

**CONDUCT OF BUSINESS SOURCEBOOK  
(AMENDMENT NO 19) INSTRUMENT 2004**

**Powers exercised**

- A. The Financial Services Authority makes this instrument in the exercise of its general rule-making power under section 138 of the Financial Services and Markets Act 2000 (the "Act").
- B. The rule-making power listed above is specified for the purposes of section 153(2) of the Act (Rule-making instruments).

**Commencement**

- C. This instrument comes into force on 1 January 2005.

**Amendments to the Conduct of Business sourcebook**

- D. The Conduct of Business sourcebook is amended in accordance with the Annex to this instrument.

**Citation**

- E. This instrument may be cited as the Conduct of Business Sourcebook (Amendment No 19) Instrument 2004.

By order of the Board  
16 December 2004

## Annex

### Amendments to the Conduct of Business sourcebook

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

- 5.2.9R (1) Unless (2) applies, a ~~A~~ *firm* must make and retain a record of a *private customer's* personal and financial circumstances that it has obtained in satisfying COB 5.2.5R. The *firm* must retain ~~the record must be retained~~ for a minimum period after the information is obtained, as follows:
- (~~1~~) (a) ...
  - (~~2~~) (b) ...
  - (~~3~~) (c) ...
- (2) A *firm* need not retain the record where following a *personal recommendation* to a *private customer* in connection with a *designated investment*, the *private customer* does not proceed with the recommendation or any part of it.