Powers exercised

A. The Financial Services Authority makes this instrument in the exercise of the following powers in the Financial Services and Markets Act 2000 (the “Act”):
   (1) section 59 (Approval for particular arrangements);
   (2) section 60 (Applications for approval);
   (3) section 138 (General rule-making power);
   (4) section 156 (General supplementary powers); and
   (5) section 157(1) (Guidance).

Commencement

B. This instrument comes into force as follows:
   (1) Annexes C and D come into force on 30 September 2003; and
   (2) the remainder of this Instrument comes into force on 1 December 2002.

Amendments to the Supervision manual

C. The Supervision manual is amended in accordance with Annex A and Annex C to this instrument.

Amendments to the Training and Competence Sourcebook

D. The Training and Competence Sourcebook is amended in accordance with Annex B to this instrument.

Amendments to the Authorisation manual

E. The Authorisation manual is amended in accordance with Annex D to this instrument.

Citation

F. This instrument may be cited as the Supervision Manual (Amendment No 10 and Consequential Amendments to the Handbook) Instrument 2002.

By order of the Board
21 November 2002
Annex A

Amendments to the Supervision Manual

In this Annex, underlining indicates new text and striking through indicates deleted text. Where an entire new section is inserted, the place that it goes is indicated and the text is not underlined.

After paragraph 15 of the transitional provisions, insert the following new provisions. The column headings are shown for convenience.

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
<th>(6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Material to which the transitional provision applies</td>
<td>Transitional provision</td>
<td>Transitional provision: dates in force</td>
<td>Handbook provision: coming into force</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15A Rules in SUP 20 R</td>
<td>If, on or before 31 December 2002, a firm submits to the FSA a completed Form C under SUP 10.13.6R (Ceasing to perform a controlled function) in relation to:</td>
<td>From 1 December 2002 to 31 December 2003</td>
<td>Various dates</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) the customer trading function relying on SUP 10.10.13R(1)(b) (Corporate finance adviser function); or</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>(2) the investment adviser function relying on SUP 10.10.20R(1) (Investment management function) (as that rule has effect from 1 December 2002);</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td></td>
<td>SUP 20 (Fees Rules) applies as if the form had been processed on receipt.</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>15B Transitional rule 15A G</td>
<td>(1) The purpose of the amendment to SUP 10.10.13R(1)(b), which</td>
<td>From 1 December 2002 to 31 December 2002</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


came into force on 1 December 2002, is to avoid the need to be approved for both the corporate finance advisory function and the customer trading function.

(2) The purpose of the amendment to SUP 10.10.20R(1), which came into force on 1 December 2002, is, in part, to avoid the need to be approved for both the investment management function and the investment adviser function.

(3) The purpose the transitional rule 15A is to enable a firm to take advantage of those rules immediately for fees purposes. However, the FSA does not anticipate completing processing the withdrawals until 31 March 2003. The FSA Register will reflect the withdrawal as at the date of the processing.

10.1.3G The rules in this chapter specify descriptions of functions under section 59 of the Act (Approval for particular arrangements). The effect of these rules, and the provisions of Part V of the Act (Performance of Regulated Activities—Regulated Activities), is that every firm, except an overseas firm to which SUP 10.1.6R applies, must apply to the FSA for
the approval of one or more persons to perform a controlled function on its behalf.

10.3.3G *Arrangement* is defined in section 59(10) of the Act as any kind of arrangement for the performance of a function which is entered into by a firm or any of its contractors with another person and includes the appointment of a person to an office, his becoming a partner, or his employment (whether under a contract of service or otherwise). For the provisions in this chapter relating to outsourcing, see SUP 10.12.3G and SUP 10.12.4G.

10.4.1R (1) Each of the functions described in SUP 10.4.5R (the table of controlled functions) is a controlled function.

10.4.2G SUP 10.4.1R (1), together with the table of controlled functions in SUP 10.4.5 R, specifies, in brief terms, the descriptions of the controlled functions. SUP 10.4.1 R (2) provides that other rules in this chapter contain the detail of the description for each function. Further rules in this chapter contain provisions which will apply to each description as indicated in those rules: see in particular SUP 10.1 for the application provisions.

10.4.3G SUP 10.4.1 R (3) also addresses the position of an approved person who is carrying on activities which are unrelated to regulated activities or are otherwise outside the description of a controlled function. The fact that a person may be approved for one purpose does not have the effect of bringing all his activities within that controlled function.

10.6.3G The effect of SUP 10.6.2 R is that a person who is approved to perform a governing function (other than the non-executive function) will not have to be specifically approved to perform any of the systems and controls functions or the significant management functions. However, a firm may apply for the systems and control functions or significant management functions to be explicitly added for such persons, if it wishes. A person who is approved to perform a governing function will have to be additionally approved before he can perform any of the required functions or customer functions.
The definition of director includes a person in accordance with whose directions or instructions the directors are accustomed to act. Such a person is defined in section 741 of the Companies Act 1985 as a ‘shadow director’. The directors of a holding company would not, as such, be shadow directors. However, where, for example, a member of a holding company board frequently gives instructions to directors of a firm, either on his own or through a committee which takes frequent executive decisions, the firm should consider carefully whether he (and other members of the committee) should be approved to perform this function. Neither would an individual be a shadow director (or director) because his job description included the word “director”. Whether a person is a director within the definition is a question of fact in each case.

This function is often performed by a senior manager who is given the title of Head of Risk, or who is a member of a Risk Committee. Other examples of titles are Head of Credit Risk and Head of Market Risk (but the fact that an individual may use one of these titles does not necessarily mean that he is performing a controlled function).

Where SUP 10.9.1 R and SUP 10.9.12 R apply, the senior manager could, for example, be the head of a unit carrying on the activities of: retail banking, personal lending, corporate lending, leasing assets, issuing credit cards, trade finance, loan syndicates or debt, salvage or loan recovery, or proprietary trading; or a member of a committee (that is, a person who, together with others, has authority to commit the firm) making decisions in these functions. The senior manager could also be a proprietary trader whose trading limits are such that he could put, or potentially put, his firm at significant risk. This function would not extend to every proprietary trader.

Where SUP 10.9.1R and SUP 10.9.16R apply, the individual performing this function would typically be the Chief Treasurer, or a member of a high level committee (that is, a person who, together with others, has authority to commit the firm) such as an Asset and Liability Committee or an Executive Committee or Credit Committee. In the case of the Society of Lloyd’s, it would include being a member of the Market Board (or a successor committee performing the functions of the Market Board).
10.10.1R  

SUP 10.10 (the Customer functions) applies only in relation to a regulated activity to which COB applies under COB 1.4 with respect to activities carried on from an establishment maintained by the firm (or by its appointed representative) in the United Kingdom.

10.10.2G

(1) Without SUP 10.10.1R the descriptions of the customer functions would extend to functions wherever they are performed. The effect of SUP 10.10.1R is that the descriptions are limited, in relation to regulated activities with an overseas element, in a manner which is broadly consistent with the scope of COB conduct of business regulation.

(2) COB 1.4 (General application: Where?) specifies the rules which apply to regulated activities by reference to the location from which the activity is carried on. For example, where the regulated activity is carried on from an establishment maintained by a firm (or by its appointed representative) in the United Kingdom, COB applies in full but special provisions apply in relation to financial promotion. See COB 1.4 for further details.

10.10.7R

(3) This function does not extend to an individual who is based overseas and who, in a 12 month period, spends no more than 30 days in the United Kingdom in so far as to the extent that:

--- (a) his activities relate to designated investment business; and

--- (b) he is appropriately supervised by an approved person approved for this function advising on investments.

10.10.10G

It is a matter for the firm to decide what level of supervision is appropriate for an individual from overseas to whom SUP 10.10.7R(3) applies. However, The FSA would expect an the individual to be accompanied on a visit to a customer. TC 2.5.5R(1) provides that the firm will have to be satisfied that the individual has at least three years' up-to-date relevant experience obtained outside the United Kingdom. However, the remaining provisions of TC 2.5.5R(1) are disapplied in these circumstances (except for an individual who gives advice to private customers on
packaged products or is a broker fund adviser). The effect of this is that the individual who may previously have been required to comply fully with the United Kingdom examination requirements, now need not pass the relevant regulatory module of an approved examination (see TC 2.5.5R(3) and (4)).

10.10.13R  (1) The corporate finance adviser function is the function of:

(a) giving advice to clients only solely in connection with corporate finance business; and

(b) performing functions within the customer trading function in connection with giving that advice.

(2) This function does not extend to an individual who is based overseas and who, in a 12 month period, spends no more than 30 days in the United Kingdom to the extent that he is appropriately supervised by a person approved for this function.

10.10.13AG The FSA would expect an individual from overseas to be accompanied on a visit to a customer. TC 2.5.5R(1) provides that the firm will have to be satisfied that the individual has at least three years' up-to-date relevant experience obtained outside the United Kingdom. However, the remaining provisions of TC 2.5.5R(1) are disapplied in these circumstances. The effect of this is that the individual, who may previously have been required to comply fully with the United Kingdom examination requirements, now need not pass the relevant regulatory module of an approved examination (see TC 2.5.5R(3) and (4)).

10.10.16R  (1) The customer trading function is the function of dealing, as principal or as agent, and arranging (bringing about) deals in investments with or for, or in connection with, private customers and intermediate customers where:

(a) the dealing or arranging deals is governed by COB 7 (dDealing and managing); and

(b) the person performing the function is not advising advising on or managing managing investments unless approved to perform the investment adviser function or
the investment management function.

(2) This function does not extend to an individual who is based overseas and who, in a 12 month period, spends no more than 30 days in the United Kingdom to the extent that he is appropriately supervised by a person approved for this function.

10.10.20R
(1) The investment management function is the function of managing investments and, when ancillary to that function, functions within:

(1) the customer trading function; and

(2) the investment adviser function.

(a) acting in the capacity of an investment manager; and

(b) performing functions within:

(i) the investment adviser function; and

(ii) the customer trading function;
in connection with acting as an investment manager.

(2) This function does not extend to an individual who is based overseas and who, in a 12 month period, spends no more than 30 days in the United Kingdom to the extent that he is appropriately supervised by a person approved for this function.

10.10.21G
Note that the definition of managing investments provides that the activity consists of managing assets comprising or including certain specified investments "in circumstances which involve the exercise of discretion." Investment manager is a person who, in summary, manages designated investments on a discretionary or non-discretionary basis under the terms of a discretionary or non-discretionary management agreement. If a person seeks to perform the controlled function of advising on investments outside of the agreement, he will need to be approved for the investment adviser function.
The FSA would expect an individual from overseas to be accompanied on a visit to a customer. TC 2.5.5R(1) provides that the firm will have to be satisfied that the individual has at least three years' up-to-date relevant experience obtained outside the United Kingdom. However, the remaining provisions of TC 2.5.5R(1) are disapplied in these circumstances. The effect of this is that the individual, who may previously have been required to comply fully with the United Kingdom examination requirements, now need not pass the relevant regulatory module of an approved examination (see TC 2.5.5R(3) and (4)).

Where the notification of an appointed representative (SUP 12.7.1R) is linked to an application for approval (SUP 10.12 (Applications for approval and withdrawing an application for approval)), any delay in receiving the notification under SUP 12.7.1R may delay the FSA's approval of the individuals employed by that appointed representative who will be performing controlled functions for the firm.

Form C is qualified if the information it contains:

(a) relates to the fact that the firm has dismissed, or suspended, the approved person from its employment; or

...  

When giving the information to A under (1), B must have regard to the purpose of the request and in particular to:

...  

(b) any relevant outstanding or upheld complaint from an eligible complainant against that person;  

...  

(1) If, in relation to a firm which has completed Form A (SUP 10 Ann 4D), any of the details in section 3.01
10.13.18R (Arrangements and controlled functions) are to change, the firm must notify the FSA on Form D.

(2) The notification must be made as soon as reasonably practicable after the firm becomes aware of the proposed change.

(3) Paragraphs (1) and (2) also apply to a firm in respect of an approved person, to whom the grandfathering arrangements applied as if the firm had completed a Form A for that person.

10.13.19 G An example of where a firm should use Form D is when an individual who is appointed by one appointed representative becomes employed by another appointed representative but continues to perform the investment adviser function for the firm. The firm should notify the FSA by completing Section 1.07 of Form D.

10.13.20G The grandfathering arrangements applying to an approved person referred to in SUP 10.13.18 R are contained in Part VI (Approved persons) of the Financial Services and Markets Act (Transitional Provisions) (Authorised Persons etc.) Order 2001 (SI 2001/2636). Article 72 of that Order provides, in general terms, that, where a person was performing a function at the beginning of 1 December 2001 which became a controlled function under the Act, the continued performance of that function by that person was taken to be approved by the FSA. That person therefore became an approved person without the need for a Form A.

SUP 10 Annex 1G: Frequently asked questions

1 | Table

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>…</td>
<td>…</td>
</tr>
<tr>
<td>11</td>
<td>What checks must a firm make on a candidate before submitting an application for approval from the FSA?</td>
</tr>
<tr>
<td></td>
<td>The FSA expects firms to perform due and diligent enquiries into their candidates. Note also the requirements of ENF 8.12.2G and TC 2.2.1R.</td>
</tr>
</tbody>
</table>
How and when must the firm report to the FSA potentially adverse information about an approved person’s fitness and propriety?

Normally, the firm should report such matters to the FSA on Form D once it is reasonably satisfied as to the information’s validity. See SUP 10.13.16R. See also Principles for Businesses 11 (PRINPRIN) and Statements of Principle 4 (APERAPER).

However, if an approved person is dismissed, is suspended, or resigns while under investigation by the firm, the FSA or another regulatory body, or there are any other matters that might affect the individual’s fitness and propriety to perform a controlled function, the firm should inform the FSA (SUP 10.13.7R) that it will be submitting a Form C containing adverse information.

After Table 1 in SUP 10 Ann 1G, insert the following new table:

How do the customer functions relate to the activities and training and competence requirements?

2 Table

<table>
<thead>
<tr>
<th>Activity</th>
<th>Paragraph 1 of the table in TC 2.1.4R</th>
<th>Controlled Function</th>
<th>SUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advising and dealing</td>
<td>(a) - (c)</td>
<td><em>investment adviser function (CF21)</em></td>
<td>10.10.7R</td>
</tr>
<tr>
<td></td>
<td></td>
<td>*investment adviser (trainee) function (CF22)</td>
<td>10.10.11R</td>
</tr>
<tr>
<td>Managing</td>
<td>(d) and (e)</td>
<td>investment management function (CF27)</td>
<td>10.10.20R</td>
</tr>
<tr>
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</tr>
<tr>
<td>Advising (without dealing)</td>
<td>(f) - (h)</td>
<td>investment adviser function (CF21)</td>
<td>10.10.7R</td>
</tr>
<tr>
<td></td>
<td></td>
<td>investment adviser (trainee) function (CF22)</td>
<td>10.10.11R</td>
</tr>
<tr>
<td></td>
<td>(i)</td>
<td>corporate finance adviser function (CF23)</td>
<td>10.10.13R</td>
</tr>
<tr>
<td></td>
<td>(j) - (m)</td>
<td>investment adviser function (CF21)</td>
<td>10.10.7R</td>
</tr>
<tr>
<td></td>
<td></td>
<td>investment adviser (trainee) function (CF22)</td>
<td>10.10.11R</td>
</tr>
<tr>
<td></td>
<td>(n)</td>
<td>adviser on syndicate participation at Lloyd’s function (CF25)</td>
<td>10.10.15R</td>
</tr>
<tr>
<td></td>
<td>(o)</td>
<td>pension transfer specialist function (CF24)</td>
<td>10.10.14R</td>
</tr>
</tbody>
</table>

**SUP 10 Ann 4D**

Form A Application to perform controlled functions under the approved persons regime

**Notes for Form A**

**SECTION 3 – ARRANGEMENTS AND CONTROLLED FUNCTIONS**

...  

(Page iii)  

section 3.03: The effective date is the date on which the firm wishes the candidate to begin performing controlled functions (subject to approval). This should be left blank unless there is a reason for the effective date to be beyond the FSA’s published standard response times. For instance, a firm may wish to be sure a candidate has been approved before they take up their post.
Candidates who are applying for significant influence functions (CF1 to 20) are required to submit a copy of their curriculum vitae, in addition to completing section 4 of this Form, unless the application is for a governing function of an appointed representative. It should be attached securely to the Form.

**Form A**

3.05 Complete this section only if the application is on behalf of more than one firm. List all firms within the group (including the firm entered in 2.01) for which the candidate requires approval and the requested controlled function for that firm.

4.01b 4.02 4.03b 4.04b 4.05b

In each case, at row c. substitute “not employed” for “unemployed”.

**section 7**

SECTION 7 NOTES

With reference to the above, the FSA may seek to verify the information given in this Form including answers pertaining to fitness and propriety. I authorise the FSA to make such enquiries and seek such further information as it thinks appropriate in the course of verifying the information given in this Form. I also understand that the results of these checks may be disclosed to my employer the firm submitting this application.

**SUP 10 Ann 6R**

Form C Notice of ceasing to perform controlled functions

**Notes for Form C**

Form C is qualified if:

The purpose of this Form

…

2. a firm dismisses, or suspends, an approved person from its employment; or
SUP 10 Ann 7R Form D Notification of changes in personal information or application details

Section 4

Declaration and signatures

DECLARATION OF APPROVED PERSON

The firm must ask the individual to make the declaration only where the firm becomes aware of information that would reasonably be material to the assessment of the approved person's continuing fitness and propriety.

Knowingly or recklessly giving the FSA information which is false or misleading in a material particular may be a criminal offence (section 398 of the Financial Services and Markets Act 2000).

SUP 10 Ann 8R Form E Internal transfer of an approved person

Notes for Form E

...

(Page ii)

The purpose of this Form BC must be used if the individual is ceasing to perform a controlled function but and the firm is not seeking approval in respect of another controlled function.

...

12.5.2G (1) Regulation 3 of the Appointed Representative Regulations makes it a requirement that the contract between the firm and the appointed representative ... contains a provision enabling the firm to:

(a) impose such a requirement-prohibition; or

...

...
Where a notification is linked to an application for approval under section 59 of the Act (Approval for particular arrangements), see SUP 10.12.4AG.

SUP Appendix 2 Insurers: Scheme of operations

App 2.2.3G In accordance with the Insurance Directives, an insurer whose margin of solvency has fallen below its required minimum margin of solvency, or its guarantee fund, is required, by the rules set out in this appendix, to submit a scheme of operations, together with an explanation of how the margin of solvency will be adequately restored, and a firm in run-off which has previously submitted a scheme of operations is required to submit a plan for restoration.

App 2.3.1R Unless SUP App 2.3.3R applies, if an insurer’s margin of solvency falls below its required margin of solvency, it must, within 28 days of the firm becoming aware of this event, submit to the FSA a plan for the restoration of a sound financial position including:

(1) a scheme of operations (see SUP App 2.9); and

(2) an explanation of how, if at all, and by when, it expects its margin of solvency to be adequately restored to the required margin of solvency.

App 2.3.3R If an insurer’s margin of solvency falls below its required margin of solvency and the insurer has previously submitted either a run-off plan in accordance with SUP App 2.5.1R, or a scheme of operations in accordance with SUP 2.3.1R, the insurer must, within 28 days of becoming aware that its margin of solvency has fallen below its required margin of solvency:

(1) notify the FSA; and

(2) submit a plan for restoration which explains:

(a) why the insurer’s margin of solvency has fallen below its required margin of solvency; and
(b) demonstrates how, if at all, and by when, the insurer will adequately restore it.

…

App 2.8 (title)  Submission of a scheme of operations or a plan for restoration

…

App 2.8.3G  The period to be covered by, and the details to be included in, the plan for restoration required by SUP App 2.3.3R will depend on the circumstances of the insurer, why its margin of solvency has fallen below its required margin of solvency and the degree of risk that that fall will be repeated, even if the insurer restores its margin of solvency in accordance with its plan.
Annex B

Amendments to the Training and Competence Sourcebook

In this Annex, underlining indicates new text, and striking through indicates deleted text.

Exemption from the approved examination

2.5.5R (1) Except as described in (2) and (3), if a firm is satisfied that an employee:

(a) has at least three years’ up-to-date relevant experience in the activity in question obtained while employed outside the United Kingdom;

(b) had not previously been required to comply fully with the relevant examination requirements as stipulated in TC 2.4.5R (2); and

(c) has passed the relevant regulatory module of an approved examination;

then the requirement to have passed each module of the appropriate approved examination in TC 2.4.5R (2) does not apply for that employee.

(2) TC 2.5.5 R(1) Paragraph (1) does not apply for an employee engaging in the following activities:

(a) advising on investments which are packaged products, if that advice is given to private customers;

(b) the activity of a broker fund adviser;

(c) advising on syndicate participation at Lloyd’s;

(d) the activity of a pension transfer specialist.

(3) Paragraphs (1)(b) and (c) do not apply for an employee who would perform:

(a) the investment adviser function; or
(b) the corporate finance adviser function; or

(c) the investment management function;

but for the 30 day rule, unless the individual is advising private customers on packaged products or is a broker fund adviser.

(4) In (3), the '30 day rule' means the provisions of:

(a) SUP 10.10.7R(3); or

(b) SUP 10.10.13R(2); or

(c) SUP 10.10.20R(2);

as appropriate.
Annex C

Amendments to the Supervision Manual

In this Annex, underlining indicates new text, and striking through indicates deleted text.

16.1.2G The only categories of firm to which no section of this chapter applies are:

...

(2) an incoming EEA firm or incoming Treaty firm, unless it is:

(a) a firm of a type listed in SUP 16.1.3R as a type of firm to which SUP 16.6, or SUP 16.7 or SUP 16.9 applies; or

...

16.1.3R Table Application of different sections of SUP 16

<table>
<thead>
<tr>
<th>(1) Section(s)</th>
<th>(2) Categories of firm to which section applies</th>
<th>(3) Applicable rules and guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>…</td>
<td>…</td>
<td>…</td>
</tr>
<tr>
<td>SUP 16.8</td>
<td>…</td>
<td>…</td>
</tr>
<tr>
<td>SUP 16.9</td>
<td>Firm with permission to advise on investments; arrange (bring about) deals in investments; make arrangements with a view to transactions in investments; or arrange safeguarding and administration of assets</td>
<td>Entire section</td>
</tr>
<tr>
<td>…</td>
<td>…</td>
<td>…</td>
</tr>
</tbody>
</table>

16.3.2G This chapter has been split into five six sections, covering:

(1) annual controllers reports (SUP 16.4);
(2) annual close links reports (SUP 16.5);

(3) compliance reports (SUP 16.6);

(4) financial reports (SUP 16.7); and

(5) persistency reports (SUP 16.8); and

(6) annual appointed representatives reports (SUP 16.9).

16.3.3G The annual controllers, annual close links, and persistency and annual appointed representatives reports sections are the same for all categories of firm to which they apply.

... 

After SUP 16.8 (Persistency reports from insurers), insert the following new section:

16.9 Appointed representatives annual report

Application

16.9.1G The effect of SUP 16.1.1R is that this section applies to every firm with a Part IV permission to advise on investments, arrange (bring about) deals in investments, make arrangements with a view to transactions in investments, or arrange safeguarding and administration of assets.

Purpose

16.9.2G The purpose of the rules and guidance in this section is to ensure that, in addition to the notifications made under SUP 12.7 (Appointed representatives: notification requirements), the FSA receives regular and comprehensive information about the appointed representatives engaged by a firm, so that the FSA is in a better position to pursue the regulatory objective of the protection of consumers.

Report

16.9.3R (1) A firm must:

(a) submit a report to the FSA annually, containing the information in (2); and
(b) submit the report in (1) to the FSA within four months of the firm’s accounting reference date.

(2) The report in (1) must contain a list of all the current appointed representatives of the firm as at the firm’s accounting reference date.

(3) The report in (1) is not required if:

(a) the firm has no appointed representatives as at the firm’s accounting reference date; and

(b) this is reflected in the relevant extract from the FSA Register.

16.9.4G The FSA Register is maintained under section 347 of the Act (The record of authorised persons, etc.) and may be viewed at the FSA’s website at www.fsa.gov.uk/register/.

16.9.5G The information required by SUP 16.9.3R or SUP 16.9.4R should be provided in the form of an amended copy of the relevant extract from the FSA Register.

16.9.6G If a group includes more than one firm, a single annual appointed representatives report may be submitted on behalf of all firms in the group. Such a report should contain the information required from all the firms, meet all relevant due dates, indicate all the firms on whose behalf it is submitted and give their FSA firm reference numbers. The requirement to provide a report, and the responsibility for the report, remains with each firm in the group.

…

Schedule 2 Notification requirements

2 Table

<table>
<thead>
<tr>
<th>Handbook reference</th>
<th>Matter to be notified</th>
<th>Contents of notification</th>
<th>Trigger event</th>
<th>Time allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>…</td>
<td>…</td>
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</tr>
<tr>
<td>SUP 16.8</td>
<td>Details of</td>
<td>A list of all the</td>
<td>…</td>
<td>…</td>
</tr>
</tbody>
</table>
| **SUP 16.9.3R** | appointed representatives.  
Every firm with a Part IV permission to advise on investments, arrange (bring about) deals in investments, make arrangements with a view to transactions in investments, or arrange safeguarding and administration of assets | current appointed representatives of the firm as at the firm’s accounting reference date.  
A report is not required if a firm has no appointed representatives as at the firm’s accounting reference date and this is reflected in the relevant extract from the FSA Register. | Annually | Four months |
Annex D

Amendments to the Authorisation Manual

In this Annex, underlining indicates new text, and striking through indicates deleted text.

AUTH 5 Ann 3G

Application of the Handbook to Incoming EEA Firms

<table>
<thead>
<tr>
<th>(1) Module of Handbook</th>
<th>(2) Potential application to an incoming EEA firm with respect to activities carried on from an establishment of the firm (or its appointed representative) in the United Kingdom</th>
<th>(3) Potential application to an incoming EEA firm with respect to activities carried on other than from an establishment of the firm (or its appointed representative) in the United Kingdom</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
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<tr>
<td><strong>SUP</strong></td>
<td><strong>SUP 16 (Notifications to the FSA Reporting requirements)</strong></td>
<td><strong>SUP 16 (Notifications to the FSA Reporting requirements)</strong></td>
</tr>
<tr>
<td></td>
<td>Parts of this chapter may apply if the firm has a <em>top-up permission</em> or if the firm is:</td>
<td>Parts of this chapter may apply if the firm has a <em>top-up permission</em> or if the firm is:</td>
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<td></td>
<td>(d) a <em>trustee</em> of an AUT; or</td>
<td>(d) a <em>trustee</em> of an AUT; or</td>
</tr>
<tr>
<td></td>
<td>(e) an <em>insurer</em> with permission to <em>effect</em> or <em>carry out</em> life policies; or</td>
<td>(e) an <em>insurer</em> with permission to <em>effect</em> or <em>carry out</em> life policies; or</td>
</tr>
<tr>
<td></td>
<td>(f) a firm with permission to <em>establish</em>, <em>operate</em> or <em>wind up</em> a <em>stakeholder pension scheme</em>; or</td>
<td>(f) a firm with permission to <em>establish</em>, <em>operate</em> or <em>wind up</em> a <em>stakeholder pension scheme</em>; or</td>
</tr>
<tr>
<td></td>
<td>(g) a firm with permission to <em>advise</em> on investments, <em>arrange</em> (bring about) deals in investments, <em>make arrangements with a view to transactions in investments</em>, or <em>arrange safeguarding and administration of assets</em>.</td>
<td>(g) a firm with permission to <em>advise</em> on investments, <em>arrange</em> (bring about) deals in investments, <em>make arrangements with a view to transactions in investments</em>, or <em>arrange safeguarding and administration of assets</em>.</td>
</tr>
<tr>
<td>(SUP 16.1)</td>
<td></td>
<td>(SUP 16.1)</td>
</tr>
</tbody>
</table>