

Chapter 28A

Regulated funeral plan
activities: good reputation
requirements



28A.1 Application

28A.1.1 **R** This chapter applies to a *firm* with respect to *regulated funeral plan activities*.

28A



28A.2 Good reputation

Good reputation requirements

- 28A.2.1 **R** A *firm* must ensure that all the *persons* in its management structure and any staff directly involved in the activities specified in ■ SYSC 28A.1.1R are of good reputation.
- 28A.2.2 **G** This includes but is not limited to those natural *persons*:
 - (1) that are directly involved in the activities specified in ■ SYSC 28A.1.1R; or
 - (2) within the management structure responsible for the activities specified in ■ SYSC 28A.1.1R; or
 - (3) within the management structure responsible for any staff directly involved in the activities specified in ■ SYSC 28A.1.1R.
- 28A.2.3 **R** In considering a *person's* reputation the *firm* must at a minimum ensure that the *person*:
 - (1) has a clean criminal record or any other national equivalent in relation to serious criminal offences linked to crimes against property or other crimes related to financial activities; and
 - (2) has not previously been declared bankrupt,unless they have been rehabilitated in accordance with national law.
- 28A.2.4 **G**
 - (1) In the *United Kingdom* the following *persons* will be considered to have been rehabilitated:
 - (a) in relation to a serious criminal offence, where the conviction is considered 'spent' under the *Rehabilitation of Offenders Act 1974*;
 - (b) in relation to bankruptcy, where the bankruptcy has been discharged.
 - (2) References to "serious criminal offences" are not restricted to offences considered to have been committed in or under the law of the *United Kingdom*.

- (3) A *firm* should give particular consideration to offences of dishonesty, fraud, financial crime or other offences under legislation relating to banking and financial services, companies, insurance and consumer protection.

28A.2.5

G

A *firm's* systems and controls should enable it to satisfy itself of the suitability of anyone who acts for it (see ■ SYSC 5.1.2G). This includes, among other things, the assessment of an individual's honesty.



28A.3 Record keeping requirements

Record keeping requirements

- 28A.3.1
- R
- A *firm* must:
- (1) establish, maintain and keep appropriate records to demonstrate compliance with this chapter; and

(2) be in a position to provide to the *FCA*, on request, the name of the *person* responsible for the record-keeping requirement in (1).
- 28A.3.2
- R
- A *firm* must not prevent any *person* from obtaining a copy of the records relating to them which are maintained by the firm for the purposes of
- SYSC 28A.3.1R.
- 28A.3.3
- G
- The rules specified in ■ SYSC 28A.3.1R relate to the requirements specified in
- SYSC 5.1.1R, ■ SYSC 9.1.1R and ■ SYSC 10.1.6R.

