

Application for Authorisation

Consumer Credit Sole trader appendix – notes

Please take time to read these notes carefully. They will help you to fill in the Consumer Credit Sole Trader appendix form correctly.

When completing the application forms you will need to refer to the Handbook:
www.fshandbook.info/FS/html/handbook/

If, after reading these notes, you need more help please:

- check our website
- consult the Handbook: www.fshandbook.info/FS/index.jsp
- call the Customer Contact Centre on 0845 606 9966, or
- email the Customer Contact Centre: firm.queries@fca.org.uk

These notes, while aiming to help you, do not replace the rules and guidance in the Handbook.

Terms in these notes

These notes use the following terms:

- 'you' refers the person(s) signing the form on behalf of the Applicant
- 'the Applicant' refers to the firm applying for authorisation
- 'the FCA', 'we', 'us' or 'our' refers to the Financial Conduct Authority
- 'the PRA', refers to the Prudential Regulation Authority, and
- 'FSMA' refers to the Financial Services and Markets Act 2000

Important information

At the point of authorisation we expect the Applicant to be ready, willing and able to start business.

Individual Details

Details of the individual

Title, first names and last name

No additional notes.

Personal identification details

Commonly used first names and last name

If the candidate is commonly known by a different name other than that which appears on their passport or national insurance card then put this name here. This may include, for example, a shortened version of their full name or where they are known by a middle name or names given as a result of naming conventions whether for religious or other reasons. If the candidate has more than one alternative name, please give all other names known by in the Supporting Documents section.

Date of birth

No additional notes.

National Insurance number

No additional notes.

Passport number

If the candidate has more than one passport number, please provide details in the Supporting Documents sections as to all passport numbers held and the reasons for this.

Nationality

If the candidate has more than one nationality, please provide details in the Supporting Documents section as to all nationalities held and the reasons for this.

Place of birth

No additional notes.

Previous names

If the candidate has changed their name (surname or forenames), for example due to marriage, then please enter this previous name. If the candidate has more than one previous name, please provide all details here.

Current private address

Please provide at least three years of address history.

A full three-year history for all United Kingdom addresses must be given for the candidate. If any gaps are as a result of the candidate being resident outside the UK, please state this and give details of where the candidate resided during this period.

The system will not allow this question to be validated until a full three-year history has been provided.

Directorships

Has the candidate held any directorships in the last 10 years?

If 'yes', you will be asked to provide name of undertaking, nature of business, country of incorporation, is the directorship current?

Employment history

What is the candidate's current employment status?

If you answer 'unemployed' or in 'full-time education' then you will be asked the following:

- Period: From
- Please provide details of the previous employment history

If you answer 'employed' or 'self-employed' you will be asked:

- Period: From
- Name of employer
- Nature of business
- Has this employer previously been known by a different name? if yes you will be asked for Previous / other name of employer
- Last known address of employer
- Is/Was the employer regulated by a regulatory body? If yes, you will be asked for Name of regulatory body
- Is/Was the employer an Appointed Representative? If yes, you will be asked for: Of which principal firm?
- Position held
- Responsibilities

A full five-year employment history for the candidate must be provided including the current employment at the time of application, with all gaps explained. If the record of employment does not go back five years, all periods of education and unemployment must be indicated. Full details of any periods of self-employment must be included.

Always give the address of the actual place of employment, rather than a central head office.

State the position held by the candidate and a brief explanation of his or her duties. If the candidate's job title included the word 'director' but his or her duties did not include those associated with the title of director, as defined in the Glossary, this should be indicated.

Fitness and propriety

If any disclosures are made in the fitness and propriety section of the application to perform a controlled function, full details should be provided in support of the application. This includes disclosures about any previous disciplinary investigation by previous regulators or employers involving the candidate.

We take non-disclosure seriously, especially where there is an apparent attempt to mislead. Non-disclosure will add to the seriousness of the undisclosed issue. If our vetting checks reveal any matters that have not been disclosed, then applications will be subject to investigation and the candidate's suitability to be approved will be called into question. A person who knowingly or recklessly provides information to the FCA that is false or misleading may commit a criminal offence, and could face prosecution under section 398 of the Act regardless of the status of their application.

You should also be aware that, while advice may be sought from a third party (e.g. legal advice), responsibility for the accuracy of information, as well as the disclosure of relevant information, on the form is ultimately the responsibility of the firm and the candidate.

Answer the question by ticking the relevant 'yes' or 'no' box. If the answer to any of the questions is 'yes', you will be prompted to provide more details.

Terms used:

- **Criminal proceedings** – includes any proceedings from the point at which an individual or a firm is charged with a criminal offence to the point at which sentence is given.
- **Conviction** – includes any absolute or conditional discharge orders made against the person concerned.
- **Judgement debt** – a court judgment or order requiring a payment of money to be made by the Individual or by a firm at which the Individual previously held a position of significant influence.
- **Authorisation** – includes any authorisation, licence, registration, approval, notification, membership or relevant permission required to carry on any activity. This need not be an activity regulated by the FCA but applies to all activities requiring some kind of authorisation.
- **Position of influence** – includes acting as a controller, director, senior manager, managing member, designated member, partner company secretary, or otherwise performing a role of similar influence or responsibility.
- **Regulated activities** – includes not only activities regulated by the FCA under FSMA, but also the Payment Services Regulations 2009 and Electronic

Money Regulations 2011. It also includes activities regulated by other regulatory bodies (see definition of regulatory body below).

- **Regulatory body** – For the purposes of this form, a regulatory body includes but is not limited to the following:
 - a self-regulatory organisation – including Investment Management Regulatory Organisation (IMRO), Securities and Futures Agency (SFA), Personal Investment Authority (PIA), Life Assurance and Unit Trust Regulatory Organisation (LAUTRO), Financial Intermediaries, Managers and Brokers Regulatory Association (FIMBRA), Association of Futures Brokers and Dealers Limited (AFBD), The Securities Association Limited (TSA)
 - a statutory body, including the Financial Conduct Authority (FCA), Prudential Regulation Authority (PRA), Financial Services Authority (FSA), Office of Fair Trading (OFT), Securities and Investments Board (SIB), the Society of Lloyd's, the Registry of Friendly Societies, the Friendly Societies Commission, the Building Societies Commission, the Bank of England, HMRC, the Treasury – Insurance Directorate (formerly the DTI) and the recognised bodies
 - the Serious Organised Crimes Agency (SOCA) or the Serious Fraud Organisation (SFO) or any police body
 - a designated professional body (a professional body designated by the Treasury under section 326A of the Financial Services and Markets Act 2000); or the equivalent of any of these regulatory bodies overseas

It is for senior management to decide what checks should be made. Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the Order)(see Articles 3 and 4 of the Order) the FCA and/or PRA and the firm have a right to ask about spent, as well as unspent, criminal convictions for employment purposes about candidates for approved person status.

Cautions are not within the ambit of the Rehabilitation of Offenders Act 1974. Hence cautions never become spent and if asked, a candidate must inform a potential employer and the FCA and/or PRA whether he/she has received a caution.

Criminal proceedings

1.1.1 a) Have you ever been convicted of any criminal offence (whether spent or not and whether or not in the United Kingdom):

- **Involving fraud, theft, false accounting, offences, against the administration of public justice (such as perjury, perverting the course of justice and intimidating of witnesses or jurors), serious tax offences or other dishonesty, or**
- **Relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, insurance, banking or other financial services, insolvency, consumer**

credit or consumer protection, money laundering, market manipulations or insider dealing?

This question requires disclosure of any criminal convictions, whether spent or unspent (other than protected convictions which need not be disclosed when the law in England & Wales applies). These convictions should be disclosed, even if the conviction was overseas. As stated in the form, you should include any conviction of an offence for which the individual received an absolute or conditional discharge. However, only include traffic offences if they resulted in a ban from driving or involved driving without insurance.

1.1.1 b) Are you currently, or have you ever been, the subject of any criminal proceeding, whether in the UK or elsewhere?

No additional notes

1.1.1 c) Have you ever been given a caution in relation to any criminal offence?

This question requires disclosure of any cautions in relation to any criminal offence, whenever they took place. Please note the following:

- protected cautions subject to the law of England & Wales do not need to be disclosed
- spent alternatives to prosecution subject to the law of Scotland do not need to be disclosed, and
- spent convictions subject to the law of NI should be disclosed

1.1.2 Have you had any convictions for any offences other than those in 1.1.1 above (excluding traffic offences that did not involve driving without insurance)?

No additional notes.

1.1.3 Have you ever been arrested or charged with any criminal offence or been the subject of any criminal investigation? (You should include all matters even if the arrest, charge or investigation did not result in a conviction.)

This question is broad in scope and requires disclosure of any criminal investigations relating to any type of criminal offence, any criminal proceedings whenever they took place and even if they did not result in a conviction. It also requires disclosure of any occasions when the individual has been the subject of a search order or required to produce documents.

1.1.4 Have you ever been ordered to produce documents pursuant to any criminal investigation or been the subject of a search (with or without a warrant pursuant to any criminal investigation)?

This question is broad in scope and requires disclosure of any criminal investigations relating to any type of criminal offence, any criminal proceedings whenever they took place and even if they did not result in a conviction. It also requires disclosure of any occasions when the individual has been the subject of a search order or required to produce documents.

1.1.5 Has any firm at which you hold or have held a position of influence ever:

a) Been convicted of any criminal offence?

No additional notes.

b) Been summonsed, charged with or otherwise investigated or prosecuted for any criminal offence?

No additional notes.

c) Been the subject of any criminal proceeding which has not resulted in a conviction?

No additional notes.

d) Been ordered to produce documents in relation to any criminal investigation or been the subject of a search (with or without a warrant) in a relation to any criminal investigation?

Please see the notes at the beginning of this section for the meaning of 'position of influence' in the context of the questions in this form.

You should include all matters arising during the individual's association with that firm and for a period of one year after the individuals ceased to be associated with the firm. (You should include all matters even where the charge, prosecution or investigation has not resulted in a conviction and, in respect of 1.1.5d, even where the firm itself was not the subject of the investigation).

Civil proceedings

1.2.1 Have you ever been the subject of a judgment debt or award against you?

This requires disclosure of any types of civil orders made against the individual which have resulted in an order being made by the court for the individual to make a payment of money. This includes county court judgments and other judgment debts; any such orders should be included even where the individual has paid the money and satisfied the order. A county court judgment is an order issued by a county court saying a person must pay a sum of money.

1.2.2 Have you ever been party to any civil proceedings which resulted in any order against you (other than a judgment debt or award referred to at 1.2.1 above)? (You should include, for example, injunctions and employment tribunal proceedings.)

This question asks whether the individual has ever been a party to any other kind of civil dispute which did not result in the Individual being required to make a payment of money. This could include, for example, an injunction or an award in employment tribunal proceedings.

1.2.3 Are you aware of:

a) Any proceedings that have begun, or anyone's intention to begin proceedings against you, for a CCJ or other judgment debt?

No additional notes.

b) More than one set of proceedings, or anyone's intention to begin more than one set of proceedings, that may lead to a CCJ or other judgment debt?

No additional notes.

c) Anybody's intention to claim more than £1,000 of CCJs or judgment debts in total from you?

This question requires disclosure of any civil proceedings that are ongoing (i.e. have been commenced but not yet concluded or have not yet resulted in a judgment debt or county court judgment) or are about to begin that the individual is aware of.

1.2.4 Do you have any current judgment debts (including CCJs) made under a court order still outstanding, whether in full or in part?

No additional notes.

1.2.5 Have you ever failed to satisfy any judgment debts (including CCJs) made under a court order still outstanding, whether in full or part, within one year of the order being made?

No additional notes.

1.2.6 Have you ever:

a) Filed for your own bankruptcy or had a bankruptcy petition served on you?

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the individual. It also includes circumstances where the individual him/herself began such proceedings.

b) Been adjudged bankrupt?

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the individual. It also includes circumstances where the individual him/herself began such proceedings.

c) Been the subject of a bankruptcy restrictions order (including an interim bankruptcy restrictions order) or offered a bankruptcy restrictions undertaking?

This question covers all circumstances in which anyone started bankruptcy proceedings (or, in Scotland, called 'sequestration' of the individual's estate) in relation to the Individual. It also includes circumstances where the individual him/herself began such proceedings.

d) Made any arrangements with your creditors, for example a deed of arrangement or an individual voluntary arrangement (or in Scotland a trust deed)?

This requires disclosure of any voluntary agreement which the individual has already entered into at any time with anyone to whom he/she owes money about the payment of a debt. This includes informal arrangements with creditors and the receipt of debt consolidation services. This could include where alternative mortgage arrangements have been made and also more formal arrangements such as an 'individual voluntary arrangement', whether or not these arrangements were entered into after advice from a debt management adviser.

e) Had assets sequestered?

No additional notes

f) Been involved in any proceedings relating to the above matters even if such proceedings did not result in the making of any kind of order against you or result in any kind of agreement with you?

It is irrelevant whether or not any of the matters in 1.2.6 a-e actually resulted in the making of an order, they must still be disclosed.

1.2.7 Do you, or any undertaking under your management, have any outstanding financial obligations arising from regulated activities, which have been carried out in the past? (whether or not in the UK or overseas)?

This requires disclosure of any other historical financial matters which might impact upon the current financial circumstances of the individual. For

example, claims for clawback being made by a former employer should be disclosed here.

1.2.8 Have you ever been adjudged by a court or tribunal (whether criminal, civil or administrative) for any fraud, misfeasance, negligence, wrongful trading or other misconduct?

No additional notes.

1.2.9 Are you currently:

a) Party to any civil proceedings? (Including those covered in 1.2.7)

No additional notes.

b) Aware of anybody's intention to begin civil proceedings against you? (You should include any ongoing disputes whether or not such dispute is likely to result in any order against you.)

No additional notes.

1.2.10 Has any firm at which you hold or have held a position of influence ever been:

a) Adjudged by a court civilly liable for any fraud, misfeasance, wrongful trading or other misconduct?

No additional notes.

b) The subject of a judgment debt or award against the firm? (You should include all CCJs) made against the firm, whether satisfied or not.

No additional notes.

c) Party to any other civil proceedings which resulted in an order against the firm other than in relation to matters covered in 1.2.10 a) and 1.2.10 b) above?

No additional notes.

1.2.11 Is any firm at which you currently hold or have held, within the last 12 months from the date of submission of this form, a position of influence currently:

a) a party to civil proceedings?

No additional notes.

b) Aware of anyone's intention to begin civil proceedings against them?

No additional notes.

1.2.12 Has any company, partnership, or unincorporated association of which you are or have been a controller, director, senior manager, partner or company secretary, in the United Kingdom or elsewhere, at any time during your involvement, or within one year of such an involvement, been put into liquidation, wound up, ceased trading, had a receiver or administrator appointed or entered into any voluntary arrangement with its creditors?

No additional notes.

Business and employment matters

These questions relate to roles the individual has previously performed, whether that role was related to the provision of a regulated activity or not. It should also be noted that these questions are not limited to only those previous roles listed in employment history section of this form but to

matters whenever they occurred at any time. Relevant disclosures are expected, even if the individual was not actually in receipt of a salary.

1.3.1 Have you ever been:

a) Disqualified from acting as a director or similar position (One where the candidate acts in a management capacity or conducts the affairs of any company, partnership or unincorporated association.)?

No additional notes.

b) The subject of any proceedings of a disciplinary nature (whether or not the proceedings resulted in any finding against you)?

This question includes where the proceedings or internal investigations by a current or a previous employer have yet to be concluded.

c) The subject of any investigation which has led or might lead to disciplinary proceedings?

This question includes where the proceedings or internal investigations by a current or a previous employer have yet to be concluded.

d) Notified of any potential proceedings of a disciplinary nature against you?

No additional notes

e) The subject of an investigation into allegations of misconduct or malpractice in connection with any business activity?

No additional notes.

Note that, full details must be provided if there were any issues that could affect the fitness and propriety of the individual that arose when leaving an employer listed in the Employment History section.

1.3.2 Have you ever been refused entry to, or been dismissed, suspended or requested to resign from, any profession, vocation, office or employment or from any fiduciary office or position of trust whether or not remunerated?

No additional notes.

1.3.3 Do you have any material written complaints made against you by your clients or former clients in the last five years which you have accepted, or which are awaiting determination, or have been upheld - by an ombudsman or complaints scheme?

No additional notes.

Regulatory matters

Please see notes on page 6 for a meaning of regulatory body and authorisation.

These questions are not limited to activities regulated by the FCA and are not limited to investigations by or matters involving a regulatory or industry body.

Where there is a reference to a regulatory body in the question, this should be interpreted widely and answers should include, for example, activities supervised by overseas financial regulators or other types of regulators such as government or statutory bodies, whether in the UK or overseas. If in doubt as to whether something should be included in this section, the information should be disclosed.

1.4.1 a) In relation to activities regulated by the FCA and/or PRA or any other regulatory body (see note on section 5), has:

The candidate, or

Any company, partnership or unincorporated associate of which the candidate is or has been a controller, director, senior manager, partner or company secretary, during the candidate's association with the entity and for a period of three years after the candidate ceased to be associated with it, ever:

No additional notes.

a) Been refused, had revoked, restricted, been suspended from or terminated, any licence, authorisation, registration, notification, membership or any other permission granted by any such body?

No additional notes.

b) Been criticised, censured, disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or interventional action by any such body?

No additional notes.

c) Received a warning (whether public or private) that such disciplined, suspended, expelled, fined, or been the subject of any other disciplinary or interventional action by any such body?

No additional notes.

d) Been the subject of an investigation by any regulatory body, whether or not such an investigation resulted in a finding against you or the firm?

This includes any type of investigation of which the Individual has ever been or is currently the subject (other than a criminal investigation which is dealt with in earlier questions). Be aware that the individual will wish to consider whether they have ever been (or are presently) the subject of any kind of civil investigation. It could also include an investigation by a former UK regulatory body or an investigation by the FCA.

e) Been required or requested to produce documents or any other information to any regulatory body in connection with such an investigation (whether against the firm or otherwise)?

No additional notes.

f) Been investigated or been involved in an investigation by an inspector appointed under companies or any other legislation, or required to produce documents to the secretary of state, or any other authority, under any such legislation?

No additional notes.

g) Ceased operating or resigned whilst under investigation by any such body or been required to cease operating or resign by any regulatory body?

No additional notes.

h) Decided, after making an application for any licence, authorisation, registration, notification, membership or any permission granted by any such body, not to proceed with it?

No additional notes.

i) Been the subject of any civil action relation to any regulated activity which has resulted in a finding by a court?

No additional notes.

j) Provided payment services or distributed or redeemed e-money on behalf of a regulated firm or itself under any contractual agreement where that agreement was terminated by the regulated firm?

No additional notes.

k) Been convicted of any criminal offence, censured, disciplined, or publicly criticised, by any inquiry, by the Takeover Panel or any governmental or statutory authority or any other regulatory body (other than as indicated in this group of questions)

No additional notes.

1.4.2 In relation to activities regulated by the FCA/PRA or any other regulatory body, have you or any firm at which you hold or have held a position of influence at any time during and within one year of your association with the firm ever:

a) Been found to have carried on activities for which authorisation or registration by the FCA/PRA or any other regulatory body is required without the requisite authorisation?

b) Been investigated for the possible carrying on of activities requiring authorisation or registration by the FCA/PRA or any other regulatory body without the requisite authorisation whether or not such investigation resulted in a finding against the firm?

c) Been found to have performed a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval?

d) Been investigated for the possible performance of a controlled function (or an equivalent function requiring approval by the FCA/PRA or any other regulatory body) without the requisite approval, whether or not such investigation resulted in a finding against you?

e) Been found to have failed to comply with an obligation under the Electronic Money Regulations 2011 or Payment Services Regulations 2009 to notify the FCA/PRA of the identity of a person acting in a position of influence over its electronic money or payment services business?

f) Been the subject of disqualification direction under section 59 of the Financial Services Act 1986 or a prohibition order under section 56 FSMA, or received a warning notice proposing that such a direction or order be made, or received a private warning?

These questions relate to the performance of activities by firms or individuals without the appropriate licence or approval etc. These questions require the PSD individual or applicant firm to carefully consider what matters might be relevant and, where necessary, to find out the necessary information before submitting the form.

Other matters

1.5.1 Are you, in the role to which the application relates, aware of any business interests, employment obligations, or any other circumstance which may conflict with the performance of the controlled functions for which approval is now being sought/ in the

respect of your control of the firm / with your role as controller of the applicant firm or your position at the controller?

No additional notes.

1.5.2 Are you aware of any other information relevant to this notification that we might reasonably expect you to give?

No additional notes.

Supporting documents

Documents

Please include any other documents you want to provide

This section provides the opportunity for any additional documents to be included.

For more information on the factors which the FCA and/or PRA may take into account when considering application, please refer to FIT in the Handbook.

Other information

If there is anything else the applicant would like to tell us about this application, please give details below.

This section provides the opportunity for any additional information to be included.

For more information on the factors which the FCA and/or PRA may take into account when considering application, please refer to FIT in the Handbook.

Individual declaration

Declaration and signatures

It is a criminal offence under section 398 of the Financial Services and Markets Act 2000 to knowingly or recklessly provide the FCA and/or PRA with false or misleading information.

This section must be completed by the sole trader responsible for making the application.

The signature boxes are for you to use when you print out the application for your records.

A permanent copy of the application should be signed by the individual and the applicant and be retained for an appropriate period of time, for inspection at the FCA's/PRA's request.