

**SUPERVISION MANUAL (PERFORMANCE DATA REPORTS) (AMENDMENT)
INSTRUMENT 2014**

Powers exercised

- A. The Financial Conduct Authority makes this instrument in the exercise of the powers and related provisions in or under:
- (1) the following sections of the Financial Services and Markets Act 2000 (“the Act”):
 - (a) section 137A (The FCA’s general rules); and
 - (b) section 137T (General supplementary powers); and
 - (2) the other rule and guidance making powers listed in Schedule 4 (Powers exercised) to the General Provisions of the FCA’s Handbook.
- B. The rule-making powers referred to above are specified for the purpose of section 138G (2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 1 January 2015.

Amendments to the FCA Handbook

- D. The Supervision manual (SUP) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the Supervision Manual (Performance and Data Reports) (Amendment) Instrument 2014.

By order of the Board of the Financial Conduct Authority
26 June 2014

Annex

Amendments to the Supervision manual (SUP)

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

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)

(1) Section(s)	(2) Categories of firm to which section applies		(3) Applicable rules and guidance
...			
SUP 16.11	<u>(1)</u>	A <i>firm</i> , other than a <i>managing agent</i> , which is:	Entire section
	(1)	<u>(a)</u> a <i>home finance provider</i> ; or	<u>Entire section</u>
	(2)	<u>(b)</u> an <i>insurer</i> ; or	<u>Entire section</u>
	(3)	<u>(c)</u> the operator of a <i>regulated collective investment scheme</i> or an <i>investment trust savings scheme</i> ; or	<u>Entire section</u>
	(4)	<u>(d)</u> a <i>person</i> who issues or manages the relevant assets of the issuer of a <i>structured capital-at-risk product</i> ; or	<u>Entire section</u>
	(5)	<u>(e)</u> a <i>firm</i> with <i>permission to enter into a regulated credit agreement as lender</i> in respect of <i>high-cost short-term credit</i> or <i>home credit</i>	<u>Entire section</u>

		<u>loan agreements; or</u>	
	(2)	<u>a firm in whom the rights and obligations of the lender under a regulated mortgage contract are vested.</u>	<u>The provisions governing performance data reports in SUP 16.11 and SUP 16 Annex 21R</u>
...			

...

16.11 Product Sales Data Reporting

Application

16.11.1 R This section applies:

- (1) in relation to sales data reports, to a firm:
- (a) which is a *home finance provider*; or
 - (b) ~~a firm with~~ which has permission to enter into a regulated credit agreement as lender in respect of high-cost short-term credit or home credit loan agreements; or
 - (c) which is, in respect of sales to a *retail client* or a *consumer*:
 - ~~(1)~~ (i) an *insurer*; or
 - ~~(1A)~~ (ii) the *manager* of an *authorised AIF* or a *UCITS scheme*; or
 - ~~(2)~~ (iii) the *operator* of an *investment trust savings scheme*, or a *personal pension scheme*; or
 - ~~(3)~~ (iv) a *person* who issues or manages the relevant assets of the issuer of a *structured capital-at-risk product*;

unless the *firm* is a *managing agent*;

- (2) in relation to performance data reports, to a firm in which the rights and obligations of the lender under a regulated mortgage contract are vested.