

Financial Services Authority

# Handbook Notice

# 118

Board meeting: 21 March 2012  
Notice published: 22 March 2012



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This Handbook Notice introduces the Handbook and other material made by the Board under its legislative powers on 21 March 2012. It also contains information about other publications relating to the Handbook and, if appropriate, lists minor corrections made to previous instruments made by the Board.

Contact names for the individual modules are listed in the relevant Consultation Papers and Policy Statements referred to in this Notice.

General comments and queries on the Handbook can be addressed to:

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However, queries on specific requirements in the Handbook should be addressed first to your normal supervisory contact in the FSA. For most firms this will be the FSA's Firm Contact Centre:

Tel: 0845 606 9966  
Fax: 020 7066 0991  
Email: [fcc@fsa.gov.uk](mailto:fcc@fsa.gov.uk)  
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**Annex A:** List of instruments made or approved by the Board on 21 March 2012

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- Handbook modules
- modules outside the Handbook

**Annex C:** Guidance Notes issued by the FSA

**Annex D:** Handbook provisions not yet in force

**Annex E:** What's New?



# 1

## Overview

### Legislative changes this month

#### The Handbook

**1.1** On 21 March 2012 the FSA Board made changes to the Handbook in nine instruments which:

- make minor administrative corrections to the Handbook, none of which represents any change in FSA policy (FSA 2012/11);
- make periodic fee rates for the FSA and set the Financial Services Compensation Scheme (FSCS) management expense levy limit (MELL) for 2012/13, and amend the fee data reporting in the Retail Mediation Activities Return (FSA 2012/12);
- set the levies and fees for the FSA for 2012/13 (FSA 2012/13);
- correct a drafting omission, change the realisation requirements for the use of central bank facilities and amend the actions a firm must take with regard to its individual liquidity guidance or simplified buffer requirement (FSA 2012/14);
- make minor changes to the adviser charging regime under the Retail Distribution Review (FSA 2012/15);
- update the FSA Handbook to reflect the Department of Work and Pensions (DWP) abolition of contracting out of the state second pension (S2P) (FSA 2012/16);
- ensure that employers' liability registers and tracing office databases are established and maintained at a sufficiently high level of accuracy and completeness to support effective tracing of employers' insurers by claimants (FSA 2012/17);
- apply parts of the Handbook to credit unions in Northern Ireland, creating as far as possible a single regulatory regime for credit unions in the UK (FSA 2012/18); and

- align the winding up rules for investment companies with variable capital (ICVCs) with those for authorised unit trusts (AUTs), assist fund managers in their determination of eligible investments for an authorised fund and implement the provisions of the amended Undertakings for Collective Investments in Transferable Securities Directive (UCITS IV) (FSA 2012/19).

1.2 These instruments are all listed in Annex A.

### **Changes outside the Handbook**

1.3 The Perimeter Guidance manual (PERG) has been amended to update and clarify guidance for alternative debentures, regulated mortgage contracts, home reversion plans and sale and rent back agreements (FSA 2012/11).

### **Description of changes**

1.4 The legislative changes referred to above are listed and briefly described in Chapters 2 and 3 of this Notice.

### **Feedback on responses to consultations**

1.5 Chapter 2 contains brief references to the consultative stages of the new legislative material made by the Board this month. The material referred to in those chapters was consulted on in the following documents:

- CP11/16, *Recovery and Resolution Plans*, (August 2011);
- CP11/17, *FSA regulation of credit unions in Northern Ireland*, (August 2011);
- Chapter 6 of CP11/18, *Quarterly consultation (No 30)*, (September 2011);
- CP11/21, *Regulatory fees and levies: Policy Proposals for 2012/13*, (October 2011);
- CP11/25, *Distribution of retail investments – RDR Adviser Charging and Solvency II disclosures*, (November 2011);
- Chapters 2, 3 and 4 of CP11/27, *Quarterly consultation (No 31)*, (December 2011); and
- CP12/3, *Regulated fees and levies: Rate proposals 2012/13*, (February 2012).

1.6 Feedback on the consultations in CP11/17, CP11/18, CP11/21, CP11/27 and CP12/3 is set out in Chapter 4 of this Notice. Feedback in relation to the other consultations is being published in separate policy statements.

## **Annexes to this Notice**

1.7 The Annexes to this Handbook Notice contain:

- a list (Annex A) of the formal instruments made by the Board this month which make changes to the Handbook and to related materials;
- tables (Annex B) identifying the instruments by which each module of the Handbook has been amended;
- a table showing Guidance Notes issued by the FSA (Annex C);
- a table (Annex D) which lists, as a reminder to firms, those Handbook provisions yet to come into force; and
- a ‘What’s New?’ list (Annex E) which provides a brief description by module of the instruments made this month.

## **Making corrections**

1.8 The FSA reserves the right to make correctional or clarificatory amendments to the instruments made at the Board meeting without further consultation should this prove necessary or desirable.

## **Publication of Handbook material**

1.9 This Notice is published on the FSA website and is available in hardcopy.

1.10 The formal legal instruments (which contain details of the changes) can be found on the FSA’s website listed by date and reference number at <http://fsahandbook.info/FSA/InstrumentsByDate.jsp> or listed by module at <http://fsahandbook.info/FSA/InstrumentsByModule.jsp>. The definitive version of the Handbook at any time is the version contained in the legal instruments.

1.11 The changes to the Handbook are incorporated in the consolidated Handbook text on the website as soon as practicable after the legal instruments are published.

1.12 The consolidated text of the Handbook can be found on the FSA’s website at <http://fsahandbook.info/FSA/html/handbook/>.

1.13 Copies of the FSA’s consultation papers referred to in this Notice are available on the FSA’s website or on request in hardcopy form.

## **Obligation to publish feedback**

1.14 This Notice, and the feedback to which paragraphs 1.6 and 1.7 refers, fulfil for the relevant text made by the Board the obligations in sections 155(5) and (6) and similar sections of

the Financial Services and Markets Act 2000 ('the Act'). These obligations are: to publish an account of representations received in response to consultation and the FSA's response to them; and to publish (where applicable) details of any significant differences between the provisions consulted on and the provisions made by the Board, with a cost-benefit analysis.

### **Comments**

- 1.15** We always welcome feedback on the way we present information in the Handbook Notice, including its Annexes. If you do have any comment, this should be sent to Nick Walker (Handbook Editor) or Melanie Purdie (see contact details at the front of this Notice).



# 2

## Handbook changes made by the Board

### Introduction

- 2.1 This chapter briefly describes Handbook changes made on 21 March 2012 by the Board. Where relevant, it also refers to the development stages of that material, enabling readers to look back at developmental documents if they wish.

### GLOSSARY

#### *Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

- 2.2 The Board has made minor administrative changes to various modules of the Handbook, as listed below. These correct or clarify existing provisions. They were not consulted on because they are regarded either as falling within the scope of previous consultations or as being so minor that they do not warrant consultation. None of these changes represents any alteration in FSA policy.

**Changes to Glossary:**     *Addition of new definition of ‘group stakeholder pension scheme’*  
    *Changes to definitions of ‘financial promotion rules’, ‘pension opt-out’*  
    *and ‘percentage ratio’*

**Changes:**                     *Changes to SYSC 12.1.11R*  
    .....  
    *Changes to COBS 19.2.2R*  
    .....  
    *Changes to SUP 16 Annex 14(1)R and 16 Annex 14(2)R*  
    *Changes to SUP 16 Annex 19BG*

***Changes to SUP 16 Annex 25G***  
***Changes to SUP 16 Annex 29AG***  
.....  
***Changes to DISP 1 Annex 1CR***  
.....  
***Changes to REC 2A.3.2G***  
.....  
***Changes to LR Appendix 1***  
.....  
***Changes to PERG 2.6.11CG***  
***Changes to PERG 4.4.11G and 4.4.12G***  
***Changes to PERG 14.2***  
***Changes to PERG 14.3***

2.3 In summary the amendments made this month are as follows:

- a change to the definition of ‘financial promotion rules’ to make clear that certain rules in BCOBS 2 (Communications with banking customers and financial promotions) are part of the financial promotion rules;
- bringing forward the introduction of the definition of ‘group stakeholder pension scheme’: this definition was originally made by the *Retail Distribution Review (Corporate Pensions) Instrument 2010* (FSA 2010/21) with a commencement date of 31 December 2012 but the earlier introduction of this definition (from 1 October 2012) is needed in connection with the *Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011* (FSA 2011/30) which comes into force on 1 October 2012;
- clarificatory changes to the definition of ‘pension opt-out’ and COBS 19.2.2R to replace those changes made by the *Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011* (FSA 2011/30);
- italicisation of defined terms within the definition of ‘percentage ratio’ and in LR Appendix 1;
- a minor clarification to the wording of SYSC 12.1.11R(5);
- introduction of new wording into the Supplementary Analysis of the Quarterly and Annual Returns for credit unions (SUP 16 Annex 14(1)R and 14(2)R) to explain the circumstances in which this analysis is required to be completed, and a relocation within the Annual Return of that analysis;
- amendments to section 4b of SUP 16 Annex 19BG relating to information to be provided by sale and rent back firms to clarify existing provisions; they make clear that sale and rent back firms no longer have to include details of sale and rent back agreements in section A3.5 of the mortgage lenders and administrators return (MLAR) because that same information is already captured in section K of

the MLAR, the amendments also clarify that any liabilities incurred in acquiring SRB assets should be included in A2.7 ('Other liabilities') of the MLAR;

- corrected cross-references in SUP 16 Annex 25G (item FSA004);
- a correction to the formula in respect of data element 20A, in SUP 16 Annex 29AG (notes on completing the Client Money and Asset Return);
- clarification of the wording within part of DISP 1 Annex 1CR (illustration of online reporting requirements in relation to complaints);
- amendments to REC 2A.3.2G to correct two references to the Recognised Auction Platforms Regulations 2011 (SI 2011/2699);
- correction of PERG 2.6.11CG to better align the wording of the guidance on alternative debentures with article 77A of the Regulated Activities Order; and
- changes to PERG 4.4.11G, 4.4.12G, 14.2 (Q2) and 14.3 (Q6) to update guidance on regulated mortgage contracts and to clarify guidance on home reversion plans and sale and rent back agreements.

**2.4** The changes come into force as follows:

- 1) the changes to SUP 16 Annex 14(1)R, 14 Annex 14(2)R and SUP 16 Annex 25G come into force on **22 March 2012**;
- 2) the changes to the definitions of 'group stakeholder pension scheme' and 'pension opt-out' and to COBS 19.2.2R come into force on **1 October 2012**;
- 3) the changes to DISP 1 Annex 1CR come into force on **31 December 2012**; and
- 4) the remainder of the instrument comes into force on **1 April 2012**.

*Fees (Miscellaneous Amendments) (No 4) Instrument 2012 (FSA 2012/13)*

**2.5** For the changes made to the Glossary by this instrument, see paragraphs 2.12 to 2.15 of this Notice.

*Conduct of Business Sourcebook (Contracting Out) Instrument 2012 (FSA 2012/16)*

**2.6** For the changes made to the Glossary by this instrument, see paragraphs 2.29 to 2.31 of this Notice.

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

**2.7** For the changes made to the Glossary by this instrument, see paragraphs 2.47 to 2.49 of this Notice.

## HIGH LEVEL STANDARDS

### Senior Management Arrangements, Systems and Controls sourcebook (SYSC)

#### *Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

- 2.8 For the changes made to SYSC by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

### Fees manual (FEES)

#### *Fees Provisions (2012/2013) Instrument 2012 (FSA 2012/12)*

- 2.9 Following consultation in Chapters 8, 10 and 11 of CP12/3<sup>1</sup>, the Board has made the following changes to the Handbook:

**Changes:**                      ***Changes to FEES 4 Annex 5R and 6R***  
   ***Changes to FEES 6 Annex 1R***

- 2.10 In summary, these changes amend the FSA periodic fees for the:
- first instalments in respect of recognised investment exchanges (RIEs), recognised clearing houses (RCHs) and designated professional bodies (DPBs) for 2012/13 – which need to be in place by 1 April in order for us to collect the fees by the end of April; and
  - the Financial Services Compensation Scheme (FSCS) management expenses levy limit for 2012/13, which also need to be in place by 1 April to enable the FSCS to operate from the start of the 2012/13 financial year.
- 2.11 This instrument comes into force on **1 April 2012**. Feedback on this consultation is set out in Chapter 4 of this Notice.

#### *Fees (Miscellaneous Amendments) (No 4) Instrument 2012 (FSA 2012/13)*

- 2.12 Following consultation in Chapters 2, 4, 5 and 6 of CP11/21<sup>2</sup>, the Board has made the following changes to the Handbook:

**Changes to Glossary:**    ***Changes to 'issuer'***

**Changes:**                      ***Changes to FEES 3.2.7R***  
   ***Addition of FEES 3 Annex 1R Part 7***  
   ***Changes to FEES 3 Annex 4R Part 2***  
   ***Changes to FEES 3 Annex 5R Part 2***

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<sup>1</sup> CP12/3, *Regulatory fees and levies: Rates proposals 2012/13*, (February 2012).

<sup>2</sup> CP11/21, *Regulatory fees and levies: Policy proposals for 2012/13*, (October 2011).

***Changes to FEES 4.2.11R***  
***Changes to FEES 4 Annex 1R***  
***Changes to FEES 4 Annex 11R***  
***Changes to FEES 5 Annex 1R***  
 .....  
***Changes to SUP 16 Annex 18AR Part 1***  
***Addition of SUP 16 Annex 18AR Part 2***  
***Changes to SUP 16 Annex 18BG***  
 .....  
***Changes to RCB Schedule 3R***

- 2.13** In summary we have revised the tariff base (measure of size) for fee-block A.10 (Firms dealing as principal), revised application and vetting fees for the UK Listing Authority (UKLA), revised application fees and made a new material change fee for Regulated Covered Bonds Regulations (RCBs) and modified the tariff base for electronic money issuers (EMIs).
- 2.14** The rules also amend a regulatory return to accommodate the reporting by firms of income data to us in preparation for proposed changes to the tariff base (currently headcount of approved persons) which we plan to come into effect from 2013/14.
- 2.15** This instrument comes into force on **1 April 2012**. Feedback on this consultation is set out in Chapter 4 of this Notice.

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

- 2.16** For the changes made to FEES by this instrument, see paragraphs 2.44 to 2.46 of this Notice.

## **PRUDENTIAL STANDARDS**

### **Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)**

*Liquidity Standards (Miscellaneous Amendments No 5) Instrument 2012 (FSA 2012/14)*

- 2.17** Following consultation in Chapter 2 of CP11/27<sup>3</sup>, the Board has made the following changes to the Handbook:

***Changes:***

***Addition of BIPRU 12.4.16G***  
***Changes to BIPRU 12.7.2R, 12.7.3R, 12.7.5R and 12.7.11R***  
***Addition of BIPRU 12.9.12AG***  
***Changes to BIPRU 12.9.13R, 12.9.14R and 12.9.18R***

<sup>3</sup> CP11/27, *Quarterly consultation (No 31)*, (December 2011).

- 2.18 These changes require firms to test their operational ability to raise funds through central bank facilities using only a proportion of its assets that are not in its liquid assets buffer. The intention of the rule is to test a firm’s systems and procedures to remove operational impediments to accessing central bank facilities. We expect this to be undertaken using assets that are not in the firm’s liquid asset buffer but there is no intention for firms to undertake ‘large scale drawings’.
- 2.19 This instrument comes into force on **1 April 2012**. Feedback on this consultation is set out in Chapter 4 of this Notice.

**Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)**

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

- 2.20 For the changes made to MIPRU by this instrument, see paragraphs 2.47 to 2.49 of this Notice.

**BUSINESS STANDARDS**

**Conduct of Business sourcebook (COBS)**

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

- 2.21 For the changes made to COBS by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

*Retail Distribution Review (Adviser Charging No 5) Instrument 2012 (FSA 2012/15)*

- 2.22 Following consultation in CP11/25<sup>4</sup>, the Board has made the following changes to the Handbook:

- Changes:**
  - Changes to COBS 6.1B.9R*
  - Addition of COBS 6.1B.9AG and 6.1B.9BG*
  - Changes to COBS 6.1D.9R*
  - Addition of COBS 6.1D.9AG and 6.1D.9BG*
  - Changes to COBS 15.2.5R*
  - .....
  - Changes to SUP 16 Annex 21R*

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<sup>4</sup> CP11/25, *Distribution of retail investments – RDR Adviser Charging and Solvency II disclosures*, (November 2011).

- 2.23 The changes provide guidance on facilitation of payment of adviser and consultancy charges and ensure that if a firm offers to facilitate the payment of adviser or consultancy charges, it must tell the customer:
- whether any cancellation refund will include the adviser or consultancy charge; and
  - that, if they cancel the product, they may be liable to pay any outstanding adviser or consultancy charges.
- 2.24 The change to the Product Sales Data reporting section of the Supervision manual (SUP) explains that, if a product provider facilitates the payment of an adviser or consultancy charge, the actual amount paid into the product should be reported, irrespective of whether this amount includes the adviser or consultancy charge.
- 2.25 This instrument comes into force on **31 December 2012**. Feedback on this consultation will be provided in a separate policy statement published by the FSA.

*Conduct of Business Sourcebook (Contracting Out) Instrument 2012 (FSA 2012/16)*

- 2.26 Following consultation in Chapter 3 of CP11/27<sup>5</sup>, the Board has made the following changes to the Handbook:

**Changes to Glossary:**     ***Deletion of 'appropriate personal pension'***  
                                   ***Deletion of 'contracting out comparison'***

**Changes:**                   ***Changes to COBS 13.4.4R***  
                                   ***Changes to COBS 13 Annex 2 3.1R***  
                                   ***Deletion of COBS 13 Annex 2 4.1R and 2 4.2R***  
                                   ***Changes to COBS 14.2.1R***  
                                   .....  
                                   ***Changes to SUP 16.8.13R***

- 2.27 In summary, this instrument removes all references to contracting out in COBS 13 and 14, as the option to contract out of the state second pension (S2P) with a defined contribution pension scheme will be abolished from 6 April 2012.
- 2.28 This instrument comes into force on **6 April 2012**. Feedback on this consultation is set out in Chapter 4 of this Notice.

<sup>5</sup> CP11/27, *Quarterly consultation (No 31)*, (December 2011).

## Insurance: Conduct of Business sourcebook (ICOBS)

### *Employers' Liability Insurance: Disclosure by Insurers (No 2) Instrument 2012 (FSA 2012/17)*

2.29 Following consultation in Chapter 4 of CP11/27, the Board has made the following changes to the Handbook:

**Changes:**

- Changes to ICOBS 8.4.1R, 8.4.3G and 8.4.4R*
- Addition of ICOBS 8.4.4AR, 8.4.4BG, 8.4.4CR and 8.4.6AR*
- Changes to ICOBS 8.4.7R, 8.4.8E and 8.4.9R*
- Addition of ICOBS 8.4.9AR*
- Changes to ICOBS 8.4.11R*
- Addition of ICOBS 8.4.12AR*
- Addition of ICOBS 8 Annex 1 1.1AR and 1.1BR*
- Change to ICOBS 8 Annex 1 1.2*
- Addition of ICOBS 8 Annex 1 2.1A and 2.1B*
- Change to ICOBS TP1 8*
- Addition of ICOBS rows TP1 8AR, 8BR and 8CG*
- Addition of ICOBS TP1 rows 9AR and 9BG*
- Addition of ICOBS TP1 row 10AR*
- Changes to ICOBS TP1 row 13R*
- Changes to ICOBS Schedule 2.1*

2.30 We have made changes to ICOBS 8.4, ICOBS 8 Annex 1 and ICOBS transitional provisions after amending our proposals to take into account the consultation responses received.

2.31 The rules changes made are as proposed in the CP except for the following amendments:

- Directors' certificates and reports by auditors on employers' liability registers (ELRs) are required to be submitted to us within four months of the date of the ELR and they are only required to be made available to us and qualifying tracing offices provided the tracing office has agreed with the firm not to disclose confidential information in the certificate and report to third parties.
- Refusal to provide cover to an employer solely because it has not provided the tracing information requested is excluded from the best endeavours insurers may use to be deemed to comply with our requirements during the transitional period.
- The scope of the reports by auditors on ELRs is strictly limited to extraction from underlying records to ELRs and does not require a systems and controls assessment. Agreed-upon-procedures (AUP), in accordance with the FSA framework, are permitted as a basis for the second and third reports by auditors if directors' certificates are qualified, as well as for the first report for which AUP may be used, whether or not the certificates are qualified.



- The definition of ‘claims made’ recognises that, in practice, it may take more than three months for an insurer to establish, or otherwise accept, that it provided cover. However, firms will be required to use reasonable endeavours to establish cover within three months or as soon as reasonably practicably after that.
- Multiple employers’ reference numbers (ERNs) for an employer are required to be included in the insurer’s ELR if it is practicable to do so. Otherwise, the ERN that applies to the largest number of employees is required.

**2.32** This instrument comes into force on **1 April 2012**. Feedback on this consultation is set out in Chapter 4 of this Notice.

## REGULATORY PROCESSES

### Supervision manual (SUP)

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

**2.33** For the changes made to SUP by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

*Fees (Miscellaneous Amendments) (No 4) Instrument 2012 (FSA 2012/13)*

**2.34** For the changes made to the SUP by this instrument, see paragraphs 2.12 to 2.15 of this Notice.

*Retail Distribution Review (Adviser Charging No 5) Instrument 2012 (FSA 2012/15)*

**2.35** For the changes made to the SUP by this instrument, see paragraphs 2.22 to 2.25 of this Notice.

*Conduct of Business Sourcebook (Contracting Out) Instrument 2012 (FSA 2012/16)*

**2.36** For the changes made to the SUP by this instrument, see paragraphs 2.26 to 2.28 of this Notice.

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

**2.37** For the changes made to SUP by this instrument, see paragraphs 2.44 to 2.46 of this Notice.

## Decision Procedure and Penalties manual (DEPP)

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

- 2.38 For the changes made to DEPP by this instrument, see paragraphs 2.47 to 2.49 of this Notice.

## REDRESS

### Dispute resolution: Complaints sourcebook (DISP)

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

- 2.39 For the changes made to DISP by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

### Compensation sourcebook (COMP)

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

- 2.40 For the changes made to COMP by this instrument, see paragraphs 2.44 to 2.46 of this Notice.

## SPECIALIST SOURCEBOOKS

### Collective Investment Schemes sourcebook (COLL)

*Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2012 (FSA 2012/19)*

- 2.41 Following consultation in Chapter 6 of CP11/18<sup>6</sup>, the Board has made the following changes to the Handbook:

**Changes:**

- Changes to COLL 4.5.6G*
- Changes to COLL 5.2.20R*
- Addition of COLL 5.2.35G*
- Changes to COLL 5.3.5R*
- Changes to COLL 5.6.13R*
- Addition of COLL 5.6.25G*
- Changes to COLL 7.3.4R*
- Changes to COLL 9.4.2R*

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<sup>6</sup> CP11/18, *Quarterly consultation (No 30)*, (September 2011).

2.42 In summary, these changes:

- align the rules on investment companies with variable capital (ICVCs) with those for authorised unit trusts (AUTs) in requiring the appropriate steps to wind up an ICVC or terminate a sub-fund to be taken on the effective date of a duly approved scheme of arrangement which is to result in the ICVC or sub-fund ceasing to hold any scheme property;
- introduce guidance to assist firms when determining the eligibility of interests in syndicated loans for investment by authorised funds; and
- make consequential amendments to five rules in COLL relating to the implementation of UCITS IV.

2.43 This instrument comes into force on 22 March 2012. Feedback on this consultation is set out in Chapter 4 of this Notice.

### **Credit Unions New sourcebook (CREDS)**

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

2.44 Following consultation in CP11/17<sup>7</sup>, the Board has made the following changes to the Handbook:

**Changes to Glossary:**     **Addition of ‘Great Britain credit union’**  
                                   **Addition of ‘Northern Ireland credit union’**  
                                   **Changes to the definitions of ‘attached shares’, ‘consumer’, ‘credit union’, ‘credit unions day’, ‘deferred share’ and ‘version 1 credit union’**

**Changes:**                   **Changes to FEES TP 1 row 6**  
                                   .....  
                                   **Changes to MIPRU 4.1.9G**  
                                   .....  
                                   **Changes to SUP 16.12.6R**  
                                   **Changes to SUP 16 Annex 15(1)G and 15(2)G**  
                                   .....  
                                   **Changes to DEPP 2 Annex 1G**  
                                   .....  
                                   **Changes to COMP TP 1.1 rows 28, 29, 30, 31 and 32**  
                                   **Changes to Schedule 2.2G**  
                                   .....  
                                   **Changes to CREDS 1.1.1G(2)**  
                                   **Changes to CREDS 2.2.4R, 2.2.6R, 2.2.8R and 2.2.14G**  
                                   **Changes to CREDS 3.2.1R, 3.2.2R, 3.2.3R and 3.2.6G**  
                                   **Changes to CREDS 3.3.7R**

<sup>7</sup> CP11/17, FSA regulation of credit unions in Northern Ireland, (August 2011).

*Changes to CREDS 4.2.1R and 4.2.4R*  
*Addition of CREDS 4.2.4AG*  
*Changes to CREDS 4.2.5R*  
*Changes to CREDS 4.3.1R*  
*Changes to CREDS 4.4.1R*  
*Changes to CREDS 5.1.6G*  
*Addition of CREDS 5.1.7G*  
*Changes to CREDS 5.3.3R and 5.3.5R*  
*Changes to CREDS 6.2.4R*  
*Changes to CREDS 7.1.2G and 7.1.3G*  
*Changes to CREDS 7.2.1R and 7.2.7R*  
*Changes to CREDS 7.3.1R and 7.3.4R*  
*Changes to CREDS 7.4.2R*  
*Changes to CREDS 8.2.1G, 8.2.3R and 8.2.6R*  
*Changes to CREDS 9.2.1R and 9.2.7R*  
*Changes to CREDS App 1.1*  
*Changes to TP 1 rows 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18*

- 2.45 In summary, these changes create a single regulatory regime for credit unions in the UK by applying to credit unions in Northern Ireland (NICUs) those parts of the Handbook that apply to credit unions in Great Britain. The changes include transitional periods to minimise one-off impacts and allow NICUs time to adjust to some of the new requirements. The changes also ensure that NICUs are exempt from the costs that the Financial Services Compensation Scheme (FSCS) incurred in dealing with defaults declared before the transfer. Minor amendments to the changes published in PS11/18<sup>8</sup> ensure that the stated policy intent is achieved.
- 2.46 This instrument comes into force on 31 March 2012. Feedback on this consultation is set out in Chapter 4 of this Notice.

### **Regulated Covered Bonds sourcebook (RCB)**

#### *Fees (Miscellaneous Amendments) (No 4) Instrument 2012 (FSA 2012/13)*

- 2.47 For the changes made to the RCB by this instrument, see paragraphs 2.12 to 2.15 of this Notice.

<sup>8</sup> PS11/18, *FSA Regulation of credit unions in Northern Ireland*, (December 2011).

## **Recognised Investment Exchanges and Recognised Clearing Houses sourcebook (REC)**

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

**2.48** For the changes made to REC by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

## **LISTING, PROSPECTUS AND DISCLOSURE**

### **Listing Rules sourcebook (LR)**

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

**2.49** For the changes made to LR by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

# 3

## Changes outside the Handbook

### **REGULATORY GUIDES**

#### **Perimeter Guidance manual (PERG)**

*Handbook Administration (No 25) Instrument 2012 (FSA 2012/11)*

- 3.1** For the changes made to PERG by this instrument, see paragraphs 2.2 to 2.4 of this Notice.

# 4

## Feedback on responses to consultation

4.1 This chapter provides feedback on the following consultation:

- CP11/17, *FSA regulation of credit unions in Northern Ireland*, (August 2011);
- Chapter 6 of CP11/18, *Quarterly consultation (No 30)*, (September 2011);
- Chapter 2 of CP11/21, *Regulatory fees and levies: Policy proposals for 2012/13*, (October 2011);
- Chapters 2, 3 and 4 of CP11/27, *Quarterly consultation (No 31)*, (December 2011); and
- Chapters 8, 10 and 11 of CP12/3 *Regulatory fees and levies: Rates proposals 2012/13*, (February 2012).

### **CP11/17, FSA regulation of credit unions in Northern Ireland**

*Credit Unions (Northern Ireland) Instrument 2012 (FSA 2012/18)*

**Glossary of definitions**

**Fees manual (FEES)**

**Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (MIPRU)**

**Supervision manual (SUP)**

**Decision Procedure and Penalties manual (DEPP)**

## **Compensation sourcebook (COMP)**

### **Credit Unions New sourcebook (CREDS)**

4.2 Since the publication of PS11/18<sup>9</sup>, we have made minor cosmetic amendments to the Credit Unions (Northern Ireland) Instrument 2012 including:

- deleting the Editor's Notes and re-ordering some of the text to reflect that the *Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 (FSA 2011/12)* has now commenced and amendments can be made directly to the Glossary, the Supervision manual (SUP), the Decision Procedure and Penalties manual (DEPP) and the Credit Unions New sourcebook (CREDS);
- confirming the commencement date of 31 March 2012;
- correcting some cross-references to other parts of the Handbook; and
- deleting some unnecessary material from the Notes to the Supplementary Analysis of the Annual Returns (CY) for credit unions.

4.3 Two transitional provisions have been clarified so that they achieve the stated policy intent as follows:

- credit unions in Northern Ireland will have one year in which to divest themselves of existing investments which don't meet the CREDS investment type rules at transfer date; and
- credit unions in Northern Ireland will not have to submit a CY to the FSA on 31 March 2012 for the year ending 30 September 2011. Instead, they will have to submit the AR25 to the Department for Enterprise, Trade and Investment (Ireland) (DETI) as normal on 31 March 2012. Credit unions will have to submit a CY to the FSA for subsequent year ends.

## **Cost benefit analysis and compatibility statement**

4.4 CP11/17 contained a cost benefit analysis setting out the costs and benefits of the proposals. We do not consider that the changes we have made to our rules from those consulted on significantly change the costs or benefits involved.

## **Equality and diversity issues**

4.5 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.

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<sup>9</sup> PS11/18, *FSA regulation of credit unions in Northern Ireland*, (December 2011).



- 4.6 The changes made by this instrument are listed and described in paragraphs 2.44 to 2.46 of this Notice.

## Chapter 6 of CP11/18, Quarterly consultation (No 30)

*Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2012 (FSA 2012/19)*

### Collective Investment Schemes sourcebook (COLL)

- 4.7 In Chapter 6 of CP11/18<sup>10</sup>, we consulted on a number of individual rule changes to COLL.

- 4.8 The proposals we put forward were designed to achieve the following objectives.

- Alignment of the winding up rules relating to investment companies with variable capital (ICVCs) with those relating to authorised unit trusts (AUTs). We proposed amendments to COLL 7.3.4R to require the appropriate steps to be taken to wind up an ICVC or terminate a sub-fund on the effective date of a duly approved scheme of arrangement which is to result in the ICVC or sub-fund ceasing to hold any scheme property.
- Provision of additional guidance to assist firms when determining the eligibility of interests in syndicated loans for investment by authorised funds.
- Implementation of provisions within the amended Undertakings for Collective Investments in Transferable Securities Directive (UCITS IV) by making consequential changes to COLL in the following areas:
  - i) deleting part of the existing guidance on short reports (COLL 4.5.6G(4)) to make it clear that the charges which should be disclosed in this document should be calculated at the end of the period to which the short report relates and then copied across to the key investor information document (KIID), rather than the other way around as the current guidance may be misinterpreted to suggest;
  - ii) removing the obligation for the instrument of incorporation, prospectus and periodic reports to be translated into English for section 264 recognised schemes (EEA UCITS schemes). Following this amendment, COLL 9.4.2R will require only the KIID to be translated into English for these schemes.

- 4.9 We made three further amendments to the rules in COLL which were not included in the proposals on which we consulted in CP11/18. However, since they are also required as a result of implementing UCITS IV it is appropriate to make these changes alongside those

<sup>10</sup> CP11/18, *Quarterly consultation (No 30)*, (September 2011).

listed above. They are minor in nature and simply remove rule references that no longer exist. More detail can be found below under UCITS IV consequential changes.

- 4.10** Further proposals put forward in Chapter 6 of CP11/18 were to facilitate the operation of a non-UCITS retail scheme (NURS) umbrella containing a mixture of sub-funds, ie some operating as a standard NURS (in accordance with COLL 5.6) and some operating as a fund of alternative investment funds (FAIF) (in accordance with COLL 5.7). These rule changes and the consultation responses to Q6.1 have not been included with the rest of the changes from CP11/18. They will be considered alongside the NURS master/feeder proposals in Chapter 8 of CP11/27.<sup>11</sup>
- 4.11** We received five responses to the consultation in total from four trade associations and one regulated firm. We have summarised their feedback below under each question, together with our response.

### *Winding-up rules for ICVCs*

- 4.12** We asked:

*Q6.2: Do you agree with the proposal to require ACDs of ICVCs to ask for a scheme's authorisation to be revoked in the circumstances described above?*

- 4.13** This question relates to our proposals to align the winding up rules for ICVCs with those for AUTs by requiring the appropriate steps to wind up an ICVC or terminate a sub-fund to be taken on the effective date of a duly approved scheme of arrangement which is to result in the ICVC or sub-fund ceasing to hold any scheme property.
- 4.14** All bar one of those responding to this question supported the proposals. That one respondent signalled they would prefer the changes were not made for several reasons. They argued that:
- i) in the current status quo where a scheme is left open as a 'shell', rather than a requirement for the authorisation order to be revoked as proposed here, there is greater certainty around the timing for the approval of an alteration to an existing scheme;
  - ii) there is little difference in terms of the FSA authorisation process between, a) setting up a number of new sub-funds in an existing umbrella and b) activating a 'shell' umbrella ICVC and adding sub-funds; and
  - iii) not having the option to recycle a 'shell' scheme and requiring the authorisation of a new scheme represents increased costs to firms.

<sup>11</sup> CP11/27, *Quarterly consultation (No 31)*, (December 2011).

### Our response

With regard to timescales for approval, we consider that s.244 of the Financial Services and Markets Act 2000 (FSMA) is very clear about the statutory timescales for a new scheme approval. Consequently, in terms of the absolute (ie worst case scenario) timescales for approval of a new scheme, we consider that there is certainty, albeit schemes may be approved more quickly than these statutory timescales. We do fully recognise that the timescales involved in the approval of a new scheme (UCITS: two months, qualified investor scheme (QIS)/NURS: six months) are significantly longer than those involved for an alteration of an existing scheme (one month). However, firms are using the current position to set up what is for all purposes a new scheme, rather than it being a true alteration to an existing scheme and, therefore, it is not appropriate for us to be required to reach a decision on what is effectively a new scheme (but applied for as an alteration) within one month.

In terms of the two scenarios provided by the respondent, we consider that there is a distinct difference in the authorisation process between a) setting up a number of new sub-funds in an existing umbrella and b) activating a 'shell' umbrella ICVC and adding sub-funds. In our experience, those firms using the current position to recycle a 'shell' scheme by applying for an alteration to an existing scheme in line with scenario b) have been 'host ACD' firms. Our experience has been that scenario b) involves wholesale changes to scheme documentation which will require processes akin to those needed for a new scheme application. Furthermore, there is a greater likelihood of new parties being involved and thus the requirement for due diligence checks to be carried out, again akin to a new scheme application. We consider it contrary to investor interests if the timescales are artificially restricted by the manner in which the application is made (as an alteration to an existing scheme) when in its truest form it represents in its nature a new scheme.

In terms of cost, the charges for setting up a new scheme reflect an appropriate contribution towards the resource involved in its authorisation.

### *Guidance on authorised funds investing in interests in syndicated loans*

4.15 We asked:

*Q6.3: Do you agree with the addition of proposed guidance on investing in syndicated loans? If not, please explain why.*

4.16 All five respondents welcomed our approach in providing additional guidance in this area. There were, however, a variety of comments on the specific guidance proposed. We discuss the responses taking each piece of guidance in turn, below.

- 4.17** The proposed guidance in COLL 5.2.35G(1) set out the concept of a syndicated loan for the purposes of the guidance and the starting point for determining the eligibility of interests in a syndicated loan for investment by an authorised fund. In relation to the wording used, one respondent raised the point that syndicated loans sometimes amortise over the life of the facility and, further, that an agent may not arrange interest payments but may, in fact, act as the conduit for interest payments.
- 4.18** The proposals in COLL 5.2.35G(3) stated that a UCITS scheme is unable to partake in the initial funding of a syndicated loan since it is not permitted to lend money from its scheme property. There were a number of comments on this from respondents.
- 4.19** Three respondents sought further clarity as to the meaning of ‘initial funding’. They suggested that the restriction from participating in the initial funding of a syndicated loan could also be construed to prevent a UCITS scheme from being an initial subscriber to gilts in a gilt auction or a new corporate bond issue. One additional respondent said it had assumed that the restriction on lending from scheme property was focussed on bilateral lending rather than syndicated lending.
- 4.20** A further respondent made the point that loan contracts often operate by novation and, therefore, there is still a contract to lend even where the interest is acquired in the secondary market.
- 4.21** COLL 5.2.35G(5), as proposed, stated that for an instrument to be classed as a debenture (and thus constitute a transferable security for the purposes of COLL 5.2.6AR), there must be an instrument creating or evidencing indebtedness.
- 4.22** Two respondents requested clarification as to whether the term ‘instrument’ could include electronic forms. One of these respondents sought further clarity around whether the recording of debt in the borrowing company books would amount to a debenture.
- 4.23** The proposed guidance in COLL 5.2.35G(6) discussed the background of what the FSA would deem to be ‘negotiable’ for the purposes of COLL 5.2.7AR(1)(e) (ie determining whether a debt instrument is capable of being a ‘transferable security’). It stated that the fact that a debt obligation is legally transferable does not necessarily make it negotiable.
- 4.24** Two respondents requested clarification around what is meant by ‘negotiable’. One of these parties disagreed with the statement made within the guidance and put forward the view that ‘negotiable’ is synonymous with ‘transferable’.
- 4.25** Further drafting suggestions were made in respect of COLL 5.2.35G(8) and 5.6.25G(2) to improve clarity and to correct an error in COLL 5.6.25G(1).
- 4.26** One respondent commented on the FSA expectations set out in the consultation document at paragraph 6.10 which stated that the FSA expects authorised fund managers (AFMs) and depositaries to undertake sufficient analysis of proposed investments to identify in each case whether or not it meets the criteria for certain asset types in COLL. They disagreed and stated it was the role of the AFM to determine whether or not an investment is eligible for a fund.

### Our response

**COLL 5.2.35G(1)** – We have amended the wording to make reference to loans which amortise over the life of the facility and to arrangements whereby the agent acts as a conduit for interest payments.

**COLL 5.2.35G(3)** – We have incorporated additional wording to provide acknowledgment of the fact that, notwithstanding this guidance, a UCITS may be stated as the lender of record when purchasing a loan instrument (within the remit of its investment powers) in the secondary market.

With regard to initial funding, it is not the intention that this guidance should restrict UCITS schemes from participating in the initial offering of gilts or corporate bonds.

In our view, participating in the initial funding of a loan is generally distinguishable from investing in a securitised debt or in a security. The concept of ‘securitised’ debt implies that the debt is intended to be traded whereas entering into a commitment to lend (as part of a syndicate or otherwise) typically implies a longer term relationship between lender and borrower. As such, our starting point would not normally be to view a commitment to lend monies as itself investing in a transferable security. On the other hand, participations in bond or gilt issues or purchasing, for example, a fully drawn down term loan in the relevant secondary market is likely to constitute investing in ‘debt securities’.

More generally, our guidance takes account of the restrictions on the lending of money in article 88 of UCITS IV.

**COLL 5.2.35G(5)** – We consider the guidance in this section to be sufficiently open to not exclude either an ‘instrument’ from taking an electronic form or the recording of a debt in a company’s books from being a ‘debenture’.

**COLL 5.2.35G(6)** – With regard to the requests to clarify the meaning of ‘negotiable’, in the absence of EU guidelines or legislation on this question in respect of UCITS, we are not in a position to provide exhaustive guidance. In our view, an appropriate starting point is that negotiability can be presumed (but not guaranteed) when securities are capable of being traded on or off exchange as a class and are freely replaceable by other securities within their class. We believe this approach is consistent with the interpretation of analogous terms in other Directives. Against this background, a ‘transferable’ investment is not necessarily ‘negotiable’. An investment may be ‘transferable’ where it is capable of being transferred by way of a legally enforceable method of transfer. However, if (for example,) an investment is incapable of being traded within a class or the method of transfer is subject to restrictions which restrict the ability to trade in it, then it still may not be ‘negotiable’.

**COLL 5.2.35G(8) / 5.6.25G(2)** – We have made appropriate amendments to the drafting as suggested to improve clarity.

**COLL 5.6.25G(1)** – We have removed the wording from this proposed guidance which stated that ‘the additional eligibility criteria arising out of the UCITS

eligible assets Directive relating to liquidity, valuations and negotiability (see COLL 5.2.7AR (Investment in transferable securities)) do not apply in relation to a non-UCITS retail scheme’. This is incorrect since COLL 5.6.5AR explicitly applies the requirements of the eligible assets Directive in COLL 5.2.7AR to non-UCITS retail schemes.

**Consultation Paper** – We respond to the point made in respect of paragraph 6.10 of CP11/18 around the role of the AFM and depositary. AFMs make the investment decisions for schemes. It is, however, a duty of depositaries to take reasonable care to ensure the scheme is managed in accordance with, amongst other things, the investment and borrowing powers in COLL. In our view, such oversight is likely to include, from time-to-time, discussion of the eligibility of individual instruments. We understand that it is also the case that AFMs will liaise with their depositaries if they are unsure whether a financial instrument is eligible. The point we were making was that the guidance will assist both AFMs and depositaries in their consideration of eligibility of loans.

### *UCITS IV consequential changes*

4.27 We asked:

*Q6.4: Do you agree with the proposed changes to the guidance on short reports and the rule on translation of documents for recognised schemes?*

4.28 Two amendments to rules/guidance (COLL 9.4.2R(1) and COLL 4.5.6G) were proposed relating to the implementation of UCITS IV. All respondents either agreed with the proposed changes or had no comments, so the rules have been made.

4.29 Post-consultation we noted three further rules which also required amendment as a consequence of UCITS IV. Since these amendments are consequential and remove rule references which no longer exist, we have made these changes without consultation. Please find the relevant details in the table below.

Affected Rule	Current Reference	Corrected Reference
COLL 5.6.13R(6)	COLL 5.3.6R	COLL 5.3.3AR COLL 5.3.3BR COLL 5.3.3CR
COLL 5.3.5R(1)	COLL 5.3.3R	COLL 5.3.3AR
COLL 5.2.20R(5)	COLL 5.2.22R(3)	COLL 5.2.22R(1) COLL 5.2.22AG

## Cost benefit analysis and compatibility statement

- 4.30 CP11/18 contained a cost benefit analysis setting out the costs and benefits of the proposals. We do not consider that the changes we have made to our rules from those consulted on significantly change the costs or benefits involved.
- 4.31 We have made no changes to the proposed rules on winding up of ICVCs or in relation to the consequential changes from UCITS IV. Changes made to the guidance on the eligibility of interests in syndicated loans have been simply drafting changes to add clarity without any significant changes to the impact of or outcomes from the guidance.
- 4.32 We received no comments on the compatibility statement during consultation which remains as stated in the consultation paper.

## Equality and diversity issues

- 4.33 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.
- 4.34 The changes made by this instrument are listed and described in paragraphs 2.41 to 2.43 of this Notice.

## Chapter 2 of CP11/21, Regulatory fees and levies: Policy proposals for 2012/13

*Fees (Miscellaneous Amendments) (No 4) Instrument 2012(FSA 2012/13)*

### Glossary of definitions

**Fees manual (FEES)**

**Supervision manual (SUP)**

**Regulated Covered Bonds sourcebook (RCB)**

*Tariff base for proprietary traders (fee-block A.10)*

- 4.35 During 2011 we carried out an equality impact assessment (EIA) of our fees rules to ensure we meet our requirements under the Equality Act 2010. This identified our use of a headcount of traders as the tariff base (measure of size) for fee-block A.10 (Firms dealing as principal) as a potential barrier to good practice in equalities, since it made no allowance for part-time working or job-sharing. Therefore, we proposed changes to the headcount of traders to allow firms to report part-time staff from 2012/13. The consultation period closed on 6 February 2012.

4.36 We asked:

*Q1: Do you agree with our proposal to allow firms in fee-block A.10 to report their traders as fractions of full-time equivalent posts, not as a headcount of individuals?*

4.37 We received only two comments, both supportive, so we are proceeding with our proposals unchanged.

### **Feedback on other changes covered by this instrument**

4.38 The above instrument includes changes to fees rules consulted on in Chapters 4, 5 and 6 of CP11/21 where the consultation period closed on 6 January 2012 and on which we have already provided feedback in Chapter 14 of CP12/03 (February 2012). We have implemented all the proposals unchanged.

#### *UK Listing Authority (Chapter 4 of CP11/21)*

4.39 Adjustments to the fees levied by the UK Listing Authority (UKLA).

- Reduce the application fee for simple changes of legal status for sponsors of securities from £15,000 to £5,000. In addition, make no further charge for the current year's periodic fees if they have already been paid by the previous legal entity.
- Realign our document vetting fees to reflect better the effort we put into reviewing them. This involves raising the fee for vetting a non-equity securities note and summary document from £660 to £825, and removing the discount on the fee for vetting a drawdown or base prospectus so that issuers pay the full fee of £2,750, rather than £660.

#### *Regulated Covered Bonds (Chapter 5 of CP11/21)*

4.40 Adjustments to the fees levied under the Regulated Covered Bonds Regulations (RCBRs) to introduce:

- a separate application fee of £45,000 to reflect the considerable additional work required for assessing RCB programmes with higher risk classes of assets (with the 'standard' application fee to remain at £25,000); and
- a material change fee of £6,500 to target the recovery of the resource needed to assess the impact of such changes to the contractual terms of the programme to the specific issuer, rather than recover it from all issuers through their periodic fees.



*Electronic money issuers (Chapter 6 of CP11/21)*

- 4.41 Modified tariff base for electronic money issuers (EMIs), to enable firms to report their average outstanding e-money over twelve months instead of six months, to avoid the distortions caused by seasonal fluctuations in trade.

**Feedback on proposed new income measure for fee-blocks A.12, A.13 and A.14 subject to further consultation**

- 4.42 The EIA undertaken during 2011 (referred to in paragraph 4.35) also identified the headcount of approved persons (APs), used as a tariff base for the following fee-blocks, as a risk to good practice in equalities:
- A.12 (Advisory arrangers, dealers or brokers - holding or controlling client money or assets, or both);
  - A.13 (Advisory arrangers, dealers or brokers - not holding or controlling client money or assets, or both); and
  - A.14 (Corporate finance advisers).
- 4.43 In addition when we first used headcount APs it was efficient to administer, as APs were automatically distributed between the fee-blocks on the basis of seven distinct customer functions (CFs). However, from October 2007, the Markets in Financial Instruments Directive (MiFID) merged these into a single CF30 function. Determining which of today's CF30s would have fallen under the old CFs if they still existed is becoming increasingly time-consuming and difficult, both for us and many firms, especially as familiarity with the obsolete functions fades.
- 4.44 We consulted in CP11/21 on our proposals to replace the headcount of APs with income as a measure of the amount of regulated business firms undertake in these fee-blocks, with the intention of implementing the change for 2013/14.
- 4.45 Taking into account the responses we received, we have decided to undertake further impact assessment of the proposed change to an income measure for these fee-blocks. We plan to publish the outcome of the impact assessment in our October 2012 fees policy CP and seek views on any revised proposals resulting from the impact assessment. We will also provide indicative rates so that firms can consider the implications for their own fees.
- 4.46 In the light of the consultation responses to the October 2012 CP proposals, and subject to FSA Board approval, those proposals will be finalised and feedback provided in February 2013.
- 4.47 Key to undertaking the impact assessment for A.12 and A.13 fee-blocks will be the provision by these firms of the income data from April 2012. Therefore, we are proceeding with the change to the Retail Mediation Activities Return (RMAR), proposed in CP12/03, so that firms are able to use our on line data reporting system. We provide feedback on this

proposal in paragraphs 4.110 to 4.112 of this Notice. For the purposes of the impact assessment, we also aim to obtain income data from firms who do not complete the RMAR and firms in the A.14 fee-block.

**4.48** In the remainder of this section we provide feedback on the CP11/21 proposals to move to an income measure for fee-blocks A.12, A.13 and A.14, focusing on the responses we received regarding our definition of income for these fee-blocks. To help the firms who complete the revised RMAR, we are temporarily including in the RMAR guidance our income definitions as revised following these consultation responses. This revised guidance is set out in Table 4.1 and we will also publish it on our website for the benefit of those firms that do not complete the RMAR and A.14 firms. If we proceed with the move to income measure the guidance will be placed in FEES 4.

**4.49** We asked in CP11/21:

*Q2: Do you have any views on the definitions and guidance we have prepared on the income measures we propose to introduce for fee-blocks A.12, A.13 and A.14 from 2013/14?*

### Consultation responses

**4.50** We received 29 responses, including nine from professional or trade bodies. Several welcomed an income measure as a fairer basis for charging fees. Others expressed concern about the significant increases in fees some firms might experience and two said we should have conducted an impact assessment. Their concerns related particularly to firms with higher-than-average incomes per approved person and those which offer non-discretionary services such as execution-only stockbrokers, wholesale brokers and third party administrators and arrangers. In addition, there were concerns about the consistency of reporting, especially when firms attempted to estimate the income from regulated activities that formed a relatively small part of their business.

**4.51** Respondents also raised more detailed definitional questions.

- *Clarification of activities to be included within income.* Some respondents seemed unclear about the relationship between the income they should declare and the specific activities authorised under the respective fee-blocks. It was suggested that the references in the draft guidance to ‘regulated activities’ and ‘relevant business’ should be more clearly defined. One commented that our draft definition ‘could imply that all income received falls within the scope of the income definition.’ Others interpreted our proposals as applying only to retail advisory business. One firm asked us to clarify the product types that should be included in the income calculation.
- *Risk of overlap with discretionary fund management (fee-block A.7).* Many discretionary investment managers in fee-block A.7 have staff authorised as CF30 APs in A.12 for advising, dealing and arranging but they do not charge separately

for their services which they see as incidental to their overall management service. There should be a clear distinction between income attributable to day-to-day fund management under fee-block A.7 and income attributable to activities under fee-block A.12.

- *Intra-group activities.* Some intra-group activities should be excluded from the income calculations.
  - Article 69 of the Regulated Activities Order exempts some administrative services from holding permissions when they are provided solely for the benefit of other firms within a group structure, while guidance in 5.11.6G of the Perimeter Guidance manual (PERG) indicates that services relating to investment mediation that are offered to group companies may not be subject to the Investment Mediation Directive.
  - We had not given clear guidance to avoid double counting by regulated firms within group structures. For example, one firm might collect the fee from the client to present a single point of contact and reimburse the income later to the other firms involved. If all were regulated by us as separate legal entities and reported their incomes, then the original fee would be exaggerated in our data base.
  - Where a firm sells products within the same group or within a vertically integrated structure, there will not usually be any ongoing commission from previous business since no money is directly credited to the adviser firms. In these circumstances, the income would be zero.
- *Mainstream activities by authorised professional firms (APFs).* We had not specified that the income should be based only on mainstream regulated activities. This is because regulation of the non-mainstream activities falls to their professional bodies.
- *Commission-equivalent weighting.* We had asked for views on whether we should apply a ‘commission-equivalent’ weighting – ie an assumption of income where a firm decides to forego a commission. We received four comments, all confirming that a weighting would not be appropriate. All independent financial advisors (IFAs), at least, should be able to provide precise figures for any income foregone our disclosure rules require them to disclose both actual commission charged and the commission equivalent.
- *Timing.* Some respondents urged us to delay implementation until 2014/15 to allow firms to amend their accounting and/or reporting systems.
- Another argument for deferral was that it would give our successor bodies, the Financial Conduct Authority (FCA) and the Prudential Regulation Authority (PRA) time to conduct a comprehensive review of fee-blocks A.12 and A.13. Developing income recognition systems would not be cost justifiable if the new bodies decided to discontinue the measure. One respondent suggested the

review could start with the options we had discussed in CP 10/24<sup>12</sup> to transfer responsibilities relating to client assets and money from fee-block A.12 into a new fee-block and merge A.12 and A.13. Pending the review, the headcount could be self-certified as in A.10.

### Our response

We retain our view that income is a fairer measure in principle than the number of APs and will be more efficient to administer. To address the concerns respondents raised regarding expected increases in fees for some firms, we are undertaking further impact assessment and will consult further in our October 2012 fees policy CP. The changes to the RMAR will facilitate this and also enable us to do some testing of our revised definition of income for these fees purposes to address the issues raised by respondents regarding consistency of calculation of income levels. Therefore, we have set out below our feedback on the issues respondents raised regarding our definition of income which have been taken into account in the revised guidance in Table 4.1.

- *Clarification of activities to be included within income* – Respondents comments have helped us to sharpen our guidance.
  - The figure we are asking firms to provide is the income they derive from UK business in any or all of the permitted activities listed in the definitions of the respective fee-blocks – and no more. In our draft handbook text, we had said that firms should include all income ‘due from the regulated activities relating to the appropriate fee-block and conducted in the UK’. Our redraft seeks to refer firms back more directly to the fee-block definitions and sharpen our references to UK business.
  - Our fees are not based on products but on activities. Firms should match their income to the activities in the fee-block definitions for which they hold permissions.
  - We agree that our definitions should avoid loose references to customers, a term which has a particular meaning in our handbook. Instead, our redraft refers to clients, defined as covering eligible counterparties as well as retail customers.
- *Risk of overlap with discretionary fund management (fee-block A.7)*. The distinction is that an activity under A.12 (dealing, for example) is a chargeable service provided for an external client – either another firm or a retail customer. In A.7 the action is not on behalf of the client, but is incidental to the activity of fund management. We have clarified the issues in our guidance.

<sup>12</sup> CP10/24, *Regulatory fees and levies – policy proposals for 2011/12* (October 2010).

- *Intra-group activities.* Three questions were raised about the distribution of income within group structures.
  - Article 69 of the Regulated Activities Order exempts certain administrative services from authorisation when they are provided solely for the benefit of other firms within a group structure and PERG 5.11.6G of our handbook provides further guidance that services relating to investment mediation that are offered to group companies may not be subject to the Investment Mediation Directive. Where such exemptions or guidance applies, these services are no longer treated as regulated activities so should not be declared as income for fees purposes. Our rules and guidance on calculating income make no attempt to define regulated activities. It is for firms to ensure they are aware which activities they have been authorised to perform.
  - Fees are sometimes charged by one firm in a group and then redistributed internally afterwards. Our overall definition of income excludes any charges which a firm has passed on to other authorised firms so this applies equally to authorised entities within a group. To avoid double-counting, either the full income should be declared by the firm that takes the fee, or else each should declare only its own share. It is for the group to decide the convention which best suits its accounting practices.
  - Where entities within a group do not charge each other fees then the commission-equivalent value should be declared as income, but we agree that the figures will become increasingly unrealistic if firms attempt to carry these forward from year to year. Therefore, firms should declare only the initial commission-equivalent and should not try to put a notional value on estimated ongoing commissions from previous business.
- *Mainstream activities by authorised professional firms (APFs).* We agree that APFs should only declare income based on regulated mainstream activities and have redrafted our guidance accordingly.
- *Commission-equivalent weighting.* The responses confirm that there is a variety of charging structures across the industry and an arbitrary weighting is unnecessary. While our disclosure rules require advisor firms in particular to disclose commission-equivalent figures as well as actual charges, we consider that all firms ought to be able to make robust estimates of any income foregone. As ever, they will need to be able to justify the assumptions underlying their estimates if challenged.

This applies equally to any discretionary fund managers in fee-block A.7 who from time to time give their clients advice or other services which are related to their permissions under fee-blocks A.12, A.13 or A.14, and do not arise directly out of the activity of fund management. For business reasons, they may choose not to invoice their clients separately for services which are extremely small in

relation to their management charges. Nevertheless, to maintain a level playing field with other firms in those fee-blocks, they should put a value on the services they have provided.

- *Timing.* We believe firms ought readily to be able to identify their regulated income streams for FSA fees purposes, as most of them already do so for FSCS levy purposes. Some firms who also undertake mortgage and general insurance intermediary activities currently provide income data under FSA fee-blocks A.18 and A.19. Therefore, we do not believe that deferring implementation from 2013/14 pending changes that the FCA, as the future prudential and conduct regulator for the activities covered by these fee-blocks, may make at an unknown time is necessary. Our expectation is that the FCA will consult on any changes to the FSA’s fees regime. If the FCA were to consider taking the activity of safeguarding client assets and/or money out of A.12 and into a new fee-block, that would not affect the tariff base for the remaining A.12 and A13 activities of advising, dealing and arranging.

4.52 Our revised definitions and guidance on calculating and apportioning income are set out in Table 4.1.<sup>13</sup>

<b>Table 4.1: Definitions and guidance on income</b>
<b>Definition of annual income</b>
<p>“Annual income” for the purposes of life and pensions mediation and investment mediation in respect of the data required for the calculation of FSA and FOS fees, is an amount equal to the net amount retained by the <i>firm</i> of all income due to the <i>firm</i> in respect of, or in relation to, the provision in the UK of the <i>regulated activities</i> specified in FEES 4 Annex 1R, Part 1 as belonging to fee-blocks A.12, A.13 and A.14.</p> <p>For the purposes of calculating annual income, ‘net amount retained’ means:</p> <p>(a) all brokerages, <i>commissions</i>, <i>fees</i>, and other related income (for example, administration <i>charges</i>, <i>overrides</i>, profit shares etc) due to the <i>firm</i> in respect of, or in relation to, the provision in the UK of the <i>regulated activities</i> specified in FEES 4 Annex 1R, Part 1 as belonging to fee-blocks A.12, A.13 or A.14 and which the <i>firm</i> has not rebated to <i>clients</i> or passed on to other authorised firms (for example, where there is a commission chain).</p> <p>Plus:</p> <p>(b) any ongoing <i>commission</i> from previous business received by the <i>firm</i> during the reporting year.</p> <p>Plus:</p> <p>(c) the ‘commission-equivalent’ of any relevant business. In this instance, the ‘commission equivalent’ is an estimate of the amount the firm would otherwise have received for any <i>regulated activity</i> under (a) above, but for which it has made a business decision not to charge.</p>

<sup>13</sup> Although the definitions in Table 4.1 are applicable to all firms in fee-blocks A.12, A.13 and A.14, the guidance in SUP 16 Annexes 18A and 18B refers only to fee-blocks A.12 and A.13 because firms in fee-block A.14 do not submit the RMAR.

## Guidance on calculating and apportioning annual income

### Calculating annual income

- (1) Annual income should include all amounts due to the *firm* arising out of the *regulated activities* referred to in fee-blocks A.12, A.13 and A.14 for which the *firm* holds permission, including regular *charges* and instalments due to the *firm* during the reporting year.

The *firm* should refer to the fee-block definitions in FEES 4 Annex 1R, Part 1 to decide which particular income streams should be taken into account when calculating its annual income for the purposes of fee-blocks A.12, A.13 and A.14.

- (2) To avoid any doubt, the *firm* should exclude from the calculation of its annual income any *regulated activities* belonging to fee-blocks A.12, A.13 and A.14 where the performance of such *regulated activities* is entirely incidental to the carrying out by the *firm* of the *regulated activity* of *managing investments* belonging to fee-block A.7.
- (3) To avoid double-counting, amounts which have been passed on to other firms may be excluded from the calculation of annual income. Transfers of income to other firms may be especially common within *groups* where, to present a single interface to *clients*, all amounts due to the *group* may be collected by one *firm* for subsequent redistribution to other *firms* within the *group*. It is for *groups* themselves to decide the most convenient way to report such annual income – i.e. whether the *firm* which receives the full amount should declare such full amount, or whether each *firm* in the *group* should report its separate distribution.
- (4) The *firm* should include earnings from those who will become its appointed representatives immediately after authorisation.
- (5) If any *fee* payable by the *firm* to another party for arranging a transaction with a *client* exceeds the amount payable by the end *client*, the *firm* may not take that excess into account in calculating the net amount retained but must instead net the sum payable by the end *client* to zero.
- (6) The total should include administration charges and any interest from income related to the *regulated activities*.
- (7) Items such as general business expenses (e.g. employees' salaries and overheads) should not be deducted, nor any penalties or fines that have been levied against the *firm*.
- (8) Rebates to *clients* should be excluded and also *fees* or *commission* passed to other authorised *firms*.
- (9) *Authorised professional firms* should exclude income from *non-mainstream regulated activities*. They may estimate the proportion of their business that is derived from such activities and split the income from individual invoices accordingly.

### Apportioning income

Where a *firm* cannot separate its income on the basis of activities, it may apportion the income on the basis of the proportionate split of business that the *firm* otherwise undertakes. For instance:

- (1) If a firm receives annual income from a platform-based business it may report this in line with a wider breakdown of its activities.
- (2) A *firm* providing corporate finance advice which does not maintain records of the split between *regulated activities* and non-regulated activities for individual cases may calculate that regulated business accounts for a certain proportion of its business overall and apply that as a multiplier across its income.

- (3) A *firm* may allocate ongoing *commission* from previous business on the basis of the type of *firm* it receives the *commission* from. This avoids tracking back legacy business which may no longer match the provider's current business model.
- (4) An *authorised professional firm* may estimate the proportion of its business that is derived from *regulated activity* and split its income for individual invoices accordingly.
- (5) If a *firm* has invested income from *regulated activities*, then any interest received should be reported as income, in proportion to the volume of regulated business it undertakes to avoid tracking back old payments.
- (6) *Firms'* systems ought to be able to distinguish *UK* from non-*UK* business to establish which conduct of business regime it was conducted under. If, however, they do not relate the figures back to income streams for the specific *regulated activities* in a particular fee-block then the *firm* may make a proportionate split as described above, calculating its regulated *UK* income on the basis of the overall split between *UK* and overseas income.
- (7) It is for individual *firms* to determine how they should calculate the appropriate split of income. The *FSA* is not prescriptive about the methodology. It requires only that:
  - (a) the approach should be proportionate – the *FSA* is looking for *firms* to make their best efforts to estimate the split;
  - (b) the *firm* must be able on request to provide a sound and clearly expressed rationale for its approach – for example, if all invoices were analysed over a particular period, the *firm* should be able to justify the period as representative of its business across the year;
  - (c) the methodology should be objective – for example, based on random sampling of invoices or random stratified sampling;
  - (d) the *firm* must on request be able to provide an audit trail which demonstrates that the choice of methodology was properly considered at an appropriate level or in the appropriate forums within the *firm*, and the decision periodically reviewed at the same level or in an equivalent forum.

## Equality and diversity issues

- 4.53 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.
- 4.54 The changes made by this instrument are listed and described in paragraphs 2.12 to 2.15 of this Notice.

## Chapter 2 of CP11/27, Quarterly Consultation (No 31)

*Liquidity Standards (Miscellaneous Amendments No 5) Instrument 2012 (FSA 2012/14)*



## Prudential sourcebook for Banks, Building Societies and Investment Firms (BIPRU)

4.55 In CP11/27 we consulted on rule amendments to BIPRU 12.

4.56 Those proposals comprised:

- an amendment to correct a drafting omission in BIPRU 12.7.3R and 12.7.5R to clarify and confirm the original policy intention of the rules;
- a change to the realisation requirements in relation to the use of central bank facilities in BIPRU 12.7.11R; and
- an amendment to BIPRU 12.9.13R to include a requirement to provide the FSA with details of the management actions taken on the occurrence of the events defined in BIPRU 12.9.14R.

4.57 We received two responses to the consultation. We have summarised the feedback below, together with our responses.

### Responses

#### *Amendment to BIPRU 12.7.3R and BIPRU 12.7.5R*

4.58 The omission of ‘only’ from BIPRU 12.7.3R and BIPRU 12.7.5R had the potential to result in an incorrect interpretation of the rules. That interpretation is contrary to the policy intention, and we are acting to close this potential loophole. We also made a minor drafting amendment to BIPRU 12.7.2R to shift the location of the word ‘only’ for better grammatical sense.

4.59 We asked:

*Q2.1: Do you agree with our proposals to amend BIPRU 12.7.3R and BIPRU 12.7.5R?*

4.60 Both respondents agreed with this proposal and we intend to proceed with the amendments.

#### *Amendment to BIPRU 12.7.11R*

4.61 The amendment to BIPRU 12.7.11R changes the realisation requirements in relation to the use of central bank facilities. We are removing the requirement to realise assets, instead we expect firms to test their operational ability to raise funds relating to assets not in its liquid assets buffer through the central bank facilities to which it has access.

4.62 We asked:

*Q2.2: Do you agree with our proposal to amend BIPRU 12.7.11R?*

4.63 One of the respondents questioned whether the amendment means firms need to test any assets that are deemed not to be an 'FSA liquid asset' and whether this is 'testing of the pipes' or is it suggesting that large-scale drawings have to be undertaken to comply.

4.64 We can clarify that the rule requires firms to test their operational ability to raise funds through central bank facilities using only a proportion of its assets that are not in its liquid assets buffer. The intention of the rule is to test a firm's systems and procedures to remove operational impediments to accessing central bank facilities. We expect this to be undertaken using assets that are not in the firm's liquid asset buffer but there is no intention for firms to undertake 'large-scale drawings'.

4.65 We therefore intend to proceed with the proposal to amend BIPRU 12.7.11R.

#### *Amendment to BIPRU 12.9.13R, 12.9.14R and 12.9.18R*

4.66 The requirements of these rules have the potential to indicate that contingency funding plans (CFP) have a single invocation point which is not what was intended. A firm should take actions outlined within the CFP when necessary and also consider actions not listed in its CFP. These invocation procedures should not be restricted to a trigger event hard-coded in the FSA's Handbook. Therefore, we are amending the rule so that a firm is required to provide the FSA with an explanation of the actions it has taken to address the event, which may include taking actions from its CFP. We also took the opportunity to simplify the text of the rules.

4.67 We asked:

*Q2.3: Do you agree with our proposal to amend BIPRU 12.9.13R, 12.9.14R and 12.9.18R?*

4.68 Both respondents agreed with this proposal and we intend to proceed with the amendments.

### **Cost benefit analysis and compatibility statement**

4.69 In CP11/27, we set out the outcomes of our cost benefit analysis (CBA) and our consideration of the proposals in the context of our statutory objectives and principles of good regulation.

4.70 We asked:

*Q2.4: Do you agree with the cost benefit analysis?*

4.71 Both respondents agreed that the costs of the proposals are minimal.

4.72 The cost benefit analysis and compatibility statement for the proposal remain unchanged from those published in CP11/27.

### **Equality and diversity issues**

4.73 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.

4.74 The full list of changes to the Handbook made by this instrument is set out at paragraphs 2.17 to 2.19 of this Notice.

## **Chapter 3 of CP11/27, Quarterly consultation (No 27)**

*Conduct of Business Sourcebook (Contracting Out) Instrument 2012 (FSA 2012/16)*

### **Glossary of definitions**

#### **Conduct of Business sourcebook (COBS)**

#### **Supervision manual (SUP)**

4.75 In CP11/27<sup>14</sup> we consulted on changes to our rules to reflect the abolition by the Department of Work and Pensions (DWP) of contracting-out of the state second pension (S2P) with a defined contribution pension scheme. A personal pension scheme or a stakeholder pension scheme which can accept contracted-out rebates from the DWP is called an appropriate personal pension.

4.76 The abolition is to take effect on 6 April 2012. From that date, benefits accrued from rebates from the DWP do not have to be treated differently from benefits accrued from members' and employers' contributions.

4.77 We proposed deleting the following:

- 'appropriate personal pension' and 'contracting out comparison' from our Glossary; and

<sup>14</sup> CP11/27, *Quarterly consultation (No 31)*, (December 2011).

- all references in COBS 13, COBS 14 and SUP 16.8 relating to appropriate personal pension, contracting out comparison and protected right annuity.

4.78 We suggested that the costs would be negligible, because firms already had the ability to illustrate non-protected rights benefits for new members. We also suggested that abolition of contracting out created an opportunity for making point of sale disclosures clearer by ceasing to use the descriptor ‘non-protected rights’, because it has no context for members of schemes with no protected rights.

4.79 We had two responses from trade bodies and two from firms.

4.80 We asked:

*Q3.1: Do you have any comments on the rule changes we propose to make to reflect the DWP’s decision to end contracting out from 6 April 2012?*

4.81 All the respondents agreed with the proposed changes to our rules.

*Q3.2: Do you agree with our assumption that the cost of changing illustration systems will be negligible?*

4.82 One firm agreed with this, but two respondents said that altering records and systems would involve substantial cost. One of these asked if firms would no longer be allowed to use the term ‘non-protected rights’, as this would result in higher costs.

### **Our response**

Our rule changes relate only to the comparison required for individuals considering contracting out. We will proceed with the changes as consulted on and, therefore, delete the redundant rules.

The costs described to us relate to altering systems and existing records to end the separation of protected rights from other pension rights rather than our rule changes. Because of the ending of contracting out, there are no longer any ‘protected rights’. To ensure that communications remain clear, fair and not misleading, firms need to consider the continued use of the out-of-date and potentially confusing descriptor of ‘non-protected rights’. Firms could make the change at any time, for example, when reprinting or reviewing their documents

## **Cost benefit analysis and compatibility statement**

4.83 In CP11/27, we set out the outcomes of our cost benefit analysis (CBA) and our

consideration of the proposals in the context of our statutory objectives and principles of good regulation. As noted above, the costs described in CP responses relate to altering systems and existing records to end the separation of protected rights from other pension rights rather than our rule changes.

## Equality and diversity issues

- 4.84 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.
- 4.85 The full list of changes to the Handbook made by this instrument is set out at paragraphs 2.26 to 2.28 of this Notice.

## Chapter 4 of CP11/27, Quarterly consultation (No 31)

*Employers Liability Insurance: Disclosure by Insurers (No 2) Instrument 2012 (FSA 2012/17)*

### Insurance: Conduct of Business sourcebook (ICOBS)

- 4.86 In Chapter 4 of CP11/27<sup>15</sup>, we consulted on changes to ICOBS 8.4 (Claims handling – employers’ liability insurers). The consultation comprised proposals on the form and scope of directors’ certificates and reports by auditors for employers’ liability registers (ELRs) and qualifying tracing offices and on the content of ELRs for co-insurance, excess, insurance, claims made and employers’ reference numbers (ERNs).
- 4.87 We received 18 responses.

### *Directors’ certificates on ELRs*

- 4.88 Respondents agreed that directors should be able to regard material compliance as sufficient to enable them to provide an unqualified certificate. However, most challenged the proposed definition of materiality and suggested a threshold lower than 99% in the first few years, moving to 99% in the longer term.
- 4.89 Some respondents indicated that directors were likely to qualify their certificates initially because of difficulties experienced in obtaining information from employers and intermediaries and that it would be difficult to estimate the proportion of policies that were missing or incorrect.

<sup>15</sup> CP11/27, *Quarterly consultation (No 31)*, (December 2011).

- 4.90 Respondents suggested that directors' certificates should be submitted to us within four months of the date of the ELR to which they relate, rather than within three months to allow more time for the first certificate and to enable them to certify ELRs at the calendar year end after financial reporting is completed.
- 4.91 Respondents disagreed with our proposal to make directors' certificates available on request to claimants and other persons needing to be aware of the level of accuracy and completeness of the ELR. They proposed that they should be available just to us and qualifying tracing offices subject to appropriate confidentiality agreements being in place.
- 4.92 Respondents agreed with our proposal for a transitional provision under which firms will be deemed not to be in breach if the reason for non-compliance is the inability to obtain information from third parties outside of their control provided they have used, and continue to use, best endeavours to obtain such information. Some suggested that a transitional period of more than one year would be appropriate. Others suggested that they would refuse cover if an employer did not provide the required information.

### Our response

We consider that a materiality threshold of 99% is needed to establish and maintain effective tracing. A threshold of 95% suggested by some respondents would indicate that an acceptable level of tracing success could be achievable if 1 in 20 ELR entries were missing or incorrect. We do not consider this to be so. Directors are required to certify material compliance 'to the best of their knowledge'. This may be achievable by obtaining confirmation from policyholders and intermediaries that the information they supply to the insurer is accurate and complete. Therefore, we have made rules in respect of the definition of materiality and the form and scope of the unqualified directors' certificates as proposed.

If an insurer is unable to obtain an unqualified certificate from a director, then a qualified director's certificate is required explaining the material non-compliance and what is being done to rectify it. The purpose of the estimates of proportions compliant in qualified certificates is to measure the level of compliance of individual insurers over time and may be based on corresponding estimates obtained from intermediaries where applicable. Therefore, we have made rules in respect of the form and scope of qualified directors' certificates as proposed.

We proposed a transitional period during which, if the only reason for non-compliance is the difficulty in obtaining information from policyholders and intermediaries outside of the insurers control and the insurer uses best endeavours to obtain information, the insurer will not be in breach of the rules requiring them to put accurate and complete information onto the register. Consequently, no sanctions will be applied in respect of non-compliance with those underlying rules. However, the director must still base his or her certificate on the actual

level of non-compliance with the underlying rules as if the transitional relief described above did not apply. This is because we recognise that whilst it would be unfair to consider firms in breach of a provision where they had very limited control over compliance, we are still interested in the actual level of inaccuracy or incompleteness of the register from a supervisory point of view, so that we can address with firms any material shortfalls.

We have introduced a transitional provision for one year for ELRs up to and including that dated 1 April 2013 as proposed, rather than for a longer period, to maintain the incentive for firms to comply with our requirements as soon as practicable, while avoiding setting requirements that are unachievable by most firms. We have clarified that best endeavours used by firms to be deemed to be compliant exclude refusing an employer cover solely because it does not supply tracing information requested.

We have amended our proposals to require directors' certificates to be submitted to us within four months of the date of the ELR to which they relate. We have also amended the required availability of directors' certificates so that, in addition to ourselves, they are only made available to qualifying tracing offices that insurers use or to which they provide information to enable the tracing office to provide a comprehensive tracing service, provided the tracing office has agreed with the firm not to disclose confidential information in the certificate to third parties.

For directors' certificates on ELRs as at 1 April 2012, firms have the option of applying the rules that were in place prior to 1 April 2012 when those ELRs were being compiled. Directors' certificates and reports by auditors on ELRs as at 1 April 2012 are required by 1 August 2012 rather than 1 July 2012, recognising that more time is needed following the recently completed consultation.

The exclusion from best endeavours of refusing cover solely because an employer does not provide tracing information is intended to avoid undue market disturbance.

The four-month period for submitting certificates to us is expected to avoid additional costs by allowing firms time to provide the first certificate using firm's processes for monitoring compliance and reporting to management, without a material impact on the benefits of our policy. For subsequent certificates, the four-month period allows firms the option of certifying ELRs at calendar year end in line with most insurers accounting years, and enabling them to provide certification after meeting our financial reporting requirements.

The more restricted availability of directors' certificates and the requirement for the tracing office to agree with the firm not to disclose confidential information in the certificate to third parties is expected to improve the benefits of the information provided, as insurers are likely to include more information than they would if certificates were more widely available. Claimants and others persons needing to be aware of the level of accuracy and awareness of ELRs are able to utilise more general information about the accuracy and completeness of ELRs to help decide whether to make subsequent searches if they are initially unsuccessful, so should not incur increased costs as a result of this change.

*Reports by auditors on ELRs*

- 4.93** While some respondents agreed with our proposal that, in the long term, independent assurance reports should be prepared on a limited assurance basis, several respondents were strongly of the view that AUP would be more cost effective in the longer term than limited assurance. Respondents said that the scope of limited assurance needed to be clearer as this would have a significant effect on the procedures applied by the auditor. They also preferred AUP to qualified limited assurance opinions if many directors provided qualified certificates at any one time.
- 4.94** Respondents largely agreed with our proposals for the FSA framework for determining procedures under AUP. Some suggested that the scope needed to be clearer, as with limited assurance, and that the sampling benchmark should be more proportionate for small homogeneous sets of policies.
- 4.95** Respondents agreed with our proposal for reports by auditors to be submitted to us at the same time as directors' certificates and that they should be available to qualifying tracing offices, although some expressed concerns about confidentiality. As with directors' certificates, they suggested that reports by auditors should be submitted to us at least four months after the date of the ELR, rather than within three months.
- 4.96** Respondents agreed with our proposals for auditors to satisfy the relevant requirements of the Supervision manual (SUP) but suggested the Employers Liability Tracing Office (ELTO) or internal audit departments may provide more costs effective and consistent independent reports on ELRs if they are sufficiently well qualified and independent.

**Our response**

We have retained our longer term requirement for independent limited assurance of ELRs by auditors as we consider this to be the most cost effective support for our supervision of insurers' ELRs, and, therefore, for promoting the benefits of improved tracing when insurers are able to obtain unqualified directors' certificates.

We have narrowed the scope of the reports by auditors to the accurate and complete extraction of the ELR from underlying records. Responsibility for the overall accuracy and completeness of the insurer's ELR and its underlying records rests with the insurer. The auditor's opinion under limited assurance has been amended to align with the revised scope. We have removed the section which states our expectations of a limited assurance engagement as it is for the auditor to decide the procedures necessary to provide his limited assurance opinion. Under AUP, the procedures applied must comply with the FSA framework. The sampling benchmark formula in the FSA framework has been extended to smaller homogenous sets of policies with a minimum sample size of 10. The scope has also been clarified by removing reference to systems and controls.



We have permitted the use of AUP for the next two reports following the report due by 1 August 2012 (ie the reports due in the years until 1 August 2014) if the director's certificate is qualified as well as allowing AUP to be used, as proposed, for all firms' ELRs at 1 April 2012 (regardless of whether the directors certificate is qualified or not). This will help firms avoid differences in cost from obtaining a limited assurance opinion which may add little benefit during a period when many firms are not expected to be able obtain an unqualified directors' certificate.

We have retained our current rules for auditors to satisfy the relevant requirements of SUP.

In the CP, we estimated that a limited assurance engagement would cost on average £21,000 per annum per firm amounting to £4.9m with all firms with actual or potential liability. This was based on our estimate that limited assurance in subsequent years would cost a similar amount to AUP under the FSA framework in the first year.

We have revised our estimates of the costs of AUP and limited assurance using information from respondents to the consultation. Our estimates take into account an update in the number of firms with actual or potential liability, the distribution of firms' ELRs by number of policies required to be included, the split of new and historical policies, the difference in costs according to size of ELR and the costs under the reduced scope of AUP and limited assurance. We estimate AUP to cost on average £19,300 per firm and limited assurance to cost £21,000. This implies total annual costs of £4.2m and £4.6m respectively for the 217 firms with actual or potential liability.

The assumptions used are audit costs of £10,000 for small ELRs for both AUP and limited assurance, audit costs for limited assurance of medium-sized ELRs of £20,000 per firm as compared with £10,000 for AUP and audit costs of £40,000 for limited assurance of large ELRs compared with £50,000 for AUP. Insurers' staff costs are assumed to be one-sixth of audit costs. For large firms, limited assurance is assumed to be less expensive than AUP as it likely to be conducted using a controls approach to assurance rather than relatively large samples for AUP under the FSA framework. The costs of limited assurance have been estimated on the basis of providing 95% confidence that error rate in ELRs is 1% or less. For the purposes of the estimate, a small ELR is one with up to 500 entries, including less than 200 historical policies; a medium-sized ELR is one with ELRs or more than 500 entries in total or more than 200 historical policies and less than 10,000 entries in total. A large ELR is one with more than 10,000 entries. Actual costs for individual firms will differ from the averages we have used in our calculations. Historical policies are those providing cover before 1 April 2011 which are required to be included because claims have been made on or after 1 April 2011.

Over a period of several years, insurers' ELR audit costs will grow as additional policies are entered. Assuming that eventually all small ELRs become medium-sized and all medium-sized ELRs become large, the estimated annual costs for the 217 firms would become £7.3m for AUP and £7.3m for limited assurance.

In summary, our updated estimates are similar in scale to the ones in CP11/27. The narrowing of the scope of the reports by auditors has reduced costs. FSA supervisors will use directors' certificates, audit reports and other intelligence to identify whether any risks to successful tracing arise from weaknesses in systems and controls, ensuring that benefits from audits are not reduced because of their narrower scope.

Removal of the section which states our expectations of a limited assurance, should not materially change the costs and benefits of our policy because auditors will exercise appropriate professional judgement to decide the procedures necessary to provide a limited assurance opinion, which we will keep under review through our supervisory work.

Extending the period during which AUP may be used will help to contain costs while directors' certificates remain qualified. The amendment to minimum sample size for smaller homogeneous sets of policies will enable the audit to be better tailored to the circumstances of small firms. However, supervisors will keep sample sizes used in audits under review to ensure that they are appropriate in individual cases.

In the longer term, we estimate that the costs of AUP and limited assurance will remain of a similar order overall. The detailed information provided by AUP reports under the FSA Framework is expected to provide useful support to our supervision during this transitional period while our attention is focused on firms improving the accuracy and completeness of their ELRs. Limited assurance is expected to provide an appropriate complement to our supervision in the longer term and to enable assurance procedures to be tailored to individual firms' ELRs as they grow, helping to secure the benefits of improved tracing.

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### *Qualifying tracing offices*

- 4.97 Respondents agreed with our proposal that the independent assurance report for qualifying tracing offices should be prepared on the basis of the auditor providing the 'reasonable assurance' opinion stated. We have made our rules as proposed.

### *Modifications by consent on co-insurance and excess insurance*

- 4.98 Respondents agreed with our proposals to incorporate the current modifications by consent regarding co-insurance and excess in our rules and guidance. We have made our rules as proposed.

### *Definition of 'claims made'*

- 4.99 Respondents generally supported our proposal for a consistent definition of 'claims made' and a transitional period of one year to allow time for firms to adapt their processes.

However, they disagreed with our proposal that a claim should be regarded as made for tracing purposes if the insurer has not established coverage within three months of receipt.

### Our response

We have amended the proposed definition to recognise that an insurer may not always be able to establish that it provided cover with certainty and may on occasion accept coverage on the balance of probabilities. Secondly, we have amended the proposed definition recognising that it may not be possible to establish or accept that it provided cover within three months of being notified of a potential claim.

Under the transitional provision, claims outstanding at 1 April 2011 may continue to be regarded as 'made' when settled. For claims outstanding on 1 April 2013, the current definition of 'claims made' applied by firms may continue to be applied.

From the additional information provided by firms in response to the consultation, it is clear that a strict limit of three months from receipt of a claim to when a claim is 'made' for tracing purposes can in some cases lead to unreliable information on ELRs and a reduction in tracing success. Under our amended requirement firms are expected to use reasonable endeavours to establish within a three-month period whether a claim is made while allowing a period longer than three months when needed, although in such a case a firm is required to establish whether it provided cover as soon as reasonably practicable after that initial three-month period.

This is expected to result in a net improvement in the effectiveness of ELRs for tracing insurers.

### *Employers' reference numbers (ERNs)*

- 4.100** Although respondents agreed in principle with our proposal for all ERNs of companies covered to be included in ELRs in principle, they were concerned about its cost-effectiveness given the systems changes needed where electronic trading platforms were used. Some argued that multiple ERNs arise infrequently and typically arise for large companies. They suggested that insurers of such companies can be effectively traced through their names so the benefits of including multiple ERNs may not be proportionate to the costs of changing systems. Others argued that there is often a direct relationship with large employers and that multiple ERNs for such employers can be captured relatively easily.

### Our response

We have amended our proposal to require multiple ERNs for individual employers to be included if it is practicable to do so. If not, the ERN applying to the greatest number of employees for that employer is required. This does not change the requirement for an ERN to be included for each subsidiary covered in a group. The proposed transitional period is no longer needed as insurers are already required to include at least a single ERN for an employer that has one.

Our amended requirement recognises that it may be disproportionate to require multiple ERNs to be included in some circumstances, eg when electronic trading platforms are used, while requiring their inclusion where it is practicable to do so. This is expected to result in a net improvement in cost effectiveness and tracing success, without undue costs arising.

## Cost benefit analysis and compatibility statement

- 4.101 These changes do not affect the validity of the cost benefit analysis published in CP11/27, but we have indicated in our responses above how specific amendments lead us to alter our estimate of costs and analysis of benefits in these specific cases. These amendments to our proposals do not affect the compatibility statement.

## Equality and diversity issues

- 4.102 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.
- 4.103 The full list of changes to the Handbook made by this instrument is set out at paragraphs 2.29 to 2.32 of this Notice.

## Chapters 8, 10 and 11 of CP12/3, Regulatory fees and levies: Rates proposals 2012/13

*Fees Provisions (2012/2013) Instrument 2012 (FSA 2012/12)*

**Fees manual (FEES)**

**Supervision manual (SUP)**

**4.104** This section presents feedback on two proposals for FSA fees policy and one for the Financial Services Compensation Scheme (FSCS) where the consultation period ended on 29 February 2012:

- FSA periodic fees for other bodies – recognised investment exchanges, recognised clearing houses and the Law Society for England and Wales – these firms pay their periodic fees in two instalments (April and September);
- FSA regulatory reporting rules – proposal to amend the fees section of the Retail Mediation Activities Return (RMAR) to allow firms to report their annual regulated income as the tariff-base for certain fee blocks; and
- FSCS – setting the management expenses levy limit (MELL) for 2012/13.

*Periodic fees for other bodies – recognised investment exchanges, recognised clearing houses and the Law Society for England and Wales*

**4.105** In Chapter 8 of CP12/3 we set out our proposed 2012/13 periodic fees for fee payers other than authorised firms, which include:

- recognised investment exchanges (RIEs) and recognised clearing houses (RCHs) (which we refer to in the remainder of this section as UK Recognised Bodies); and
- designated professional bodies (DPBs).

**4.106** Periodic fees for UK Recognised Bodies and DPBs are set at an individual entity level. Where their previous year's fee was £50,000 or more, they pay 50% of the previous year's fee by 30 April 2012 and the balance of the forthcoming year's fee by 1 September 2012. All UK Recognised Bodies and the Law Society for England and Wales (as a DPB) pay their fees in two instalments in this way. As part of our annual fees cycle, we finalise the first instalment of periodic fees payable by these bodies in March so that we can collect this revenue at the start of our financial year. Consultation on the April instalment ended on 29 February 2012. Consultation on the second instalment and the full fees for 2012/13 ends on 2 April 2012.

**4.107** We asked:

*Q2: Do you have any comments on the proposed FSA 2012/13 minimum fees and periodic rates for fee-payers other than authorised firms?*

**4.108** No issues were raised on these first instalments, so we have implemented these proposals unchanged.

**4.109** Eight RIEs and RCHs responded by 29 February 2012 on the total proposed periodic fees for 2012/13. We have taken note of the responses received so far and will include these

with any further responses we receive up to 2 April 2012. When we are setting the final full 2012/13 periodic fee in May we will take account of all responses received and feedback to the industry in the May consolidated fees policy statement.

### *Amendments to fees section of the RMAR*

**4.110** We proposed amending Part J of the RMAR to allow most firms in fee-blocks A.12 and A.13 to report income data to us relating to the regulated activities they undertake in these fee-blocks. This is not part of the fees manual, but comes under the regulatory processes manual (SUP 16, Annexes 18A and 18B).<sup>16</sup> Although the RMAR is completed only by firms in fee-blocks A.12 and A.13, the guidance applies equally to fee-block A.14.

**4.111** We asked:

*Q7: Do you agree with our proposed amendments to Part J of the Retail Mediation Activities Return (RMAR) to allow firms to report their regulated income?*

**4.112** We received no comments on this question and so we are proceeding as proposed. As discussed in paragraphs 2.9 to 2.11 this will facilitate undertaking an impact assessment on our proposals to move to an income measure for fees purposes.

### *FSCS Management Expenses Levy Limit 2012/13*

**4.113** In Chapter 11 of CP12/03 we proposed setting the FSCS management expenses levy limit (the MELL) at £1billion for 2012/13 and set out an indicative breakdown of this figure. The management expenses of the FSCS are the non-compensation costs that are incurred, or expected to be incurred, by the FSCS in the exercise of its functions. This includes for example its day-to-day running costs and specific deposit-taking default (SDD) expenses.<sup>17</sup> It is separate from the compensation levy, which is not consulted on and forms the main component of the FSCS levy on firms.

**4.114** We consulted on a MELL for 2012/13 that included £65.2m for FSCS management expenses, illustrative costs of £376.1m for the SDD expenses, allowing for a contingency reserve of £558.7m, primarily to allow for any increase in the SDD interest costs.

**4.115** We asked:

*Q10: Do you have any comments on the proposed 2012/13 FSCS management expenses levy limit figure?*

<sup>16</sup> Please note that we drafted these RMAR-J amendments to take account of some minor textual changes to the RMAR-J guidance which we had proposed in our December 2011 Quarterly Consultation Paper (CP11/27) among other adjustments to SUP. The other SUP proposals will be put to the Board in June but, to clarify the drafting, we are including the relevant RMAR-J amendments in this instrument.

<sup>17</sup> The SDD expenses relate to the interest and other costs arising from the loans provided initially by the Bank of England, which were then subsequently refinanced by HM Treasury, to the FSCS to fund the compensation relating to the 2008 bank failures.

**4.116** We had one response to the proposal to set the MELL at £1bn. The respondent was concerned about the level of the contingency reserve which can be levied on firms without further consultation and about the scope of the FSCS funding sub-classes.

*Our response:*

**4.117** Having considered the response received, we have decided to set the limit on the FSCS's management expenses levy for 2012/13 at £1bn as consulted on.

**4.118** However, as noted in the CP, the arrangements for the SDD loans were under review and the ongoing terms for 2012/13 were still to be agreed with the Treasury. We consulted using an illustrative cost based on the interest rate applied in 2011/12, which was subject to change.

**4.119** The FSCS and the Treasury have now agreed the interest to be applied from 1 April 2012. From 1 April 2012, the interest on the loans will increase from 12-month LIBOR<sup>18</sup> plus 30bp to 12-month LIBOR plus 100bp. This rate will be subject to a floor equal to the Treasury's own cost of borrowing as represented by gilt rate for borrowing of an equivalent duration. At the new rate, the estimated SDD expenses will be £510m, an increase of £133.9m (though this may change depending on changes in the interest rate).

**4.120** To reflect this increase, the reserve contingency within the MELL has reduced by £133.9m. The table below sets out the revised breakdown of the MELL for 2012/13.

FSCS management expenses	2012/13 consultation figures £m	2012/13 revised figures £m
Total expenses excluding SDD expenses	65.2	65.2
SDD expenses	376.1	510
Total scheme management expenses	441.3	575.2
Reserve contingency within MELL	558.7	424.8
<b>MELL</b>	<b>1,000.0</b>	<b>1,000.0</b>

**4.121** Given the uncertainties in the current financial climate we believe that it is prudent to include a reserve contingency to accommodate for some interest rate changes, in line with prior years.

**4.122** The need to use the reserve will be kept under review by the FSCS and further discussion with relevant parties will take place prior to the FSCS raising any additional levy to fund its reserves.

<sup>18</sup> London Interbank Offered Rate

- 4.123 We are in the process of reviewing the funding model of the FSCS. We intend to publish our findings in the first half of 2012.

### **Cost benefit analysis and compatibility statement**

- 4.124 Section 155(9) of the Financial Services and Markets Act 2000 (FSMA) exempts us from having to carry out a cost benefit analysis on FSA fees or levies for the Financial Services Ombudsman (FOS) and the Money Advice Service. However, for FSCS, FSMA does require a cost benefit analysis comparing the position if the levy limit is set as proposed with the position if the limit were either not set, or set at a lower amount. This analysis was included in CP12/3 (Annex 1). Section 155(2)(c) of FSMA also requires the FSA, FOS and the Money Advice Service to explain why we believe our proposals are compatible with our general duties under section 2 of FSMA. This is known as a compatibility statement and was also included in CP12/3 (Annex 1) and CP11/21 (Annex1).
- 4.125 The instruments now made by the Board are as described at paragraphs 2.9 to 2.11 of this Notice. The instruments' provisions do not differ from those proposed in Chapters 2, 4, 5 and 6 of CP11/21 or Chapters 8,10 and 11 of CP12/03. Therefore, the cost benefit analysis and compatibility statement we published in those consultation papers are not altered.

### **Equality and diversity issues**

- 4.126 We continue to believe that these changes do not give rise to discrimination and are of low relevance on the equality agenda. We received no comments during consultation on any equality issues that respondents could foresee.
- 4.127 The full list of changes to the Handbook made by this instrument is set out at paragraphs 2.9 to 2.11 of this Notice.



## Annex A

### List of new instruments and addenda

(See also descriptions within Annex E)

#### Instruments made or approved by the Board on 21 March 2012

Title of instrument	CP	Modules affected	No. of instrument	Changes effective
Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2012	11/18 (Ch 6)	Glossary, <b>COLL</b>	FSA 2012/19	22.3.12
Handbook Administration (No 25) Instrument 2012	-	Glossary, SYSC, COBS, <b>SUP</b> , DISP, REC, LR, PERG	FSA 2012/11	22.3.12 1.4.12 1.10.12 31.12.12
Credit Unions (Northern Ireland) Instrument 2012	11/17	Glossary, FEES, MIPRU, SUP, DEPP, COMP, <b>CREDS</b>	FSA 2012/18	31.3.12
Fees Provisions (2012/2013) Instrument 2012	12/3	<b>FEES</b>	FSA 2012/12	1.4.12
Fees (Miscellaneous Amendments) (No 4) Instrument 2012	11/21	Glossary, <b>FEES</b> , SUP, RCB	FSA 2012/13	1.4.12
Liquidity Standards (Miscellaneous Amendments No 5) Instrument 2012	11/27 (Ch 2)	<b>BIPRU</b>	FSA 2012/14	1.4.12
Employers' Liability Insurance: Disclosure by Insurers (No 2) Instrument 2012	11/27 (Ch 4)	<b>ICOBS</b>	FSA 2012/17	1.4.12
Conduct of Business Sourcebook (Contracting Out) Instrument 2012	11/27 (Ch 3)	Glossary, <b>COBS</b> , SUP	FSA 2012/16	6.4.12
Retail Distribution Review (Adviser Charging No 5) Instrument 2012	11/25	<b>COBS</b> , SUP	FSA 2012/15	31.12.12

Column 2 ("CP") shows the number of the corresponding consultation paper, where relevant.

Where the acronym of a module in Column 3 appears in **bold**, that module is the main one affected by the instrument shown, and changes made by that instrument are described in Chapter 2 or 3 under that module heading.

## Table of Handbook modules showing amending instruments

1. The first of the tables in this Annex lists the modules which make up the Handbook and the instruments by which they were made or amended, together with the date (in italics) on which each module was first commenced (in whole or in part), the date of each instrument which amended it and the number of the Handbook Notice which described the making or amendment. The subsequent tables list instruments making material which lies outside the Handbook.
2. For detailed information on dates in force, see the legal instruments by which the text was made or amended. The date on which each paragraph of the Handbook (or, where relevant, its latest amendment) came into force appears in the consolidated text of the Handbook in the margin of the text beneath the status letter for the paragraph.
3. An asterisk \* in this table beside the reference code for a module (or the heading of a table, for provisions outside the Handbook) shows that the Board made a change to that module at its last meeting.
4. The three columns on the right-hand side of this table show the FSA instrument number, the date the instrument was made and the number of the Handbook Notice ("HN") in which details of the instrument were first published.
5. This Annex reference only shows instruments made from 1 January 2008 onwards. We can however supply by email lists, for each Handbook module, of all instruments made *before* 31 December 2007. Requests, which should specify the relevant module(s), should be sent by email to [nick.walker@fsa.gov.uk](mailto:nick.walker@fsa.gov.uk) or [mel.purdie@fsa.gov.uk](mailto:mel.purdie@fsa.gov.uk) and copied to [roslyn.anderson@fsa.gov.uk](mailto:roslyn.anderson@fsa.gov.uk)

## Handbook instruments made after 1 January 2008

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN

<b>*GLOSSARY</b>			
<i>First brought into force</i>	-	21.6.01	-
Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
Collective Investment Schemes Sourcebook (UCITS Eligible Assets Directive and Other Amendments) Instrument 2008	2008/5	28.2.08	73
Regulated Covered Bonds Sourcebook Instrument 2008	2008/7	6.3.08	74
Regulated Covered Bonds (Related Amendments) Instrument 2008	2008/8	6.3.08	74
General Prudential Sourcebook (Adequacy of Financial Resources) (Amendment) Instrument 2008	2008/12	27.3.08	75
Permitted Links (Amendment No 2) Instrument 2008	2008/16	27.3.08	75
Integrated Regulatory Reporting (Removal of Annual Financial Returns and Reconciliations) Instrument 2008	2008/17	27.3.08	75
Dispute Resolution: Complaints (Simplification (No 2) and other Amendments) Instrument 2008 ( <i>made jointly with FOS as FOS 2008/3</i> )	2008/18	27.3.08	75
Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
Connected Travel Insurance Instrument 2008	2008/24	22.5.08	77
Market Conduct Sourcebook (Amendment No 9) Instrument 2008	2008/25	22.5.08	77
Collective Investment Schemes Sourcebook (Electronic Communications) Instrument 2008 <b>(REVOKED: July 2008)</b>	2008/27	22.5.08	77
Collective Investment Schemes Sourcebook (Property Authorised Investment Funds) Instrument 2008	2008/28	22.5.08	77
Short Selling Instrument 2008	2008/30	12.6.08	78
Disclosure Rules and Transparency Rules Sourcebook (Corporate Governance Rules) Instrument 2008	2008/32	26.6.08	78
Handbook Administration (No 10) Instrument 2008	2008/33	24.7.08	79
Glossary Amendment (Biofuels and Biomass) Instrument 2008	2008/34	24.7.08	79
Disclosure Documents (Amendment) Instrument 2008	2008/35	24.7.08	79
Supervision Manual (Controlled Functions) (Amendment) Instrument 2008	2008/37	24.7.08	79
Short Selling (No 2) Instrument 2008	2008/50	18.9.08	81
Short Selling (No 3) Instrument 2008	2008/51	23.9.08	81
Companies Act 2006 (Consequential Handbook Amendments No 2) Instrument 2008	2008/41	25.9.08	81
Client Assets Sourcebook (Common Platform Provisions) Instrument 2008	2008/45	25.9.08	81
Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08	82
Glossary Amendment (Definition of Preference Share) Instrument 2008	2008/56	29.10.08	82
Financial Services Compensation Scheme (Amendment of Tariff Measures and Other Levy Rules) Instrument 2008	2008/57	29.10.08	82
Prudential Categories (Amendment) Instrument 2008	2008/65	4.12.08	83
Prudential Requirements for Insurers (Amendment No 3) Instrument 2008	2008/66	4.12.08	83
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment) Instrument 2008	2008/68	4.12.08	83
Listing Rules (Sponsors) (Amendment) Instrument 2008	2008/70	4.12.08	83
Short Selling (No 5) Instrument 2009	2009/1	14.1.09	84
Collective Investment Schemes Sourcebook (Electronic Communications) Instrument 2009	2009/5	22.1.09	84
Supervision Manual (Passporting and Reinsurance) (Amendment) Instrument 2009	2009/9	26.2.09	85
Trading Plan Instrument 2009	2009/12	26.2.09	85
Payment Services Instrument 2009	2009/14	26.3.09	86
Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09	86
Supervision Manual (Controllers) (Amendment) Instrument 2009	2009/20	26.3.09	86
Handbook Administration (No 13) Instrument 2009	2009/22	23.4.09	87
Fees (Payment Services) Instrument 2009	2009/23	23.4.09	87
Banking: Conduct of Business Sourcebook Instrument 2009	2009/24	23.4.09	87
Periodic Fees (2009/2010) and Other Fees Instrument 2009	2009/27	28.5.09	88
Fees (Payment Services) (No 2) Instrument 2009	2009/28	28.5.09	88
Compensation Sourcebook (Deposit Guarantee Schemes Directive Amendments) Instrument 2009	2009/29	28.5.09	88
Recognised Investment Exchanges and Recognised Clearing Houses Sourcebook (Amendments to	2009/30	28.5.09	88

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
	Recognition Requirements) Instrument 2009		
	Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )	2009/36	1.7.09 90
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09 90
	Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09 90
	Supervision Manual (Controlled Functions) (Amendment No 2) Instrument 2009	2009/42	23.7.09 90
	Collective Investment Schemes Sourcebook (Single Sub-fund Umbrellas) Instrument 2009	2009/44	23.7.09 90
	Financial Services Compensation Scheme (Banking Compensation Reform) Instrument 2009	2009/47	23.7.09 90
	Senior Management Arrangements, Systems and Controls (Remuneration Code) Instrument 2009	2009/48	11.8.09 91
	Payment Services (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009 ( <i>instrument made by FOS</i> )	FOS 2009/4	16.9.09 92
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09 92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09 92
	Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009	2009/52	24.9.09 92
	Listing Rules Sourcebook (Amendment No 3) Instrument 2009	2009/54	24.9.09 92
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) Instrument 2009	2009/55	30.9.09 93
	Supervision Manual (Integrated Regulatory Reporting of Liquidity for Banks, Building Societies and Investment Firms) Instrument 2009	2009/56	30.9.09 93
	Payment Services (Gibraltar-based Firms) Instrument 2009 ( <i>instrument made jointly with FOS as FOS 2009/5</i> )	2009/57	5.11.09 94
	Approved Reinsurance to Close Instrument 2009	2009/61	5.11.09 94
	Capital Resources and Professional Indemnity Insurance Requirements for Personal Investment Firms Instrument 2009	2009/62	5.11.09 94
	Financial Services Compensation Scheme (Single Customer View Supervision and other Amendments) Instrument 2009	2009/66	5.11.09 94
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009	2009/68	27.11.09 95
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09 95
	Prudential Requirements (Stress Testing) Instrument 2009	2009/72	10.12.09 95
	Sale and Rent Back Instrument 2010	2010/1	28.1.10 96
	Dispute Resolution: Complaints (Publication of Complaints Data) Instrument 2010	2010/2	28.1.10 96
	Collective Investment Schemes Sourcebook (Accounting Amendments) Instrument 2010	2010/3	28.1.10 96
	Funds of Alternative Investment Funds Instrument 2010	2010/5	25.2.10 97
	Alternative Finance Investment Bonds Instrument 2010	2010/6	25.2.10 97
	Listing Rules Sourcebook (Amendment No 4) Instrument 2010	2010/7	25.2.10 97
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10 98
	Building Societies Sourcebook Instrument 2010	2010/11	25.3.10 98
	Retail Distribution Review (Adviser Charging) Instrument 2010	2010/12	25.3.10 98
	Periodic Fees (2010/2011) and Other Fees Instrument 2010	2010/15	27.5.10 100
	Fees (CFEB Levy) Instrument 2010	2010/16	27.5.10 100
	Handbook Administration (No 18) Instrument 2010	2010/19	24.6.10 101
	Retail Distribution Review (Corporate Pensions) Instrument 2010	2010/21	24.6.10 101
	Financial Stability and Market Confidence Sourcebook Instrument 2010	2010/25	22.7.10 102
	Enforcement Powers (Financial Services Act 2010) Instrument 2010	2010/26	22.7.10 102
	Financial Services Compensation Scheme (Financial Services Act 2010) Instrument 2010	2010/27	22.7.10 102
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10 102
	Capital Requirements Directive (Handbook Amendments) Instrument 2010	2010/29	22.7.10 102
	UK Corporate Governance Code (Handbook Amendments) Instrument 2010	2010/39	22.7.10 102
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10 103
	Capital Requirements Directive (Large Exposures) Instrument 2010	2010/41	23.9.10 103
	Prudential Requirements (Capital Planning Buffer) Instrument 2010	2010/42	23.9.10 103
	Liquidity Standards (Miscellaneous Amendments) Instrument 2010	2010/43	23.9.10 103
	Financial Services Compensation Scheme (Financial Services Act 2010) (No 2) Instrument 2010	2010/45	23.9.10 103

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
Retail Distribution Review (Pure Protection) Instrument 2010		2010/46	23.9.10 103
Controlled Functions (Amendment) Instrument 2010		2010/48	23.9.10 103
Disclosure Rules and Transparency Rules Sourcebook (Amendment No 4) Instrument 2010		2010/51	23.9.10 103
Client Assets Sourcebook (Enhancement) Instrument 2010		2010/52	13.10.10 104
Public Awareness Objective (Financial Services Act 2010) Instrument 2010		2010/53	10.11.10 104
Conduct of Business Sourcebook (Abolition of Contracting Out for Defined Contribution Schemes) Instrument 2010		2010/58	10.11.10 104
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) Instrument 2010 ( <i>made jointly with FOS as FOS 2010/3</i> )		2010/63	16.12.10 105
Retail Distribution Review (Training and Competence) Instrument 2011		2011/5	19.1.11 106
Fees (Electronic Money Application Fees) Instrument 2011		2011/6	9.2.11 107
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11 107
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment No 2) Instrument 2011		2011/10	24.2.11 107
Banking: Conduct of Business Sourcebook (Amendment No 2) Instrument 2011		2011/13	24.2.11 107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11 108
Controlled Functions (Amendment No 2) Instrument 2011		2011/15	24.3.11 108
Liquidity Standards (Miscellaneous Amendments No 2) Instrument 2011		2011/18	24.3.11 108
Pensions (Annuitisation and Income Withdrawals Rules) (Amendment) Instrument 2011		2011/19	24.3.11 108
Child Trust Funds (Amendment) Instrument 2011		2011/20	24.3.11 108
Supervision Manual (Auditor's Client Assets Report) (Amendment) Instrument 2011		2011/21	24.3.11 108
Permitted Links (Amendment No 3) Instrument 2011		2011/24	28.4.11 109
Periodic Fees (2011/2012) and Other Fees Instrument 2011		2011/28	26.5.11 110
Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011		2011/30	26.5.11 110
Listing Rules Sourcebook (Amendment No 7) Instrument 2011		2011/32	26.5.11 110
Dispute Resolution: Complaints (Amendment No 3) Instrument 2011 ( <i>made jointly with FOS as FOS 2011/3</i> )		2011/33	26.5.11 110
Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) (No 2) Instrument 2011 ( <i>made jointly with FOS as FOS 2011/4</i> )		2011/36	23.6.11 111
Retail Distribution Review (Holloway Sickness Policies) Instrument 2011		2011/37	23.6.11 111
Money Market Funds Instrument 2011		2011/38	23.6.11 111
UCITS IV Directive Instrument 2011		2011/39	28.7.11 112
Glossary Amendment (Definition of Holloway Sickness Policy) Instrument 2011		2011/40	28.7.11 112
Consumer Redress Schemes Instrument 2011 ( <i>made jointly with FOS as FOS 2011/5</i> )		2011/46	28.7.11 112
Retail Distribution Review (Platforms) Instrument 2011		2011/47	28.7.11 112
Handbook Administration (No 23) Instrument 2011		2011/48	22.9.11 113
Training and Competence Sourcebook (Accredited Bodies and Qualifications Amendments No 2) Instrument 2011		2011/50	22.9.11 113
Liquidity Standards (Miscellaneous Amendments No 3) Instrument 2011		2011/52	22.9.11 113
Senior Management Arrangements, Systems and Controls (Remuneration Code) (No 4) Instrument 2011		2011/62	2.11.11 114
Capital Instruments (Notification) Instrument 2011		2011/63	2.11.11 114
Capital Requirements Directive (Handbook Amendments No 4) Instrument 2011		2011/66	2.11.11 114
Retail Distribution Review (Key Features Illustrations) Instrument 2011		2011/55	22.9.11 115
Retail Distribution Review (Retail Mediation Activities Return & Complaints Data) Instrument 2011		2011/58	22.9.11 115
Handbook Administration (No 24) Instrument 2011		2011/67	8.12.11 115
Professional Firms (Amendment) instrument 2011		2011/70	8.12.11 115
Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011		2011/72	8.12.11 115
Regulated Covered Bond Sourcebook (Amendment No 2) Instrument 2011		2011/73	8.12.11 115
Financial Crime Guide Instrument 2011		2011/74	8.12.11 115
Collective Investment Schemes Sourcebook (ICVC Sub-Funds) Instrument 2011		2011/76	21.12.11 116
Recognised Auction Platforms Instrument 2011		2011/77	21.12.11 116
Training and Competence Sourcebook (Accredited Bodies Amendment) Instrument 2012		2012/1	19.1.12 116
Glossary Amendment (Definition of Settlement Decision Makers) Instrument 2012		2012/2	19.1.12 116

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
	Liquidity Standards (Miscellaneous Amendments No 4) Instrument 2012	2012/4	19.1.12 116
	Handbook Administration (No 25) Instrument 2012	2012/11	21.3.12 118
	Fees (Miscellaneous Amendments) (No 4) Instrument 2012	2012/13	21.3.12 118
	Conduct of Business Sourcebook (Contracting Out) Instrument 2012	2012/16	21.3.12 118
	Credit Unions (Northern Ireland) Instrument 2012	2012/18	21.3.12 118
	Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2012	2012/19	21.3.12 118

## HIGH LEVEL STANDARDS

PRIN	The Principles for Businesses		
	<i>First brought into force</i>	-	1.12.01 -
	Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08 82
	Payment Services Instrument 2009	2009/14	26.3.09 86
	Banking: Conduct of Business Sourcebook Instrument 2009	2009/24	23.4.09 87
	Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09 90
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09 92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10 102
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10 105
	Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )	2011/7	9.2.11 107

*SYSC	Senior Management Arrangements, Systems and Controls		
	<i>First brought into force</i>	-	1.12.01 -
	Conduct of Business Sourcebook (Recording of Telephone Conversations and Electronic Communications) Instrument 2008	2008/6	28.2.08 73
	Handbook Administration (No 10) Instrument 2008	2008/33	24.7.08 79
	Supervision Manual (Controlled Functions) (Amendment) Instrument 2008	2008/37	24.7.08 79
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08 81
	Senior Management Arrangements, Systems and Controls (Amendment No 2) Instrument 2009	2009/7	26.2.09 85
	Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09 86
	Handbook Administration (No 13) Instrument 2009	2009/22	23.4.09 87
	Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )	2009/36	1.7.09 90
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09 90
	Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09 90
	Senior Management Arrangements, Systems and Controls (Remuneration Code) Instrument 2009	2009/48	11.8.09 91
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09 92
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) Instrument 2009	2009/55	30.9.09 93
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009	2009/68	27.11.09 95
	Prudential Requirements (Stress Testing) Instrument 2009	2009/72	10.12.09 95
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10 102
	UK Corporate Governance Code (Handbook Amendments) Instrument 2010	2010/39	22.7.10 102
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10 103
	Liquidity Standards (Miscellaneous Amendments) Instrument 2010	2010/43	23.9.10 103
	Controlled Functions (Amendment) Instrument 2010	2010/48	23.9.10 103
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10 105
	Senior Management Arrangements, Systems and Controls (Reverse Stress Testing) (Amendment) Instrument 2010	2010/64	16.12.10 105
	Training and Competence Sourcebook (Qualification Requirements and Time Limits) Instrument 2010	2010/65	16.12.10 105

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
			HN	
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11	107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11	108
Controlled Functions (Amendment No 2) Instrument 2011		2011/15	24.3.11	108
Senior Management Arrangements, Systems and Controls (Remuneration Code) (No 3) Instrument 2011		2011/35	23.6.11	111
UCITS IV Directive Instrument 2011		2011/39	28.7.11	112
Capital Requirements Directive (Handbook Amendments No 3) Instrument 2011		2011/43	28.7.11	112
Senior Management Arrangements, Systems and Controls (Amendment No 3) Instrument 2011		2011/49	22.9.11	113
Senior Management Arrangements, Systems and Controls (Remuneration Code) (No 4) Instrument 2011		2011/62	2.11.11	114
Senior Management Arrangements, Systems and Controls (Financial Conglomerates) (Amendment) Instrument 2011		2011/68	8.12.11	115
Training and Competence Sourcebook (Qualifications Amendments No 3) Instrument 2011		2011/69	8.12.11	115
Handbook Administration (No 25) Instrument 2012		2012/11	21.3.12	118

COND	Threshold Conditions			
<i>First brought into force</i>		-	3.9.01	-
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08	72
Handbook Administration (No 11) Instrument 2008		2008/55	29.10.08	82
Threshold Conditions (Banking Act 2009) Instrument 2009		2009/39	23.7.09	90
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009		2009/50	24.9.09	92
Close Links Reporting Instrument 2009		2009/63	5.11.09	94
Handbook Administration (No 17) Instrument 2010		2010/8	25.3.10	98
Financial Stability and Market Confidence Sourcebook Instrument 2010		2010/25	22.7.10	102
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10	102
Handbook Administration (No 19) Instrument 2010		2010/40	23.9.10	103
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11	107

APER	Statements of Principle and Code of Practice for Approved Persons			
<i>First brought into force</i>		-	1.12.01	-
Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008		2008/40	25.9.08	81
Supervision Manual (Controlled Functions) (Amendment No 2) Instrument 2009		2009/42	23.7.09	90
Handbook Administration (No 18) Instrument 2010		2010/19	24.6.10	101
UK Corporate Governance Code (Handbook Amendments) Instrument 2010		2010/39	22.7.10	102
Controlled Functions (Amendment) Instrument 2010		2010/48	23.9.10	103
Training and Competence Sourcebook (Qualification Requirements and Time Limits) Instrument 2010		2010/65	16.12.10	105
Controlled Functions (Amendment No 2) Instrument 2011		2011/15	24.3.11	108

FIT	The Fit and Proper test for Approved Persons			
<i>First brought into force</i>		-	3.9.01	-
Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008		2008/40	25.9.08	81
Handbook Administration (No 12) Instrument 2009		2009/3	22.1.09	84
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09	87
Handbook Administration (No 19) Instrument 2010		2010/40	23.9.10	103
Controlled Functions (Amendment) Instrument 2010		2010/48	23.9.10	103
Controlled Functions (Amendment No 2) Instrument 2011		2011/15	24.3.11	108

FINMAR	Financial Stability and Market Confidence sourcebook			
<i>First brought into force</i>		-	6.8.10	-
Financial Stability and Market Confidence Sourcebook Instrument 2010		2010/25	22.7.10	102

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Handbook Administration (No 23) Instrument 2011		2011/48	22.9.11 113

TC	Training and Competence		
<i>First brought into force</i>		-	1.12.01 -
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08 72
Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )		2009/36	1.7.09 90
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09 95
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Training and Competence Sourcebook (Qualification Requirements and Time Limits) Instrument 2010		2010/65	16.12.10 105
Retail Distribution Review (Training and Competence) Instrument 2011		2011/5	19.1.11 106
Training and Competence Sourcebook (Qualifications Amendments) Instrument 2011		2011/16	24.3.11 108
Retail Distribution Review (Holloway Sickness Policies) Instrument 2011		2011/37	23.6.11 111
Training and Competence Sourcebook (Accredited Bodies and Qualifications Amendments No 2) Instrument 2011		2011/50	22.9.11 113
Training and Competence Sourcebook (Qualifications Amendments No 3) Instrument 2011		2011/69	8.12.11 115
Training and Competence Sourcebook (Qualifications Amendments No 4) Instrument 2011		2012/8	23.2.12 117

GEN	General Provisions		
<i>First brought into force</i>		-	21.6.01 -
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08 72
Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008		2008/2	24.1.08 72
Companies Act 2006 (Transitional Provisions) Instrument 2008		2008/9	27.3.08 75
Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008		2008/22	22.5.08 77
Disclosure Documents (Amendment) Instrument 2008		2008/35	24.7.08 79
FSA Logo Licence (Amendment) Instrument 2008		2008/39	20.8.08 80
Status Disclosure and FSA Logo Instrument 2008		2008/42	25.9.08 81
Handbook Administration (No 11) Instrument 2008		2008/55	29.10.08 82
Payment Services Instrument 2009		2009/14	26.3.09 86
Handbook Administration (No 14) Instrument 2009		2009/37	23.7.09 90
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09 92
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009		2009/50	24.9.09 92
Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009		2009/52	24.9.09 92
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09 95
Handbook Administration (No 16) Instrument 2009		2009/69	10.12.09 95
Sale and Rent Back Instrument 2010		2010/1	28.1.10 96
Handbook Administration (No 19) Instrument 2010		2010/40	23.9.10 103
Public Awareness Objective (Financial Services Act 2010) Instrument 2010		2010/53	10.11.10 104
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11 107
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment No 2) Instrument 2011		2011/10	24.2.11 107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11 108
UCITS IV Directive Instrument 2011		2011/39	28.7.11 112

*FEES	Fees		
<i>First brought into force</i>		-	1.1.06 -



Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08 72
Fees Provisions (2008/2009) Instrument 2008		2008/10	27.3.08 75
Financial Services Compensation Scheme (Amendment of Fees Provisions) Instrument 2008		2008/11	27.3.08 75
Fees Manual (Financial Ombudsman Service Case Fees 2008/2009) Instrument 2008		FOS 2008/2	5.3.08 75
Dispute Resolution: Complaints (Simplification (No 2) and other Amendments) Instrument 2008 <i>(made jointly with FOS as FOS 2008/3)</i>		2008/18	27.3.08 75
Periodic Fees (2008/2009) and Other Fees Instrument 2008		2008/23	22.5.08 77
Connected Travel Insurance Instrument 2008		2008/24	22.5.08 77
Handbook Administration (No 10) Instrument 2008		2008/33	24.7.08 79
Periodic Fees (Solvency 2) Instrument 2008		2008/43	25.9.08 81
Fees (Transaction Reporting) (Amendment) Instrument 2008		2008/49	25.9.08 81
Financial Services Compensation Scheme (Amendment of Fees Provisions (No 2)) Instrument 2008		2008/52	29.9.08 82
Financial Services Compensation Scheme (Amendment of Fees Provisions (No 3)) Instrument 2008		2008/54	7.10.08 82
Handbook Administration (No 11) Instrument 2008		2008/55	29.10.08 82
Financial Services Compensation Scheme (Amendment of Tariff Measures and Other Levy Rules) Instrument 2008		2008/57	29.10.08 82
Financial Services Compensation Scheme (Amendment of Fees Provisions (No 4)) Instrument 2008		2008/63	29.10.08 82
Fees Manual (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009		FOS 2009/2	13.3.09 86
Fees Provisions (2009/2010) Instrument 2009		2009/15	26.3.09 86
Fees (Miscellaneous Amendments) Instrument 2009		2009/16	26.3.09 86
Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009		2009/18	26.3.09 86
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09 87
Fees (Payment Services) Instrument 2009		2009/23	23.4.09 87
Periodic Fees (2009/2010) and Other Fees Instrument 2009		2009/27	28.5.09 88
Fees (Payment Services) (No 2) Instrument 2009		2009/28	28.5.09 88
Fees (Electronic Payments) Instrument 2009		2009/32	25.6.09 89
Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 <i>(made jointly with FOS as FOS 2009/3)</i>		2009/36	1.7.09 90
Dormant Bank and Building Society Accounts Instrument 2009		2009/38	23.7.09 90
Financial Services Compensation Scheme (Banking Compensation Reform) Instrument 2009		2009/47	23.7.09 90
Payment Services (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009 <i>(instrument made by FOS)</i>		FOS 2009/4	16.9.09 92
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09 92
Financial Services Compensation Scheme (Single Customer View Supervision and other Amendments) Instrument 2009		2009/66	5.11.09 94
Fees (Miscellaneous Amendments) (No 2) Instrument 2009		2009/70	10.12.09 95
Fees (Building Societies) Instrument 2009		2009/71	10.12.09 95
Sale and Rent Back Instrument 2010		2010/1	28.1.10 96
Fees Manual (Financial Ombudsman Service Case Fees 2010/2011) Instrument 2010		FOS 2010/1	10.3.10 98
Handbook Administration (No 17) Instrument 2010		2010/8	25.3.10 98
Fees Provisions (2010/2011) Instrument 2010		2010/9	25.3.10 98
Fees Provisions (Amendment No 2) Instrument 2010		2010/10	25.3.10 98
Periodic Fees (2010/2011) and Other Fees Instrument 2010		2010/15	27.5.10 100
Fees (CFEB Levy) Instrument 2010		2010/16	27.5.10 100
Fees (Special Project Fee for Restructuring) (Amendment) Instrument 2010		2010/20	24.6.10 101
Financial Services Compensation Scheme (Financial Services Act 2010) Instrument 2010		2010/27	22.7.10 102
Financial Services Compensation Scheme (Financial Services Act 2010) (No 2) Instrument 2010		2010/45	23.9.10 103
Financial Services Compensation Scheme (Deposit Tariff Base Amendment) Instrument 2010		2010/54	10.11.10 104
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Fees Provisions (Amendment No 3) Instrument 2010		2010/62	16.12.10 105
Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) Instrument 2010 <i>(made jointly with FOS as FOS 2010/3)</i>		2010/63	16.12.10 105
Retail Distribution Review (Training and Competence) Instrument 2011		2011/5	19.1.11 106

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
	Fees (Electronic Money Application Fees) Instrument 2011	2011/6	9.2.11 107
	Fees Manual (Financial Ombudsman Service Case Fees 2011/2012) Instrument 2011 ( <i>instrument made by FOS</i> )	FOS 2011/2	16.3.11 108
	Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11 108
	Fees Provisions (2011/2012) Instrument 2011	2011/17	24.3.11 108
	Periodic Fees (2011/2012) and Other Fees Instrument 2011	2011/28	26.5.11 110
	Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) (No 2) Instrument 2011 ( <i>made jointly with FOS as FOS 2011/4</i> )	2011/36	23.6.11 111
	Financial Services Compensation Scheme (Payment of Levies) (Amendment) Instrument 2011	2011/41	28.7.11 112
	Recognised Auction Platforms Instrument 2011	2011/77	21.12.11 116
	Fees (Miscellaneous Amendments) (No 3) Instrument 2012	2012/3	19.1.12 116
	Fees Provisions (2012/2013) Instrument 2012	2012/12	21.3.12 118
	Fees (Miscellaneous Amendments) (No 4) Instrument 2012	2012/13	21.3.12 118
	Credit Unions (Northern Ireland) Instrument 2012	2012/18	21.3.12 118

## PRUDENTIAL STANDARDS

GENPRU	General Prudential sourcebook		
	<i>First brought into force (in part)</i>		31.12.06
	General Prudential Sourcebook (Capital Resources Amendment) Instrument 2008	2008/3	24.1.08 72
	General Prudential Sourcebook (Adequacy of Financial Resources) (Amendment) Instrument 2008	2008/12	27.3.08 75
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08 77
	General Prudential Sourcebook (Capital Adequacy Calculations for Financial Conglomerates) (Amendment) Instrument 2008	2008/31	26.6.08 78
	Prudential Requirements for Insurers (Amendment No 3) Instrument 2008	2008/66	4.12.08 83
	General Prudential Sourcebook (Notification of Redemption or Repayment) Instrument 2009	2009/8	26.2.09 85
	Reclassification of Available-For-Sale Debt Instrument 2009	2009/40	23.7.09 90
	Senior Management Arrangements, Systems and Controls (Remuneration Code) Instrument 2009	2009/48	11.8.09 91
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09 92
	Prudential Requirements for Insurers (Amendment No 4) Instrument 2009	2009/60	5.11.09 94
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009	2009/68	27.11.09 95
	Prudential Requirements (Stress Testing) Instrument 2009	2009/72	10.12.09 95
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10 98
	Handbook Administration (No 18) Instrument 2010	2010/19	24.6.10 101
	Capital Requirements Directive (Handbook Amendments) Instrument 2010	2010/29	22.7.10 102
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10 103
	Capital Requirements Directive (Large Exposures) Instrument 2010	2010/41	23.9.10 103
	Prudential Requirements (Capital Planning Buffer) Instrument 2010	2010/42	23.9.10 103
	Capital Requirements Directive (Handbook Amendments No 2) Instrument 2010	2010/66	16.12.10 105
	Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )	2011/7	9.2.11 107
	UCITS IV Directive Instrument 2011	2011/39	28.7.11 112
	Venture Capital Investments Instrument 2011	2011/42	28.7.11 112
	Capital Instruments (Notification) Instrument 2011	2011/63	2.11.11 114
	Capital Requirements Directive (Handbook Amendment No 4) Instrument 2011	2011/66	2.11.11 114

*BIPRU	Prudential sourcebook for Banks, Building Societies and Investment Firms		
	<i>First brought into force (in part)</i>		1.1.07
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Lifetime Mortgages) Instrument 2008	2008/4	28.2.08 73
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08 77
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Credit Derivatives Specific Risk) Instrument 2008	2008/58	29.10.08 82

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
			HN	
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09	87
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09	92
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) Instrument 2009		2009/55	30.9.09	93
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Capital Floors) Instrument 2009		2009/58	5.11.09	94
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Large Exposures Transitional Provisions) (Amendment) Instrument 2009		2009/59	5.11.09	94
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09	95
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009		2009/68	27.11.09	95
Prudential Requirements (Stress Testing) Instrument 2009		2009/72	10.12.09	95
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Short-Term Trade Finance Transactions) Instrument 2009		2009/73	10.12.09	95
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10	102
Capital Requirements Directive (Handbook Amendments) Instrument 2010		2010/29	22.7.10	102
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Amendment) Instrument 2010		2010/30	22.7.10	102
Handbook Administration (No 19) Instrument 2010		2010/40	23.9.10	103
Capital Requirements Directive (Large Exposures) Instrument 2010		2010/41	23.9.10	103
Prudential Requirements (Capital Planning Buffer) Instrument 2010		2010/42	23.9.10	103
Liquidity Standards (Miscellaneous Amendments) Instrument 2010		2010/43	23.9.10	103
Capital Requirements Directive (Handbook Amendments No 2) Instrument 2010		2010/66	16.12.10	105
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Remuneration Disclosures) Instrument 2010		2010/73	16.12.10	105
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11	107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11	108
Liquidity Standards (Miscellaneous Amendments No 2) Instrument 2011		2011/18	24.3.11	108
Handbook Administration (No 22) Instrument 2011		2011/34	23.6.11	111
Venture Capital Investments Instrument 2011		2011/42	28.7.11	112
Capital Requirements Directive (Handbook Amendments No 3) Instrument 2011		2011/43	28.7.11	112
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Group Risk Consolidation) Instrument 2011		2011/51	22.9.11	113
Liquidity Standards (Miscellaneous Amendments No 3) Instrument 2011		2011/52	22.9.11	113
Capital Instruments (Notification) Instrument 2011		2011/63	2.11.11	114
Capital Requirements Directive (Handbook Amendments No 4) Instrument 2011		2011/66	2.11.11	114
Liquidity Standards (Miscellaneous Amendments No 4) Instrument 2012		2012/4	19.1.12	116
Liquidity Standards (Miscellaneous Amendments No 5) Instrument 2012		2012/14	21.3.12	118

INSPRU	Prudential sourcebook for Insurers			
<i>First brought into force</i>			31.12.06	
Regulated Covered Bonds (Related Amendments) Instrument 2008		2008/8	6.3.08	74
Prudential Sourcebook for Insurers (Amendment) Instrument 2008		2008/13	27.3.08	75
Prudential Requirements for Insurers (Amendment No 3) Instrument 2008		2008/66	4.12.08	83
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09	92
Prudential Requirements for Insurers (Amendment No 4) Instrument 2009		2009/60	5.11.09	94
Approved Reinsurance to Close Instrument 2009		2009/61	5.11.09	94
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09	95
Handbook Administration (No 16) Instrument 2009		2009/69	10.12.09	95
Prudential Requirements (Stress Testing) Instrument 2009		2009/72	10.12.09	95
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10	102
Prudential Requirements for Insurers (Amendment No 5) Instrument 2010		2010/44	23.9.10	103
Prudential Sourcebook for Insurers (Amendment No 2) Instrument 2011		2011/8	24.2.11	107
Capital Instruments (Notification) Instrument 2011		2011/63	2.11.11	114

Ref Code	Sourcebook or manual	No of Inst	Date of Inst
Name of Instrument		HN	

*MIPRU	Prudential sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries			
<i>First brought into force</i>			1.1.07	
	Prudential Sourcebook for Mortgage and Home Finance Firms, and Insurance Intermediaries (Use of Intermediaries) Instrument 2008	2008/14	27.3.08	75
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
	Connected Travel Insurance Instrument 2008	2008/24	22.5.08	77
	Handbook Administration (No 10) Instrument 2008	2008/33	24.7.08	79
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
	Professional Indemnity Insurance (Limits of Indemnity) Instrument 2009	2009/4	22.1.09	84
	Reclassification of Available-For-Sale Debt Instrument 2009	2009/40	23.7.09	90
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09	95
	Sale and Rent Back Instrument 2010	2010/1	28.1.10	96
	Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11	108
	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011	2011/72	8.12.11	115
	Credit Unions (Northern Ireland) Instrument 2012	2012/18	21.3.12	118

UPRU	Prudential sourcebook for UCITS Firms			
<i>First brought into force</i>			1.1.07	
	Integrated Regulatory Reporting (Removal of Annual Financial Returns and Reconciliations) Instrument 2008	2008/17	27.3.08	75
	Handbook Administration (No 13) Instrument 2009	2009/22	23.4.09	87
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10	102
	UCITS IV Directive Instrument 2011	2011/39	28.7.11	112

IPRU (BANK)	Interim Prudential sourcebook: Banks			
<i>First brought into force</i>		-	1.12.01	-
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009	2009/68	27.11.09	95

IPRU (BSOC)	Interim Prudential sourcebook: Building Societies			
<i>First brought into force</i>		-	1.12.01	-
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009	2009/68	27.11.09	95
	Building Societies Sourcebook Instrument 2010	2010/11	25.3.10	98

IPRU (FSOC)	Interim Prudential sourcebook: Friendly Societies			
<i>First brought into force</i>		-	1.12.01	-
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
	Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
	Prudential Requirements for Insurers (Amendment No 3) Instrument 2008	2008/66	4.12.08	83
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Prudential Requirements for Insurers (Amendment No 4) Instrument 2009	2009/60	5.11.09	94
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95

Ref Code	Sourcebook or manual	No of Inst	Date of Inst	HN
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IPRU (INS)	Interim Prudential sourcebook: Insurers			
	<i>First brought into force</i>	-	1.12.01	-
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
	Interim Prudential sourcebook for Insurers (Marine Mutuals Reporting) (Amendment) Instrument 2008	2008/15	27.3.08	75
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
	Prudential Requirements for Insurers (Amendment No 3) Instrument 2008	2008/66	4.12.08	83
	Interim Prudential Sourcebook for Insurers (Other EEA States Insurance Statistics Amendment) Instrument 2009	2009/33	25.6.09	89
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Prudential Requirements for Insurers (Amendment No 4) Instrument 2009	2009/60	5.11.09	94

IPRU (INV)	Interim Prudential sourcebook: Investment Businesses			
	<i>First brought into force</i>	-	1.12.01	-
	Integrated Regulatory Reporting (Removal of Annual Financial Returns and Reconciliations) Instrument 2008	2008/17	27.3.08	75
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
	Companies Act 2006 (Consequential Handbook Amendments No 2) Instrument 2008	2008/41	25.9.08	81
	Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08	82
	Professional Indemnity Insurance (Limits of Indemnity) Instrument 2009	2009/4	22.1.09	84
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Capital Resources and Professional Indemnity Insurance Requirements for Personal Investment Firms Instrument 2009	2009/62	5.11.09	94
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09	95
	Handbook Administration (No 18) Instrument 2010	2010/19	24.6.10	101
	Capital Resources Requirements for Personal Investment Firms (Amendment) Instrument 2011	2011/44	28.7.11	112
	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011	2011/72	8.12.11	115

## BUSINESS STANDARDS

*COBS	Conduct of Business			
	<i>First brought into force</i>	-	1.11.07	-
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
	Conduct of Business Sourcebook (Recording of Telephone Conversations and Electronic Communications) Instrument 2008	2008/6	28.2.08	73
	Permitted Links (Amendment No 2) Instrument 2008	2008/16	27.3.08	75
	Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
	Handbook Administration (No 10) Instrument 2008	2008/33	24.7.08	79
	Disclosure Documents (Amendment) Instrument 2008	2008/35	24.7.08	79
	Conduct of Business Sourcebook (Amendment) Instrument 2008	2008/36	24.7.08	79
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
	Self-Invested Personal Pensions (Contracting Out) Instrument 2008	2008/44	25.9.08	81
	Client Assets Sourcebook (Common Platform Provisions) Instrument 2008	2008/45	25.9.08	81
	Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08	82
	Conduct of Business Sourcebook (Record Keeping for Inducements) Instrument 2008	2008/59	29.10.08	82
	Conduct of Business Sourcebook (Product Information for Variation of Personal Pension Schemes)	2008/67	4.12.08	83

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
				HN
Instrument 2008				
Handbook Administration (No 12) Instrument 2009		2009/3	22.1.09	84
Payment Services Instrument 2009		2009/14	26.3.09	86
Financial Services Compensation Scheme (Limits Amendment) Instrument 2009		2009/25	23.4.09	87
With-Profits Funds: Payments of Compensation and Redress Instrument 2009		2009/41	23.7.09	90
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09	92
Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009		2009/52	24.9.09	92
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09	95
Retail Distribution Review (Adviser Charging) Instrument 2010		2010/12	25.3.10	98
Handbook Administration (No 18) Instrument 2010		2010/19	24.6.10	101
Retail Distribution Review (Corporate Pensions) Instrument 2010		2010/21	24.6.10	101
Financial Promotions (Amendment) Instrument 2010		2010/31	22.7.10	102
Retail Distribution Review (Pure Protection) Instrument 2010		2010/46	23.9.10	103
Conduct of Business Sourcebook (Recording of Telephone Conversations and Electronic Communications) (No 2) Instrument 2010		2010/56	10.11.10	104
Conduct of Business Sourcebook (Stewardship Code) Instrument 2010		2010/57	10.11.10	104
Conduct of Business Sourcebook (Abolition of Contracting Out for Defined Contribution Schemes) Instrument 2010		2010/58	10.11.10	104
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10	105
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11	107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11	108
Pensions (Annuisation and Income Withdrawals Rules) (Amendment) Instrument 2011		2011/19	24.3.11	108
Child Trust Funds (Amendment) Instrument 2011		2011/20	24.3.11	108
Retail Distribution Review (Adviser Charging No 2) Instrument 2011		2011/23	28.4.11	109
Permitted Links (Amendment No 3) Instrument 2011		2011/24	28.4.11	109
Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011		2011/30	26.5.11	110
Retail Distribution Review (Holloway Sickness Policies) Instrument 2011		2011/37	23.6.11	111
Money Market Funds Instrument 2011		2011/38	23.6.11	111
UCITS IV Directive Instrument 2011		2011/39	28.7.11	112
Retail Distribution Review (Platforms) Instrument 2011		2011/47	28.7.11	112
Financial Promotions Guidance (Amendment) Instrument 2011		2011/53	22.9.11	113
Retail Distribution Review (Adviser Charging No 3) Instrument 2011		2011/54	22.9.11	114
Retail Distribution Review (Key Features Illustrations) Instrument 2011		2011/55	22.9.11	114
Retail Distribution Review (Adviser Charging No 4) Instrument 2011		2012/9	23.2.12	117
Handbook Administration (No 25) Instrument 2012		2012/11	21.3.12	118
Retail Distribution Review (Adviser Charging No 5) Instrument 2012		2012/15	21.3.12	118
Conduct of Business Sourcebook (Contracting Out) Instrument 2012		2012/16	21.3.12	118

<b>*ICOB</b>	<b>Insurance: Conduct of Business</b>			
<i>Comes into force</i>				
		-	6.1.08	-
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08	72
Handbook Administration (No 9) Instrument 2008		2008/19	24.4.08	76
Connected Travel Insurance Instrument 2008		2008/24	22.5.08	77
Handbook Administration (No 10) Instrument 2008		2008/33	24.7.08	79
Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008		2008/40	25.9.08	81
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09	87
Financial Services Compensation Scheme (Limits Amendment) Instrument 2009		2009/25	23.4.09	87
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09	95
Retail Distribution Review (Pure Protection) Instrument 2010		2010/46	23.9.10	103
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10	105
Employers' Liability Insurance: Disclosure by Insurers Instrument 2011		2011/12	24.2.11	107
Handbook Administration (No 23) Instrument 2011		2011/48	22.9.11	113

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN

Employers' Liability Insurance: Disclosure by Insurers (No 2) Instrument 2012	2012/17	21.3.12	118
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MCOB	Mortgages and Home Finance: Conduct of Business		
<i>First brought into force</i>		-	31.10.04
Disclosure Documents (Amendment) Instrument 2008	2008/35	24.7.08	79
Handbook Administration (No 12) Instrument 2009	2009/3	22.1.09	84
Mortgages and Home Finance: Conduct of Business Sourcebook (Deferred Interest Forbearance Amendments) Instrument 2009	2009/17	26.3.09	86
Financial Services Compensation Scheme (Limits Amendment) Instrument 2009	2009/25	23.4.09	87
Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )	2009/36	1.7.09	90
Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
Sale and Rent Back Instrument 2010	2010/1	28.1.10	96
Handbook Administration (No 18) Instrument 2010	2010/19	24.6.10	101
Mortgage Arrears Instrument 2010	2010/22	24.6.10	101
Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10	103
Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11	108

BCOBS	Banking: Conduct of Business		
<i>First brought into force</i>		-	1.11.09
Banking: Conduct of Business Sourcebook Instrument 2009	2009/24	23.4.09	87
Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009	2009/52	24.9.09	92
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
Banking: Conduct of Business Sourcebook (Amendment No 2) Instrument 2011	2011/13	24.2.11	107
Banking: Conduct of Business Sourcebook (Amendment No 3) Instrument 2011	2011/25	28.4.11	109
Financial Promotions Guidance (Amendment) Instrument 2011	2011/53	22.9.11	113

CASS	Client Assets		
<i>First brought into force</i>		-	1.1.04
Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
Client Assets Sourcebook (Common Platform Provisions) Instrument 2008	2008/45	25.9.08	81
Handbook Administration (No 12) Instrument 2009	2009/3	22.1.09	84
Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10	98
Client Assets Sourcebook (Amendment No 3) Instrument 2010	2010/32	22.7.10	102
Retail Distribution Review (Pure Protection) Instrument 2010	2010/46	23.9.10	103
Client Assets Sourcebook (Enhancement) Instrument 2010	2010/52	13.10.10	104
Client Assets Sourcebook (Title Transfer) (Amendment) Instrument 2010	2010/59	10.11.10	104
Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
Client Assets Reporting (Amendment) Instrument 2011	2011/26	28.4.11	109
Client Assets Reporting (Amendment No 2) Instrument 2011	2011/31	26.5.11	110
Client Assets Sourcebook (Collateral Transfer and Liens Amendment) Instrument 2011	2011/56	22.9.11	113
Professional Firms (Amendment) Instrument 2011	2011/70	8.12.11	115
Client Assets Sourcebook (Liens Amendment) Instrument 2012	2012/5	19.1.12	116

MAR	Market Conduct		
<i>Chapters 1 to 3 first brought into force</i>		-	1.12.01
<i>Chapter 4 first brought into force</i>		-	20.9.01
Market Conduct Sourcebook (Amendment No 9) Instrument 2008	2008/25	22.5.08	77
Short Selling Instrument 2008	2008/30	12.6.08	78

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
			HN	
	Short Selling (No 2) Instrument 2008	2008/51	18.9.08	81
	Short Selling (No 4) Instrument 2008	2008/60	29.10.08	82
	Short Selling (No 5) Instrument 2009	2009/1	14.1.09	84
	Handbook Administration (No 12) Instrument 2009	2009/3	22.1.09	84
	Short Selling (No 6) Instrument 2009	2009/35	25.4.09	89
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
	Financial Stability and Market Confidence Sourcebook Instrument 2010	2010/25	22.7.10	102
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
	Market Conduct Sourcebook (Amendment No 10) Instrument 2011	2011/9	24.2.11	107
	Handbook Administration (No 24) Instrument 2011	2011/67	8.12.11	115

## REGULATORY PROCESSES

*SUP	Supervision			
	<i>Chapter 9 first brought into force</i>	-	21.6.01	-
	<i>Chapters 6, 7, 8 and 10 first brought into force</i>	-	3.9.01	-
	<i>Rest of SUP first brought into force</i>	-	1.12.01	-
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
	Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008	2008/2	24.1.08	72
	Integrated Regulatory Reporting (Removal of Annual Financial Returns and Reconciliations) Instrument 2008	2008/17	27.3.08	75
	Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
	Integrated Regulatory Reporting (Amendment No 4) Instrument 2008	2008/20	24.4.08	76
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08	77
	Connected Travel Insurance Instrument 2008	2008/24	22.5.08	77
	Supervision Manual (Controlled Functions) (Amendment) Instrument 2008	2008/37	24.7.08	79
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
	Status Disclosure and FSA Logo Instrument 2008	2008/42	25.9.08	81
	Supervision Manual (Amendment No 14) Instrument 2008	2008/46	25.9.08	81
	Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08	82
	Prudential Categories (Amendment) Instrument 2008	2008/65	4.12.08	83
	Handbook Administration (No 12) Instrument 2009	2009/3	22.1.09	84
	Supervision Manual (Passporting and Reinsurance) (Amendment) Instrument 2009	2009/9	26.2.09	85
	Supervision Manual (Amendment No 15) Instrument 2009	2009/10	26.2.09	85
	Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09	86
	Supervision Manual (Controllers) (Amendment) Instrument 2009	2009/20	26.3.09	86
	Handbook Administration (No 13) Instrument 2009	2009/22	23.4.09	87
	Integrated Regulatory Reporting (Amendment No 5) Instrument 2009	2009/34	25.4.09	89
	Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )	2009/36	1.7.09	90
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09	90
	Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09	90
	Supervision Manual (Controlled Functions) (Amendment No 2) Instrument 2009	2009/42	23.7.09	90
	Senior Management Arrangements, Systems and Controls (Remuneration Code) Instrument 2009	2009/48	11.8.09	91
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) Instrument 2009	2009/55	30.9.09	93
	Close Links Reporting Instrument 2009	2009/63	5.11.09	94



Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
Supervision Manual (Amendment No 16) Instrument 2009		2009/64	5.11.09 94
Supervision Manual (Retail Mediation Activities Return) (Amendment) Instrument 2009		2009/65	5.11.09 94
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09 95
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Liquidity) (Consequential Amendments) Instrument 2009		2009/68	27.11.09 95
Handbook Administration (No 16) Instrument 2009		2009/69	10.12.09 95
Sale and Rent Back Instrument 2010		2010/1	28.1.10 96
Handbook Administration (No 17) Instrument 2010		2010/8	25.3.10 98
Handbook Administration (No 18) Instrument 2010		2010/19	24.6.10 101
Sale and Rent Back (Regulatory Reporting) Instrument 2010		2010/23	24.6.10 101
Online Submission and Mandatory Forms (No 2) Instrument 2010		2010/24	24.6.10 101
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10 102
Capital Requirements Directive (Handbook Amendments) Instrument 2010		2010/29	22.7.10 102
Supervision Manual (Controlled Functions) (Amendment No 3) Instrument 2010		2010/33	22.7.10 102
Supervision Manual (Payment Services) (Reporting) Instrument 2010		2010/34	22.7.10 102
Integrated Regulatory Reporting (Amendment No 6) Instrument 2010		2010/35	22.7.10 102
Handbook Administration (No 19) Instrument 2010		2010/40	23.9.10 103
Capital Requirements Directive (Large Exposures) Instrument 2010		2010/41	23.9.10 103
Liquidity Standards (Miscellaneous Amendments) Instrument 2010		2010/43	23.9.10 103
Controlled Functions (Amendment) Instrument 2010		2010/48	23.9.10 103
Integrated Regulatory Reporting (Amendment No 7) Instrument 2010		2010/49	23.9.10 103
Integrated Regulatory Reporting (Amendment No 8) Instrument 2010		2010/50	23.9.10 103
Client Assets Sourcebook (Enhancement) Instrument 2010		2010/52	13.10.10 104
Public Awareness Objective (Financial Services Act 2010) Instrument 2010		2010/53	10.11.10 104
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10 105
Training and Competence Sourcebook (Qualification Requirements and Time Limits) Instrument 2010		2010/65	16.12.10 105
Integrated Regulatory Reporting (Amendment No 9) Instrument 2010		2010/68	16.12.10 105
Supervision Manual (Retail Mediation Activities Return) (Amendment No 2) Instrument 2010		2010/69	16.12.10 105
Supervision Manual (Retail Mediation Activities Return) (Amendment No 3) Instrument 2010		2010/70	16.12.10 105
Change of Control (Aggregation of Holdings) Instrument 2011		2011/2	19.1.11 106
Integrated Regulatory Reporting (Amendment No 10) Instrument 2011		2011/3	19.1.11 106
Supervision Manual (Amendment No 17) Instrument 2011		2011/4	19.1.11 106
Retail Distribution Review (Training and Competence) Instrument 2011		2011/5	19.1.11 106
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11 107
Employers' Liability Insurance: Disclosure by Insurers Instrument 2011		2011/12	24.2.11 107
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11 108
Controlled Functions (Amendment No 2) Instrument 2011		2011/15	24.3.11 108
Supervision Manual (Auditor's Client Assets Report) (Amendment) Instrument 2011		2011/21	24.3.11 108
Integrated Regulatory Reporting (Amendment No 11) Instrument 2011		2011/22	24.3.11 108
Client Assets Reporting (Amendment) Instrument 2011		2011/26	28.4.11 109
Supervision Manual (Core Information) (Amendment) Instrument 2011		2011/27	28.4.11 109
Client Assets Reporting (Amendment No 2) Instrument 2011		2011/31	26.5.11 110
Handbook Administration (No 22) Instrument 2011		2011/34	23.6.11 111
UCITS IV Directive Instrument 2011		2011/39	28.7.11 112
Liquidity Reporting (Miscellaneous Amendments) Instrument 2011		2011/45	28.7.11 112
Handbook Administration (No 23) Instrument 2011		2011/48	22.9.11 113
Prudential Sourcebook for Banks, Building Societies and Investment Firms (Group Risk Consolidation) Instrument 2011		2011/51	22.9.11 113
Liquidity Standards (Miscellaneous Amendments No 3) Instrument 2011		2011/52	22.9.11 113
Supervision Manual (Amendment No 18) Instrument 2011		2011/57	22.9.11 113
Integrated Regulatory Reporting (Amendment No 12) Instrument 2011		2011/59	22.9.11 113
Supervision Manual (Retail Mediation Activities Return) (Amendment No 4) Instrument 2011		2011/64	2.11.11 114
Capital Requirements Directive (Handbook Amendments No 4) Instrument 2011		2011/66	2.11.11 114
Handbook Administration (No 24) Instrument 2011		2011/67	8.12.11 115
Professional Firms (Amendment) Instrument 2011		2011/70	8.12.11 115

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011		2011/72	8.12.11 115
Recognised Auction Platforms Instrument 2011		2011/77	21.12.11 116
Liquidity Standards (Miscellaneous Amendments No 4) Instrument 2012		2012/4	19.1.12 116
Handbook Administration (No 25) Instrument 2012		2012/11	21.3.12 118
Fees (Miscellaneous Amendments) (No 4) Instrument 2012		2012/13	21.3.12 118
Retail Distribution Review (Adviser Charging No 5) Instrument 2012		2012/15	21.3.12 118
Conduct of Business Sourcebook (Contracting Out) Instrument 2012		2012/16	21.3.12 118

*DEPP	Decision Procedure and Penalties		
<i>First brought into force</i>		-	28.8.07 -
Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008		2008/2	24.1.08 72
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment) Instrument 2008		2008/68	4.12.08 83
Handbook Administration (No 12) Instrument 2009		2009/3	22.1.09 84
Payment Services Instrument 2009		2009/14	26.3.09 86
Supervision Manual (Controllers) (Amendment) Instrument 2009		2009/20	26.3.09 86
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09 95
Handbook Administration (No 16) Instrument 2009		2009/69	10.12.09 95
Decision Procedure and Penalties Manual (Financial Penalties) Instrument 2010		2010/4	25.2.10 97
Enforcement Powers (Financial Services Act 2010) Instrument 2010		2010/26	22.7.10 102
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )		2011/7	9.2.11 107
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment No 2) Instrument 2011		2011/10	24.2.11 107
Handbook Administration (No 22) Instrument 2011		2011/34	23.6.11 111
UCITS IV Directive Instrument 2011		2011/39	28.7.11 112
Consumer Redress Schemes Instrument 2011 ( <i>made jointly with FOS as FOS 2011/5</i> )		2011/46	28.7.11 112
Retail Distribution Review (Retail Mediation Activities Return & Complaints Data) Instrument 2011		2011/58	22.9.11 114
Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011		2011/72	8.12.11 115
Glossary Amendment (Definition of Settlement Decision Makers) Instrument 2012		2012/2	19.1.12 116
Credit Unions (Northern Ireland) Instrument 2012		2012/18	21.3.12 118

## REDRESS

*DISP	Dispute Resolution: Complaints		
<i>First brought into force</i>		-	1.12.01 -
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08 72
Dispute Resolution: Complaints (Simplification (No 2) and other Amendments) Instrument 2008 ( <i>made jointly with FOS as FOS 2008/3</i> )		2008/18	27.3.08 75
Handbook Administration (No 9) Instrument 2008		2008/19	24.4.08 76
Handbook Administration (No 10) Instrument 2008		2008/33	24.7.08 79
Dispute Resolution: Complaints (Amendment No 2) Instrument 2008 ( <i>made jointly with FOS as FOS 2008/4</i> )		2008/47	25.9.08 81
Handbook Administration (No 11) Instrument 2008 ( <i>made jointly with FOS as FOS 2008/5</i> )		2008/55	29.10.08 82
Payment Services Instrument 2009 ( <i>made jointly with FOS as FOS 2009/1</i> )		2009/14	26.3.09 86
Periodic Fees (2009/2010) and Other Fees Instrument 2009		2009/27	28.5.09 88
Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 ( <i>made jointly with FOS as FOS 2009/3</i> )		2009/36	1.7.09 90
Handbook Administration (No 14) Instrument 2009		2009/37	23.7.09 90
Dormant Bank and Building Society Accounts Instrument 2009		2009/38	23.7.09 90
Payment Services (Financial Ombudsman Service Case Fees 2009/2010) Instrument 2009 ( <i>instrument made by FOS</i> )		FOS 2009/4	16.9.09 92
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09 92
Payment Services (Transitioning Firms) Instrument 2009		2009/53	24.9.09 92

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09 95
	Dispute Resolution (Voluntary Jurisdiction and Sale and Rent Back Amendments) Instrument 2009 ( <i>instrument made by FOS</i> )	FOS 2009/6	17.12.09 96
	Dispute Resolution: Complaints (Publication of Complaints Data) Instrument 2010	2010/2	28.1.10 96
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10 98
	Dispute Resolution: Complaints (Payment Protection Insurance Complaints: Referral to Ombudsman) Instrument 2010	2010/18	27.5.10 100
	Sale and Rent Back (Regulatory Reporting) Instrument 2010	2010/23	24.6.10 101
	Dispute Resolution: Complaints (Payment Protection Insurance) Instrument 2010	2010/36	22.7.10 103
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10 103
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10 105
	Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) Instrument 2010 ( <i>made jointly with FOS as FOS 2010/3</i> )	2010/63	16.12.10 105
	Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )	2011/7	9.2.11 107
	Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11 108
	Dispute Resolution: Complaints (Amendment No 3) Instrument 2011	2011/33	26.5.11 110
	Fees (Miscellaneous Amendments and Financial Ombudsman Service Rules) (No 2) Instrument 2011 ( <i>made jointly with FOS as FOS 2011/4</i> )	2011/36	23.6.11 111
	UCITS IV Directive Instrument 2011	2011/39	28.7.11 112
	Consumer Redress Schemes Instrument 2011 ( <i>made jointly with FOS as FOS 2011/5</i> )	2011/46	28.7.11 112
	Dispute Resolution: Complaints (Amendment No 4) Instrument 2011 ( <i>made jointly with FOS as FOS 2011/6</i> )	2011/65	2.11.11 114
	Retail Distribution Review (Retain Mediation Activities Return & Complaints Data) Instrument 2011	2011/58	22.9.11 115
	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011	2011/72	8.12.11 115
	Fees (Miscellaneous Amendments) (No 3) Instrument 2012	2012/3	19.1.12 116
	Handbook Administration (No 25) Instrument 2012	2012/11	21.3.12 118

*COMP	Compensation		
	Chapter 4 first brought into force	-	15.11.01 -
	Rest of COMP brought into force	-	1.12.01 -
	Handbook Administration (No 10) Instrument 2008	2008/33	24.7.08 79
	Compensation Sourcebook (Protected Contracts of Insurance) (Scope Amendment No 3) Instrument 2008	2008/38	24.7.08 79
	Compensation Sourcebook (Amendment No 8) Instrument 2008	2008/53	2.10.08 82
	Financial Services Compensation Scheme (Amendment of Fees Provisions (No 3)) Instrument 2008	2008/54	7.10.08 82
	Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08 82
	Compensation Sourcebook (Accelerated Compensation for Depositors) Instrument 2008	2008/62	29.10.08 82
	Compensation Sourcebook (Building Society Mergers) Instrument 2008	2008/64	26.11.08 83
	Compensation Sourcebook (Building Societies and other Mutual Society Mergers) Instrument 2009	2009/2	15.1.09 84
	Handbook Administration (No 12) Instrument 2009	2009/3	22.1.09 84
	Compensation Sourcebook (Protected Deposit Transfers under the Special Resolution Regime) Instrument 2009	2009/21	29.3.09 86
	Financial Services Compensation Scheme (Limits Amendment) Instrument 2009	2009/25	23.4.09 87
	Compensation Sourcebook (Deposit Guarantee Schemes Directive Amendments) Instrument 2009	2009/29	28.5.09 88
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09 90
	Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09 90
	Compensation Sourcebook (Mutual Society Mergers and Protected Deposit Transfers under the Special Resolution Regime) (Amendment) Instrument 2009	2009/43	23.7.09 90
	Financial Services Compensation Scheme (Banking Compensation Reform) Instrument 2009	2009/47	23.7.09 90
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09 92
	Financial Services Compensation Scheme (Single Customer View Supervision and other Amendments) Instrument 2009	2009/66	5.11.09 94
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09 95
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10 98

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
			HN	
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10	102
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10	105
Compensation Sourcebook (Deposit Guarantee Schemes Directive Amendments) (No 2) Instrument 2010		2010/71	16.12.10	105
UCITS IV Directive Instrument 2011		2011/39	28.7.11	112
Consumer Redress Schemes Instrument 2011 ( <i>made jointly with FOS as FOS 2011/5</i> )		2011/46	28.7.11	112
Compensation Sourcebook (Occupational Pension Scheme Trustees) Instrument 2011		2011/61	1.10.11	113
Professional Firms (Amendment) Instrument 2011		2011/70	8.12.11	115
Compensation Sourcebook (Deposits by Credit Unions) Instrument 2012		2012/6	19.1.12	116
Credit Unions (Northern Ireland) Instrument 2012		2012/18	21.3.12	118

COAF	Complaints against the FSA			
<i>First brought into force</i>		-	3.9.01	-
Complaints against the FSA Scheme (Amendment No 5) Instrument 2008		2008/26	22.5.08	77
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09	87
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09	92

## SPECIALIST SOURCEBOOKS

BSOCS	Building Societies			
<i>First brought into force</i>		-	1.4.10	-
Building Societies Sourcebook Instrument 2010		2010/11	25.3.10	98
Handbook Administration (No 18) Instrument 2010		2010/19	24.6.10	101

*COLL	Collective Investment Schemes			
<i>First brought into force</i>		-	1.4.04	-
Collective Investment Schemes Sourcebook (UCITS Eligible Assets Directive and Other Amendments) Instrument 2008		2008/5	28.2.08	73
Handbook Administration (No 9) Instrument 2008		2008/19	24.4.08	76
Collective Investment Schemes Sourcebook (Electronic Communications) Instrument 2008 <b>(REVOKED: July 2008)</b>		2008/27	22.5.08	77
Collective Investment Schemes Sourcebook (Property Authorised Investment Funds) Instrument 2008		2008/28	22.5.08	77
Handbook Administration (No 10) Instrument 2008		2008/33	24.7.08	79
Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008		2008/40	25.9.08	81
Collective Investment Schemes Sourcebook (Immovables Valuation) Instrument 2008		2008/48	25.9.08	81
Collective Investment Schemes Sourcebook (Simplified Prospectus) (Amendment) Instrument 2008		2008/61	29.10.08	82
Collective Investment Schemes Sourcebook (Suspension of Dealings) Instrument 2008		2008/69	4.12.08	83
Collective Investment Schemes Sourcebook (Electronic Communications) Instrument 2009		2009/5	22.1.09	84
Collective Investment Schemes Sourcebook (Amendment No 4) Instrument 2009		2009/11	26.2.09	85
Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009		2009/18	26.3.09	86
Handbook Administration (No 14) Instrument 2009		2009/37	23.7.09	90
Collective Investment Schemes Sourcebook (Single Sub-fund Umbrellas) Instrument 2009		2009/44	23.7.09	90
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09	92
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009		2009/50	24.9.09	92
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09	95
Collective Investment Schemes Sourcebook (Amendment No 5) Instrument		2009/74	10.12.09	95
Collective Investment Schemes Sourcebook (Accounting Amendments) Instrument 2010		2010/3	28.1.10	96

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN
	Funds of Alternative Investment Funds Instrument 2010	2010/5	25.2.10 97
	Alternative Finance Investment Bonds Instrument 2010	2010/6	25.2.10 97
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10 98
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10 103
	Collective Investment Schemes Sourcebook (Winding Up and Sub-fund Termination and Miscellaneous Amendments) Instrument 2011	2011/11	24.2.11 107
	Money Market Funds Instrument 2011	2011/38	23.6.11 111
	UCITS IV Directive Instrument 2011	2011/39	28.7.11 112
	Retail Distribution Review (Platforms) Instrument 2011	2011/47	28.7.11 112
	Handbook Administration (No 23) Instrument 2011	2011/48	22.9.11 113
	Collective Investment Schemes Sourcebook (ICVC Sub-Funds) Instrument 2011	2011/76	21.12.11 116
	Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2011	2012/19	21.3.12 118

CRED	Credit Unions		
	<i>First brought into force</i>	-	1.7.02 -
	Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008	2008/2	24.1.08 72
	Dispute Resolution: Complaints (Simplification (No 2) and other Amendments) Instrument 2008 ( <i>made jointly with FOS as FOS 2008/3</i> )	2008/18	27.3.08 75
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08 77
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08 81
	Companies Act 2006 (Consequential Handbook Amendments No 2) Instrument 2008	2008/41	25.9.08 81
	Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09 86
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09 92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09 92
	Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009	2009/52	24.9.09 92
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10 102
	Controlled Functions (Amendment) Instrument 2010	2010/48	23.9.10 103
	Public Awareness Objective (Financial Services Act 2010) Instrument 2010	2010/53	10.11.10 104
	Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11 108
	Controlled Functions (Amendment No 2) Instrument 2011	2011/15	24.3.11 108
	Credit Unions New Sourcebook Instrument 2011	2011/71	8.12.11 115

*CREDS	Credit Unions		
	Credit Unions New Sourcebook Instrument 2011	2011/71	8.12.11 115
	Credit Unions (Northern Ireland) Instrument 2012	2012/18	21.3.12 118

ELM	Electronic Money		
	<i>First brought into force</i>	-	18.4.02 -
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08 72
	Companies Act 2006 (Consequential Handbook Amendments) Instrument 2008	2008/22	22.5.08 77
	Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08 81
	Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09 86
	Banking: Conduct of Business Sourcebook (Amendment) and Consequential Amendments Instrument 2009	2009/52	24.9.09 92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09 95
	Consequential Amendments (Financial Services Act 2010) Instrument 2010	2010/28	22.7.10 102
	Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )	2011/7	9.2.11 107

PROF	Professional Firms		
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Ref Code	Sourcebook or manual	No of Inst	Date of Inst
Name of Instrument			HN
<i>First brought into force</i>		-	1.12.01
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08
Dispute Resolution: Complaints (Simplification (No 2) and other Amendments) Instrument 2008 (made jointly with FOS as FOS 2008/3)		2008/18	27.3.08
Handbook Administration (No 14) Instrument 2009		2009/37	23.7.09
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10
Public Awareness Objective (Financial Services Act 2010) Instrument 2010		2010/53	10.11.10
Handbook Administration (No 20) Instrument 2010		2010/61	16.12.10
Professional Firms (Amendment) Instrument 2011		2011/71	8.12.11

*RCB	Regulated Covered Bonds	No of Inst	Date of Inst
<i>First brought into force</i>		-	6.3.08
Regulated Covered Bonds Sourcebook Instrument 2008		2008/07	6.3.08
Handbook Administration (No 9) Instrument 2008		2008/19	24.4.08
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment) Instrument 2008		2008/68	4.12.08
Regulated Covered Bonds Sourcebook (Amendment) Instrument 2008		2008/72	2.12.08
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09
Decision Procedure and Penalties Manual (Financial Penalties) Instrument 2010		2010/4	25.2.10
UCITS IV Directive Instrument 2011		2011/39	28.7.11
Regulated Covered Bond Sourcebook (Amendment No 2) Instrument 2011		2011/73	8.12.11
Fees (Miscellaneous Amendments) (No 4) Instrument 2012		2012/13	21.3.12

*REC	Recognised Investment Exchanges and Recognised Clearing Houses	No of Inst	Date of Inst
<i>First brought into force for some applications and part of Chapter 7</i>		-	3.9.01
<i>Rest of REC brought into force</i>		-	1.12.01
Supervision Manual (Controllers) (Amendment) Instrument 2009		2009/20	26.3.09
Handbook Administration (No 13) Instrument 2009		2009/22	23.4.09
Recognised Investment Exchanges and Recognised Clearing Houses Sourcebook (Amendments to Recognition Requirements) Instrument 2009		2009/30	28.5.09
Handbook Administration (No 15) Instrument 2009		2009/49	24.9.09
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009		2009/67	27.11.09
Consequential Amendments (Financial Services Act 2010) Instrument 2010		2010/28	22.7.10
Handbook Administration (No 21) Instrument 2011		2011/14	24.3.11
Recognised Auction Platforms Instrument 2011		2011/77	21.12.11
Handbook Administration (No 25) Instrument 2012		2012/11	21.3.12

## LISTING, PROSPECTUS AND DISCLOSURE

*LR	Listing Rules	No of Inst	Date of Inst
<i>First brought into force</i>		-	1.7.05
Handbook Administration (No 8) Instrument 2008		2008/1	24.1.08
Regulatory Reform (Financial Services and Markets Act 2000) Order 2007 (Consequential Handbook Amendments) Instrument 2008		2008/2	24.1.08
Listing Rules Sourcebook (Amendment No 2) Instrument 2008		2008/21	24.4.08
Disclosure Rules and Transparency Rules Sourcebook (Corporate Governance Rules) Instrument 2008		2008/32	26.6.08
Handbook Administration (No 10) Instrument 2008		2008/33	24.7.08
Listing Rules (Sponsors) (Amendment) Instrument 2008		2008/70	4.12.08
Listing Rules Sourcebook (Rights Issue Subscription Period) Instrument 2009		2009/6	9.2.09
Trading Plan Instrument 2009		2009/12	26.2.09
Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009		2009/18	26.3.09

Ref Code	Sourcebook or manual			
Name of Instrument		No of Inst	Date of Inst	
			HN	
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09	90
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Listing Rules Sourcebook (Amendment No 3) Instrument 2009	2009/54	24.9.09	92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
	Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09	95
	Alternative Finance Investment Bonds Instrument 2010	2010/6	25.2.10	97
	Listing Rules Sourcebook (Amendment No 4) Instrument 2010	2010/7	25.2.10	97
	Handbook Administration (No 17) Instrument 2010	2010/8	25.3.10	98
	Listing Rules Sourcebook (Amendment No 5) Instrument 2010	2010/13	22.4.10	99
	Listing Rules Sourcebook (Amendment No 6) Instrument 2010	2010/37	22.7.10	102
	UK Corporate Governance Code (Handbook Amendments) Instrument 2010	2010/39	22.7.10	102
	Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10	103
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
	Listing Rules Sourcebook (Amendment No 7) Instrument 2011	2011/32	26.5.11	110
	Handbook Administration (No 25) Instrument 2012	2012/11	21.3.12	118

PR	Prospectus Rules			
	<i>First brought into force</i>	-	1.7.05	-
	Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
	Handbook Administration (No 23) Instrument 2011	2011/51	22.9.11	113

DTR	Disclosure Rules and Transparency Rules			
	<i>First brought into force</i>	-	1.7.05	-
	Disclosure Rules and Transparency Rules Sourcebook (Corporate Governance Rules) Instrument 2008	2008/32	26.6.08	78
	Disclosure Rules and Transparency Rules Sourcebook (Amendment) Instrument 2008	2008/71	4.12.08	83
	Trading Plan Instrument 2009	2009/12	26.2.09	85
	Disclosure and Transparency Rules (Disclosure of Contracts for Differences) Instrument 2009	2009/13	26.2.09	85
	Handbook Administration (No 13) Instrument 2009	2009/22	23.4.09	87
	Handbook Administration (No 14) Instrument 2009	2009/37	23.7.09	90
	Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
	Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
	Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95
	Disclosure Rules and Transparency Rules Sourcebook (Amendment No 2) Instrument 2010	2010/14	22.4.10	99
	Disclosure Rules and Transparency Rules Sourcebook (Amendment No 3) Instrument 2010	2010/38	22.7.10	102
	UK Corporate Governance Code (Handbook Amendments) Instrument 2010	2010/39	22.7.10	102
	Disclosure Rules and Transparency Rules Sourcebook (Amendment No 4) Instrument 2010	2010/51	23.9.10	103
	Handbook Administration (No 20) Instrument 2010	2010/61	16.12.10	105
	UCITS IV Directive Instrument 2011	2011/39	28.7.11	112
	Disclosure Rules and Transparency Rules Sourcebook (Amendment No 5) Instrument 2012	2012/7	19.1.12	116

## Instruments outside the Handbook made after 1 January 2008

Ref Code	Sourcebook or manual		
Name of Instrument		No of Inst	Date of Inst
			HN

### Interim Permitted Persons

Interim Permitted Regulated Sale and Rent Back Activities Instrument 2009 <i>(made jointly with FOS as FOS 2009/3)</i>	2009/36	1.7.09	90
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### Unauthorised Mutual Societies

<i>Unauthorised mutuals registration fees rules brought into force</i>	-	17.1.02	-
Periodic Fees (Unauthorised Mutual Societies Registration)(2008/2009) Instrument 2008	2008/29	22.5.08	77
Periodic Fees (Unauthorised Mutual Societies Registration)(2009/2010) Instrument 2009	2009/31	28.5.09	88
Periodic Fees (Unauthorised Mutual Societies Registration)(2010/2011) Instrument 2010	2010/17	27.5.10	100
Periodic Fees (Unauthorised Mutual Societies Registration) (2011/2012) Instrument 2011	2011/29	26.5.11	110

### \*PERG Perimeter Guidance manual

<i>Regulatory Guide brought into force</i>	-	1.7.05	-
Handbook Administration (No 8) Instrument 2008	2008/1	24.1.08	72
Handbook Administration (No 9) Instrument 2008	2008/19	24.4.08	76
Connected Travel Insurance Instrument 2008	2008/24	22.5.08	77
Senior Management Arrangements, Systems and Controls (Extension of Common Platform Provisions) Instrument 2008	2008/40	25.9.08	81
Handbook Administration (No 11) Instrument 2008	2008/55	29.10.08	82
Collective Investment Schemes Sourcebook (Consequential Amendments No 2) Instrument 2009	2009/18	26.3.09	86
Perimeter Guidance (Payment Services Scope) Instrument 2009	2009/19	26.3.09	86
Dormant Bank and Building Society Accounts Instrument 2009	2009/38	23.7.09	90
Perimeter Guidance (Amendment No 2) Instrument 2009	2009/46	23.7.09	90
Handbook Administration (No 15) Instrument 2009	2009/49	24.9.09	92
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
Handbook Administration (No 16) Instrument 2009	2009/69	10.12.09	95
Sale and Rent Back Instrument 2010	2010/1	28.1.10	96
Alternative Finance Investment Bonds Instrument 2010	2010/6	25.2.10	97
Handbook Administration (No 19) Instrument 2010	2010/40	23.9.10	103
Electronic Money and Payment Services Instrument 2011 <i>(made jointly with FOS as FOS 2011/1)</i>	2011/7	9.2.11	107
Handbook Administration (No 21) Instrument 2011	2011/14	24.3.11	108
UCITS IV Directive Instrument 2011	2011/39	28.7.11	112
Perimeter Covered Bond Sourcebook (Amendment No 2) Instrument 2011	2011/74	8.12.11	115
Recognised Auction Platforms Instrument 2011	2011/77	21.12.11	116
Retail Distribution Review (Adviser Charging No 4) Instrument 2012	2012/9	23.2.12	117
Handbook Administration (No 25) Instrument 2012	2012/11	21.3.12	118

*PERG is made and amended by instrument.*

### BSOG Building Societies Regulatory Guide

<i>Regulatory Guide brought into force</i>	-	1.7.07	-
Companies Act 2006 (Consequential Handbook Amendments No 3) Instrument 2009	2009/50	24.9.09	92
Building Societies Sourcebook Instrument 2010	2010/11	25.3.10	98
Electronic Money and Payment Services Instrument 2011 <i>(made jointly with FOS as FOS 2011/1)</i>	2011/7	9.2.11	107

*BSOG is made and amended by instrument*

### RPPD Providers and Distributors Regulatory Guide

<i>Regulatory Guide brought into force</i>	-	16.7.07	-
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*RPPD is made and amended by instrument*



<b>EG</b>	<b>Enforcement Regulatory Guide</b>		
<i>Regulatory Guide brought into force</i>	-	28.8.07	-
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment) Instrument 2008	2008/68	4.12.08	83
Payment Services Instrument 2009	2009/14	26.3.09	86
Enforcement Guide (Use of Firm-Commissioned Reports) Instrument 2009	2009/26	23.4.09	87
Decision Procedure and Penalties Manual (Financial Penalties) Instrument 2010	2010/4	25.2.10	97
Enforcement Powers (Financial Services Act 2010) Instrument 2010	2010/26	22.7.10	102
Electronic Money and Payment Services Instrument 2011 ( <i>made jointly with FOS as FOS 2011/1</i> )	2011/7	9.2.11	107
Decision Procedure and Penalties Manual and Enforcement Guide (Amendment No 2) Instrument 2011	2011/10	24.2.11	107
Handbook Administration (No 2) Instrument 2011	2011/34	23.6.11	111
Consumer Redress Schemes Instrument 2011 ( <i>made jointly with FOS as FOS 2011/5</i> )	2011/46	28.7.11	112
Glossary Amendment (Definition of Settlement Decision Makers) Instrument 2012	2012/2	19.1.12	116

*EG is made and amended by instrument*

<b>UNFCOG</b>	<b>Unfair Contract Terms Regulatory Guide</b>		
<i>Regulatory Guide brought into force</i>	-	28.8.07	-
Treaty of Lisbon (Consequential Handbook Amendments) Instrument 2009	2009/67	27.11.09	95

*UNFCOG is made and amended by instrument*

<b>FC</b>	<b>Financial Crime Guide</b>		
Financial Crime Guide Instruments 2011	2011/75	8.12.11	115

## Guidance Notes issued by the FSA

Number	Title	Made	Dates in force	Handbook Notice	
No 1	Frequently asked questions on the code of market conduct	29.11.01	1.12.01-30.6.02	HN 7, HN 12	Expired
No 2	COB Transitional arrangements for pre-N2 firms	27.3.02	10.4.02-30.6.02	HN 10	Expired
No 3	Reproduction of the FSA logo by authorised firms	24.5.02	29.5.02-30.4.03	HN 12	Expired
No 4	Resilience test for insurers	28.6.02	From 28.6.02 <sup>1</sup>	HN 13, HN 22	Expired
No 5	Grandfathered concessions and waivers applications	22.7.02	1.8.02-30.11.02	HN 14	Expired
No 6	Waivers applications: Introduction of a standard form	22.7.02	1.8.02-31.1.03	HN 14	Expired
No 7	Precipice bonds	11.2.03	19.3.03-18.3.04  (including guidance on periodic statements, in force 19.5.03-18.3.04)	HN 19	Expired
No 8	The Credit Union Common Bond	19.6.03	1.7.03-31.12.04	HN 23	Expired <sup>2</sup>
No 9	Guidance for Social Housing Providers	19.4.10	23.4.10	HN 99	Current
No 10	Consumer Redress Schemes	22.7.10	23.7.10	HN 102	Current

<sup>1</sup> The expiry date of GN 4 is deferred until the implementation of the Integrated Prudential sourcebook (see Chapter 5 of HN 22).

<sup>2</sup> The text of GN 8 has been incorporated into the Handbook.

## Handbook provisions not yet in force

This Table lists previous instruments containing Handbook provisions which have yet to come into force, as a reminder to firms. This table should be read in conjunction with Annex E (“What’s New”).

### *Listed by effective date within modules*

Module	Change	Instrument	When effective	Described in
Glossary	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 <i>Mar 2011</i> (paras 2.48 – 2.55)
	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 <i>Mar 2011</i> (paras 2.48 – 2.55)
	New requirements arising out of Electronic Money Regulations	Electronic Money and Payment Services Instrument 2011 [FSA 2011/7]	30.4.12 ( <i>part</i> )	HN107 <i>Feb 2011</i> (paras 2.3 – 2.8)
	Introduction of automatic enrolment for pensions and related amendments to the opt-out process	Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011 [FSA 2011/30]	1.10.12	HN110 <i>May 2011</i> (paras 2.12 – 2.15)
	Minor changes to key features illustrations for individual pensions	Retail Distribution Review (Key Features Illustrations) Instrument 2011 [FSA 2011/55]	1.10.12 ( <i>part</i> ) 31.12.12	HN 115 <i>Dec 2011</i> (paras 2.25 – 2.27)
	Amended provisions for advised sales of investments to retail clients	Retail Distribution Review (Adviser Charging) Instrument 2010 [FSA 2010/12]	31.12.12	HN98 <i>Mar 2010</i> (paras 2.29 – 2.34)
	Introduction of ‘consultancy charging’ in group pensions market	Retail Distribution Review (Corporate Pensions) Instrument 2010 [FSA 2010/21]	31.12.12	HN101 <i>June 2010</i> (paras 2.24 – 2.28)
	New and amended commission disclosure requirements	Retail Distribution Review (Pure Protection) Instrument 2010 [FSA 2010/46]	31.12.12	HN103 <i>Sep 2010</i> (paras 2.54 – 2.59)
	Qualification standards etc for retail investment advisers	Retail Distribution Review (Training and Competence) Instrument 2011 [FSA 2011/5]	31.12.12 ( <i>part</i> )	HN106 <i>Jan 2011</i> (paras 2.3 – 2.15)
	Clarify the relevant conditions that apply for exemption from the Retail Distribution Review rules	Retail Distribution Review (Holloway Sickness Policies) Instrument 2011 [FSA 2011/37]	31.12.12	HN111 <i>Jun 2011</i> (paras 2.20 – 2.25)

<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in</b>
	Change rules and introduce new obligations for firms using platforms	Retail Distribution Review (Platforms) Instrument 2011 [FSA 2011/47]	31.12.12	HN112 Jul 2011 (paras 2.28 – 2.30)
	Introduce rules for data reporting requirements on adviser charging, consultancy charging and professionalism	Retail Distribution Review (Retail Mediation Activities Return & Complaints Data) Instrument 2011 [FSA 2011/58]	31.12.12	HN 115 Dec 2011 (paras 2.29 – 2.32)
	Amendments to rules for asset pool monitors and reporting requirements	Regulated Covered Bond Sourcebook (Amendment No 2) Instrument 2011 [FSA 2011/73]	1.1.13	HN 115 Dec 2011 (paras 2.47 – 2.49)
	Minor administrative corrections to the Handbook	Handbook Administration (No 4) Instrument 2011 [FSA 2011/67]	31.12.13 (part)	HN 115 Dec 2011 (paras 2.4 – 2.6)
	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 (part)	HN 115 Dec 2011 (paras 2.8 – 2.10)
SYSC	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 Mar 2011 (paras 2.48 – 2.55)
APER	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 Mar 2011 (paras 2.48 – 2.55)
FIT	Qualification standards etc for retail investment advisers	Retail Distribution Review (Training and Competence) Instrument 2011 [FSA 2011/5]	31.12.12 (part)	HN106 Jan 2011 (paras 2.3 – 2.15)
TC	New requirements arising out of Electronic Money Regulations	Electronic Money and Payment Services Instrument 2011 [FSA 2011/7]	30.4.12 (part)	HN107 Feb 2011 (paras 2.3 – 2.8)
	Clarify the relevant conditions that apply for exemption from the Retail Distribution Review rules	Retail Distribution Review (Holloway Sickness Policies) Instrument 2011 [FSA 2011/37]	31.12.12	HN111 Jun 2011 (paras 2.20 – 2.25)
INSPRU	Minor administrative corrections to the Handbook	Handbook Administration (No 4) Instrument 2011 [FSA 2011/67]	31.12.13 (part)	HN115 Dec 2011 (paras 2.4 -2.6)
MIPRU	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 (part)	HN115 Dec 2011 (paras 2.8 – 2.10)

<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in</b>
IPRU(INV)	Deferring the implementation of new capital rules and connected reporting rules for personal investment firms	Capital Resources Requirements for Personal Investment Firms (Amendment) Instrument 2011 [FSA 2011/44]	31.12.13 (part)	HN112 Jul 2011 (paras 2.23 – 2.26)
	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 (part)	HN115 Dec 2011 (paras 2.8 – 2.10)
COBS	Introduces guidance to ensure that terms used in financial promotions are fair, clear and not misleading	Financial Promotions Guidance (Amendment) Instrument 2011 [FSA 2011/53]	22.3.12	HN113 Sep 2011 (paras 2.31 – 2.33)
	Introduction of 'automatic enrolment scheme' for pensions	Conduct of Business Sourcebook (Automatic Enrolment into Qualifying Pension Schemes) Instrument 2011 [FSA 2011/30]	1.10.12	HN110 May 2011 (paras 2.12 – 2.15)
	Minor changes to key features illustrations for individual pensions	Retail Distribution Review (Key Features Illustrations) Instrument 2011 [FSA 2011/55]	1.10.12 (part) 1.12.12	HN115 Dec 2011 (paras 2.25 – 2.27)
	Amended provisions for advised sales of investments to retail clients	Retail Distribution Review (Adviser Charging) Instrument 2010 [FSA 2010/12]	31.12.12	HN98 Mar 2010 (paras 2.29 – 2.34)
	Introduction of 'consultancy charging' in group pensions market	Retail Distribution Review (Corporate Pensions) Instrument 2010 [FSA 2010/21]	31.12.12	HN101 June 2010 (paras 2.24 – 2.28)
	New and amended commission disclosure requirements	Retail Distribution Review (Pure Protection) Instrument 2010 [FSA 2010/46]	31.12.12	HN103 Sep 2010 (paras 2.54 – 2.59)
	Clarification of and changes to the provisions in relation to adviser charging and 'restricted advice'	Retail Distribution Review (Adviser Charging No 2) Instrument 2011 [FSA 2011/23]	31.12.12	HN109 Apr 2011 (paras 2.5 – 2.7)
	Clarify the relevant conditions that apply for exemption from the Retail Distribution Review rules	Retail Distribution Review (Holloway Sickness Policies) Instrument 2011 [FSA 2011/37]	31.12.12	HN111 Jun 2011 (paras 2.20 – 2.25)
	New and amended commission disclosure requirements	Retail Distribution Review (Pure Protection) Instrument 2010 [FSA 2010/46]	31.12.12	HN103 Sep 2010 (paras 2.54 – 2.59)
	Change rules and introduce new obligations for firms using platforms	Retail Distribution Review (Platforms) Instrument 2011 [FSA 2011/47]	31.12.12	HN112 Jul 2010 (paras 2.28 – 2.30)

<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in</b>
	Amendments to rules on adviser and consultancy charging	Retail Distribution Review (Adviser Charging No 3) Instrument 2011 [FSA 2011/54]	31.12.12	HN115 <i>Dec 2011</i> (paras 2.21 – 2.24)
	Introduce and amend rules on adviser charging	Retail Distribution Review (Adviser Charging No 4) Instrument 2012 [FSA 2012/9]	31.12.12	HN117 <i>Feb 2012</i> (paras 2.5 – 2.7)
MAR	Minor administrative corrections to the Handbook	Handbook Administration (No 4) Instrument 2011 [FSA 2011/67]	31.12.13	HN115 <i>Dec 2011</i> (paras 2.4 -2.6)
SUP	Changes to the prescribed complaints process for firms and the maximum compensation award	Dispute Resolution: Complaints (Amendment No 3) Instrument 2011 [FSA 2011/33; FOS 2011/3]	1.7.12	HN110 <i>May 2011</i> (paras 2.21 – 2.24)
	Qualification standards etc for retail investment advisers	Retail Distribution Review (Training and Competence) Instrument 2011 [FSA 2011/5]	31.12.12	HN106 <i>Jan 2011</i> (paras 2.3 – 2.15)
	Introduce rules for data reporting requirements on adviser charging, consultancy charging and professionalism	Retail Distribution Review (Retail Mediation Activities Return & Complaints Data) Instrument 2011 [FSA 2011/58]	31.12.12	HN115 <i>Dec 2011</i> (paras 2.29 – 2.31)
	Minor administrative corrections to the Handbook	Handbook Administration (No 4) Instrument 2011 [FSA 2011/67]	31.12.13	HN115 <i>Dec 2011</i> (paras 2.4 -2.6)
	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 ( <i>part</i> )	HN115 <i>Dec 2011</i> (paras 2.8 – 2.10)
	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 <i>Mar 2011</i> (paras 2.48 – 2.55)
DEPP	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 ( <i>part</i> )	HN115 <i>Dec 2011</i> (paras 2.8 – 2.10)
DISP	Introduce rules for data reporting requirements on adviser charging, consultancy charging and professionalism Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Retail Distribution Review (Retail Mediation Activities Return & Complaints Data) Instrument 2011 [FSA 2011/58] Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	31.12.12 1.10.14 ( <i>part</i> )	HN115 <i>Dec 2011</i> (paras 2.29 – 2.31) HN115 <i>Dec 2011</i> (paras 2.8 – 2.10)
	Deferred commencement date of various new controlled functions	Controlled Functions (Amendment No 2) Instrument 2011 [FSA 2011/15]	+	HN108 <i>Mar 2011</i> (paras 2.48 – 2.55)

<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in</b>
COMP	Implements consequential amendments due to the Credit Unions New sourcebook (CREDS)	Credit Unions New Sourcebook (Consequential Amendments) Instrument 2011 [FSA 2011/72]	1.10.14 ( <i>part</i> )	HN115 <i>Dec 2011</i> (paras 2.8 – 2.10)
COLL	Change rules and introduce new obligations for firms using platforms	Retail Distribution Review (Platforms) Instrument 2011 [FSA 2011/47]	31.12.12	HN112 <i>Jul 2011</i> (paras 2.28 – 2.30)
CRED	New requirements arising out of Electronic Money Regulations	Electronic Money and Payment Services Instrument 2011 [FSA 2011/7]	30.4.12	HN107 <i>Feb 2011</i> (paras 2.3 – 2.8)
RCB	Amendments to rules for asset pool monitors and reporting requirements	Regulated Covered Bond Sourcebook (Amendment No 2) Instrument 2011 [FSA 2011/73]	1.1.13	HN115 <i>Dec 2011</i> (paras 2.47 – 2.49)
PERG	Introduce and amend rules on adviser charging	Retail Distribution Review (Adviser Charging No 4) Instrument 2012 [FSA 2012/9]	31.12.12	HN117 <i>Feb 2012</i> (paras 2.5 – 2.7)

+ Part of this instrument comes into force on a date to be notified.

## Annex E

### What's New?

*listed by effective date within modules*

Module	Change	Instrument	When effective	Described in paragraphs
Glossary	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
	Minor changes to standing rules governing fees and levies	Fees (Miscellaneous Amendments) (No 4) Instrument [FSA 2012/13]	1.4.12	2.12 – 2.15
	Amendments to bring into effect changes made by the Department for Work and Pensions	Conduct of Business Sourcebook (Contracting Out) Instrument 2012 [ 2012/16]	6.4.12	2.26 – 2.28
	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
SYSC	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
	Provisions relating to payment of FSA fees and FSCS levies	Fees Provisions (2012/2013) Instrument 2012 [FSA 2012/12]	1.4.12	2.9 – 2.11
	Minor changes to standing rules governing fees and levies	Fees (Miscellaneous Amendments) (No 4) Instrument [FSA 2012/13]	1.4.12	2.12 – 2.15
	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
BIPRU	Amendments to liquidity rules	Liquidity Standards (Miscellaneous Amendments No 5) Instrument 2012 [FSA 2012/14]	1.4.12	2.17 – 2.19
MIPRU	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
COBS	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part)	2.2 – 2.4



<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in paragraphs</b>
	Introduce and amend rules on adviser charging	Retail Distribution Review (Adviser Charging No 5) Instrument 2012 [FSA 2012/15]	1.10.12 (part) 31.12.12  31.12.12	2.22 - 2.25
	Amendments to bring into effect changes made by the Department for Work and Pensions	Conduct of Business Sourcebook (Contracting Out) Instrument 2012 [ 2012/16]	6.4.12	2.26 – 2.28
ICOBS	Minor amends to the Employers' Liability Registers	Employers' Liability Insurance: Disclosure by Insurers (No 2) Instrument 2012 [FSA 2012/17]	1.4.12	2.29 - 2.32
SUP	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
	Minor changes to standing rules governing fees and levies	Fees (Miscellaneous Amendments) (No 4) Instrument [FSA 2012/13]	1.4.12	2.12 – 2.15
	Introduce and amend rules on adviser charging	Retail Distribution Review (Adviser Charging No 5) Instrument 2012 [FSA 2012/15]	31.12.12	2.22 - 2.25
	Amendments to bring into effect changes made by the Department for Work and Pensions	Conduct of Business Sourcebook (Contracting Out) Instrument 2012 [ 2012/16]	6.4.12	2.26 – 2.28
	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
DEPP	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
DISP	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
COMP	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
COLL	Minor changes to investment companies with variable capital	Collective Investment Schemes Sourcebook (Amendment No 6) Instrument 2012 [FSA 2012/19]	22.3.12	2.41 – 2.43

<b>Module</b>	<b>Change</b>	<b>Instrument</b>	<b>When effective</b>	<b>Described in paragraphs</b>
CREDS	Minor amendments to Northern Ireland Credit Unions	Credit Unions (Northern Ireland) Instrument 2012 [FSA 2012/18]	31.3.12	2.44 – 2.46
RCB	Minor changes to standing rules governing fees and levies	Fees (Miscellaneous Amendments) (No 4) Instrument [FSA 2012/13]	1.4.12	2.12 – 2.15
REC	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
LR	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4
PERG	Minor administrative changes	Handbook Administration (No 25) Instrument 2012 [FSA 2012/11]	22.3.12 (part) 1.4.12 (part) 1.10.12 (part) 31.12.12	2.2 – 2.4

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