

PRA RULEBOOK: CRR FIRMS: NON CRR FIRMS: SOLVENCY II FIRMS: NON SOLVENCY II FIRMS: NOTIFICATION FORMS (AMENDMENT) INSTRUMENT 2015

Powers exercised

- A. The Prudential Regulation Authority (“PRA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137G (The PRA’s general rules); and
 - (2) section 137T (General supplementary powers).
- B. The rule-making powers referred to above are specified for the purpose of section 138G(2) (Rule-making instrument) of the Act.

Pre-conditions to making

- C. In accordance with section 138J of the Act (Consultation by the PRA), the PRA consulted the Financial Conduct Authority. After consulting, the PRA published a draft of proposed rules and had regard to representations made.

PRA Rulebook: CRR Firms: Non CRR Firms: Solvency II Firms: Non Solvency II Firms: Notification Forms (Amendment) Instrument 2015

- D. The PRA makes the rules in the Annexes to this instrument.

Commencement

- E. Annexes A and C to this instrument come into force on 7 March 2016. Annex B to this instrument comes into force on 16 December 2015.

Citation

- F. This instrument may be cited as the PRA Rulebook: CRR Firms: Non CRR Firms: Solvency II Firms: Non Solvency II Firms: Notification Forms (Amendment) Instrument 2015

By order of the Board of the Prudential Regulation Authority

10 December 2015

Annex A

This Annex contains the form in Notifications 11.12(2) in the CRR Firms and Non-CRR Firms sector of the PRA Rulebook and SIMR – Applications and Notifications 7.1(4) Solvency II Firms sector of the PRA Rulebook. In this Annex, all of the text is new and is not underlined.

Form D: Notification of changes to personal information/application details and conduct breaches/disciplinary action related to conduct

[Note: This form is set out in Part 2 of the FCA's Supervision Manual (Notification Forms) (Amendment) Instrument 2015 (FCA 2015/63) above, and is therefore not reproduced here.]

Annex B

This Annex contains amendments to the form in Notifications 10.1 in the CRR Firms, Non-CRR Firms, Solvency II Firms and Non-Solvency II Firms sectors of the PRA Rulebook. In this Annex, new text is underlined and deleted text is struck through.

Form F: Changes in notified persons

[Note: This form is set out in Part 1 of the FCA's Supervision Manual (Notification Forms) (Amendment) Instrument 2015 (FCA 2015/63) above, and is therefore not reproduced here.]

Annex C

This Annex contains amendment to the form in Fitness and Propriety 4.2 in the CRR Firms and Non-CRR Firms sectors of the PRA Rulebook, and in Key Function Holders – Notifications 4.1 in the Solvency II Firms sector of the PRA Rulebook. In this Annex, new text is underlined and deleted text is struck through.

Form M: Notification of non SMF/SIMF Appointment



Form M: Notification of non SMF/SIMF Appointment

Notification of the appointment of a Non-Executive Director or Key Function Holder

PRA Rulebook Reference: Fitness and Propriety 4.2 (CRR Firms) 4.2 and Fitness and Propriety 4.1 (SII Firms) 4.1 and Large Non-Solvency II Firms – Fitness and Propriety 4.1 (Large NDFs)

The *PRA* have produced notes which will assist both the notifying *firm* and the appointee in answering the questions in this form. Please read these notes, which are available on the *PRA* website at

<http://www.bankofengland.co.uk/PRA>

Both the notifying *firm* and the appointee will be treated by the *PRA* as having taken these notes into consideration when completing this form.

Name of appointee

Name of *firm*(s)

Firm reference number(s)

Prudential Regulation Authority
20 Moorgate
London
EC2R 6DA
United Kingdom
Telephone +44 (0) 203 461 7000
E-mail PRA.firmenquiries@bankofengland.co.uk
Website www.bankofengland.co.uk/PRA

Registered as a Limited Company in England and Wales No 07854923.
Registered Office: 8 Lothbury Road, London, EC2R 7HH

Contact information

1.01 a Who should the *PRA* contact at the *firm* in relation to this notification?

b Position

c Telephone

d Fax

e E-mail

Details of the person subject to notification

2.01 a Appointee Individual Reference Number (IRN) – If applicable

b OR name of previous regulatory body – if applicable

c AND previous reference number - if applicable

2.02 Title
(e.g. Mr, Mrs, Ms, etc)

2.03 Surname

2.04 ALL forenames

2.05 Commonly known as

2.06 Date of birth
(dd/mm/yyyy)

2.07 Previous name

2.08 Date of name change

2.09 Reason for change

2.10 Nationality

2.11 National Insurance Number (or passport number)

2.12 Place of birth

2.13 Private (Home) address

Postcode



I have supplied further information related to this section

YES

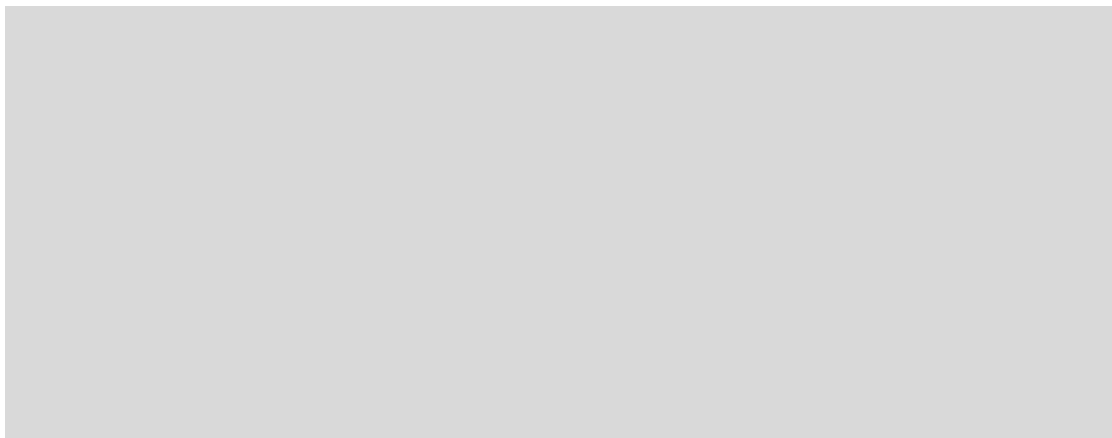
NO

Description of the position being notified

3.01 Name of the position and/or name of ~~key function(s)~~key function(s) for which the ~~individual appointee~~ will be responsible



3.02 Please note the key responsibilities of the role:



3.03 Date of appointment



3.04 If applicable, length of appointment



3.05 Name of *firm(s)* and/or ~~group~~ group for which the role will be exercised¹



3.06 FRN(s) (if applicable)



3.07 Please note how many other appointments the ~~individual appointee~~ currently holds (~~Executive & Non-Executive executive & non-executive~~) and how the *firm* considers that the appointee has sufficient time and resources to dedicate to the role:

The following question is applicable to Non-Executive Directors only

3.08 Please note how the *firm* considers that the appointment complements the composition of the Board, and ensures the appropriate levels of skills and experience:

The following questions are applicable to ~~Solvency II~~ Key Function Holders only

3.09 Is the ~~individual appointee~~ deemed to be in a position where they are effectively running the *firm* or ~~group~~ group ?

3.10 Is the ~~individual appointee~~ currently approved for a *PRA* or ~~FCA Controlled Function~~ controlled function at that *firm* or any other *firm* within that ~~group~~ group ? If so, please name that *firm*, and also name the relevant ~~Controlled Function~~ controlled function.

3.11 Is the ~~individual appointee~~ applying on a separate form to perform a *PRA* or ~~FCA Controlled Function~~ controlled function at the same *firm* or any other *firm* within that ~~group~~ group ?



I have supplied further
information related to this section

YES

NO

This section should be completed in reference to the guidance notes corresponding with this form.

Disclosure Note:

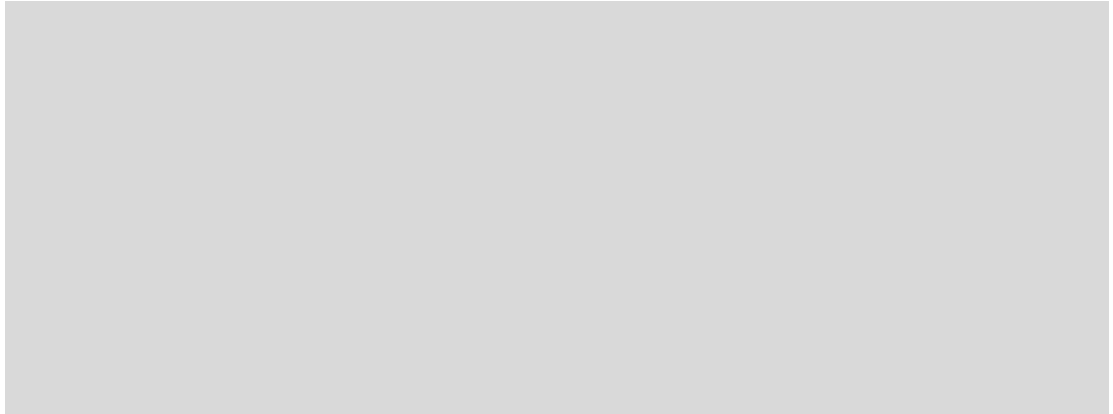
~~We require firms to disclose all relevant information relating to an appointees fitness and propriety. If there is any doubt about the relevance of the information, the information should be disclosed. The PRA takes non-disclosure very seriously and may consider it to be evidence of dishonesty and/or lack of integrity. In all circumstances, disclosures should be full, frank and unambiguous; if in doubt, disclose. In the event that an appointee discloses adverse information to notifying firm (or the notifying firm knows of adverse information by some other means) the notifying firm has a duty to disclose that information candidly to the PRA and explain why the notifying firm considers this does not affect the appointee's fitness and propriety (this paragraph should be read in conjunction with the information on disclosure in the guidance notes corresponding to this form).~~

4.01 Criminal Proceedings – Has the appointee **ever** been convicted of any criminal offence ~~(whether spent or not) been subject to Criminal proceedings or been asked (excluding spent convictions and traffic offences that did not result in a ban from driving or did not involve driving without insurance)?~~ Is the appointee **currently** the subject of any criminal proceedings? Has the appointee been ordered to produce documents pursuant to any **current** criminal investigation?

4.02 Civil Proceedings – Is the appointee currently subject or has the appointee **ever** been the subject of a judgement debt or award against the appointee or been party to civil proceeding which resulted in an order against the appointee? Does the appointee have any current judgement debts outstanding or have they ever failed to satisfy any such judgement debts. Has the appointee ever filed for or had a petition served for bankruptcy, been adjudged bankrupt, been subject of a bankruptcy restrictions order or made any arrangements with creditors?

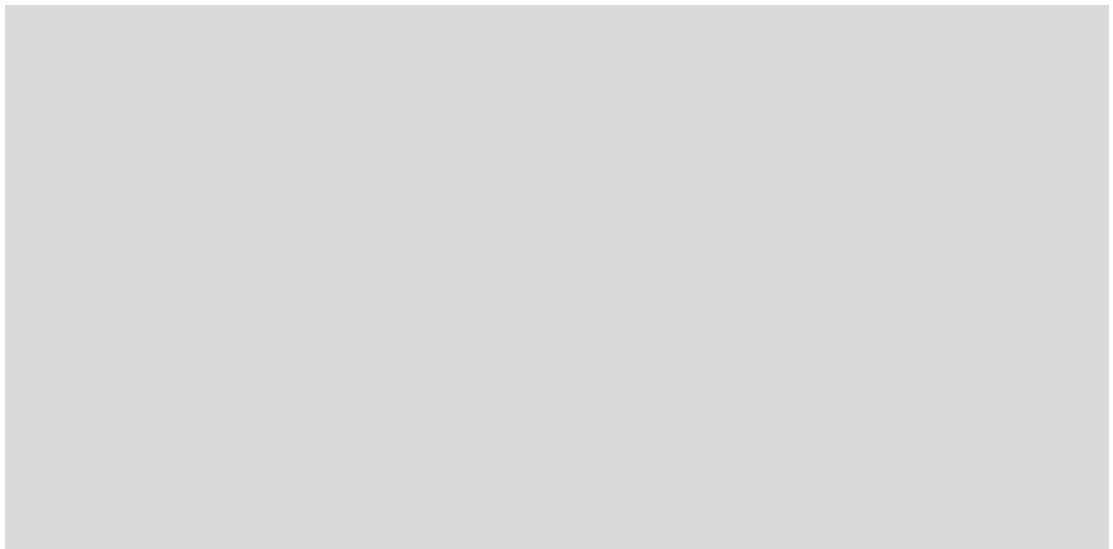
4.03

Conflicts of Interest – Does the appointee have any potential conflicts of ~~Interest~~ interest such as other appointments at, or ~~Close~~ close relatives with financial relations to companies subject to this notification, qualifying ownership or any other form of substantial influence in the *firm*?



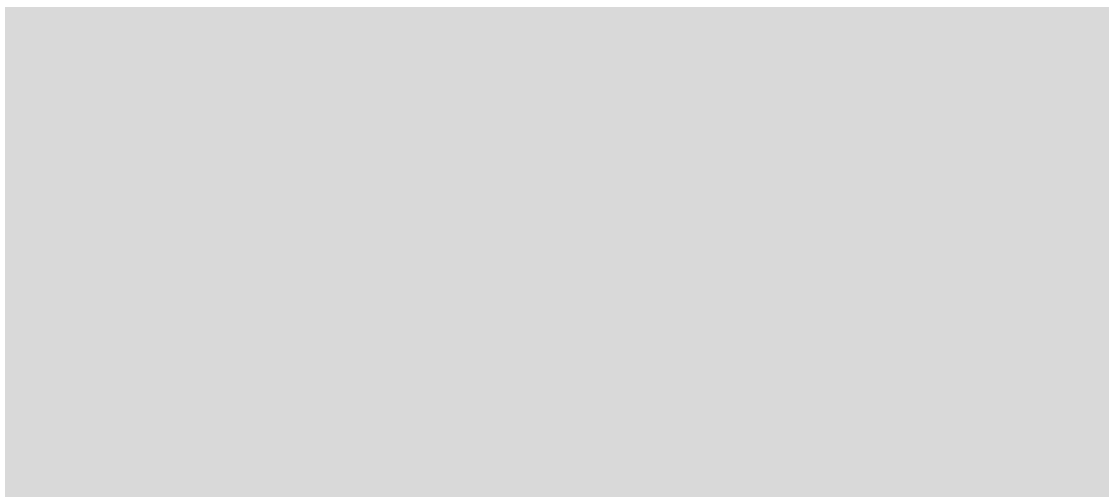
4.04

Business and Employment Matters – Has the appointee ever been dismissed from a position in a financial institution, company or firm? ~~Has the appointee ever been dismissed~~ or from employment as a senior executive or subject to termination of an engagement as a board member or auditor in ~~another firm~~ a financial institution, company or firm?



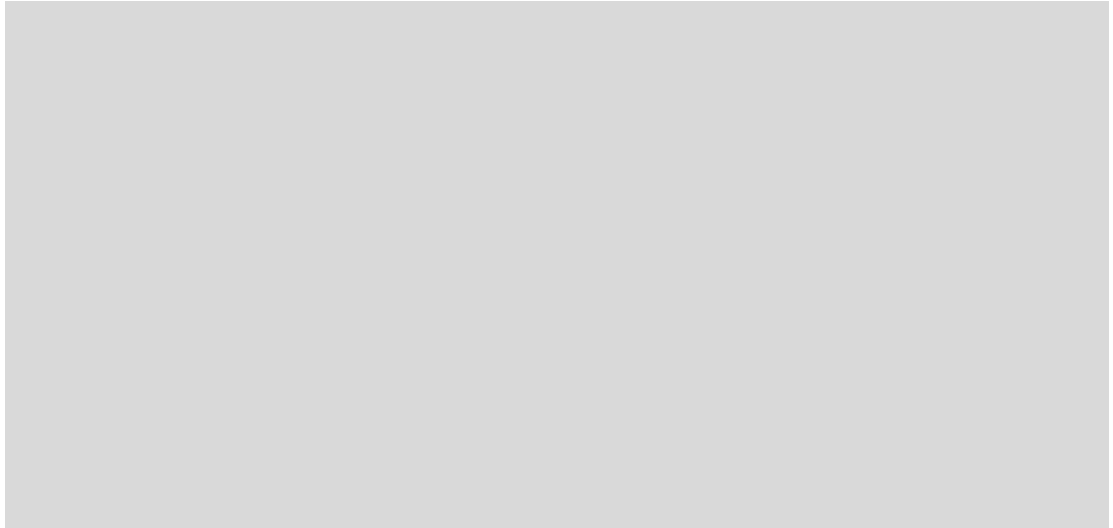
4.05

Regulatory Matters – In relation to activities regulated by the *FCA* and/or *PRA* or any other regulatory body. Has the appointee been subject of an investigation, been subject to the rejection of an application, exclusion or limitation in any other way in terms of the right to conduct operations, been the subject of supervisory sanctions, or been the subject of a notification of breach of conduct rules?



4.06

Other Matters - Are the appointee or the *firm* aware of any other information relevant to this notification that we might reasonably expect to receive?



I have supplied further
information related to this section

YES

NO

Supplementary Information

5.01 Please confirm that the ~~Firm~~ firm has provided the below documentation, in support of this notification:

5.01.1 the appointee's full CV including relevant employment history; YES NO

5.01.2 its assessment of whether the appointee has the personal characteristics required to perform the role effectively; YES NO

5.01.3 its assessment of whether the appointee possesses the level of competence, knowledge and experience required to perform the role effectively; YES NO

5.01.4 its assessment of whether the appointee has the qualifications required to perform the role effectively; and YES NO

5.01.5 its assessment of whether the appointee has undergone or is undergoing all training required to perform the role effectively. YES NO

5.01.6 Has / Have a reference or references been obtained from current and previous employer(s) in accordance with the requirements of the PRA.
If No, please provide details why the reference or references has/have not been obtained.

Please note that a *firm* is required to take reasonable steps to obtain appropriate references from any current or previous employer of the appointee, or at any organisation at which the appointee is or was a non-executive director during the last 6 years (see Insurance-Fitness and Propriety 2.5, and Fitness and Propriety 2.7 see Insurance - Fitness and Propriety 2.5, and Large Non-Solvency II Firms – Fitness and Propriety 2.5 in the PRA Rulebook).

YES NO

5.02 Is the *firm* submitting any other information relevant to this notification? YES NO

5.03 Please confirm total number of additional sheets being submitted

Declaration of Firm

Knowingly or recklessly giving the *PRA* information which is false or misleading in a material particular may be a criminal offence (sections 398 and 400 of the Financial Services and Markets Act 2000). Rule 6 of the Notifications Part of the *PRA CRR* Rulebook require an *authorised person* to take reasonable steps to ensure the accuracy and completeness of information given to the *PRA* and to notify the *PRA* immediately if materially inaccurate information has been provided.

Fitness and Propriety 3.1(d) in the *PRA CRR* Rulebook, ~~and~~ Insurance – Conduct Standards 2.2 in the *PRA Solvency II* Rulebook and Large Non-Solvency II Firms – Conduct Standards 2.2 in the *PRA Non-Solvency II* Rulebook provide that a *firm* must require any *key function holder* or *non-executive director* to disclose appropriately any information of which the *PRA* would reasonably require notice. Contravention of these requirements may lead to disciplinary sanctions or other enforcement action against the *firm* by the *PRA*.

In addition, appointees should be reminded that a failure by the appointee to disclose relevant information either to the *firm* or to the *PRA* could be regarded as evidence that they were not fit and proper. It should not be assumed that information is known to the *PRA* merely because it is in the public domain or has previously been disclosed to the *PRA* or another regulatory body. If there is any doubt about the relevance of information, it should be included.

In making this notification the *firm* believes on the basis of due and diligent enquiry that the appointee is a fit and proper person to perform the role. The *firm* also believes, on the basis of due and diligent enquiry, that the appointee is competent to fulfil the duties required in the performance of such function(s).

In signing this form on behalf of the *firm* I confirm that the information in this Form is accurate and complete to the best of my knowledge and belief and that I have read the notes to this Form.

[\(http://fshandbook.info/FS/html/PRA/\)](http://fshandbook.info/FS/html/PRA/)

[\(http://www.bankofengland.co.uk/PRA/\)](http://www.bankofengland.co.uk/PRA/)

6.01 Name of person signing on behalf of the
firm

6.02 Job title

6.03 Signature

Date / /

Declaration of Appointee

The appointee confirms that the information provided in this notification is accurate and complete to the best of his/her knowledge and that he or she has read the notes to this form. The appointee will notify the *PRA* immediately if there is a material change to the information provided.

The appointee confirms that the key responsibilities set out in Section 3.02 accurately reflect the aspects of the affairs of the firm which it is intended that the appointee will be responsible for managing. The appointee confirms that they have accepted all these responsibilities.

The appointee authorises the *PRA* to make such enquiries and seek such further information as it thinks appropriate to identify and verify information that it considers relevant to the assessment of this notification.

The appointee acknowledges and agrees that these checks may include credit reference checks or information pertaining to fitness and propriety, and is aware that the results of these enquiries may be disclosed to the employer.

The appointee agrees that he or she may be required to apply for a search to be made as to whether any criminal records are held in relation to him or her and to obtain a certificate (where such certificate can be obtained) and to disclose the result of that search to the *firm* submitting this application.

The appointee agrees that the *PRA* may use the address specified for the appointee in this form as the proper address for service in the United Kingdom as defined in Financial Services and Markets Act 2000 (Service of Notice) Regulations (SI 2001/1420) to serve any notices on that signatory.

For the purposes of complying with the Data Protection Act 1998, the personal information provided in this Form will be used by the *PRA* to discharge its statutory functions under the Financial Services and Markets Act 2000 and other relevant legislation, and will not be disclosed for any other purpose without the permission of the appointee.

The appointee confirms that he or she understands the regulatory responsibilities of the proposed role as set out in the ~~*PRA Insurance*~~ following Parts of the *PRA* Rulebook: Conduct Rules, Insurance - Conduct Standards or Large Non-Solvency II Firms – Conduct Standards Instrument (as applicable).

The appointee is aware that, while advice may be sought from a third party (e.g. legal advice), responsibility for the accuracy of information, as well as the disclosure of relevant information, on the ~~Form~~ form is ultimately the responsibility of those who sign the notification.

6.04 Name

6.05 Signature of appointee

Date / /