

AUTHORISATION MANUAL (AMENDMENT NO 4) INSTRUMENT 2002

Powers exercised

- A. The Financial Services Authority amends the Authorisation manual in the exercise of the power in section 157(1) of the Financial Services and Markets Act 2000 (Guidance).

Commencement

- B. This instrument comes into force immediately.

Amendments to the Authorisation manual

- C. The Authorisation manual is amended in accordance with the Annex to this instrument.

Citation

- D. This instrument may be cited as the Authorisation Manual (Amendment No 4) Instrument 2002.

By order of the Board
21 February 2002

Annex

- 1.2.3G Replace "AUTH 2.10" with:
"AUTH 2.10 (Persons carrying on regulated activities who do not need authorisation)"
- 1.3.9G In the first column, under "AUTH 4", "AUTH 5", and "AUTH 7" delete:
"[To be added later]"
In the row for AUTH 7, insert the following in columns (1), (2) and (3):
In column (1)
After "AUTH 7", insert "Periodical publications, news services and broadcasts: application for certification"
In column (2):
Insert: "anyone involved in publishing periodicals, or in providing news services or broadcasts, who gives (or proposes to give) advice about *securities* or *contractually based investments*"
In column (3):
Insert: "1. whether the *person* will be carrying on the *regulated activity* of *advising on investments*; and
2. how the *FSA* will exercise its power to give certificates."
- 2.3 Replace the existing heading with:
"The business element"
- 2.8.4G(1) After "*Regulated Activities Order*", insert:
"(Absence of holding out etc.)"
- 2.8.6G(2) Replace "internet" with "Internet"
- 2.8.9G In the second sentence, replace "internet" with "Internet"
- 2.8.12G After "AUTH 7", remove:
"[to be added later]"
- 2.9.1G After "*Regulated Activities Order*", insert ", "
Replace "(see Chapter XVII of Part II of the Order)" with "in Chapter XVII

of Part II of the Order,"

In the final sentence, move "directly" to after "entering"

2.9.6G

In the first sentence, replace "*regulated activities*" with:

"the carrying on of *regulated activities* in the *United Kingdom*"

AUTH 2
Annex 2G

In Table 1, after the heading "Designated investment business", insert:

"[see note 7 to Table 1]"

In the notes to Table 1, insert the following:

"Note 7:

In relation to *funeral plan contracts*, (a) *managing investments*, (b) *safeguarding and administering investments*, (c) *advising on investments*, (d) *arranging (bringing about) deals in investments* and (e) *making arrangements with a view to transactions in investments (and agreeing to carry on those regulated activities)* are *regulated activities* but they are not *designated investment business*."

In the notes to Table 2, insert the following:

"Note 2

See *IPRU(INS)* 11.8 and the definition of *ancillary risks* in *IPRU(INS)* and *AUTH* 3.12.6G to *AUTH* 3.12.12G for *guidance* on the treatment of supplementary and ancillary provisions in relation to *contracts of insurance*."

3.7.4G(1)

In the second sentence, before "*locals*", insert:

"*oil market participants, energy market participants,*"

3.21

After AUTH 3.20, insert the following:

"3.21 Treaty firms applying for Part IV permission

3.21.1G The *Treaty* establishing the European Community provides firms with rights of establishment, under article 43, and the right to provide services under article 49. These rights can be exercised anywhere in any other State in the *EEA*.

3.21.2G *Treaty firms* which do not have, or do not wish to exercise, a *treaty right* to carry on a *regulated activity* in the *United Kingdom*, and which do not have an *EEA right* to passport in relation to that activity, must seek *Part IV permission* to do so (see *AUTH* 5.3.4G to *AUTH* 5.3.13G).

- 3.21.3G Where such a *treaty firm* has received *Home State authorisation* to carry on the *regulated activities* that it seeks to carry on under the *Part IV permission*, the *FSA* will take this into account when considering the application.
- 3.21.4G These applications will be considered on a case by case basis. Applicants should contact the Corporate Authorisation Department (see *AUTH 3.9.4G (2)* for contact details) at an early stage to discuss their plans."
- AUTH 3
Annex 2G Delete the heading "Applications for Part IV permission" before the notes accompanying the table
- 5.1.5G(2) In the second sentence, italicise "person"
- 5.6.1G After "applies", insert "to"
- 5.6.2G In the second sentence, delete "(but not limited to)"
- 5.6.4G Insert "," after "*EEA Passport Rights Regulations*"
- AUTH 5
Annex 3
G In the table, under the row for *CIS*, add the following new row:
"*CRED*"
- In column (1), insert the following:
"Does not apply"
- In column (2), insert the following:
"Does not apply"
- 6.1.1G(2) At the end , remove "." and replace with "; and"
- 6.1.1G(3) "Replace "A" with "a"
- 6.2.8G Replace "do so (see *AUTH 6.3.13G* and *AUTH 6.3.17G*)" with "perform the function to which the application relates (see *AUTH 6.3.11G* and *AUTH 6.3.13G*)"
- 6.3.1 D After "*Part IV permission*)" insert:
"in the manner directed by *AUTH 3.9.3D(2)* to *AUTH 3.9.3D(5)*"
- 6.3.11G Delete "and the notes appended to the application form"
- 8.2.6 G(1) Delete the second sentence:
" For example, decisions to grant applications for *Part IV permission* on the terms applied for will usually be endorsed by a senior individual or more

than one individual."

In the third sentence, replace "candidate under section 59 of the *Act*" with "*candidate*"

8.2.6 G(2) Delete and replace with:

"The *FSA* has established staff committees which may grant an application for *Part IV permission*, or approval under Part V of the *Act*, as appropriate. The Authorisation and Approvals Committee will consider an application where, for example, it is complex or sensitive and the recommendation is to refer the application to the *RDC* to give a *warning notice*. The chairman of the Authorisation and Approvals Committee is the director responsible for *authorisation* decisions and its members are senior staff at the *FSA*."

Schedule 3 to the Authorisation manual (Fees and other required payments) is amended by inserting the following as a final row (the heading is shown for convenience):

Type of fee	Trigger event	Date/Time for payment	Amount/Rate	Handbook reference
Certification fee	Application for a certificate under article 54 of the <i>Regulated Activities Order</i>	On or before the date on which application is made	See <i>AUTH 4 Annex 1R</i> , Part 6	<i>AUTH 4.3</i>