

## Chapter 22

### Regulatory references



22.8 Policies and appointed representatives

Policies and procedures

- 22.8.1 R A *firm* must establish, implement and maintain policies and procedures that are adequate for the purpose of complying with the obligations in this chapter.
- 22.8.2 G
  - (1) ■ SYSC 22.8.1R does not require a *firm* to create or keep records that are not required under ■ SYSC 22.9.1R (General record keeping rules) or another *rule*.
  - (2) (1) applies to a *firm* whether or not ■ SYSC 22.9.1R applies to it.

Appointed representatives

- 22.8.3 R This chapter applies to a *firm's appointed representatives* as well as to the *firm*.
- 22.8.4 R When ■ SYSC 22.8.3R applies to an *SMCR firm*, the requirements of this chapter for firms that are not *SMCR firms* apply in place of the requirements that only apply to *SMCR firms*. In particular, the following requirements do not apply in relation to an *appointed representative*:
  - (1) ■ SYSC 22.2.1R (Obligation to obtain references);
  - (2) ■ SYSC 22.2.2R(4) (Obligation to give references);
  - (3) ■ SYSC 22.2.4R to ■ SYSC 22.2.6R (Obligation to revise references);
  - (4) ■ SYSC 22.4.2R (How to draft the reference);
  - (5) ■ SYSC 22.8A.1R (Intra-group transfers); and
  - (6) ■ SYSC 22.9.1R (General record keeping rules).
- 22.8.4A R
  - (1) The *approved person's authorised approved person employer* is responsible for compliance with ■ SYSC 22.8.3R in the case of a requirement:
    - (a) to give a reference about an *approved person* whose approval is under ■ SUP 10A (FCA Approved Persons in Appointed Representatives); and

		<p>(b) [deleted]</p> <p>(c) under ■ SYSC 22.2.7R in relation to any such <i>person</i>.</p> <p>(2) In any other case, each <i>principal</i> of the <i>appointed representative</i> in question is responsible for compliance with ■ SYSC 22.8.3R.</p> <p>(3) If another <i>principal</i> of the <i>appointed representative</i> has accepted responsibility for the obligation in ■ SYSC 22.8.3R, that <i>principal</i> is responsible in place of the other <i>firms</i> in (1) or (2).</p>
22.8.5	G	One effect of ■ SYSC 22.8.4R is that when an <i>appointed representative</i> appoints an <i>approved person</i> under ■ SUP 10A (FCA Approved Persons in Appointed Representatives) there is no requirement for the <i>appointed representative</i> or its <i>principal</i> to request a reference.
22.8.5A	G	This chapter does not apply in relation to an <i>appointed representative</i> of a <i>firm</i> that is not an <i>SMCR firm</i> .
22.8.6	G	<p>(1) A <i>firm</i> should ensure that its <i>appointed representative</i> gives a reference when another <i>firm</i> (or its <i>appointed representative</i>) asks that <i>appointed representative</i> to give a reference in accordance with this chapter.</p> <p>(2) A <i>firm</i> is not responsible for its <i>appointed representative's</i> giving references if another <i>principal</i> has accepted responsibility for this.</p> <p>(3) The <i>appointed representative</i> need not give the reference using the template in ■ SYSC 22 Annex 1 (Template for regulatory references given by SMCR firms and disclosure requirements).</p>
22.8.6A	G	If an <i>appointed representative</i> asks a <i>firm</i> for a reference, the <i>firm</i> should give one. The requirements of this chapter apply to the <i>firm</i> in the same way as they would if the <i>appointed representative</i> were a <i>firm</i> .
22.8.7	G	[deleted] [ <i>Editor's note</i> : The text of this provision has been moved to ■ SYSC 22.8A.4G]
22.8.8	G	[deleted] [ <i>Editor's note</i> : The text of this provision has been moved to ■ SYSC 22.8A.5G]
22.8.9	G	[deleted] [ <i>Editor's note</i> : The text of this provision has been moved to ■ SYSC 22.8A.6G]
22.8.10	G	(1) A <i>firm</i> should try to ensure that its <i>appointed representative</i> considers whether it needs to disclose a breach of individual conduct requirements (as defined in Part Two of SYSC 22 Annex 1R (Template

for regulatory references given by SMCR firms and disclosure requirements)) when giving a reference under this chapter.

- (2) Therefore an example of information that may be relevant under ■ SYSC 22.2.2R(1) to ■ (3) is the fact that the *employee* has breached a requirement in *APER*, not just a requirement in *COCON*.