

Chapter 22

Regulatory references

22.1 Application

General application

22.1.1 **R** This chapter applies to all *firms* (subject to ■ SYSC 22.1.5R).

Activities covered

22.1.2 **G** This chapter is not limited to *regulated activities* or other specific types of activities.

Territorial scope and overseas firms

22.1.3 **R** There is no territorial limitation on the application of this chapter, subject to ■ SYSC 22.1.5R and ■ SYSC 22.1.6R.

22.1.4 **G** One effect of ■ SYSC 22.1.3R is that the obligation to provide a reference can apply even if the *employee* worked in an overseas office of the *employer*.

22.1.5 **R** This chapter does not apply to:

- (1) an *overseas firm* that does not have an establishment in the *United Kingdom*;
- (2) a *UCITS qualifier* (see section 266 of the *Act* (Disapplication of rules));
- (3) an *AIFM qualifier*; or
- (4) an *incoming EEA firm* that is an *EEA pure reinsurer*.

22.1.6 **R** For an *incoming firm* or any other *overseas firm*, ■ SYSC 22.2.2R (Obligation to give references) only applies if the current or former *employee* in question (defined as "P" in ■ SYSC 22.2.2R) is or was an *employee* of its *branch* in the *United Kingdom* and only relates to their activities as such.

22.1.7 **R**

- (1) In order to decide whether someone is an *employee* of a *branch*, the *Glossary* definition of *employee* is applied to the *branch* as if the *branch* and the *firm* of which it forms part were separate *firms*.
- (2) For the purpose of (1), paragraph (4A)(c) of the definition of *employee* (someone employed elsewhere in the *group*) does not apply.