

Senior managers and certification regime: Certification regime

Chapter 27

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27.3 Territorial scope

- 27.3.1** **R** (1) A function is an *FCA certification function* for a *UK SMCR firm* only to the extent:
- (a) it is performed by a *person* from an establishment of the *firm* (or its *appointed representative*) in the *United Kingdom*; or
 - (b) the *person* performing that function is dealing with a *client* of the *firm* in the *United Kingdom* from an establishment of the *firm* (or its *appointed representative*) overseas.
- (2) A function is an *FCA certification function* for an *overseas SMCR firm* only to the extent that it is performed by a *person* from an establishment of the *firm* (or its *appointed representative*) in the *United Kingdom*.
- (3) Paragraph (1) does not apply to *FCA certification function* (6) (material risk takers). For a *UK SMCR firm*, *FCA certification function* (6) applies without any territorial limitation.
- 27.3.2** **G** The *FCA* interprets the phrase 'dealing with' in **SYSC 27.3.1R** as including having contact with *clients* and extending beyond 'dealing' as used in the phrase 'dealing in investments'. 'Dealing in' is used in Schedule 2 to the Act to describe in general terms the *regulated activities* which are specified in Part II of the *Regulated Activities Order*.
- 27.3.3** **G** The *FCA* interprets the phrase 'a *client* of the *firm* in the *United Kingdom*' in **SYSC 27.3.1R** as referring to:
- (1) for a *client* which is a body corporate, its office or *branch* in the *United Kingdom*; or
 - (2) for a *client* who is an individual, a *client* who is in the *United Kingdom* at the time of the dealing.