

Chapter 13

Reports by skilled persons

13.1 Purpose

13.1.1 **G** The purpose of this chapter is to give *guidance* on the FCA’s use of the powers in section 166 (Reports by skilled persons) and section 166A (Appointment of skilled person to collect and update information) of the Act as applied by section 312P (Information gathering and investigations) of the Act.

13.1.2 **G** The purpose is also to make *rules* requiring a *critical third party* to give assistance to a *skilled person* and, where a *critical third party* is required to appoint a *skilled person*, to include certain provisions in its contract with a *skilled person*. These *rules* are designed to ensure that the FCA receives certain information from a *skilled person* and that a *skilled person* receives assistance from a *critical third party*.

13.1.3 **G**

- (1) It is possible that section 166 (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the Act may apply to a *critical third party* directly rather than through section 312P (Information gathering and investigations) of the Act.
- (2) For example, section 166 might apply because the *critical third party* is a member of the same *group* as an *authorised person*.
- (3) **■ SUP 5** (Reports by skilled persons) applies when section 166 or section 166A applies directly rather than through section 312P of the Act.

13.1.4 **G** If the FCA uses the powers in section 166 (Reports by skilled persons) or section 166A (Appointment of skilled person to collect and update information) of the Act in respect of a *critical third party*, it will normally make it clear whether it does so:

- (1) under the regime for *critical third parties* (that is, under section 312P (Information gathering and investigations) of the Act);
- (2) directly under section 166 or section 166A; or
- (3) under both (1) and (2).

13.1.5 **G** **■ CTPS 12** deals with certain aspects of the costs of *skilled persons* reports.