

Chapter 16

Reporting requirements

16.11 Product Sales Data Reporting

Application

16.11.1

R

This section applies:

- (1) in relation to sales data reports, to a *firm*:
 - (a) which is a *home finance provider*; or
 - (aa) which is a *P2P platform operator* which facilitates entry into a *regulated mortgage contract, home purchase plan, home reversion plan or regulated sale and rent back agreement* where the lender or provider does not require permission to enter into the transaction; or
 - (b) which has *permission to enter into a regulated credit agreement as lender* in respect of *high-cost short-term credit or home credit loan agreements*; or
 - (c) which is, in respect of sales to a *retail client* or a *consumer*:
 - (i) an *insurer*; or
 - (ii) the *manager* of an *authorised AIF* or a *UCITS scheme*; or
 - (iii) the *operator* of an *investment trust savings scheme*, or a *personal pension scheme*; or
 - (iv) a *person* who issues or manages the relevant assets of the issuer of a *structured capital-at-risk product*; unless the *firm* is a *managing agent*;
- (2) in relation to performance data reports:
 - (a) to the *firm* ("A") which entered into the *regulated mortgage contract*; or
 - (b) where the right of the lender to receive payments under the *regulated mortgage contract* has passed to another person ("B") by legal or equitable assignment or by operation of law:
 - (i) where B is a *firm* with *permission for administering a regulated mortgage contract*, *firm B* (and it is immaterial for this purpose whether B makes arrangements for A or another person to administer the mortgage or to exercise the lender's rights under it); or
 - (ii) where B is not a *firm* with *permission for administering a regulated mortgage contract* and B enters into an agreement with a *firm* ("C") to administer the contract, *firm C* (it is immaterial for this purpose whether *firm C* is *firm A*, or whether *firm C* enters into an arrangement with another

person to outsource or delegate the performance of some of those administration activities).

- 16.11.1A **G** Where a *regulated mortgage contract* has been sold or securitised, the *firm* responsible for the performance data report should be the 'principal administrator' submitting the *MLAR* (see section G of ■ SUP 16 Annex 19AR and the guidance notes on section G in ■ SUP 16 Annex 19BG).

Purpose

- 16.11.2 **G**
- (1) The purpose of this section is to set out the requirements for *firms* in the retail mortgage, investment, *consumer credit lending* and *pure protection contract* markets specified in ■ SUP 16.11.1 R to report individual product sales data, and to report individual performance data on *regulated mortgage contracts*, to the *FCA*. In the case of *firms* in the sale and rent back market, there is a requirement to record, but not to submit, sales data. These requirements apply whether the *regulated activity* has been carried out by the *firm*, or through an intermediary which has dealt directly with the *firm*.
 - (2) The purpose of collecting this data is to assist the *FCA* in the ongoing supervision of *firms* engaged in retail activities and to enable the *FCA* to gain a wider understanding of market trends in the interests of protecting *consumers*.
 - (3) Certain of the information is required under *PRA* rules: see ■ SUP 16.11.7R(2) to (5). This information is collected by the *FCA* for the *PRA*, but the *PRA* allows the *FCA* to retain the information for the *FCA's* purposes.

Reporting requirement

- 16.11.3 **R**
- (1) A *firm* must submit a report (a 'data report') containing the information required by:
 - (a) ■ SUP 16.11.5 R (a 'sales data report') within 20 *business days* of the end of the reporting period; and
 - (b) for *regulated mortgage contracts*, ■ SUP 16.11.5A R (a 'performance data report'), within 30 *business days* of the end of the reporting period;unless (3A) or (4) applies.
 - (2) The reporting periods are;
 - (a) for sales data reports, the four calendar quarters of each year beginning on 1 January; and
 - (b) for performance data reports, the six month periods beginning on 1 January and 1 July in each calendar year.
 - (3) [deleted]
 - (3A) A *firm* must submit a nil return if no relevant sales have occurred in the quarter.

		<p>(3B) A <i>firm</i> must submit a nil return in respect of performance data reports if it does not own any rights of a lender under a <i>regulated mortgage contract</i>, and only carries on the <i>regulated activity of administering a regulated mortgage contract</i> for <i>firms</i> which are themselves obliged to submit performance data reports under ■ SUP 16.11.1R(2).</p> <p>(4) The following types of <i>firm</i> must compile, and keep for at least five years from the end of the relevant quarter, a data report containing the information required by ■ SUP 16.11.5 R, but are not subject to the requirement in (1) to submit a data report (or to the requirement in ■ SUP 16.11.9 R:</p> <p>(a) a <i>SRB agreement provider</i>; and</p> <p>(b) a <i>P2P platform operator</i> which facilitates entry into a <i>regulated sale and rent back agreement</i> where the provider does not require permission to enter into the transaction.</p>
16.11.4	G	<p>(1) A <i>firm</i> may submit a sales data report more frequently than required by ■ SUP 16.11.3 R if it wishes.</p> <p>(2) If it is easier and more practical for a <i>firm</i> to submit additional data relating to products other than those specified in ■ SUP 16.11.5 R, it may submit that additional data to the <i>FCA</i> in a data report.</p>
16.11.5	R	<p>Content of the report</p> <p>A sales data report must contain sales data in respect of the following products:</p> <p>(1) <i>retail investments</i>;</p> <p>(2) <i>pure protection contracts</i>;</p> <p>(3) <i>regulated mortgage contracts</i> (including further advances (see ■ SUP 16.11.7R(3)) and internal product transfers and internal remortgages, irrespective of whether there is a new mortgage contract);</p> <p>(4) <i>home purchase plans</i>;</p> <p>(5) <i>home reversion plans</i>;</p> <p>(6) <i>regulated sale and rent back agreements</i>;</p> <p>(7) <i>high-cost short-term credit</i>; and</p> <p>(8) <i>home credit loan agreements</i>.</p>
16.11.5A	R	<p>A performance data report must contain performance data in respect of <i>regulated mortgage contracts</i> other than <i>legacy CCA mortgage contracts</i>.</p>
16.11.6	G	<p>Guidance on the type of products covered by ■ SUP 16.11.5 R is contained in ■ SUP 16 Annex 20G.</p>

- 16.11.7** **R** (1) A data report must comply with the provisions of ■ SUP 16 Annex 21R.
- (2) But (3) to (5) apply where a *firm* which is required to submit a sales data report under ■ SUP 16.11.3R(1)(a) is a *PRA-authorised person* which is also required to submit information to the *FCA* under chapter 23 (regulatory mortgage contract reporting) of the *PRA's* Regulatory Reporting rules.
- (3) Where the sales data report relates to a further advance, ■ SUP 16.11.3R(1)(a) and ■ SUP 16 Annex 21R apply to the *firm* only in relation to the format in which the *data elements* in the report are to be submitted to the *FCA*.
- (4) Where the sales data report does not relate to a further advance, ■ SUP 16.11.3R(1)(a) and ■ SUP 16 Annex 21R apply to the *firm* in respect of the *data elements* listed in (5) only in relation to the format in which the *data elements* are to be submitted to the *FCA*.
- (5) The *data elements* are:
- (a) the total amount owed by the borrower to the *firm* and secured on the property immediately prior to the new borrowing;
 - (b) for a *second charge regulated mortgage contract*, the total amount owed by the borrower to third parties secured on the property;
 - (c) rate to which stress test applied; and
 - (d) contractual reversion rate.
- 16.11.8** **R** A sales data report must relate both to transactions undertaken by the *firm* and to transactions undertaken by an intermediary which has dealt directly with the customer on the *firm's* behalf.
- 16.11.8-A** **R** Where a *P2P platform operator* facilitates an arrangement under which a number of *persons* provide home finance to a single *customer*, either individually under separate contracts, or jointly and severally under a single contract:
- (1) the sales data report and performance data report of the *P2P platform operator* must include data in respect of the arrangement taken as a whole, as though it comprised a single transaction; and
 - (2) the sales data report and performance data report of any *firm* which is the lender or provider under any separate contract forming part of the arrangement must include data in respect of that contract.
- 16.11.8A** **G** Where the *manager* of an *authorised AIF* or a *UCITS scheme* receives business from a *firm* which operates a nominee account, the sales data report in respect of those transactions submitted by the *manager* should treat those transactions as transactions undertaken by the *manager* with the *firm*.
- 16.11.9** **R** A *firm* must provide a data report to the *FCA* electronically in a standard format provided by the *FCA*.

- 16.11.10
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- A data report will have been provided to the *FCA* in accordance with
■ SUP 16.11.9 R only if all mandatory data reporting fields (as set out in
■ SUP 16 Annex 21R) have been completed correctly and the report has been
accepted by the relevant *FCA* reporting system.

Use of reporting agents

- 16.11.11
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- (1) A *firm* may appoint another *person* to provide a data report on the *firm's* behalf if the *firm* has informed the *FCA* of that appointment in writing.

(2) Where (1) applies, the *firm* must ensure that the data report complies with the requirements of ■ SUP 16.11 and identifies the originator of the transaction.