

Chapter 27

Senior managers and certification regime: Certification regime

27.4 General material about the scope of the certification regime

Employees

27.4.1

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- (1) The certification regime only applies to an *employee*.
- (2) This definition includes a *person* who:
 - (a) personally provides, or is under an obligation personally to provide, services to the *firm* in question under an arrangement made between the *firm* and the *person* providing the services or another *person*; and
 - (b) is subject to (or to the right of) supervision, direction or control by the *firm* as to the manner in which those services are provided.

27.4.2

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- (1) A *person* who works for an *appointed representative* of a *firm* may fall into the certification regime. In practice, however, they may not meet the conditions for the certification regime to apply.
- (2) One condition for the certification regime to apply to a *person* is that the *person* performs a *certification function* under an arrangement entered into by the *firm* (see ■ SYSC 27.2.3G). However, unlike the equivalent parts of the Act for the *approved persons* regime, the Act does not say that the certification regime applies if the function is performed under an arrangement entered into by the employee with a contractor of the *firm* instead of the *firm*.
- (3) The certification regime only applies if the *person* concerned is an *employee*. This is defined in ■ SYSC 27.4.1G. In many cases, a *person* working for an *appointed representative* will not fall into this definition as they may not:
 - (a) provide services to the *firm*; or
 - (b) be subject to (or to the right of) supervision, direction or control by the *firm*.
- (4) If none of these limitations on the scope of the certification regime apply, a *person* working for an *appointed representative* will be

subject to the certification regime, as long as the other conditions in this chapter are met.

Effect of PRA requirements

27.4.3

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A function does not cease to be an *FCA certification function* if that function is also a *PRA certification function*.