

SCHEDULES

SCHEDULE 6

THRESHOLD CONDITIONS

PART I

PART IV PERMISSION

Legal status

- 1 (1) If the regulated activity concerned is the effecting or carrying out of contracts of insurance the authorised person must be a body corporate, a registered friendly society or a member of Lloyd's.
- (2) If the person concerned appears to the Authority to be seeking to carry on, or to be carrying on, a regulated activity constituting accepting deposits, it must be—
- (a) a body corporate; or
 - (b) a partnership.

Location of offices

- 2 (1) If the person concerned is a body corporate constituted under the law of any part of the United Kingdom—
- (a) its head office, and
 - (b) if it has a registered office, that office,
- must be in the United Kingdom.
- (2) If the person concerned has its head office in the United Kingdom but is not a body corporate, it must carry on business in the United Kingdom.

Close links

- 3 (1) If the person concerned (“A”) has close links with another person (“CL”) the Authority must be satisfied—
- (a) that those links are not likely to prevent the Authority’s effective supervision of A; and
 - (b) if it appears to the Authority that CL is subject to the laws, regulations or administrative provisions of a territory which is not an EEA State (“the foreign provisions”), that neither the foreign provisions, nor any deficiency in their enforcement, would prevent the Authority’s effective supervision of A.
- (2) A has close links with CL if—
- (a) CL is a parent undertaking of A;

Status: This is the original version (as it was originally enacted).

- (b) CL is a subsidiary undertaking of A;
 - (c) CL is a parent undertaking of a subsidiary undertaking of A;
 - (d) CL is a subsidiary undertaking of a parent undertaking of A;
 - (e) CL owns or controls 20% or more of the voting rights or capital of A; or
 - (f) A owns or controls 20% or more of the voting rights or capital of CL.
- (3) “Subsidiary undertaking” includes all the instances mentioned in Article 1(1) and (2) of the Seventh Company Law Directive in which an entity may be a subsidiary of an undertaking.

Adequate resources

- 4 (1) The resources of the person concerned must, in the opinion of the Authority, be adequate in relation to the regulated activities that he seeks to carry on, or carries on.
- (2) In reaching that opinion, the Authority may—
- (a) take into account the person’s membership of a group and any effect which that membership may have; and
 - (b) have regard to—
 - (i) the provision he makes and, if he is a member of a group, which other members of the group make in respect of liabilities (including contingent and future liabilities); and
 - (ii) the means by which he manages and, if he is a member of a group, which other members of the group manage the incidence of risk in connection with his business.

Suitability

- 5 The person concerned must satisfy the Authority that he is a fit and proper person having regard to all the circumstances, including—
- (a) his connection with any person;
 - (b) the nature of any regulated activity that he carries on or seeks to carry on; and
 - (c) the need to ensure that his affairs are conducted soundly and prudently.