

## Chapter 27

# Senior managers and certification regime: Certification regime

## 27.5 Exclusions for emergency and temporary appointments

### Emergency appointments

- 27.5.1** **R**
- (1) If:
- (a) a *firm* appoints an individual to perform a function which, but for this *rule*, would be an *FCA certification function*;
  - (b) the appointment is to provide cover for a *certification employee* whose absence is reasonably unforeseen; and
  - (c) the appointment is for less than four weeks;
- then the performance by that individual of such function does not constitute an *FCA certification function*.
- (2) This *rule* does not apply to *FCA certification function* (4) (functions requiring qualifications).

- 27.5.2** **G**
- SYSC 27.5.1R does not apply to *FCA certification function* (4) (functions requiring qualifications). Where there is an unforeseen absence of an *employee* performing a function for which there is a qualification requirement:
- (1) the *firm* should take reasonable care to ensure that no *employee* of that *firm* performs that function without a valid certificate; and
  - (2) the certificate should be issued before the *person* starts to perform the function.

### Temporary UK role (the 30-day rule)

- 27.5.3** **R**
- (1) None of the *FCA certification functions* extend to an individual ("P") in relation to a *firm* if:
- (a) P is based outside the *United Kingdom* for the *firm*; and
  - (b) in a 12-month period, P spends no more than 30 days performing what would otherwise be an *FCA certification function* for that *firm* within the territorial scope of this chapter as described in ■ SYSC 27.3.1R.
- (2) Paragraph (1) only applies to the extent that P is appropriately supervised by:
- (a) one of the *firm's SMF managers*; or

		<p>(b) one of the <i>firm's certification employees</i> whose certificate covers the <i>FCA certification function</i> that is to be disapplied under (1).</p> <p>(3) This <i>rule</i> does not apply to any <i>FCA certification function</i> to the extent that it involves:</p> <p>(a) giving advice or performing related activities in connection with <i>pension transfers, pension conversions or pension opt-outs for retail clients</i>; or</p> <p>(b) giving advice to a <i>person</i> to become, or continue or cease to be, a member of a particular Lloyd's syndicate.</p> <p>(4) In the case of a <i>UK SMCR firm</i>, this <i>rule</i> does not apply to <i>FCA certification function</i> (6) (material risk takers).</p>
27.5.4	G	■ SYSC 27 Annex 1G gives examples of how ■ SYSC 27.5.3R works.
27.5.5	G	The <i>FCA</i> would expect an individual from overseas using the temporary <i>UK role rule</i> in ■ SYSC 27.5.3R to be accompanied on a visit to a <i>customer</i> in the <i>United Kingdom</i> .
27.5.6	G	An individual benefiting from the temporary <i>UK role rule</i> in ■ SYSC 27.5.3R may still be subject to the requirements of <i>TC</i> (Training and competence). However, ■ TC 2.1.9R gives an exemption from certain qualification requirements in <i>TC</i> to an individual benefiting from the temporary <i>UK role rule</i> .