15.3.17 R are required as the FCA needs to be aware of the types of fraudulent and irregular activity which are being attempted or undertaken, and to act, if necessary, to prevent effects on consumers or other firms. A notification under SUP 15.7.3 G should provide all relevant and significant details of the incident or suspected incident of which the firm is aware.

15.3.20 In addition, the firm may have suffered significant financial losses as a result of the incident, or may suffer reputational loss, and the FCA will wish to consider this and whether the incident suggests weaknesses in the firm’s internal controls.

Insolvency, bankruptcy and winding up

15.3.21 A firm must notify the FCA immediately of any of the following events:

(1) the calling of a meeting to consider a resolution for winding up the firm; or

(2) an application to dissolve the firm or to strike it off the Register of Companies; or

(3) the presentation of a petition for the winding up of the firm; or

(4) the making of, or any proposals for the making of, a composition or arrangement with any one or more of its creditors; or

(5) an application for the appointment of an administrator or trustee in bankruptcy to the firm; or

(6) the appointment of a receiver to the firm (whether an administrative receiver or a receiver appointed over particular property); or
(7) an application for an interim order against the firm under section 252 of the Insolvency Act 1986 (or, in Northern Ireland, section 227 of the Insolvency (Northern Ireland) Order 1989); or

(8) if the firm is a sole trader:
   (a) an application for a sequestration order on the firm; or
   (b) the presentation of a petition for bankruptcy; or

(9) anything equivalent to (1) to (8) above occurring in respect of the firm in a jurisdiction outside the United Kingdom.

Lloyd's of London

SUP 15.3.22 D

SUP 15.3.23 D to SUP 15.3.25 D are given in relation to the exercise of the powers of the Society and of the Council generally, with a view to achieving the objective of enabling the FCA to:

(1) comply with its general duty under section 314 of the Act (Regulators' general duty);

(2) determine whether underwriting agents, or approved persons acting for them or on their behalf, are complying with the requirements imposed on them by or under the Act;

(3) enforce the provisions of the Act, or requirements made under the Act, by enabling the FCA to consider, where appropriate, whether it should use its powers, for example, to:
   (a) vary or cancel the permission of an underwriting agent, under section 55J of the Act (Variation or cancellation on initiative of regulator);
   (b) withdraw approval from an approved person acting for or on behalf of an underwriting agent, under section 63 of the Act (Withdrawal of approval) (see EG 9);
   (c) prohibit an individual acting for or on behalf of an underwriting agent from involvement in regulated activities, under section 56 of the Act (Prohibition orders) (see EG 9);
   (d) require an underwriting agent to make restitution, under section 384 of the Act (Power of FCA or PRA to require restitution) (see EG 11);
   (e) discipline an underwriting agent, or an approved person acting for it or on its behalf, for a breach of a requirement made under the Act, including the Principles, Statements of Principle and rules (see DEPP 6 and EG 7);
   (f) apply to court for an injunction, restitution order or insolvency order (see EG 10, EG 11 and EG 13); and
   (g) prosecute any criminal offence that the FCA has power to prosecute under the Act (see EG 12).

15.3.23 D

The Society must immediately inform the FCA in writing if it becomes aware that any matter likely to be of material concern to the FCA may have arisen in relation to:
(1) the regulated activities for which the Society has permission; or

(2) underwriting agents; or

(3) approved persons or individuals acting for or on behalf of underwriting agents.

15.3.24 D

The Society must inform the FCA if it commences investigations or disciplinary proceedings relating to apparent breaches:

(1) of the Act or requirements made under the Act, including the threshold conditions or the Principles or other rules, by an underwriting agent; or

(2) of the Statements of Principle by an individual or other person who carries out controlled functions for or on behalf of an underwriting agent.

15.3.25 D

The Society must inform the FCA if it commences investigations or disciplinary proceedings which do not fall within the scope of SUP 15.3.24 D but which:

(1) involve an underwriting agent, or an approved person who carries out controlled functions for it or on its behalf; or

(2) may indicate that an individual acting for or on behalf of an underwriting agent may not be a fit and proper person to perform functions in relation to regulated activities.

UK AIFMs

15.3.26 R

A full-scope UK AIFM must notify the FCA before implementing any material changes to the conditions under which it was granted permission to manage an AIF, in particular to the information it provided in its application for that permission.

[Note: article 10(1) of AIFMD]

15.3.27 G

Changes that the FCA would expect to be notified of under SUP 15.3.26 R include:

(1) an AIFM being appointed to manage another AIF;

(2) the appointment of a different depositary for an AIF the AIFM manages; and

(3) the appointment of any new senior personnel if the AIFM is not required to apply for the FCA’s approval for that appointment under section 59 of the Act.

15.3.27A R

A full-scope UK AIFM must notify the FCA of material changes under SUP 15.3.26 R in the following manner:
(1) for the management of a new AIF or a new investment compartment of an AIF, by using the form in SUP 15 Annex 6A R;

(2) for changes of senior personnel whose appointment is not required to be approved by the FCA under section 59 of the Act, by using the form in SUP 15 Annex 6B R; and

(3) for all other material changes, by using the form in SUP 15 Annex 6C R.

Where a small authorised UK AIFM no longer meets the conditions in regulation 9 (meaning of “small AIFM”) of the AIFMD UK regulation it must:

(1) immediately notify the FCA using the form in SUP 15 Annex 6D R; and

(2) within 30 calendar days, apply to the FCA for a variation of its permission to become a full-scope UK AIFM.

[Note: article 3(3) second and third paragraphs of AIFMD]

(1) A small authorised UK AIFM must notify the FCA before it starts to manage a new AIF or a new investment compartment of an AIF using the form in SUP 15 Annex 6A R.

(2) (1) does not apply where:

(a) the management of the new AIF or investment compartment would result in the AIFM exceeding the relevant threshold of assets under management so that it will no longer meet the conditions in regulation 9 (meaning of “small AIFM”) of the AIFMD UK regulation (see SUP 15.3.28 R); or

(b) the AIF is a EuSEF or EuVECA (see SUP 15.3.31 G).

(1) A small registered UK AIFM must notify the FCA of changes in the following manner:

(a) for the management of a new AIF or a new investment compartment of an AIF, by using the form in SUP 15 Annex 6A R;

(b) (a) does not apply where:

(i) the management of the new AIF or investment compartment would result in the AIFM exceeding the relevant threshold of assets under management so that it will no longer meet the conditions in regulation 9 (meaning of “small AIFM”) of the AIFMD UK regulation (see (2)); or

(ii) the AIF is a EuSEF or EuVECA (see SUP 15.3.31 G);

(2) if it no longer meets the conditions in regulation 9 (meaning of “small AIFM”) of the AIFMD UK regulation, by using the form in SUP 15 Annex 6D R; and

(3) if it ceases to meet the conditions for registration in regulation 15(1) (small registered AIFMs ceasing to meet the requirements for registration), by using the form in SUP 15 Annex 6E D.
15.3.31 G A EuSEF manager or a EuVECA manager should notify the FCA of the following changes in the following manner:

(1) for changes to senior personnel, by using the form in SUP 15 Annex 6B R; and

(2) for changes to the jurisdiction in which its EuSEF or EuVECA is marketed or to market a new EuSEF or EuVECA, by using the form in SUP 15 Annex 6F G

Competition law infringements

15.3.32 R

(1) A firm must notify the FCA if it has or may have committed a significant infringement of any applicable competition law.

(2) A firm must make the notification as soon as it becomes aware, or has information which reasonably suggests, that a significant infringement has, or may have, occurred.

(3) (a) A firm must make the notification in writing unless (3)(b) applies.

   (b) A firm may make the notification orally where it has made or will make an oral application for leniency or immunity covering the same subject matter to any competition authority.

15.3.33 G

A notification under SUP 15.3.32 R should include:

(1) information about any circumstances relevant to the infringement or possible infringement;

(2) identification of the relevant law; and

(3) information about any steps which the firm or other person has taken or intends to take to rectify or remedy the infringement or prevent any future potential occurrence.

15.3.34 G

In determining whether a matter is significant, a firm should have regard to the actual or potential effect on competition, any customer detriment, and the duration of any infringement and implications for the firm’s systems and controls.

15.3.35 G

(1) Where a firm notifies the FCA under SUP 15.3.32 R, the firm should not infer or assume that any lack of (or delay in) a response, objection or enforcement activity by the FCA or any other competition authority means that the agreement or conduct:

   (a) does not infringe competition law; or

   (b) is, or will be, immune from enforcement.

(2) Notification under SUP 15.3.32 R is not sufficient to constitute an application for leniency or immunity from penalty in any subsequent investigation under Chapter 1 of the Competition Act 1998 or article 101 of the Treaty.
15.4 Notified persons

(1) An overseas firm, which is not an incoming firm, must notify the FCA within 30 business days of any person taking up or ceasing to hold the following positions:

(a) the firm’s worldwide chief executive (that is, the person who, alone or jointly with one or more others, is responsible under the immediate authority of the directors for the whole of its business) if the person is based outside the United Kingdom;

(b) the person within the overseas firm with a purely strategic responsibility for UK operations (see SUP 10.7.4 G);

(c) for a bank: the two or more persons who effectively direct its business in accordance with SYSC 4.2.2 R;

(d) for an insurer: the authorised UK representative.

(2) The notification in (1) must be submitted in the form set out in Form F (SUP 15 Ann 2). However, if the person is an approved person, notification giving details of his name, the approved person’s individual reference number and the position to which the notification relates, is sufficient.

15.4.1

SUP 15.4.1 R is not made under the powers conferred on the FCA by Part V of the Act (Performance of Regulated Activities). A person notified to the FCA under SUP 15.4.1 R is not subject to the Statements of Principle or Code of Practice for Approved Persons, unless he is also an approved person.

15.4.2

A firm other than a credit union must submit the form in SUP 15 Ann 2 R online using the FCA’s online notification and application system.

15.4.3

(1) A credit union must submit the form in SUP 15 Ann 2 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 15 Ann 2 R, in the way set out in SUP 15.7.4 R to SUP 15.7.9 G (Form and method of notification).
15.4.3A  
(1) 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 the alternative methods of submission set out in SUP 15.4.3R(3) and SUP 15.7.4R to SUP 15.7.9G (Form and method of notification) should be used.

(2) Where SUP 15.4.3R (3) applies to a firm, GEN 1.3.2 R (Emergency) does not apply.

15.4.4  
If adverse information is revealed about a person notified to the FCA under SUP 15.4.1 R, the FCA may exercise its own-initiative power against the firm (see SUP 7 (Individual requirements)).
15.5 Core information requirements

Change in name

15.5.1 **R** A firm must give the FCA reasonable advance notice of a change in:

1. the firm’s name (which is the registered name if the firm is a body corporate);
2. any business name under which the firm carries on a regulated activity (other than a regulated claims management activity) or ancillary activity either from an establishment in the United Kingdom or with or for clients in the United Kingdom; and
3. any business name under which the firm carries on a regulated claims management activity or ancillary activity.

15.5.2 **G** A notification under SUP 15.5.1 R should include the details of the proposed new name and the date on which the firm intends to implement the change of name.

15.5.3 **G** Firms are reminded that certain name changes (for example, to include ‘Limited’) may also require a notification under SUP 15.5.1R.

Change in address

15.5.4 **R** A firm must give the FCA reasonable advance notice of a change in any of the following addresses, and give details of the new address and the date of the change:

1. the firm’s principal place of business in the United Kingdom;
2. in the case of an overseas firm, its registered office (or head office) address.

Change in telephone numbers

15.5.5 **R** A firm must give the FCA reasonable advance notice of a change in any of the following telephone numbers, and give details of the new telephone number and the date of the change:

1. the number of the firm’s principal place of business in the United Kingdom;
2. in the case of an overseas firm, the number of its head office.
15.5.6 G ■ SUP 15.5.4 R and ■ SUP 15.5.5 R mean that a firm should notify the FCA of a change in telephone number even if the address of the office is not changing.

Other regulators

15.5.7 R A firm must notify the FCA immediately if it becomes subject to or ceases to be subject to the supervision of any overseas regulator (including a Home State regulator).

15.5.8 G The FCA’s approach to the supervision of a firm is influenced by the regulatory regime and any legislative or foreign provisions to which that firm, including its branches, is subject.

Submitting notifications to the appropriate regulator

15.5.9 R (1) A firm other than:

(a) a credit union; or

(b) an FCA-authorised person with permission to carry on only credit-related regulated activity;

must submit any notice under ■ SUP 15.5.1R, ■ SUP 15.5.4R and ■ SUP 15.5.5 R by submitting the form in ■ SUP 15 Ann 3R online at the FCA’s website.

(2) A credit union or an FCA-authorised person with permission to carry on only credit-related regulated activity (other than a firm with only an interim permission to which the modifications to ■ SUP 15 in ■ CONC 12 apply) must submit any notice under ■ SUP 15.5.1R, ■ SUP 15.5.4R, ■ SUP 15.5.5 R and ■ SUP 15.5.7R by submitting the form in ■ SUP 15 Ann 3R in the way set out in ■ SUP 15.7.4R to ■ SUP 15.7.9G (Form and method of notification).

(3) Where a firm is obliged to submit a notice online under (1), if the FCA’s appropriate regulator’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 any notice under ■ SUP 15.5.1R, ■ SUP 15.5.4R and ■ SUP 15.5.5 R in the form in ■ SUP 15 Ann 3R and in the way set out in ■ SUP 15.7.4R to ■ SUP 15.7.9G (Form and method of notification).

(4) A firm must submit any notice required under ■ SUP 15.5.7 R by submitting the form in ■ SUP 15 Ann 4 in the way set out in ■ SUP 15.7.4 R to ■ SUP 15.7.9 G (Form and method of notification).

15.5.10 G (1) 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 the alternative methods of submission set out in ■ SUP 15.5.9R(3) and ■ SUP 15.7.4R to ■ SUP 15.7.9G (Form and method of notification) should be used.

(2) Where ■ SUP 15.5.9R (2) applies to a firm, ■ GEN 1.3.2 R (Emergency) does not apply.
15.6 Inaccurate, false or misleading information

15.6.1 A firm must take reasonable steps to ensure that all information it gives to the FCA in accordance with a rule in any part of the Handbook (including Principle 11) is:

(1) factually accurate or, in the case of estimates and judgements, fairly and properly based after appropriate enquiries have been made by the firm; and

(2) complete, in that it should include anything of which the FCA would reasonably expect notice.

15.6.1A SUP 15.6.1R also applies to all information given, or to be given, by a firm in accordance with any of the following:

(1) a directly applicable provision imposed by MiFIR or any EU regulation adopted under MiFID or MiFIR; or

(2) a breach of any requirement imposed by or under either the MiFI Regulations or the DRS Regulations.

15.6.2 SUP 15.6.1 R applies also in relation to rules outside this chapter, and even if they are not notification rules. Examples of rules and chapters to which SUP 15.6.1 R is relevant, are:

(1) Principle 11, and the guidance on Principle 11 in SUP 2 (Information gathering by the FCA and PRA on their own initiative);

(2) SUP 15 (Notifications to the FCA):

(3) SUP 16 (Reporting requirements);

(4) [deleted]

(5) any notification rule (see Schedule 2 which contains a consolidated summary of such rules);

(6) DISP 1.9 (Complaints record rule); and

(7) DISP 1.10 (Complaints reporting rule).
15.6.3 If a firm is unable to obtain the information required in SUP 15.6.1 R(2), then it should inform the FCA that the scope of the information provided is, or may be, limited.

15.6.4 If a firm becomes aware, or has information that reasonably suggests that it has or may have provided the FCA with information which was or may have been false, misleading, incomplete or inaccurate, or has or may have changed in a material particular, it must notify the FCA immediately. Subject to SUP 15.6.5 R, the notification must include:

(1) details of the information which is or may be false, misleading, incomplete or inaccurate, or has or may have changed;

(2) an explanation why such information was or may have been provided; and

(3) the correct information.

15.6.5 If the information in SUP 15.6.4 R (3) cannot be submitted with the notification (because it is not immediately available), it must instead be submitted as soon as possible afterwards.

15.6.6 The FCA may request the firm to provide revised documentation containing the correct information, if appropriate.

15.6.6A SUP 15.11.13R(4) adjusts the time when, and how, an SMCR firm should make updates under SUP 15.6.4R about notifications under section 64C of the Act (Notification of disciplinary action against certain employees).

15.6.7 Firms are reminded that section 398 of the Act (Misleading the FCA or PRA: residual cases) makes it an offence for a firm knowingly or recklessly to provide the FCA with information which is false or misleading in a material particular in purported compliance with the FCA's rules or any other requirement imposed by or under the Act. An offence by a body corporate, partnership or unincorporated association may be attributed to an officer or certain other persons section 400 of the Act (Offences by bodies corporate etc).
15.7 Form and method of notification

**Form of notification: oral or written**

*15.7.1 R* A notification required from a firm under any notification rule must be given in writing, and in English, and must be submitted on the form specified for that notification rule, or if no form is specified, on the form in [SUP 15 Ann 4 R](#) (Notification form), and must give the firm's Firm Reference Number unless:

1. the notification rule states otherwise; or
2. the notification is provided solely in compliance with Principle 11 (see [SUP 15.3.7 G](#)).

*15.7.2 G* A firm should have regard to the urgency and significance of a matter and, if appropriate, should also notify its usual supervisory contact at the FCA by telephone or by other prompt means of communication, before submitting a written notification. Oral notifications should be given directly to the firm's usual supervisory contact at the FCA. An oral notification left with another person or left on a voicemail or other automatic messaging service is unlikely to have been given appropriately.

*15.7.3 G* The FCA is entitled to rely on any information it receives from a firm and to consider any notification received as being made by a person authorised by the firm to do so. A firm should therefore consider whether it needs to put procedures in place to ensure that only appropriate employees make notifications to the FCA on its behalf.

**Method of notification**

*15.7.4 R* Unless stated in the notification rule, or on the relevant form (if specified), a written notification required from a firm under any notification rule must be:

1. given to or addressed for the attention of the firm's usual supervisory contact at the FCA and
2. delivered to the FCA by one of the methods in [SUP 15.7.5AR](#).
Methods of notification

<table>
<thead>
<tr>
<th>Method of delivery</th>
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<tbody>
<tr>
<td>1. Post to the appropriate address in SUP 15.7.6A G</td>
</tr>
<tr>
<td>2. Leaving the notification at the appropriate address in SUP 15.7.6A G and obtaining a time-stamped receipt</td>
</tr>
<tr>
<td>3. Electronic mail to an address for the firm's usual supervisory contact at the FCA and obtaining an electronic confirmation of receipt</td>
</tr>
<tr>
<td>4. Hand delivery to the firm's usual supervisory contact at the FCA</td>
</tr>
<tr>
<td>5. Fax to a fax number for the firm's usual supervisory contact at the FCA and receiving a successful transmission report for all pages of the notification</td>
</tr>
<tr>
<td>6. Online submission via the FCA's website at <a href="http://www.fca.org.uk">www.fca.org.uk</a></td>
</tr>
</tbody>
</table>

The current published address of the FCA for postal submission or hand delivery of notifications is:

(1) The Financial Conduct Authority
12 Endeavour Square
London, E20 1JN

if the firm's usual supervisory contact at the FCA is based in London, or

(2) The Financial Conduct Authority
Quayside House 127
Fountainbridge
Edinburgh EH3 8DJ

if the firm's usual supervisory contact at the FCA is based in Edinburgh.

If the firm or its group is subject to lead supervision arrangements by the FCA the firm or group may give or address a notice under SUP 15.7.4 R(1) to the supervisory contact at the FCA designated as lead supervisor, if the firm has chosen to make use of the lead supervisor as a central point of contact (see SUP 1.5).

If a firm is a member of a group which includes more than one firm, any one undertaking in the group may notify the FCA on behalf of all firms in the group to which the notification applies. In this way, that undertaking may satisfy the obligation of all relevant firms in the group to notify the FCA. Nevertheless, the obligation to make the notification remains the responsibility of the individual firm itself. See also SUP 15.7.3 G.
15.7.9 Firms wishing to communicate with the FCA by electronic mail or fax should obtain the appropriate address or number from the FCA appropriate regulator.

Timely notification

15.7.10 If a notification rule requires notification within a specified period:

(1) the firm must give the notification so as to be received by the FCA no later than the end of that period; and

(2) if the end of that period falls on a day which is not a business day, the notification must be given so as to be received by the FCA no later than the first business day after the end of that period.

15.7.11 If a notification rule does not require notification within a specified period, the firm should act reasonably in deciding when to notify.

Underwriting agents: notification to the Society of Lloyd's

15.7.12 (1) [deleted]

(2) [deleted]

15.7.13 [deleted]

15.7.14 The FCA has made arrangements with the Society of Lloyd's with respect to the monitoring of underwriting agents. Underwriting agents should check whether these arrangements provide for any notifications required under this chapter to be sent to the Society instead of to the FCA. [For further details see the FCA's website.]

Consequences of breach of form and method rules

15.7.15 If a firm fails to comply with the rules in this section then the notification is invalid and there may be a breach of the rule that required the notification to be given.

Service of Notices Regulations

15.7.16 The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001 (SI 2001/1420) contain provisions relating to the service of documents on the FCA. They do not apply to notifications required under notification rules because of the specific rules in this section.
15.8 Notification in respect of particular products and services

Management of occupational pension scheme assets

15.8.1 A firm which manages the assets of an occupational pension scheme must notify the FCA as soon as reasonably practicable if it receives any request or instruction from a trustee which it:

(1) knows; or

(2) on substantial grounds:
   (a) suspects; or
   (b) has cause reasonably to suspect;
   is at material variance with the trustee’s duties.

Individual Pension Accounts

15.8.2 If a firm begins or ceases to administer individual pension accounts, it must notify the FCA as soon as reasonably practicable that it has done so.

Insurers' commission clawback

15.8.3 (1) An insurer must notify the FCA in respect of any firm (the “intermediary”) as soon as reasonably practicable if:

(a) any amount of commission due from the intermediary to the insurer in accordance with an indemnity commission clawback arrangement remains outstanding for four months after the date when the insurer gave notice to the intermediary that the relevant premium had not been paid; or

(b) any amount of commission due from the intermediary to the insurer as a result of either the cancellation of an investment agreement or overpayment of commission remains outstanding for four months after the date on which the insurer gave notice to the intermediary that cancellation or overpayment had occurred.

(2) A notification in (1):

(a) need not be given unless the total amounts outstanding under (1)(a) and (b) in respect of the intermediary exceed £1,000; and

(b) must give the identity of the intermediary and the amount of commission which remains outstanding.
(3) In (1) an "indemnity commission clawback arrangement" is an arrangement under which:

   (a) an insurer pays commission to an intermediary before the date on which the premium is due under the relevant investment agreement; and
   
   (b) the insurer requires repayment of the commission, if the investment agreement is terminated by reason of a failure to pay a premium.

Money service business and trust or company service providers

15.8.4  (1) In accordance with regulation 23 of the Money Laundering Regulations, with effect from 26 June 2017, a firm is required to notify the FCA:

   (a) before it begins or within 28 days of it beginning; and
   
   (b) immediately after it ceases;

   to operate a money service business or a trust or company service provider.

   (2) The notification referred to in (1) should be made in accordance with the requirements in § SUP 15.7 (Form and method of notification).

15.8.5  A firm which is already operating a money service business or a trust or company service provider immediately before 26 June 2017 is required by the Money Laundering Regulations to notify the FCA of that fact within 30 days and should do so in the manner specified in § SUP 15.8.4 G(2).

Delegation by UK UCITS management companies

15.8.6  If a UK UCITS management company intends to delegate to a third party any one or more of its functions for the more efficient conduct of its business, it must first inform the FCA in an appropriate manner.

   [Note: article 13(1)(a) of the UCITS Directive]

15.8.7  A UK UCITS management company which delegates any of its functions to a third party must, as well as complying with § SUP 15.8.6 R, comply with the requirements in § SYSC 8.1.13 R (Additional requirements for a management company) and § COLL 6.6.15 A R.

CTF providers

15.8.8  (1) If a firm begins or ceases to hold itself out as acting as a CTF provider, it must notify the FCA as soon as reasonably practicable that it has done so.

   (2) A firm that acts as a CTF provider must provide the FCA, as soon as reasonably practicable, with details of:

      (a) any third party administrator that it engages;
(b) details of whether it intends to offer HMRC allocated CTFs; and
(c) whether it intends to provide its own stakeholder CTF account.

15.8.9  R
A BIPRU firm must report to the FCA immediately any case in which its counterparty in a repurchase agreement or reverse repurchase agreement or securities or commodities lending or borrowing transaction defaults on its obligations.

MCD credit intermediaries

15.8.10  R
A tied MCD credit intermediary must notify the FCA, as soon as reasonably practicable, if it intends to cease acting on behalf of and under the full responsibility of any firm.

15.8.11  R
A MCD credit intermediary must notify the FCA, as soon as reasonably practicable, if it intends to start acting on behalf of and under the full responsibility of any firm.

Credit institutions providing account information services or payment initiation services

15.8.12  D
Unless SUP 15.8.13D applies, a full credit institution must notify the FCA before it starts to provide an account information service or a payment initiation service.

15.8.13  D
A full credit institution which:

(1) prior to 13 January 2018, started to provide a service which, if provided on or after 13 January 2018, would have constituted an account information service or a payment initiation service; and

(2) continues to provide an account information service or a payment initiation service on 13 January 2018,

must notify the FCA that it is providing account information services or payment initiation services by 10 February 2018.

15.8.14  D
A notification required under SUP 15.8.12 or SUP 15.8.13 must include a description of the account information service or payment initiation service that is being or is to be provided.

15.8.15  D
The notification required under SUP 15.8.12 or SUP 15.8.13 must be made in accordance with the requirements in SUP 15.7 (Form and method of notification).
15.9 Notifications by members of financial conglomerates

15.9.1 A firm that is a regulated entity must notify the FCA immediately it becomes aware that any consolidation group of which it is a member:

(1) is a financial conglomerate; or
(2) has ceased to be a financial conglomerate.

15.9.2 (1) A firm that is a regulated entity must establish whether or not any consolidation group of which it is a member:
(a) is a financial conglomerate; or
(b) has ceased to be a financial conglomerate;
if:
(c) the firm believes; or
(d) a reasonable firm that is complying with the requirements of the regulatory system would believe;
that it is likely that (a) or (b) is true.

(2) A firm does not need to determine whether (1)(a) is the case if the consolidation group is already being regulated as a financial conglomerate.

(3) A firm does not need to determine whether (1)(b) is the case if notification has already been given as contemplated by SUP 15.9.4 R.

15.9.3 A firm should consider the requirements in SUP 15.9.2 R on a continuing basis, and in particular, when the group prepares its financial statements and on the occurrence of an event affecting the consolidated group. Such events include, but are not limited to, an acquisition, merger or sale.

15.9.4 A firm does not have to give notice to the FCA under SUP 15.9.1 R if it or another member of the consolidation group has already given notice of the relevant fact to:

(1) the FCA or
(2) (if another competent authority is co-ordinator of the financial conglomerate) that competent authority; or

(3) (in the case of a financial conglomerate that does not yet have a co-ordinator) the competent authority who would be co-ordinator under Article 10(2) of the Financial Groups Directive (Competent authority responsible for exercising supplementary supervision (the co-ordinator)).

(1) A firm must, at the level of the EEA financial conglomerate, regularly provide the FCA with details on the financial conglomerate’s legal structure and governance and organisational structure, including all regulated entities, non-regulated subsidiaries and significant branches.

(2) A firm must disclose publicly, at the level of the EEA financial conglomerate, on an annual basis, either in full or by way of references to equivalent information, a description of the financial conglomerate’s legal structure and governance and organisational structure.

(3) For the purposes of (1) and (2), where a firm is a member of an EEA financial conglomerate which is part of a wider UK regulated EEA financial conglomerate, reporting applies only at the level of the EEA parent mixed financial holding company or ultimate EEA mixed financial holding company.
15.10 Reporting suspicious transactions or orders (market abuse)

15.10.1 [deleted]

Notification of suspicious transactions or orders: general

15.10.2 [deleted]

15.10.2A [EU] [article 16 of the Market Abuse Regulation.]

Notification of suspicious transactions: investment firms and credit institutions

15.10.3 [deleted]

15.10.4 [G] (1) Notification of suspicious transactions or orders to the FCA requires sufficient indications (which may not be apparent until after the transaction has taken place) that the transaction or order might constitute market abuse. In particular a person subject to article 16 of the Market Abuse Regulation will need to be able to explain the basis for the suspicion when notifying the FCA. Certain transactions or orders by themselves may seem completely devoid of anything suspicious, but might deliver such indications of possible market abuse, when seen in perspective with other transactions, certain behaviour or other information (though persons subject to article 16 of the Market Abuse Regulation are not expected to breach effective information barriers put in place to prevent and avoid conflicts of interest so as actively to seek to detect suspicious transactions).

(2) Assistance in identifying the elements constituting market abuse can be found within the Market Abuse Regulation.
Timeframe for notification

15.10.5 R [deleted]

Content of notification

15.10.6 R [deleted]

Means of notification

15.10.7 G A person subject to article 16 of the Market Abuse Regulation making a notification to the FCA under this section may do so using the system indicated on the FCA’s website.

15.10.8 G [deleted]

15.10.9 R [deleted]
15.11 Notification of COCON breaches and disciplinary action

Reasons for making a notification to the FCA

15.11.1 G Under section 64A of the Act, the FCA may make rules about the conduct of approved persons and certain other persons who work for a firm.

15.11.2 G COCON sets out rules under section 64A of the Act and guidance on those rules for SMCR firms.

15.11.3 G [deleted]

15.11.4 G Under section 64C of the Act, a firm must notify the FCA if it takes disciplinary action against certain people working for an SMCR firm and the reason for this action is a reason specified in rules made by the FCA (those rules are set out in □ SUP 15.11.6R).

15.11.5 G Disciplinary action against a person is defined in section 64C of the Act as the issuing of a formal written warning, the suspension or dismissal of that person or the reduction or recovery of any of such person’s remuneration.

15.11.6 R If a reason for taking disciplinary action as referred to in section 64C of the Act (Requirement for authorised persons to notify regulator of disciplinary action) is any action, failure to act or circumstance that amounts to a breach of COCON, then the SMCR firm is required to notify the FCA of the disciplinary action.

15.11.6A G The effect of section 64C of the Act and □ SUP 15.11.6R is that the reporting obligation in section 64C of the Act and in this section:

(1) only applies to SMCR firms; and

(2) only covers persons who are subject to COCON (who are called conduct rules staff in the FCA Handbook) rather than to the whole workforce of an SMCR firm.

15.11.7 G A firm should make a separate notification about a person under section 64C of the Act where:

(1) it has made a notification to the FCA about the person pursuant to □ SUP 15.3.11R(1)(a) because of a breach of COCON; and
(2) it subsequently takes disciplinary action against the person for the action, failure to act, or circumstance, that amounted to a breach of COCON.

15.11.8 (G) If, after a firm has made a notification for a person (A) pursuant to section 64C of the Act, it becomes aware of facts or matters which cause it to change its view that A has breached COCON, or cause it to determine that A has breached a provision of COCON other than the provision to which the notification related, the firm should inform the FCA of those facts and matters and its revised conclusion in line with Principle 11, SUP 15.6.4R and, if applicable, SUP 10C or SUP 15.11.13R(4).

15.11.9 (G) (1) If a firm takes disciplinary action as a result of a conduct breach (see SUP 15.11.6R) against an employee but the employee has appealed or plans to appeal, the firm should still report the disciplinary action under section 64C of the Act but should include the appeal in the notification.

(2) The firm should update the FCA on the outcome of any appeal.

15.11.10 [deleted]

15.11.11 (G) In relation to any conduct rules staff, the FCA does not expect a firm to notify it pursuant to section 64C of the Act if the breach of COCON occurred before the application of COCON to that firm.

Timing and form of notifications: SMF managers

15.11.12 (G) Where a firm is required to notify the FCA pursuant to section 64C of the Act and that notification relates to an SMF manager, SUP 10C sets out how and when the notification must be made, and the relevant notification rules in SUP 10C apply.

Timing and form of notifications: conduct rules staff other than SMF managers

15.11.13 (R) (1) A firm must make any notifications required pursuant to section 64C of the Act relating to conduct rules staff other than SMF managers in accordance with SUP 15.11.13R to SUP 15.11.15R.

(2) That notification must be made annually.

(3) Each notification must:

(a) cover:

(i) (in the case of a firm falling within SYSC 23 Annex 1 6.7R (credit firms with limited permission)) its annual financial reporting period ending on its accounting reference date; or

(ii) (for any other firm) the 12 month period ending on the last day of August; and

(b) be submitted to the FCA:
(i) within two months of the end of the reporting period in (a)(i) or (a)(ii); or

(ii) (if the end of the submission period in (b)(i) falls on a day which is not a business day) so as to be received no later than the first business day after the end of that submission period.

(4) ■ SUP 15.6.4R and ■ SUP 15.6.5R (updates to a notification that is or has become incorrect) apply to a notification under this rule but the firm must include the update or correction in the next notification it is due to make under this rule rather than in the time and manner otherwise required for notifications under those rules.

(5) If a firm (other than a credit union) has nothing to report under section 64C of the Act and nothing to report under ■ SUP 15.11.13R(4) for a particular reporting period, it must notify the FCA of that fact in accordance with ■ SUP 15.11.13R to ■ SUP 15.11.14R.

(6) (3)(a)(i) applies whether or not the firm is a limited scope SMCR firm.

15.11.13A G ■ SUP 15.11.8G and ■ SUP 15.11.9G(2) give examples of when a notification should be updated under ■ SUP 15.11.13R(4).

15.11.14 R (1) A firm other than a credit union must make each notification pursuant to ■ SUP 15.11.13R (notifications about section 64C of the Act relating to conduct rules staff other than SMF managers) by submitting it online through the FCA’s website using the electronic system made available by the FCA for this purpose.

(2) A firm must use the version of Form H (named REP008 – Notification of Disciplinary Action) made available on the electronic system referred to in (1), which is based on the version found in ■ SUP 15 Annex 7R.

(3) If the information technology systems used by the FCA fail and online submission is unavailable for 24 hours or more, ■ SUP 15.11.15R applies until such time as the facilities for online submission are restored.

15.11.14A G (1) If the information technology systems used by the FCA fail and online submission is unavailable for 24 hours or more, the FCA will endeavour to publish a notice on its website confirming that:

(a) online submission is unavailable; and

(b) the alternative methods of submission in ■ SUP 15.11.15R apply.

(2) Where ■ SUP 15.11.14R(3) applies to a firm, ■ GEN 1.3.2R (Emergency) does not apply.

15.11.15 R A credit union must make each notification pursuant to ■ SUP 15.11.13R (notifications about section 64C of the Act relating to conduct rules staff other than SMF managers) in accordance with the rules and guidance in ■ SUP 15.7, using Form H as set out in ■ SUP 15 Annex 7R.
15.11.15A

(1) If a firm to which SUP 15.11.14R applies fails to submit a completed notification under SUP 15.11.13R by the date on which it is due, in accordance with SUP 15.11.13R, the firm must pay an administrative fee of £250.

(2) The administrative fee in (1) does not apply if the firm is unable to submit a report in electronic format within the time required because of a systems failure of the kind described in SUP 15.11.14R(3).

General guidance on notifications of rule breaches and disciplinary action

15.11.16 [deleted]

15.11.17 The obligation to notify pursuant to section 64C of the Act or to update or correct a notification under SUP 15.11.13R(4) does not replace or limit a firm’s obligation to comply with Principle 11.

15.11.18 When considering whether to make a notification pursuant to section 64C of the Act, a firm should also consider whether a notification should be made under any notification rules, including, without limitation, any notification rules that require a notification to be made to the PRA.

15.11.19 The obligations to make a notification pursuant to section 64C of the Act apply notwithstanding any agreement (for example a ‘COT 3’ Agreement settled by the Advisory, Conciliation and Arbitration Service (ACAS)) or any other arrangements entered into by a firm and an employee upon termination of the employee’s employment. A firm should not enter into any such arrangements or agreements that could conflict with its obligations under this section.

15.11.20 Failing to disclose relevant information to the FCA may be a criminal offence under section 398 of the Act.
15.12 Ongoing alerts for retail adviser complaints

15.12.1 A firm must notify the FCA, using the form in SUP 15 Annex 8R, where:

(a) in any 12-month period, it has upheld three complaints about matters relating to activities carried out by any one employee when acting as a retail investment adviser; or

(b) it has upheld a complaint about matters relating to activities carried out by any one employee when acting as a retail investment adviser, where the redress paid exceeds £50,000.

(2) A notification made under (1)(a) must be made by the end of the period of 20 business days, beginning on the day on which the firm upheld the third complaint.

(3) A notification made under (1)(b) must be made by the end of the period of 20 business days, beginning on the day on which the firm upheld the complaint.

15.12.2 For the purpose of SUP 15.12.1R:

(1) when calculating the number of complaints in SUP 15.12.1R(1)(a), the firm should exclude complaints previously notified to the FCA under this rule;

(2) redress, under SUP 15.12.1R(1)(b), should be interpreted to include an amount paid, or cost borne, by the firm, where a cash value can be readily identified, and should include:

(a) amounts paid for distress and inconvenience;

(b) a free transfer out to another provider for which a transfer would normally be paid for;

(c) goodwill payments and gestures;

(d) interest on delayed settlements;

(e) waiver of an excess on an insurance policy; and

(f) payments to put the consumer back into the position the consumer should have been in had the act or omission not occurred; and

(3) the amount of redress paid under SUP 15.12.1R(1)(b) should not include repayments or refunds of premiums which have been taken in error (for example, where a firm has been taking, by direct debit,
twice the actual premium amount due under a policy) and the refund of the overcharge would not count as redress.

[Note: See DISP 1.10.2AR for the duty to notify complaints under the complaints reporting rules]

**15.12.3** Notifications under **SUP 15.12.1R** must be made electronically using a method of notification prescribed by the *FCA*. 
15.13 Notification by CBTL firms

Application and purpose

This section sets out guidance for CBTL firms to assist them in complying with their obligation to notify the FCA immediately if they cease to satisfy any condition for registration in article 8(2) or 8(3) of the MCD Order.

[Note: article 12 of the MCD Order]

The nature of a CBTL firm’s obligation under article 12 of the MCD Order will depend on whether the CBTL firm has a Part 4A permission to carry on one or more regulated activities.

CBTL firms which have Part 4A permission

The circumstances in which a CBTL firm which has a Part 4A permission should notify the FCA include but are not limited to when:

(1) it ceases to carry on CBTL business and does not propose to resume carrying on CBTL business in the immediate future. This does not include circumstances where the CBTL firm temporarily withdraws its products from the market or is preparing to launch fresh products; or

(2) it applies to cancel its Part 4A permission; or

(3) it applies to vary its Part 4A permission so that once the variation takes effect it will cease to hold any Part 4A permission; or

(4) it receives a final notice to cancel its Part 4A permission; or

(5) it receives a second supervisory notice to vary its Part 4A permission so that once the variation takes effect it will cease to hold any Part 4A permission.

CBTL firms which do not have a Part 4A permission

The circumstances in which a CBTL firm which does not have a Part 4A permission should notify the FCA include but are not limited to when:

(1) it ceases to carry on CBTL business and does not propose to resume carrying on CBTL business in the immediate future; this does not include circumstances where the CBTL firm temporarily withdraws its products from the market or is preparing to launch fresh products; or
(2) it changes its registered office or place of residence as the case may be so that it is no longer in the United Kingdom; or

(3) any individual responsible for the management or operation of the CBTL business within the CBTL firm:

(a) is convicted of any offence involving fraud or dishonesty or any indictable offence, including any act or omission which would have been an offence if it had taken place in the United Kingdom; or

(b) becomes subject to a prohibition order; or

(4) it takes on an individual to be responsible for the management or operation of the CBTL business within the CBTL firm who has been:

(a) convicted of any offence involving fraud or dishonesty or any indictable offence, including any act or omission which would have been an offence if it had taken place in the United Kingdom; or

(b) is subject to a prohibition order; or

(5) (if the CBTL firm is an undertaking) any person who:

(a) holds 10% or more of the shares in the CBTL firm or in a parent undertaking of the CBTL firm; or

(b) holds 10% or more of the voting power in the CBTL firm or in a parent undertaking of the CBTL firm; or

(c) holds shares or voting power in the CBTL firm or in a parent undertaking of the CBTL firm as a result of which he is able to exercise significant influence over the management of the CBTL firm;

ceases to be a fit and proper person having regard to the need to ensure the sound and prudent conduct of the affairs of the CBTL firm; or

(6) (if the CBTL firm is an undertaking) any person who is not a fit and proper person, having regard to the need to ensure the sound and prudent conduct of the affairs of the CBTL firm, acquires an interest such that he:

(a) holds 10% or more of the shares in the CBTL firm or in a parent undertaking of the CBTL firm; or

(b) holds 10% or more of the voting power in the CBTL firm or in a parent undertaking of the CBTL firm; or

(c) holds shares or voting power in the CBTL firm or in a parent undertaking of the CBTL firm as a result of which he is able to exercise significant influence over the management of the CBTL firm; or

(7) any of the following persons cease to be of good repute:

(a) a person responsible for the management of the CBTL firm; or

(b) a person responsible for the CBTL firm’s CBTL business; or

(c) a director of the CBTL firm (if the CBTL firm is a body corporate); or

(8) a person who is not of good repute becomes:
(a) responsible for the management of the CBTL firm; or
(b) responsible for the CBTL firm’s CBTL business; or
(c) a director of the CBTL firm (if the CBTL firm is a body corporate); or

(9) (if the CBTL firm is a CBTL arranger or a CBTL adviser) it ceases to hold professional indemnity insurance as described in article 8(f) of the MCD Order; or

(10) the individuals responsible for the management or operation of the CBTL business of the CBTL firm lack an appropriate level of knowledge or competence in relation to CBTL credit agreements.

Method, form and timing of notifications

Any notification given by a CBTL firm under article 12 of the MCD Order should be:

(1) in writing;
(2) in English;
(3) given to or addressed for the attention of the CBTL firm’s usual supervisory contact at the FCA (where the CBTL firm does not have an identified supervisory contact this will be the FCA’s Contact Centre);
(4) delivered to the FCA by one of the methods in SUP 15.5.5AR to the appropriate address set out in SUP 15.5.6AG; and
(5) given by a person who has full knowledge of the facts giving rise to the notification and who is responsible for the management of the CBTL firm or the CBTL firm’s CBTL business.

A notification given under article 12 of the MCD Order should contain at least the following information:

(1) the CBTL firm’s name and reference number;

the name and telephone, postal and email (where available) contact details of the person responsible for making the notification;

(2) a statement that the notification is given under article 12 of the MCD Order;

(3) a statement setting out the specific condition of article 8 of the MCD Order that the notification relates to;

(5) full details of the facts giving rise to the notification, including in particular when the relevant events occurred and when the CBTL firm became aware of them (if different); and

(6) full details of any steps taken or proposed to be taken by the CBTL firm to address the issues giving rise to the obligation to make the notification, including a proposed timeline for the steps, if applicable.
15.13.7 The *MCD Order* requires notification to be given immediately. The *FCA* expects *CBTL firms* to act with all due urgency in notifying it of any relevant event, and it is unlikely that the *FCA* will regard delay in excess of 5 working days as complying with the *CBTL firm's* obligations.
15.14 Notifications under the Payment Services Regulations

Application

15.14.1 This section applies to payment service providers.

Purpose

15.14.2 The purpose of this section is to give directions and guidance to payment service providers relating to the form, content and timing of notifications required under the Payment Services Regulations.

Notification by credit institutions under regulation 105

15.14.3 A full credit institution to which regulation 105 of the Payment Services Regulations applies must notify the FCA if it refuses a request for access to payment account services from:

(1) a person falling within paragraphs (1)(a) to (e) (excluding (1)(d)) of the Glossary definition of payment service provider; or

(2) an applicant for authorisation or registration as such a payment service provider.

15.14.4 References in this section to a refusal of a request for access to payment account services include a withdrawal or termination of access to such services.

15.14.5 A notification required by regulation 105(3) of the Payment Services Regulations and SUP 15.14.3D must include duly motivated reasons for the refusal.

15.14.6 Unless the FCA directs otherwise, a notification required by regulation 105(3) of the Payment Services Regulations and SUP 15.14.3D must be submitted by the full credit institution to the FCA:

(1) in the form specified in SUP 15 Annex 9D;

(2) by electronic means made available by the FCA; and

(3) at the same time as it informs the person referred to in SUP 15.14.3D(1) or (2) of its refusal.
15.14.7 D If for any reason the full credit institution does not notify the person referred to in SUP 15.14.3D(1) or (2) of its refusal, the full credit institution must submit the notification required by SUP 15.14.3D immediately following the decision by the full credit institution to refuse access.

15.14.8 G The direction in SUP 15.14.6D will not apply if the FCA gives a different direction to a specific credit institution, in the light of the particular circumstances surrounding a refusal of access to payment account services, about how to notify the FCA. The FCA is likely to be minded to do so where a credit institution decides to withdraw access to a large number of persons falling within paragraphs (1)(a) to (e) (excluding (1)(d)) of the Glossary definition of payment service provider simultaneously, such that complying with SUP 15.14.6D becomes impractical, and provides advance notice of the proposed withdrawal to their usual supervisory contact at the FCA. For these purposes, fewer than ten persons is unlikely to be considered a large number.

15.14.9 G Credit institutions are reminded of the general notification requirements in SUP 15.3, including the obligation to notify the FCA as soon as they become aware of any matter (including a matter which may occur in the foreseeable future) which could affect their ability to continue to provide adequate services to their customers and which could result in serious detriment to a customer of the credit institution (SUP 15.3.1R(3)).

Notification by account servicing payment service providers under regulation 71

15.14.10 D An account servicing payment service provider to which regulation 71(8)(c) of the Payment Services Regulations applies must notify the FCA if it denies an account information service provider or a payment initiation service provider access to a payment account under regulation 71(7).

15.14.11 D A notification required by regulation 71(8)(c) of the Payment Services Regulations and SUP 15.14.10D must include details of the case and the reasons for denying access.

15.14.12 D A notification required by regulation 71(8)(c) of the Payment Services Regulations and SUP 15.14.10D must be submitted by the account servicing payment service provider to the FCA:

1. in the form specified in SUP 15 Annex 10
2. by electronic means made available by the FCA; and
3. immediately after the first occasion on which it denies the account information service provider or the payment initiation service provider in question access to a payment account.
Where:

(1) an account servicing payment service provider denies access to more than one payment account or to a payment account on multiple consecutive occasions; and

(2) these denials of access:

   are in respect of the same account information service provider or payment initiation service provider; and

   (b) arise out of the same facts and happen for the same reasons,

the account servicing payment service provider is required to submit only a single notification in respect of them under regulation 71(8)(c) of the Payment Services Regulations and SUP 15.14.10D.

Where an account servicing payment service provider has already submitted a notification in accordance with regulation 71(8)(c) of the Payment Services Regulations and SUP 15.14.10D and continues to deny access to a payment account, it is not required to notify the FCA of a consecutive denial of access that happens after the original notification was sent if it:

(1) is in respect of the same account information service provider or payment initiation service provider; and

(2) arises out of the same facts and happens for the same reasons.

An account servicing payment service provider that has previously submitted a notification in accordance with regulation 71(8)(c) of the Payment Services Regulations and SUP 15.14.10D must notify the FCA if it subsequently restores access to the payment account for the account information service provider or payment initiation service provider that was the subject of the original notification, unless it indicated in the first notification that it intended to immediately restore access and access was so restored.

A notification required under SUP 15.14.15D must be submitted by the account servicing payment service provider to the FCA:

(1) in the form specified in SUP 15 Annex 10;

(2) by electronic means made available by the FCA; and

(3) immediately after it restores access to the payment account(s) for the account information service provider or payment initiation service provider.

For the purposes of SUP 15.14.12D and SUP 15.14.16D we would expect the account servicing payment service provider to complete and submit the notification as quickly as possible.
Notification of major operational or security incidents under regulation 99

15.14.18 **G** Regulation 99(1) of the Payment Services Regulations provides that, if a payment service provider becomes aware of a major operational or security incident, the payment service provider must, without undue delay, notify the FCA. The purpose of this section is to direct the form and manner in which such notifications must made and the information they must contain, in exercise of the power in regulation 100(2) of the Payment Services Regulations.

15.14.19 **G** The EBA has issued Guidelines on incident reporting under the Payment Services Directive that specify the criteria a payment service provider should use to assess whether an operational or security incident is major and needs to be reported to the FCA. These Guidelines also specify the format for the notification and the procedures the payment service provider should follow.

15.14.20 **D** Payment service providers must comply with the EBA’s Guidelines on incident reporting under the Payment Services Directive as issued on 27 July 2017 where they are addressed to payment service providers.

15.14.21 **D** In particular, a notification required by regulation 99(1) of the Payment Services Regulations must be submitted by the payment service provider to the FCA:

1. within the timescales and at the frequencies specified in the EBA’s Guidelines on incident reporting under the Payment Services Directive;

2. in writing on the form specified inSUP 15 Annex 11D; and

3. by such electronic means as the FCA may specify.

15.14.22 **G** Payment service providers should note that article 16(3) of Regulation (EU) No 1093/2010 also requires them to make every effort to comply with the EBA’s Guidelines on incident reporting under the Payment Services Directive.

15.14.23 **G** Where the electronic means of submission of notifications is known not to be available or operated at the time the incident is first detected, the notification should be sent to the FCA as soon as the electronic means of submission becomes available and operational again. Unless the FCA has informed a specific payment service provider that electronic means of submission are also available to it and operated at other times, the electronic means of submission are available and operated during normal operating hours, as specified by the FCA.

15.14.24 **G** The EBA’s Guidelines on incident reporting under the Payment Services Directive contain guidelines on the completion of the form specified in SUP 15 Annex 11D. Payment service providers should use the same form in all reports concerning the same incident. Payment service providers may not have sufficient information to complete all parts of the form in the initial report. They should complete the form in an incremental manner and on a
best effort basis as more information becomes readily available in the course of their internal investigations.

**General provisions**

15.14.25 **D**

| SUP 15.6.1R to | SUP 15.6.6G (Inaccurate, false or misleading information) apply to payment service providers that are required to make notifications in accordance with this section as if a reference to firm in | SUP 15.6.1R to | SUP 15.6.6G were a reference to the relevant category of payment service provider and a reference to a rule were a reference to the directions in this section. |

15.14.26 **G**

Payment service providers are reminded that regulation 142 of the Payment Services Regulations (Misleading the FCA or the Payment Systems Regulator) makes it an offence for a person to knowingly or recklessly provide the FCA with information which is false or misleading in a material particular in purported compliance with the directions given in this section or any other requirement imposed by or under the Payment Services Regulations.

15.14.27 **G**

If a payment service provider fails to comply with the directions in this section then the notification is invalid and there may be a breach of the regulation of the Payment Services Regulations or the direction that required the notification to be given.

15.14.28 **G**

The Financial Services and Markets Act 2000 (Service of Notices) Regulations 2001 (SI 2001/1420) contain provisions relating to the service of documents on the FCA. They do not apply to notifications required under this section because of the specific directions given in this section.

**Notification that a fraud rate has been exceeded (article 20 of the SCA RTS)**

15.14.29 **G**

Article 18 of the SCA RTS permits payment service providers not to apply strong customer authentication where the payer initiates a remote electronic payment transaction identified by the payment service provider as posing a low level of risk according to the transaction monitoring mechanism referred to in article 2 and article 18 of the SCA RTS.

15.14.30 **G**

Article 19 of the SCA RTS requires payment service providers to ensure that the overall fraud rates per quarter for transactions executed under the article 18 exemption are equivalent to or lower than the reference fraud rates indicated in the Annex to the SCA RTS. Article 19 defines a quarter as 90 days.

15.14.31 **G**

Where a fraud rate calculated in compliance with article 19 of the SCA RTS exceeds the applicable reference fraud rate, article 20(1) of the SCA RTS requires payment service providers to immediately report to the FCA, providing a description of the measures that they intend to adopt to restore compliance with the reference fraud rates.
Payment service providers should report in respect of each quarter in which a fraud rate exceeds the applicable reference rate.

Where a fraud rate exceeds the applicable reference rate for two consecutive quarters, the payment service provider is required by article 20(2) of the SCA RTS to immediately cease to make use of the article 18 exemption. The report for the second quarter should confirm that the payment service provider has ceased to make use of the article 18 exemption.

Payment service providers required by article 20(1) of the SCA RTS to report to the FCA must do so:

(1) in the form specified in SUP 15 Annex 12D;
(2) by electronic means made available by the FCA; and
(3) immediately after the monitored fraud rate exceeds the applicable reference fraud rate.

A payment service provider that has previously ceased to make use of the article 18 exemption in accordance with article 20(2) of the SCA RTS must notify the FCA in accordance with article 20(4) of the SCA RTS before again making use of the article 18 exemption:

(1) in the form specified in SUP 15 Annex 12D;
(2) by electronic means made available by the FCA; and
(3) in a reasonable timeframe and before making use again of the article 18 exemption.

A payment service provider notifying the FCA before again making use of the article 18 exemption must provide evidence of the restoration of compliance of their monitored fraud rate with the applicable reference fraud rate for that exemption threshold range for one quarter, under article 20(4) of the SCA RTS.

Notifying the FCA one month before making use again of the article 18 exemption would be a reasonable timeframe within the meaning of SUP 15.14.35D(3).

Notifying problems with a dedicated interface (article 33(3) of the SCA RTS)

Account information service providers, payment initiation service providers, payment service providers issuing card-based payment instruments, and account servicing payment service providers must report problems with dedicated interfaces as required by article 33(3) of the SCA RTS to the FCA:

(a) without undue delay;
The following problems with dedicated interfaces should be reported:

(a) the interface does not perform in compliance with article 32 of the SCA RTS; or

(b) there is unplanned unavailability of the interface or a systems breakdown.

Unplanned unavailability or a systems breakdown may be presumed to have arisen when five consecutive requests for access to information for the provision of payment initiation services or account information services are not replied to within 30 seconds.
15.15 Notification by retail intermediaries of qualification as an enhanced scope SMCR firm

Application: General

15.15.1 R Subject toSUP 15.15.2R and SUP 15.15.3R, this section applies to a firm that meets the conditions in SUP 15.15.1R for part of an averaging period (as defined in SUP 15.15.7R); and

(a) that meets the conditions in SUP 15.15.1R for part of an averaging period (as defined in SUP 15.15.7R); and

(b) is subject to the reporting requirement in column (2) of row (3) of the table in SUP 15.15.1R for another part of that averaging period.

(2) When this section applies to a firm in (1), it applies in respect of the averaging period in question.

Application: Firm moving between different reporting requirements

15.15.2 R (1) Subject to SUP 15.15.3R, this section also applies to a firm:

(a) that meets the conditions in SUP 15.15.1R for part of an averaging period (as defined in SUP 15.15.7R); and

(b) is subject to the reporting requirement in column (2) of row (3) of the table in SUP 15.15.1R (Table: Financial qualification conditions) for another part of that averaging period.

(2) When this section applies to a firm in (1), it applies in respect of the averaging period in question.

Application: General exclusion

15.15.3 R This section does not apply to a firm that is excluded from being an enhanced scope SMCR firm by the flow diagram in SUP 23 Annex 1 1.2R (Flow diagram: Types of SMCR firm).

15.15.4 G SUP 15.15.3R means that this section does not apply to:

(1) an SMCR banking firm, an SMCR insurance firm or a limited scope SMCR firm; or

(2) a firm that is excluded from the enhanced regime as defined in Part 7 of SUP 23 Annex 1 (Exclusion from enhanced regime).
Application: Firm is an enhanced scope firm for another reason

15.15.5 This section applies even if the firm meets one of the other qualification conditions in SYSC 23 Annex 1 for being an enhanced scope SMCR firm as well as the retail intermediary one.

Purpose

15.15.6 The purpose of this section is to require certain firms to calculate whether or not they meet the qualification condition for being an enhanced scope SMCR firm based on total intermediary regulated business revenue. In certain cases a firm should report the result of the calculation to the FCA but this section does not require regular reports.

Definitions

15.15.7 In this section:

(1) averaging period has the same meaning as it does in Part 8 of SYSC 23 Annex 1;

(2) reporting date is defined in SUP 15.15.9R;

(3) reporting period has the same meaning as it does in SYSC 23 Annex 1 8.21R; and

(4) the retail intermediary qualification condition means the qualification condition referred to in SUP 15.15.8R.

Obligation to make calculations

15.15.8 A firm must calculate, for each averaging period, whether or not it meets the qualification condition in row (3) of the table in SYSC 23 Annex 1 8.2R (Table: Financial qualification conditions).

15.15.9 (1) A firm must complete the calculation no later than 30 business days after the end of the averaging period in question.

(2) This section refers to the date in this rule as the ‘reporting date’.

15.15.10 The calculations required by this section are made in the same way as they are for Section B of the RMAR.

15.15.11 (1) The amount of work required by SUP 15.15.8R will vary between firms.

(2) In some cases the firm’s total intermediary regulated business revenue will be so small or large that the firm will need to do little work to establish whether or not it meets the retail intermediary qualification condition.

(3) In some cases a firm’s total income (intermediary regulated business revenue and all its other income) may be below the qualification
amount. The firm may have accounts that it has prepared to the necessary standard for other purposes (such as statutory accounts) that show this. In this case the firm may need to do virtually no additional work to establish that it does not meet the retail intermediary qualification condition.

(4) In some cases the firm may need to calculate the precise amount of its total intermediary regulated business revenue. In that case the firm may need to do the same amount of work it would have to do if it had to report to the FCA under Section B of the RMAR.

**Obligation to notify the FCA**

If any of the circumstances set out in the table in SUP 15.15.14R occur, a firm must notify the FCA of that fact.

(1) The firm must make the notification in SUP 15.15.12R no later than the date specified in the table in SUP 15.15.14R.

(2) The notification must also include the additional information, and meet the other requirements, set out in column (3) of that table.

### Table: Circumstances to be notified to the FCA

<table>
<thead>
<tr>
<th>What has to be notified</th>
<th>When it has to be notified</th>
<th>Additional information and comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The firm meets the retail intermediary qualification condition after it has previously not met it.</td>
<td>The reporting date for the last reporting period of the averaging period for which it first meets the retail intermediary qualification condition.</td>
<td>The notification must include the dates of the averaging period in question.</td>
</tr>
<tr>
<td>(2) The firm ceases to meet the retail intermediary qualification condition after it has previously met it.</td>
<td>The reporting date for the last reporting period of the averaging period for which it first ceases to meet the retail intermediary qualification condition.</td>
<td>The notification must include the dates of the averaging period in question.</td>
</tr>
<tr>
<td>(3) The firm ceases to be a retail intermediary where immediately before it met the retail intermediary qualification condition.</td>
<td>30 business days after it ceases to be a retail intermediary.</td>
<td>The notification obligation does not apply if the firm continues to meet the retail intermediary qualification condition.</td>
</tr>
</tbody>
</table>

Note One: The notification obligation applies whether this is the first time the event in column (1) has occurred or whether it has happened before.

Note Two: A firm is a retail intermediary if this section applies to it.
When it has to be notified

When it has to be notified

Additional information and comments

Note Three: The obligation to make a report in (2) or (3) applies even though this section would not otherwise apply under SUP 15.15.1R to SUP 15.15.3R.

15.15.15 G A firm should not include the amount of its total intermediary regulated business revenue in a notification under SUP 15.15.12R.

15.15.16 G (1) This section does not require a firm regularly to notify the FCA whether or not it meets the retail intermediary qualification condition for each averaging period.

(2) Instead this section requires a firm to notify the FCA when it first meets the retail intermediary qualification condition and if it ceases to.

(3) So, for example, if the firm notifies the FCA that it meets the retail intermediary qualification condition, there is no need for any further notifications unless and until it ceases to meet the retail intermediary qualification condition.

(4) Similarly, if the firm never meets the retail intermediary qualification condition, it will never have to notify the FCA under this section.

(5) There is no need for a firm to notify the FCA if it ceases to be a retail intermediary as defined in this section because it has started to submit an RMAR, as long as it continues to meet the retail intermediary qualification condition.

How to submit notifications

15.15.17 R A firm does not have to use the form in SUP 15 Annex 4R (Notification form) to make a notification under this section but must include the details required by Section A of that form (Personal Details).

15.15.18 G Subject to SUP 15.15.17R, SUP 15.7 (Form and method of notification) applies to notifications under this section.
15.16 Notification of changes in the management body

Application

15.16.1 This section applies to a firm that meets the following conditions:

(1) it is:
   (a) a MiFID investment firm; or
   (b) a MiFID optional exemption firm;
(2) it is an SMCR firm;
(3) it is an FCA-authorised person; and
(4) it is a UK domestic firm.

Purpose

15.16.2 The purpose of this section is to:

(1) to set out material related to the requirement in Part 1 (FCA) of the MiFID authorisation and management body change notification ITS for a MiFID investment firm to notify the FCA of changes to its management body;
(2) apply those requirements to MiFID optional exemption firms; and
(3) give guidance to firms about notifying the FCA of inadequacies in their management body.

15.16.3 Article 5 of Part 1 (FCA) of the MiFID authorisation and management body change notification ITS says that a MiFID investment firm should:

(1) notify the FCA of any change to the membership of its management body:
   (a) before such change takes effect; or
   (b) within 10 business days after the change if, for substantiated reasons, it is not possible to make the notification before that change takes effect; and
(2) make the notification using the template in Part 1 of Annex III of the MiFID authorisation and management body change notification ITS.
Supplemental requirement for MiFID investment firms

Where:

(1) a person becomes a member of the management body of a MiFID investment firm; and

(2) the firm must notify that change to the FCA under Part 1 (FCA) of Annex III of the MiFID authorisation and management body change notification ITS;

the firm must (subject to SUP 15.16.6R) complete and submit to the FCA the form titled “Notification Procedures for Changes to the Management Body for Non-SMF Directors” (SUP 15 Annex 14R) as part of the notification referred to in (2).

Requirement for MiFID optional exemption firms

A MiFID optional exemption firm must (subject to SUP 15.16.6R) comply with article 5 of Part 1 (FCA) of the MiFID authorisation and management body change notification ITS and SUP 15.16.4R as if it were a MiFID investment firm.

Exclusion where also performing a controlled function

SUP 15.16.4R and SUP 15.16.5R do not apply if the person who has or will join or leave the management body of the firm performs a governing function in relation to the firm in their role as a member of the management body.

The reason for SUP 15.16.6R is that the firm will already be required to inform the FCA of the change by making an application or giving a notice to the FCA under SUP 10C (FCA senior managers regime for approved persons in SMCR firms).

Method of submission

(1) A firm must make a notification:

(a) under SUP 15.16.4R or SUP 15.16.5R; or

(b) of a change in its management body under the template in Part 1 (FCA) of Annex III of the MiFID authorisation and management body change notification ITS;

by submitting the notification online at fca.org.uk using the FCA’s and PRA’s online notification and application system.

(2) A firm must use the version of the notification form made available for these purposes on the electronic system referred to in (1), which is based on the version found:

(a) in SUP 15 Annex 14R (in the case of the Notification Procedures for Changes to the Management Body for Non-SMF Directors form); or

(b) at https://www.fca.org.uk/publication/forms/mifid-changes-management-body-form.docx (in the case of the form in Annex III
of the MiFID authorisation and management body change notification ITS).

15.16.9 R

(1) If the information technology systems used by the FCA fail and online submission is unavailable for 24 hours or more, a firm must make a notification referred to in ■ SUP 15.16.8R(1)(a) or (b) in the way set out in ■ SUP 15.7.4R to ■ SUP 15.7.9G (Form and method of notification) until such time as facilities for online submission are restored.

(2) When this rule applies, a firm must use the version of the notification form set out in the places listed in ■ SUP 15.16.8R(2).

15.16.10 G

If the information technology systems used by the FCA fail and online submission is unavailable for 24 hours or more, the FCA will endeavour to publish a notice on its website confirming that:

(1) online submission is unavailable; and

(2) the alternative methods of submission in ■ SUP 15.16.9R apply.

15.16.11 G

Where ■ SUP 15.16.9R applies to a firm, ■ GEN 1.3.2R (Emergency) does not apply.

Notification of inadequacies in the management body

15.16.12 G

A firm should notify the FCA under Principle 11, ■ SUP 10C (in the case of a notification about an SMF manager) and ■ SUP 15.3 (General notification requirements):

(1) if the firm concludes that a member of its management body is not suitable individually;

(2) if the firm concludes that its management body is not suitable collectively;

(3) of what measures the firm proposes to take or has taken in relation to the matters in (1) or (2).
Application of SUP 15 to incoming EEA firms, incoming Treaty firms, EEA authorised payment institutions and EEA authorised electronic money institutions

1. **SUP 15 applies in full to an incoming EEA firm, or incoming Treaty firm, which has a top-up permission. However, SUP 15.16 does not apply to such firms.**

2. [deleted]

2A [deleted]

3. For any other incoming EEA firm, incoming Treaty firm, EEA authorised payment institution or EEA authorised electronic money institution, **SUP 15 applies as set out in the following table.**

<table>
<thead>
<tr>
<th>Applicable sections</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUP 15.1, SUP 15.2</td>
<td>Application, Purpose</td>
</tr>
<tr>
<td>SUP 15.3.1 R to SUP 15.3.6 G</td>
<td>Matters having a serious regulatory impact</td>
</tr>
<tr>
<td>SUP 15.3.7 G to SUP 15.3.10 G</td>
<td>Communication with the FCA in accordance with Principle 11</td>
</tr>
<tr>
<td>SUP 15.3.11 R to SUP 15.3.14 G</td>
<td>Breaches of rules and other requirements in or under the Act</td>
</tr>
<tr>
<td>SUP 15.3.15 R to SUP 15.3.16 G</td>
<td>Civil, criminal or disciplinary proceedings against a firm</td>
</tr>
<tr>
<td>SUP 15.3.17 R to SUP 15.3.20 G</td>
<td>Fraud, errors and other irregularities</td>
</tr>
<tr>
<td>SUP 15.3.2 G</td>
<td>Insolvency, bankruptcy and winding up</td>
</tr>
<tr>
<td>SUP 15.3.32R to SUP 15.3.35G</td>
<td>Competition law infringements</td>
</tr>
<tr>
<td>SUP 15</td>
<td>Notified persons</td>
</tr>
<tr>
<td>SUP 15.5.1 R to SUP 15.5.3 G</td>
<td>Change in name</td>
</tr>
<tr>
<td>SUP 15.5.4 R</td>
<td>Change in address: principal place of business in the UK</td>
</tr>
<tr>
<td>Applicable sections</td>
<td>Application</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>SUP 15.5.4 R (2)</td>
<td>Change in address: registered office</td>
</tr>
<tr>
<td>SUP 15.5.5 R to SUP 15.5.6 G</td>
<td>Change in telephone numbers</td>
</tr>
<tr>
<td>SUP 15.5.7 R and SUP 15.5.8 G</td>
<td>Other regulators</td>
</tr>
<tr>
<td>SUP 15.6</td>
<td>Inaccurate, false or misleading information</td>
</tr>
<tr>
<td>SUP 15.7</td>
<td>Form and method of notification</td>
</tr>
<tr>
<td>SUP 15.8</td>
<td>Notifications in respect of particular products and services</td>
</tr>
<tr>
<td>SUP 15.10</td>
<td>Reporting suspicious transactions or orders (market abuse)</td>
</tr>
<tr>
<td>SUP 15.11</td>
<td>Notification of COCON breaches and disciplinary action</td>
</tr>
<tr>
<td>SUP 15.14</td>
<td>Notifications under the Payment Services Regulations</td>
</tr>
<tr>
<td>SUP 15.16</td>
<td>Notification of changes in the management body</td>
</tr>
</tbody>
</table>

- SUP 15 does not apply to an incoming EEA firm which has permission for cross border services only and which does not carry on regulated activities in the United Kingdom.

- SUP 15 does not apply to an EEA pure reinsurer which does not have a top-up permission.

- SUP 15 does not apply to an EEA authorised payment institution or an EEA authorised electronic money institution which exercises passport rights in the United Kingdom on a cross border services basis only.
Form F: Changes in notified persons

This annex consists only of one or more forms. Forms can be completed online now by visiting the FCA’s website.

The forms are also to be found through the following address:

Supervision forms - [SUP 15 Annex 2] The notes for the form can be found at the following address

Form F notes
Notification to amend firm details form

This form can be completed online now by visiting the FCA’s website.

The form is also to be found through the following address: Notification to amend firm details – SUP 15 Annex 3
Notification form

This annex consists only of one or more forms. Forms are to be found through the following address:

Notifications Form - SUP 15 Annex 4
Indications of Possible Suspicious Transactions or Orders

1. The following examples of indications are intended to be a starting point for consideration of whether a transaction or order is suspicious. They are neither conclusive nor comprehensive.

Possible Signals of Insider Dealing

2. A client opens an account and immediately gives an order to conduct a significant transaction or, in the case of a wholesale client, an unexpectedly large or unusual order, in a particular security - especially if the client is insistent that the order is carried out very urgently or must be conducted before a particular time specified by the client.

3. A transaction or order is significantly out of line with the client's previous investment behaviour (e.g. type of security; amount invested; size of order; time security held).

4. A client specifically requests immediate execution of an order regardless of the price at which the order would be executed (assuming more than a mere placing of 'at market' order by the client).

5. There is unusual trading in the shares of a company before the announcement of price sensitive information relating to the company.

6. An employee's own account transaction is timed just before clients' transactions and related orders in the same financial instrument.

7. [deleted]

8. [deleted]

9. [deleted]
Notifications by UK AIFMs

This annex consists of one or more forms. Forms can be completed online now by visiting https://www.handbook.fca.org.uk/form

The forms referred to below can be found in the following Annexes in SUP:

- SUP 15 Annex 6A R - AIFMD new fund under management notification
- SUP 15 Annex 6B R - AIFMD notification of senior personnel amendments or removal form
- SUP 15 Annex 6C R - AIFMD full-scope UK AIFM material change notification
- SUP 15 Annex 6D R - AIFMD notice of sub-threshold AIFM exceeding AuM limit
- SUP 15 Annex 6E D - AIFMD small registered AIFM change form
- SUP 15 Annex 6F G - EuSEF and EuVECA management and marketing notifications
AIFMD new fund under management notification

This annex consists of one or more forms. Forms can be completed online now by visiting [https://www.handbook.fca.org.uk/form](https://www.handbook.fca.org.uk/form)
This annex consists of one or more forms. Forms can be completed online now by visiting [https://www.handbook.fca.org.uk/form](https://www.handbook.fca.org.uk/form)
AIFMD full-scope UK AIFM material change notification

This annex consists of one or more forms. Forms can be completed online now by visiting [https://www.handbook.fca.org.uk/form]
AIFMD notice of sub-threshold AIFM exceeding AuM limit

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SUP 15 Annex 6D R - AIFMD notice of sub-threshold AIFM exceeding AuM limit
AIFMD small registered AIFM change form

This annex consists of one or more forms. Forms can be completed online now by visiting https://www.handbook.fca.org.uk/form

SUP 15 Annex 6ED - AIFMD small registered AIFM change form
EuSEF and EuVECA management and marketing notifications

This annex consists of one or more forms. Forms can be completed online now by visiting https://www.handbook.fca.org.uk/form

SUP 15 Annex 6FG - EuSEF and EuVECA management and marketing notifications
Form H: Form for the notification of disciplinary action relating to conduct rules staff (other than SMF managers) in SMCR firms
Form G: The Retail Investment Adviser Complaints Notifications Form
Form NOT002 Payment Account Service rejections or withdrawals (notification by credit institutions under regulation 105)
Form NOT003 AIS/PIS denial (notification by account servicing payment service providers under regulation 71)
Form Notification of major operational or security incidents – PSD2
### Form NOT004 Notification that the fraud rate exceeds the reference fraud rate under SCA-RTS article 20

#### NOT04 - Notification that the fraud rate exceeds the reference fraud rate under SCA-RTS article 20

<table>
<thead>
<tr>
<th>Name of service provider</th>
<th>FRN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details of the person the FCA should contact in relation to this notification:</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td></td>
</tr>
<tr>
<td>First names</td>
<td></td>
</tr>
<tr>
<td>Surname</td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
</tbody>
</table>

**Q1** Is this a notification that one or more monitored fraud rates for remote electronic card-based payments or remote electronic credit transfers exceeds the applicable reference fraud rate?  
[ ] Yes Continue to question 2  
[ ] No If this is a notification that you intend to make use again of the transaction risk analysis exemption, go to question 8

**Q2** If this notification is not the first, please provide the reference number received when the original notification was submitted  
Notification that the reference fraud rate is exceeded

**Q3** Please confirm that the fraud rates were calculated in accordance with SCA-RTS article 19  
[ ] Yes [ ] No
Q4 Please provide the PSP’s fraud rate(s), where they exceed the applicable reference fraud rate

| EUR 500 | EUR 250 | EUR 100 |

Q5 For how many consecutive quarters has the fraud rate exceeded the applicable reference rate (if more than 1 quarter, please continue to question 6; otherwise, go to question 7)?

| EUR 500 | EUR 250 | EUR 100 |

Q6 Please provide the date on which the PSP ceased to apply the transactional risk analysis exemption for the type(s) of transaction which exceeded the applicable reference fraud rate (DD/MM/YYYY)

| EUR 500 | EUR 250 | EUR 100 |

Q7 Please provide a description of the measures that the PSP intends to adopt to restore compliance of their monitored fraud rate(s) with the applicable reference fraud rate(s)

max 500 words

Q8 Please provide the PSP’s fraud rate(s) from the last quarter that have been restored to compliance with the applicable reference fraud rate.

| EUR 500 | EUR 250 | EUR 100 |

Q9 Please confirm that you have provided, alongside this notification, the underlying data and the calculation methodology used in relation to the

[ ] Yes
[ ] No
<table>
<thead>
<tr>
<th>Q10</th>
<th>fraud rate(s) that have been restored to compliance with the applicable reference fraud rate.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>When do you intend to start making use again of the transaction risk analysis exemption? (DD/MM/YYYY)</td>
</tr>
</tbody>
</table>
Form NOT005 Notification that there are problems with a dedicated interface under SCA-RTS article 33(3)

<table>
<thead>
<tr>
<th>Name of service provider</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>FRN</td>
<td></td>
</tr>
<tr>
<td>Details of the person the FCA should contact in relation to this notification:</td>
<td></td>
</tr>
<tr>
<td>Title</td>
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</tr>
<tr>
<td>First names</td>
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</tr>
<tr>
<td>Surname</td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
</tbody>
</table>

Q1 In what capacity is the firm notifying? [ ] ASPSP [ ] PISP [ ] AISP [ ] CBPII

Q2 Is this a notification that the dedicated interface does not comply with SCA-RTS article 33(3)? Yes [ ] Continue to question 3

No [ ] If this is a notification of unplanned unavailability or a systems breakdown, go to question 4

Q3 In what way is the dedicated interface failing to comply with article 32? (select the option which best describes the problem)

[ ] The uptime of the dedicated interface, as measured by the key performance indicators described in Guidelines 2.2 and 2.4 of the EBA Guidelines on the conditions to be met to benefit from an exemption from contingency measures under article 33(6) of the SCA-RTS, falls below the uptime of the interface used by the ASPSP’s payment service users.

[ ] There isn’t the same level of support offered to AISPs and PISPs using the ASPSP’s dedicated interface, in comparison to the customer interface.

[ ] The dedicated interface poses obstacles to the provision of payment initiation and account information services (see SCA-RTS article 32(3) and the EBA Guidelines and Opinion).

[ ] Other failure to comply with article 32.
<table>
<thead>
<tr>
<th>Q4</th>
<th>[Only complete if the answer to question 2 was no] What is the problem in relation to unplanned unavailability or a systems breakdown? (select the option which best describes the problem)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>[ ] Unavailability after five consecutive requests of information on the initiation of the payment transaction and all information accessible to the account servicing payment service provider regarding the execution of the payment transaction.</td>
</tr>
<tr>
<td></td>
<td>[ ] Unavailability after five consecutive requests of information from designated payment accounts and associated payment transactions made available to the payment service user when directly requesting access to the account information excluding sensitive payments data.</td>
</tr>
<tr>
<td></td>
<td>[ ] Failure to provide to the card based payment instruments issuer (CBPII) or to the PISP a ‘yes/no’ confirmation in accordance with article 65(3) of PSD2 and article 36(1)(c) of the RTS.</td>
</tr>
<tr>
<td></td>
<td>[ ] Other unplanned unavailability or systems breakdown.</td>
</tr>
</tbody>
</table>

| Q5 | Please give a brief description of the failure to comply with article 32 or the unplanned unavailability or systems breakdown. If an ASPSP, please provide the reason(s) for the problem and steps taken to resolve the issue. |
|    | Max 500 words |

| Q6 | Time and date when the problem began |
|    | Has the problem been resolved at the time of submitting this notification? Yes/ No |
|    | Yes/ No |
Notification Procedures for Changes to the Management Body for Non-SMF Directors