

**Supervision**

## Chapter 10A

# FCA Approved Persons



## Form E: Internal transfer of an approved person

This annex consists only of one or more forms. Note that there are separate forms for *Solvency II firms*, *large* and *small non-directive insurers* and other *firms*. *Swiss general insurers* must use the form for *large non-directive insurers* not the form for *Solvency II firms*. It also includes the scope of responsibilities form which must be included as an attachment to Form E in certain cases. Forms are to be found through the following address: *Supervision forms* - SUP 10A Annex 8

Scope of responsibilities form can be found at ■ SUP 10A Annex 4D.

Form E for firms which are not Solvency II firms (including large non-directive insurers) or small non-directive insurers (and are not Relevant Authorised persons):

Form E for firms which are not Solvency II firms (including large non-directive insurers) or small non-directive insurers

### **GUIDANCE NOTES: INTERNAL TRANSFER OF AN APPROVED PERSON**

PLEASE NOTE: A *CANDIDATE* MUST NOT BEGIN PERFORMING ANY *CONTROLLED FUNCTIONS* UNTIL THE *FCA* AND/OR *PRA* HAS GRANTED APPROVAL.

Full details of the *approved persons* regime including the Senior Managers Regime and the Senior Insurance Managers Regime can be found in ■ SUP 10A and ■ SUP 10C of the *FCA Handbook* and the Parts relating to the Senior Managers Regime and Senior Insurance Managers Regime in the *PRA Rulebook* (these include the Insurance – Senior Insurance Management Functions, Insurance – Fitness and Propriety, Insurance – Allocation of Responsibilities and Insurance – Conduct Standards parts of the *PRA Rulebook*). *Firms* should also refer for further information to the *PRA* supervisory statements - SS 28/15 for deposit takers, and SS 35/15 for insurers.

### **The purpose of this Form**

This is Form E referred to in:

- ■ SUP 10A and ■ SUP 10C in the *FCA Handbook*;
- the Senior Managers Regime – Applications and Notifications Part of the *PRA Rulebook*; and
- the relevant “Senior Insurance Managers Regime – Applications and Notifications” Parts in the “Solvency II firms” and “Non-Solvency II Firms” sectors of the *PRA Rulebook*.

A *firm* should use Form E when an *approved person* ceases to perform one or more *controlled functions* and the *firm* wishes to apply for approval for the individual in respect of other *controlled functions*. Form E should not be used for a qualified withdrawal (see ■ SUP 10A.14.10R and ■ SUP 10C.14.7R in the *FCA Handbook*, Chapter 5 of Senior Management Regime – Applications and Notifications and Chapter 4.2 of Solvency II firms: Senior Insurance Managers Regime – Applications and Notifications in the *PRA Rulebook*). Form E may also be used for transfers between *firms* that are part of the same *group*:

Form E should not be used in the circumstances set out in ■ SUP 10A.14.4D(2)-(3) or ■ SUP 10C.10.9D(2)-(4) of the *FCA Handbook*; or Senior Managers Regime – Applications and Notifications 2.4 & 2.5 or Senior Insurance Managers Regime - Applications and Notifications 2.4 & 2.5 of the *PRA Rulebook*.

Form C must be used if the individual is ceasing to perform a *controlled function* and the *firm* is not seeking approval in respect of another *controlled function*.

Form A must be completed in full if the *approved person* is seeking approval in respect of a *controlled function* including a *senior management function* or senior insurance management function for the first time.

### Completing this Form

If in manuscript, Form E must be completed in black ink and in BLOCK LETTERS.

All dates should be provided in numeric form (e.g. 29/02/2000 for 29 February 2000).

Indicate clearly if a question is not applicable. Tick the appropriate box where a yes/no answer is required. Further details should be given in section 5 (Supplementary Information) if there is insufficient space for a detailed answer.

Additional information can be attached to the Form. It must be securely attached to the rest of the Form and you must indicate at question 5.02 the number of additional sheets attached.

Do not assume that information is known to the *FCA* and/or *PRA* merely because it is in the public domain, or has been previously disclosed to the *FCA* and/or *PRA* or to another regulatory body. In all circumstances, disclosures should be full, frank and unambiguous. The information supplied by the *candidate* should be verified by the *firm* wherever possible. Should the *FCA* and/or *PRA* vetting checks reveal any matters that have not been disclosed, then applications will be delayed and, in some cases, possibly rejected. See ■ SUP 10A.13.12G and ■ SUP 10C.10.30G of the *FCA Handbook*.

Expressions in Form E in italics have the meaning given in the *Glossary* to the *FCA Handbook* (or, if no meaning is given there, the expressions are to be interpreted in accordance with the related expression defined in the *Glossary*).

The *firm* is responsible for the completion of Form E. If Form E is not fully and correctly completed, the *FCA* and/or *PRA* may need to return it for proper completion. This could significantly delay the *FCA* and/or *PRA*'s decision on whether to grant approval to perform the requested *controlled functions* (see ■ SUP 10A.13.12G and ■ SUP 10C.10.30G of the *FCA Handbook*).

The *FCA* and/or *PRA* may require the applicant to provide further information at any time after receiving an application and before determining whether it is to be granted or not (see ■ SUP 10A.13.14G, SUP 10B.11.13G and ■ SUP 10C.10.28G in the *FCA Handbook*).

If a *firm* has provided, or has information that reasonably suggests that it may have provided, the *FCA* and/or *PRA* with information which was or has become false, misleading, incomplete or inaccurate, in a material particular, it must notify the *FCA* and/or *PRA* immediately (see ■ SUP 15.6.4R in the *FCA Handbook*, Notification 6 in the *PRA Rulebook* and the equivalent Parts in the "Solvency II firms" and "Non-Solvency II Firms" sectors of the *PRA Rulebook*). Failure to notify the *FCA* and/or *PRA* may result in a delay in processing or rejection.

## SECTION 4 – ARRANGEMENTS AND CONTROLLED FUNCTIONS

The *firm* must tick the box in 4.01 that most accurately describes its *arrangement* with the *candidate*. For applications from a single *firm*, the *firm* should complete 4.02, 4.03 & 4.04 indicating the *controlled functions* required by selecting the appropriate box in 4.02. However, if the application is being made on behalf of a candidate who will carry out *controlled functions* for more than one *firm*, 4.05 must be used to describe the *controlled functions* and the relationships between the *candidate* and those *firms*. For *senior management functions*, *firms* should use 4.04 in the relevant Form E.

4.01 If this application relates to more than one *appointed representative*, provide details in section 5.

4.02 If the *controlled function* 28 or 29 is requested, the specific job title of the candidate should be included.

4.03 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 *FCA* and/or *PRA* published standard response times. For

instance, a *firm* may wish to be sure that a candidate has been approved before they take up their post.

#### 4.04 Insurance distribution

This is not a *controlled function* in its own right. However, every *firm* that carries on *insurance distribution activities* must appoint an *approved person(s)* who will be responsible for *insurance distribution activities* at the *firm* (as detailed at ■ MIPRU 2.2).

This responsibility must be allocated to a member of the *governing body* of the *firm* or in certain circumstances, a *senior manager*. (i.e. an individual that is applying for approval as CF1, 3-8 or 29).

Where a *firm* has appointed an *appointed representative* to carry on *insurance distribution activities* on its behalf, the *person* responsible for the *firm's insurance distribution activities* will also be responsible for the *insurance distribution activities* carried on by an *appointed representative*.

Unless the *firm* indicates otherwise, the *FCA* and/or *PRA* assumes that the *arrangement* given on the application form includes all of the activities that fall within the description of the *controlled function*. This means that a *firm* may alter a *candidate's* responsibilities within the broad description of a *controlled function* without needing further approval from the *FCA* and/or *PRA*. However, they will be required to record this change on the scope/statement of responsibilities record (where applicable) that is maintained by the *firm* for each individual performing a *controlled function*.

### SECTION 5 – SUPPLEMENTARY INFORMATION

This section provides extra space for any previous answer and for additional information relevant to this application.

The *firm* must include details of any other matter which the *firm* is aware of and which in its reasonable opinion is relevant in connection with the *approved person* ceasing to perform their *controlled function*. If there is insufficient space, additional sheets may be used.

### SECTION 6 – DECLARATIONS AND SIGNATURES

This section contains declarations which must be signed by both an appropriate individual for the *firm* or applicant submitting the application and the *candidate*. The *FCA* and/or *PRA* considers that an appropriate individual would either be an individual approved [to perform a SIF, SMF or a PRA controlled function] or someone to whom the *firm* has delegated the authority to notify the *FCA* and/or *PRA*. If this authority has been delegated, the *firm* should keep records of those individuals authorised to sign on behalf of the *firm*.

N.B. Please keep these notes before returning the completed Form to the *FCA* and/or *PRA*.

If you have any questions or need additional information, please contact the *FCA* Customer Contact Centre on 0300 500 0597 or *PRA* Firm Enquiries on 020 3461 7000 or e-mail [iva@fca.org.uk](mailto:iva@fca.org.uk) or [PRA.firmenquiries@bankofengland.co.uk](mailto:PRA.firmenquiries@bankofengland.co.uk).

PLEASE RETURN THE COMPLETED FORM TO:

Financial Conduct Authority  
12 Endeavour Square  
London, E20 1JN  
United Kingdom

Prudential Regulation Authority  
20 Moorgate  
London  
EC2R 6DA  
United Kingdom