

**HANDBOOK ADMINISTRATION (No 51) INSTRUMENT 2019****Powers exercised**

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of
- (1) the following powers and related provisions in or under the Financial Services and Markets Act 2000 (“the Act”):
    - (a) section 60 (Applications for approval);
    - (b) section 62A (Changes to responsibilities of senior managers);
    - (c) section 63E (Certification of employees by authorised persons);
    - (d) section 63F (Issuing of certificates);
    - (e) section 137A (The FCA’s general rules);
    - (f) section 137T (General supplementary powers); and
    - (g) section 139A (Power of the FCA to give guidance);
  - (2) the powers and related provisions in the Regulated Covered Bond Regulations 2008 (SS (2008/346):
    - (a) Regulation 8 (Applications for registration);
    - (b) Regulation 9 (Applications for admission to the register of issuers);
    - (c) Regulation 12 (Applications: supplementary);
    - (d) Regulation 18 (Notification requirements);
    - (e) Regulation 20 (Material changes to the regulated covered bond);
    - (f) Regulation 24 (Requirements relating to the asset pool);
    - (g) Regulation 25 (Change of owner); and
    - (h) Regulation 42 (Guidance);
  - (3) the powers and related provisions in the Payment Services Regulations 2017:
    - (a) Regulation 98(3) (Management of Operational Security Risks);
    - (b) Regulation 109 (Reporting Requirements); and
  - (4) all other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making provisions listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

**Commencement**

- C. This instrument comes into force on 27 September 2019, save for:
- (1) Part 2 of Annex M which comes into force on 30 September 2019, immediately after the Collective Investment Schemes Sourcebook (Miscellaneous Amendments) Instrument 2018 (FCA 2018/17); and

- (2) Annex D, which comes into force on 9 December 2019, immediately after the coming into effect of the changes made by the Individual Accountability (FCA-Authorised Firms) Instrument 2019 (FCA 2019/4) that come into effect on 9 December 2019.

### Amendments to the Handbook

- D. The FCA's Handbook of rules and guidance is amended in accordance with paragraphs E and F of this instrument.
- E. Annex A to the Individual Accountability (Dual-Regulated Firms) Instrument 2018 (FCA 2018/45) (Renumbering and deletions in the Senior Management Arrangements, Systems and Controls sourcebook (SYSC) and the Supervision manual (SUP)) is amended in accordance with Annex A to this instrument. It is confirmed that the renumbering made by that Annex has always been in accordance with the amendments made by this instrument.
- F. The modules of the FCA's Handbook of rules and guidance listed in column (1) below are further amended in accordance with the Annexes to this instrument listed in column (2) below.

| (1)  | (2)     |
|--|---------|
| Glossary of definitions  | Annex B |
| Senior Management Arrangements, Systems and Controls sourcebook (SYSC)     | Annex C |
| Fit and Proper test for Employees and Senior Personnel (FIT)               | Annex D |
| Training and Competence sourcebook (TC)                                    | Annex E |
| General Provisions (GEN)   | Annex F |
| Fees manual (FEES)   | Annex G |
| Conduct of Business sourcebook (COBS)                                      | Annex H |
| Insurance: Conduct of Business sourcebook (ICOBS)                          | Annex I |
| Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)          | Annex J |
| Supervision manual (SUP)   | Annex K |
| Dispute Resolution: Complaints manual (DISP)                               | Annex L |
| Collective Investment Schemes sourcebook (COLL)                            | Annex M |
| Credit Unions Sourcebook (CREDS)   | Annex N |
| Consumer Credit sourcebook (CONC)  | Annex O |
| Regulated Covered Bonds sourcebook (RCB)                                   | Annex P |
| Prospectus Rules sourcebook (PR)   | Annex Q |
| General guidance on Benchmark Administration, Contribution and Use (BENCH) | Annex R |

### Amendments to material outside the Handbook

- G. The Perimeter Guidance manual (PERG) is amended in accordance with Annex S to this instrument.

**Notes**

- H. In this instrument, notes shown as “**Note:**” or “*Editor’s note:*” are intended for the convenience of the reader and do not form part of the legislative text.

**Citation**

- I. This instrument may be cited as the Handbook Administration (No 51) Instrument 2019.

By order of the Board  
26 September 2019

## Annex A

**Amendments to Annex A to the Individual Accountability (Dual-Regulated Firms)  
Instrument 2018 (FCA 2018/45) (Renumbering and deletions in the Senior Management  
Arrangements, Systems and  
Controls sourcebook (SYSC) and the Supervision manual (SUP))**

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

| <b>Renumbering and deletions in SYSC</b>                                |   |
|---|---|
| <b>(A)<br/>Old heading and numbering</b>                                | <b>(B)<br/>New heading, numbering and deletions</b>   |
| 4.5 Management responsibilities maps for UK relevant authorised persons | Deleted   |
| ...   | ...   |
| Small firms   | Small firms   |
| 4.5.13G(1)  | <del>25.5.14G(1)</del> <u>25.4.14G(1)</u>   |
| ...   | ...   |
| 5.2 Certification regime  | Senior managers and certification regime:<br>Certification regime<br>(Chapter heading for 27) |
| ...   | ...   |
| Scope: general requirements   | General requirements  |
| 5.2.18R   | <del>27.6.1R</del> <u>27.7.1R</u>   |
| ...   | ...   |

## Annex B

### Amendments to the Glossary of definitions

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

Amend the following definitions as shown.

*accredited body* any of the following bodies recognised by the *FCA* the purpose of providing the independent verification under *TC 2.1.27R*

...

(e) The Chartered ~~Institute of Bankers in Scotland~~ Banker Institute;

...

*credit-worthiness assessment* the assessment required by *CONC 5.2A.4R* or *CONC 5.5A.5R*.

*distributor* (1) (in relation to ~~*PROD 1.1.3R*~~, *PROD 1.3* and *PROD 3*) a *firm* which offers, recommends or *sells investments* or provides *investment services* to *clients*.

[Note: recital 15 to the *MiFID Delegated Directive*]

(2) (in relation to *PROD 1.4* and *PROD 4*) a *firm* which advises on or proposes *contracts of insurance* which it does not *manufacture*.

## Annex C

### Amendments to the Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

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

#### 4 General organisational requirements

...

#### 4.5

4.5.13 G (1) [deleted] [*Editor's note:* The text of this provision has been moved to ~~SYSC 25.5.14G(1)~~ SYSC 25.4.14G(1)]

(2) ...

...

#### 4.7

...

4.7.29 G [deleted] [*Editor's note:* The text of this provision has been moved to ~~SYSC 23.1.12G~~ SYSC 24.3.12G]

...

#### 5 Employees, agents and other relevant persons

...

#### 5.2

...

5.2.18 R [deleted] [*Editor's note:* The text of this provision has been moved to ~~SYSC 27.6.1R~~ SYSC 27.7.1R]

...

#### 25 Senior managers and certification regime: Management responsibilities maps and handover procedures and material

...

#### 25 Annex 1G Examples of the business activities and functions of an SMCR firm

| Business areas and management functions | Explanation   |
|---|---|
| ...                                     |   |
| (28) Administration of insurance        | This means the activity described in <del>SYSC 27.7.5G(1)(k)</del> <u>SYSC 27.8.5G(1)(k)</u> (examples of what the significant management <i>FCA certification function</i> can cover). |
| (29) Issuing commitments                | This means the activity described in <del>SYSC 27.7.5G(1)(i)</del> <u>SYSC 27.8.5G(1)(i)</u> (examples of what the significant management <i>FCA certification function</i> can cover). |
| (30) Processing                         | This means the activity described in <del>SYSC 27.7.5G(1)(j)</del> <u>SYSC 27.8.5G(1)(j)</u> (examples of what the significant management <i>FCA certification function</i> can cover). |
| ...                                     |   |

...

## Annex D

### Amendments to the Fit and Proper test for Employees and Senior Personnel (FIT)

**This Annex comes into force on 9 December 2019.**

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

#### **1 General**

##### **1.1 Application and purpose**

1.1.1 G *FIT* applies to:

...

(8) a *board director* as set out in *FIT* ~~1.1.2(e)~~ 1.1.2G(1)(e).

...

**Annex E**

**Amendments to the Training and Competence sourcebook (TC)**

In this Annex, underlining indicates new text.

**App 4 Appropriate Qualification tables**

**App 4.1 Appropriate Qualification tables**

...

**4.1.1C G ...**

Part 2: Appropriate Qualifications Tables

...

| Qualification provider   | Qualification | Activity Number(s) | Key |
|--|---------------|--------------------|-----|
| ...  |               |                    |     |
| <u>Calibrand / Chartered Banker Institute</u><br>(Formerly the Chartered Institute of Bankers in Scotland) | ...           | ...                | ... |
| ...  |               |                    |     |
| <u>Chartered Banker Institute</u><br>(Formerly the Chartered Institute of Bankers in Scotland)             | ...           | ...                | ... |

## Annex F

### Amendments to the General Provisions (GEN)

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

#### **5 Regulators' logos and the Key facts logo**

...

##### **5.1 Application and purpose**

...

###### Purpose

5.1.2 G The FSA logo is a registered UK service mark, with number 2150560. The *FCA* logo is a registered UK service mark, with number ~~2629534~~ 3213355.

...

The content of GEN TP 4 (Transitional Provision on early compliance with the Insurance Distribution applying across the Handbook) is deleted. The deleted text is not shown but TP 4 is marked [deleted], as shown below.

**TP 4 Transitional Provision on early compliance with the Insurance Distribution Directive applying across the Handbook [deleted]**

**Annex G**

**Amendments to the Fees manual (FEES)**

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

**4 Periodic fees**

...

**4 Annex FCA activity groups, tariff bases and valuation dates  
1AR**

...

| Activity group   | Fee payer falls in the activity group if: |
|--|---|
| ...  |   |
| A.19 General insurance <del>mediation</del><br><u>distribution</u> | ...                                       |
| ...  |   |

...

## Annex H

### Amendments to the Conduct of Business sourcebook (COBS)

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

#### 6 Information about the firm, its services and remuneration

...

#### 6.1ZA Information about the firm and compensation information (MiFID and insurance distribution provisions)

...

- 6.1ZA.1 R If any payments, other than ongoing *premiums* and scheduled payments, are  
5G made by the *client* under the *life policy* after its conclusion, a *firm* must make the disclosures required by ~~COBS 6.1ZA.14AR~~ COBS 6.1ZA.15BR or ~~COBS 6.1ZA.14BR~~ COBS 6.1ZA.15CR, for each such payment.

[Note: articles 19(3) and (5) of the *IDD*]

...

#### 13 Preparing product information

...

#### 13.1 The obligation to prepare product information

...

Application of the PRIIPs regulation to funds

- 13.1.1B G (1) A *UCITS management company* is exempt from the *PRIIPs Regulation* until 31 December 2019~~21~~ 21 (see ~~article 32(1) of the *PRIIPs Regulation*~~). These *firms* should continue to publish a *key investor information document* until that date (see *COLL* 4.7).
- (2) (a) ...
- (b) ...
- (c) An *authorised fund manager* of a *non-UCITS retail scheme* offered to *retail clients* may, until 31 December 2019~~21~~ 21, draw up either:
- (i) a *key information document* in accordance with the *PRIIPs Regulation*; or

(ii) a *NURS-KII document*.

[Note: Article 32(1) of the *PRIPs Regulation* as amended by article 17(1) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019]

## Annex I

## Amendments to the Insurance: Conduct of Business sourcebook (ICOBS)

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

**6 Product Information**

...

**6 Annex 3R Providing product information by way of a standardised insurance information document:**

...

**1 Effect of provisions marked ‘EU’**

1.1 R (1) Provisions in this section marked “EU” apply in relation to a *firm* to which the ~~IPID Regulation~~ IDD IPID Regulation is not directly applicable, as if they were *rules*.

(2) ...

...

## Annex J

### Amendments to the Mortgages and Home Finance: Conduct of Business sourcebook (MCOB)

In this Annex, underlining indicates new text.

#### 1 Application and purpose

...

#### 1.2 General application: who? what?

...

Application of MCOB where agreements are facilitated by a P2P platform

...

- 1.2.23 G (1) The purpose of *MCOB* 1.2.22R(3) to 1.2.22.R(5) is to avoid imposing overlapping requirements on the *P2P platform operator* facilitating a home financing arrangement and any *firms* who may participate in that arrangement as finance providers, to the extent that is compatible with *EU* law, in particular the *MCD* and the *Distance Marketing Directive*. ...

...

#### 4 Advising and selling standards

...

#### 4.7A Advised sales

...

Suitability

...

- 4.7A.4A G *Firms* are only obliged to assess the suitability of a *regulated mortgage contract* or a *shared equity credit agreement* where this forms part of the transaction between the *consumer* and the *firm*.

...

#### 15 P2P home finance activities

...

#### 15.4 Modifications

...

Protecting customers' interests: home finance transactions

...

- 15.4.14 R Where *MCOB 5.6* applies to a *firm* which is a *P2P platform operator* facilitating a *regulated mortgage contract*, and the *illustration* is issued to the *customer* by, or on behalf of, a separate *mortgage intermediary*, references in *MCOB 5.6.113R* to *5.6.119G* to a *mortgage lender* must be treated as referring to the *P2P platform operator*.

...

- 15.4.16 R Where *MCOB 9.4* applies to a *firm* which is a *P2P platform operator* facilitating a *lifetime mortgage*, and the *illustration* is issued to the *customer* by, or on behalf of, a separate *mortgage intermediary*, references in *MCOB 9.4.119R* to *9.4.125G* to a *mortgage lender* must be treated as referring to the *P2P platform operator*.

...

## Annex K

### Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and strikethrough indicates deleted text.

The form at the following location is amended as shown.

#### 10C FCA senior managers regime for approved persons in SMCR firms

...

#### 10C Annex Statement of responsibilities 10D

Statement of responsibilities for dual-regulated SMCR firms

...

## ANNEX A

### SYSC 25 Annex 1G The main business activities and functions of an SMCR firm

| Business areas and management functions | Explanation  |
|---|--|
| ...                                     | ...  |
| (22) Issuing Commitments                | This means the activity described in <i>SYSC</i> <del>27.7.6R(1)(i)</del> <u>27.8.5G(1)(i)</u> (examples of what the significant management <i>FCA-specified significant harm function</i> can cover)  |
| (23) Processing                         | This means the activity described in <i>SYSC</i> <del>27.7.6R(1)(j)</del> <u>27.8.5G(1)(j)</u> (examples of what the significant management <i>FCA-specified significant-harm function</i> can cover). |
| ...                                     | ...  |
| (29) Administration of insurance        | This means the activity described in <i>SYSC</i> <del>27.7.6R(1)(k)</del> <u>27.8.5G(1)(k)</u> (examples of what the significant management <i>FCA-specified significant harm function</i> can cover). |

...

Amend the following as shown.

**12 Appointed representatives**

...

**12.4 What must a firm do when it appoints an appointed representative or an EEA tied agent?**

...

Appointed representative carrying on insurance distribution

Good repute

12.4.8A R Before a *firm* appoints a *person* as an appointed representative to carry on *insurance distribution activity*, it must in relation to *insurance distribution activity* ensure that the *person* will comply on appointment, and will continue to comply with, the provisions of ~~MIPRU~~ SYSC 28.3 (Good repute) as if the *appointed representative* were a *firm*.

[Note: article 10(3) of the *IDD*]

...

**15 Notifications to the FCA**

...

**15.6 Inaccurate, false or misleading information**

...

15.6.2 G *SUP* 15.6.1R applies in relation to *rules* outside this chapter, and even if they are not *notification rules*. Examples of *rules* and chapters to which *SUP* 15.6.1R is relevant, are:

...

(4) ~~*SUP* 17 (Notifications to the FCA)~~ [deleted]

...

...

**16 Reporting requirements**

**16.1 Application**

...

16.1.3 R Application of different sections of SUP 16 (excluding SUP 16.13, SUP 16.15, SUP 16.16 and SUP 16.17) and SUP 16.22)

| (1)<br>Section(s)     | (2) Categories of firm to which section applies |  | (3) Applicable rules and guidance |
|-----------------------|---|--|-----------------------------------|
| ...                   |   |  |                                   |
| SUP 16.4 and SUP 16.5 | All categories of <i>firm</i> except:           |  | Entire sections                   |
|                       | ...   |  |                                   |
|                       | (j)   | a <i>firm</i> with <i>permission</i> to carry on only <del>insurance mediation activity</del> <i>insurance distribution activity</i> , <i>home finance mediation activity</i> , or both; |                                   |
|                       | ...   |  |                                   |
| ...                   |   |  |                                   |

...

16.12 Integrated Regulatory Reporting

...

16.12.4 R Table of applicable rules containing *data items*, frequency and submission periods

| (1)        | (2)   | (3)                    |                             | (4)      |
|------------|---|------------------------|-----------------------------|----------|
| RAG number | Regulated activities  | Provisions containing: |                             |          |
|            |   | applicable data items  | reporting frequency/ period | due date |
| ...        |   |                        |                             |          |
| RAG 9      | <ul style="list-style-type: none"> <li>• <i>home finance mediation activity</i></li> <li>• <del>insurance mediation activity</del> <i>insurance distribution activity</i> (non-investment insurance contracts)</li> </ul> | ...                    | ...                         | ...      |

|     |  |  |  |  |
|-----|--|--|--|--|
| ... |  |  |  |  |
|-----|--|--|--|--|

...

Authorised professional firms

16.12.3 R (1) ...  
0

(a) its only *regulated activities* are one or more of:

(i) ~~insurance mediation activity~~ insurance distribution;

...

...

...

...

16.12.3 R Table of data items from an *authorised professional firm*  
1

| Report   | Return (note 1)   | Frequency (Note 4) | Due date |
|--|---|--------------------|----------|
| Adequate information relating to the following activities:<br>(1) <del>insurance mediation activity</del> <u>insurance distribution activity</u> ; |   |                    |          |
| ...  |   |                    |          |
| Note 2   | For the purposes of <i>RMAR</i> reporting, a larger <i>firm</i> is a <i>firm</i> whose annual regulated business revenue in its previous financial year was greater than £5m. Annual regulated business revenue for these purposes is a <i>firm</i> 's total revenue relating to <del>insurance mediation activity</del> <u>insurance distribution activity</u> , mortgage mediation activity and retail investment activity. |                    |          |
| ...  |   |                    |          |

...

**16 Annex 18BG Notes for Completion of the Retail Mediation Activities Return ('RMAR')**

**Introduction: General notes on the RMAR**

...

**Section C Client money and assets**

...

**Note 1:** a firm should complete section C of the *RMAR* for the money it receives or holds in the course of, or in connection with, its ~~insurance mediation activity~~ insurance distribution activity (see CASS 5).

...

...

**16 Annex 19BG Notes for completion of the Mortgage Lenders & Administrators Return ('MLAR')**

...

**SECTION E: RESIDENTIAL LOANS TO INDIVIDUALS - New business profile**

... ..

**E6 By purpose**

**E6. Lifetime mortgages**

**6**

**(i) Regulated loans: Lifetime mortgages (columns 1 to 4)**

This is defined in the *Handbook* as follows:

(1) ~~an MCD exempt lifetime mortgage; or~~

(2) ~~(other than in (1)); an article 3(1)(b) credit agreement or a regulated mortgage contract or an article 3(1)(b) credit agreement which is not a retirement interest-only mortgage,~~ under which:

...

...

(iii although interest payments and partial repayment of capital may become due, no full repayment of the capital is due or capable of becoming due; or

(2) an MCD exempt lifetime mortgage which is not a retirement interest-only mortgage.

**16  
Annex  
21R**      **Reporting fields**

This is the annex referred to in SUP 16.11.7R.

**1      GENERAL REPORTING FIELDS**

The following data reporting fields must be completed, where applicable, for all reportable transactions and submitted in a prescribed format.

| <b>Data reporting field</b>  | <b>Code (where applicable)</b> | <b>Notes</b>  |
|--|--------------------------------|---|
| ...  | ...                            | ...   |
| Transaction reference<br>( <i>regulated mortgage contracts, <del>high-cost short-term loans</del> high-cost short-term credit and home credit loan agreements only</i> ) | Numeric /<br>Alphanumeric      | A unique reference for the transaction, internal to the reporting <i>firm</i> , that will enable the <i>firm</i> to provide the <i>FCA</i> with more information concerning the transaction if required, e.g. the account number, application number etc. |
| ...  | ...                            | ...   |

**16  
Annex  
27G**      **REP018 Operational and Security Risk reporting form**

...

1      Are you submitting an operational and security risk report this quarter?      ...

*If you answer 'No', Questions 2 to 9 10 do not need to be completed*

...

**16  
Annex  
47BG**      **Guidance notes for Directory persons report in SUP 16 Annex 47AR**

...

12. In relation to (16), “relevant accredited body membership” is membership of any of the following professional bodies: CFA Society of the UK; The

Chartered ~~Institute of Bankers in Scotland (CIOBS)~~ Banker Institute (CBI); The Chartered Insurance Institute (CII); The London Institute of Banking and Finance (LIBF); and The Pensions Management Institute. Relevant accredited body membership only needs to be reported where the *Directory person* deals with customers and requires qualification under *TC App 1.1* to do so.

## Annex L

### Amendments to the Dispute Resolution: Complaints manual (DISP)

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

#### 1 Treating complainants fairly

...

#### 1.4 Complaints resolution rules

Investigating, assessing and resolving complaints

...

- 1.4.2 G Factors that may be relevant in the assessment of a *complaint* under *DISP* 1.4.1R(2) include the following:

...

- (3) relevant ~~guidance~~ guidance published by the *FCA*, other relevant regulators, the *Financial Ombudsman Service* or *former schemes*; and

...

...

## Annex M

### Amendments to the Collective Investment Schemes sourcebook (COLL)

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

#### Part 1: Comes into force on 27 September 2019

#### 4 Investor Relations

...

#### 4.7 Key investor information and marketing communications

...

Application of the PRIIPs regulation to NURS

4.7.1A G (1) *An authorised fund manager of a non-UCITS retail scheme or an ICVC that is a non-UCITS retail scheme that is offered to retail clients may draw up either:*

(a) *a key information document in accordance with the PRIIPs Regulation; or*

(b) *until 31 December 2019~~21~~, a NURS-KII document (in accordance with the exemption in article 32(2) of the PRIIPs Regulation).*

(2) ...

(3) ...

[Note: Article 32(1) of the PRIIPs Regulation as amended by article 17(1) of Regulation (EU) 2019/1156 of the European Parliament and of the Council of 20 June 2019]

...

#### Part 2: Comes into force on 30 September 2019

#### 8 Qualified investor schemes

...

#### 8.3 Investor relations

...

Contents of the annual report

8.3.5A R ...

- (5) An annual report of an authorised fund must also contain a statement setting out a description of the ~~value for money~~ assessment of value required by *COLL* 8.5.17R including:

...

...

## Annex N

### Amendments to the Credit Unions Sourcebook (CREDS)

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

#### **9 Complaints reporting rules for credit unions**

...

#### **9 Annex Credit union complaints return**

**1R**

... ..

#### Section 6 – Declaration & signature

The declaration must be signed by an appropriate individual for the credit union submitting this return.

If you have any questions or need help with this return, please approach your usual supervisory contact at the FCA.

REPORTS SENT BY POST MUST BE ADDRESSED TO:

THE FINANCIAL CONDUCT AUTHORITY

~~P O BOX 35747~~ 12 ENDEAVOUR SQUARE, LONDON, ~~E14 5WP~~ E20 1JN

UNITED KINGDOM

~~Hand delivered returns should be marked for the attention of Central Reporting Department and be delivered to 25 The North Colonnade, Canary Wharf, London E14 5HS.~~

## Annex O

### Amendments to the Consumer Credit sourcebook (CONC)

In this Annex, striking through indicates deleted text.

#### 1 Application and purpose and guidance on financial difficulties

...

#### 1.2 Who? What? Where?

...

Application where home financing agreements are facilitated by a P2P platform

...

- 1.2.13 G *MCOB 1.2.22R(1) provides that a rule in MCOB that applies to a mortgage lender, a home purchase plan provider, a ~~home~~ reversion provider or a SRB agreement provider also applies to a P2P platform operator facilitating a regulated mortgage contract, home purchase plan, home reversion plan or regulated sale and rent back agreement where the lender, plan provider, reversion provider or agreement provider does not require permission to enter into the transaction. It applies subject to the provisions in MCOB 15.*

## Annex P

### Amendments to the Regulated Covered Bonds sourcebook (RCB)

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

#### 2 Applications for registration

...

#### 2.2 Applying for registration

...

- 2.2.5 G The *FCA* will not treat the application as having been received until it receives the registration fee (see ~~*RCB 5.2.5R*~~ *FEES 3.2.7R(1)(zm)*) and all relevant documentation requested by the *FCA* before its on-site review of the application.

...

#### 2 Annex 1D Application for the admission to the register of issuers and register of regulated covered bonds

...

##### **Sending the form**

Send your application form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your application form may also be submitted by post or by hand to the address below:

Regulated Covered Bonds Team

~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential Specialists Department

~~The~~ Financial Conduct Authority

~~25 The North Colonnade~~ 12 Endeavour Square

~~Canary Wharf~~

London

~~E14 5HS~~ E20 1JN

#### 3 Notifications

...

#### 3.6 Fees and other matters

...

Method of sending forms and information to the FCA

- 3.6.5 D Unless otherwise stated, the *issuer* or the *owner*, as the case may be, must send the relevant forms and information to the *FCA's* address marked for the attention of the “Covered Bonds Team, ~~Capital Markets Sector~~ Prudential Specialists Department” by any of the following methods:
- (1) post; or
  - (2) leaving it at the *FCA's* address and obtaining a time-stamped receipt; or
  - (3) email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk).

...

**3 Annex 1D Annual confirmation of compliance with the RCB Regulations and the RCB Sourcebook**

...

**Sending the form**

Send your annual confirmation to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your annual confirmation may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Markets Division~~ Prudential Specialists Department  
~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
 Canary Wharf  
 LONDON London, E14 5HS E20 1JN

...

**3 Annex 2D Asset pool notification form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential  
Specialists Department  
The Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
~~Canary Wharf~~  
London  
~~E14 5HS~~ E20 1JN

...

**3 Annex  
3D**     **Asset and liability profile form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
Prudential Specialists Department  
~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
~~Canary Wharf~~  
London  
~~E14 5HS~~ E20 1JN

...

**3 Annex  
4D**     **Indicative terms form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential  
Specialists Department

~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
Canary Wharf  
London  
E14 5HS E20 1JN

...

**3 Annex  
5D**

**Issuance form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential  
Specialists Department  
~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
Canary Wharf  
London  
E14 5HS E20 1JN

...

**3 Annex  
6D**

**Cancellation form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential  
Specialists Department  
~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square

~~Canary Wharf~~  
 London  
 E14 5HS E20 1JN

...

**3 Annex 7AD Loan level disclosure form**

...

**Sending the form**

Send this form to us by email to [rcb@fca.org.uk](mailto:rcb@fca.org.uk). It is our preference for all correspondence to be submitted electronically. If this is not possible your form may also be submitted by post or by hand to the address below.

Regulated Covered Bonds Team  
~~Capital Markets, Infrastructure and Trading Firms Department~~ Prudential Specialists Department

~~The~~ Financial Conduct Authority  
~~25 The North Colonnade~~ 12 Endeavour Square  
~~Canary Wharf~~

London  
 E14 5HS E20 1JN

...

...

**4 Enforcement powers**

...

**4.2 Enforcement powers and penalties**

The ~~FSA's~~ FCA's enforcement powers

...

**Sch 2 Notification requirements**

...

**3 Table**

| Handbook reference | Matter to be notified | Contents of notification | Trigger event | Time allowed |
|--------------------|-----------------------|--------------------------|---------------|--------------|
|--------------------|-----------------------|--------------------------|---------------|--------------|

|                   |   |  |   |             |
|-------------------|---|--|---|-------------|
| ...               |   |  |   |             |
| <i>RCB 3.5.7D</i> | (1) That the requirements in the <i>RCB Regulations</i> and <i>RCB</i> are, or are likely to be materially breached, or<br><br>(2) of any other matter which the <del>FSA</del> <u>FCA</u> should be made aware of. | (1) fact of breach or likely breach<br><br>(2) details of matter | Material breach, or likely material breach. As soon as <i>issuer</i> or <i>owner</i> becomes aware of matter. | Immediately |
| ...               |   |  |   |             |

## Annex Q

### Amendments to the Prospectus Rules sourcebook (PR)

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

[*Editor’s note:* The Handbook website was updated on 21 July 2018 to reflect the amendment to s.86 FSMA that came into force on that day. The amendment was not however made in the official Handbook text at that stage. This instrument therefore now changes the Prospectus Rules sourcebook (PR) to reflect the amendment to s.86 FSMA. The Prospectus Rules sourcebook (PR) was deleted and replaced with the new Prospectus Regulation Rules sourcebook (PRR) with effect from 21 July 2019, by the Prospectus Regulation Rules Instrument 2019. The amendments contained in this instrument were therefore only in force for the period from 21 July 2018 to 20 July 2019.]

#### 1 Preliminary

...

#### 1.2 Requirement for a prospectus and exemptions

Requirement for a prospectus

1.2.1 UK Sections 85 and 86 of the *Act* provide for when a *prospectus* approved by the *FCA* will be required:

|    |                             |   |   |
|----|-----------------------------|---|---|
| 85 | ...                         |   |   |
| 86 | Exempt offers to the public |   |   |
|    | (1)                         | A person does not contravene section 85(1) if – |   |
|    |                             | ...   |   |
|    |                             | (e)   | the total consideration for the transferable securities being offered in the EEA states cannot exceed <del>100,000</del> <u>8,000,000</u> euros (or an equivalent amount); or |
|    |                             | ...   |   |
|    | ...                         |   |   |

...

## Annex R

**Amendments to the General guidance on Benchmark Administration, Contribution and Use (BENCH)**

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

- 2**            **Parts of the Handbook applicable to regulated benchmark administrators and benchmark contributors**
- ...
- 2.3**            **Guidance for benchmark users: articles 28(2) and 29(1) of the benchmarks regulation**
- 2.3.1        G    All *supervised entities* are reminded of the requirements of articles 28(2) and 29(1) of the *benchmarks regulation*.
- 2.3.2        G    ...
- (2)    The effect of the prohibition in article 29(1) is that, subject to the exclusions in article 2 of the *benchmarks regulation*, a *firm* which is a *supervised entity* may only use a *benchmark* in cases where:
- (a)    if the benchmark administrator is *located* in the *EU*, the benchmark administrator is listed in the register maintained by *ESMA* under article 36 of the *benchmarks regulation*; or
- (b)    if the benchmark administrator is *located* outside the *EU*, the benchmark administrator and the *benchmark* itself are listed in the register maintained by *ESMA* under article 36 of the *benchmarks regulation*.
- 2.3.3        G    In considering articles 28(2) and article 29(1), *firms* will need to consider the *benchmarks regulation* and legislation made under that regulation. *Firms* should also note the points below:
- ...
- (2)    Article 28(2) and article 29(1) of the *benchmarks regulation* ~~do~~ may not apply to the use of a *benchmark* in cases which are excluded from the requirements of the *benchmarks regulation* (see article 2 of the regulation).
- ...

## Annex S

## Amendments to the Perimeter Guidance manual (PERG)

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

## 5 Guidance on insurance distribution activities

...

### 5.12 Link between activities and the United Kingdom

#### Introduction

- 5.12.1 G Section 19 of the *Act* (The general prohibition) provides that the requirement to be authorised under the *Act* only applies in relation to *regulated activities* which are carried on ‘in the *United Kingdom*’. In many cases, it will be quite straightforward to identify where an activity is carried on. But, when there is a cross-border element, for example because a customer is outside the *United Kingdom* or because some other element of the activity happens outside the *United Kingdom*, the question may need careful consideration. ~~PERG 5.15.8G (Flow chart: am I carrying on regulated activities in the United Kingdom?) has a flow chart setting out the questions a person needs to consider in determining whether or not his regulated activities are carried on ‘in the United Kingdom’.~~

...

### 5.15 Illustrative tables

...

- 5.15.4 G Types of activity – are they regulated activities and, if so, why?

| Type of activity  | Is it a regulated activity?   | Rationale  |
|---|-------------------------------|--|
| ...   |                               |  |
| <b>MID-TERM ADJUSTMENTS AND ASSIGNMENTS</b>   |                               |  |
| Solicitors or licensed conveyancers discharging client instructions to assign <i>contracts of insurance</i> . | Not where article 67 applies. | As the assignment of rights under a contract of insurance (as opposed to the creation of new contracts of insurance) does not fall within the <del>IMD</del> <u>IDD</u> , article 67 is of potential |

|     |  |  |
|-----|--|--|
|     |  | application (see <i>PERG</i> 5.11.9G to <i>PERG</i> 5.11.12G). |
| ... |  |  |

**5.16 Meaning of ‘insurance distribution’ and ‘reinsurance distribution’**

...

5.16.2 G (1) ...

(2) Text of article 2.1(2) of the Insurance Distribution Directive

“‘Reinsurance distribution’ means the activities of advising on, proposing or carrying out other work preparatory to the conclusion of contracts of ~~insurance~~ reinsurance, of concluding such contracts, or of assisting in the administration and performance of such contracts, in particular in the event of a claim”.

...