

# Distance Selling & Hybrid Agreements.

Partner Guide.



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# Distance Selling Basics.



#### What is a distance sold agreement?

For every new potential agreement, including re-finances for existing customers, please ask the following question:-

"Has there been, or will there be, any face-to-face contact with the customer before the finance documents are signed?"

If the answer to the above question is "No", then this is a distance sold agreement and you must tick the "Distance Sold" box in FAMOS before you submit the proposal to Underwriting.

#### The Golden Rules of Distance Selling.



Ask yourself;
"Has there, or will there be,
any face-to-face contact with
the customer before the
finance documents are
signed?"

If the answer is **"No"**, this is a distance sold agreement.



FAMOS **before** submitting to Underwriting.

Make sure that you capture the correct email address & mobile number to ensure a seamless experience with Open Banking.



Use e-Sign at Home to share contracts with the customer.



If there is a need to deliver the vehicle off-site, it must only be delivered to the customer's home address.



# Distance Selling Basics.



#### Additional Underwriting Checks - Enhanced Due Diligence (EDD).

As a responsible lender, we comply with Anti-Money Laundering Regulations by carrying out further checks on the customer when finance is sold at a distance. As a result, you **must** tick the 'Distance Sold' box in FAMOS.

These additional checks can include asking the customer to use our Open Banking service. To ensure an efficient turnaround of the proposal, we strongly encourage you to make customers aware of this process so they know what to expect and can allow us to access their banking information quickly and securely.

#### **Accurate Customer Documentation.**

Ticking the "Distance Sold" box in FAMOS **before** submission to Underwriting ensures the customer receives the correct documentation and legal rights. **Without this, there is a high risk of significant financial impact on both the Partner and Financial Services.** 

We strongly recommend you take advantage of our e-Sign process when signing customers onto their finance agreement. One of the key advantages of this process is that we'll undertake additional identity checks which provides enhanced security, improved customer experience and increased efficiency.

If you need to Ink Sign documentation, the risk of fraud is increased and you will need to **lamp and stamp** the original photo ID prior to submitting documents to Payout.

#### **Delivering the Vehicle.**

If there is a need to deliver the vehicle off-site, it **must** be delivered at the Customer's **home address only**.

# Distance Selling Regulations Explained.



#### **Right to Withdraw**

- Applies to regulated credit agreements sold face-to-face or at a distance where the amount borrowed is £60,260 or less.
- The withdrawal period is 14 days starting from the day after the customer signs the agreement.
- If the right to withdraw is exercised, the customer can withdraw from the finance, but not from the purchase of the vehicle.
- If the customer exercises their right to withdraw, they must repay the credit, plus interest, within 30 days starting from the day after the notice to withdraw was given.
- If payment is not received in full, we can repossess the vehicle without consent or court order, and the customer will be liable for any shortfall.

#### **Right to Cancel**

- Applies to credit agreements sold at a distance where the amount borrowed is more than £60,260 and the customer is an individual.
- Also applies to Personal Contract Hire agreements sold at a distance regardless of the amount hired and the customer is an individual.
- The cancellation period is 14 days starting from the day after the date on which the agreement is concluded.
- If a customer exercises their right to cancel the agreement, they must return the vehicle to us in good condition. We will then refund all monies paid under the agreement (which means the Partner must refund any deposit or part-exchange value) to the customer and we will sell the vehicle back to the Partner at invoice price.
- The right to cancel does not apply to distance sold credit agreements to businesses e.g. sole-traders, partnerships or limited companies.
- We offer the ability to sell regulated and unregulated credit agreements to high net worth individuals at a distance.

# Credit Agreements – Customer Rights.



Customer Type		Amount	Regulated?	Right to Withdraw?	Right to Cancel?					
1. Ltd company/LLP/partnership 4 plus partners										
(i)	Distance and face-to-face	Any Amount	No	No	No					
2. Individual										
(i)	Face -to- face and sign on trade premises	Over £60,260	Regulated or unregulated	No	No					
(ii)	Face to face negotiations but sign off trade premises	Over £60,260	Yes	No	Yes (CCA)					
(iii)	Distance contracts - no face-to-face and sign off trade premises	Over £60,260	Yes	No	Yes					
(iii)	Face-to-face or distance	£60,260 or less	Yes	Yes	No					
(iv)	Distance sold (HNW)	Over £60,260	No. If high net worth individual (HNW, exemption declaration is provided	No	Yes. 14 day right to cancel under Financial Services Distance Marketing Regulations.					
3. Sole traders/Partnership with 3 or less partners										
(i)	Face-to-face and distance	£60,260 or less	Yes	Yes	No					
(ii)	Face to face negotiations but sign off trade premises	Over £60,260	Yes	No	Yes (CCA)					
(iii)	Face to face negotiations and sign on trade premises	Over £60,260	Yes	No	No					
(iv)	Distance contracts - no face-to-face and sign off trade premises	Over £60,260	Yes	No	No					

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# Hybrid Agreements.



A hybrid scenario is where the finance agreement is:

- 1. A regulated PCP/HP with
- 2. Balance to finance over £60,260

and:

3. Is not a distance sale (i.e. the Partner has had some faceto-face contact with the customer prior to the signing of the finance agreement)

and:

4. Is a signed off trade premises

If the above criteria is met, the customer will have a right to cancel within 5 days from receiving a cancellation form from us.

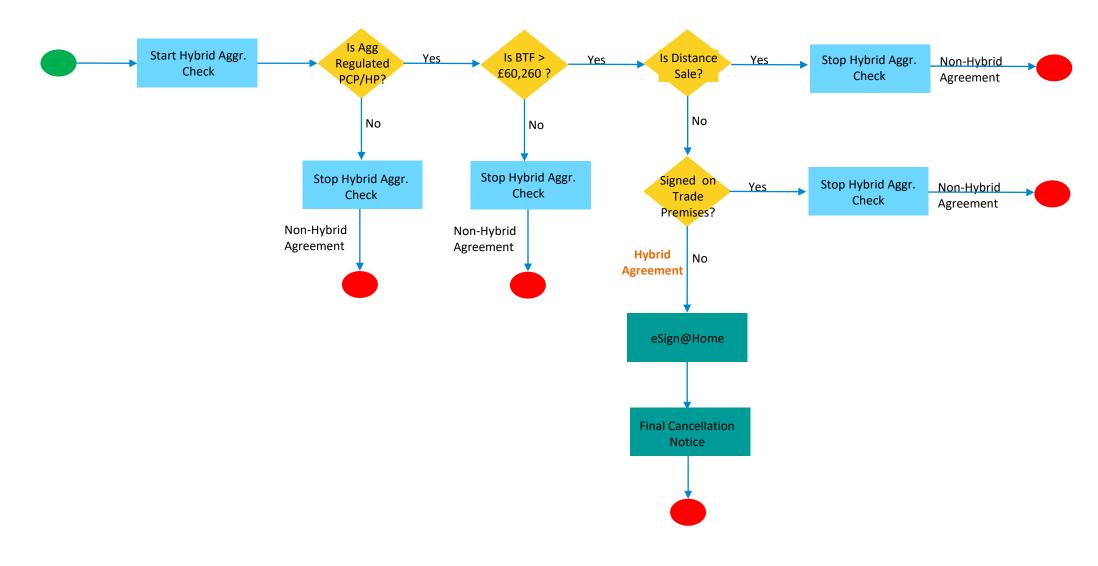
- Under these conditions, customers have flexibility to sign agreements off trade premises.
- A new pop up (see below) will appear in FAMOS when 'Proceed to Payout' is selected, which will establish the signing location so that the appropriate signing option can be presented during the signing ceremony.



 Should you need any further information with regards to Hybrid agreements, and the related FAMOS process, please click <u>here</u>.



# How to Determine a Hybrid Agreement.



# Distance Sold PCH Agreement.

The cancellation period is 14 days starting from the day after the signed contract is provided to the customer in a durable medium.

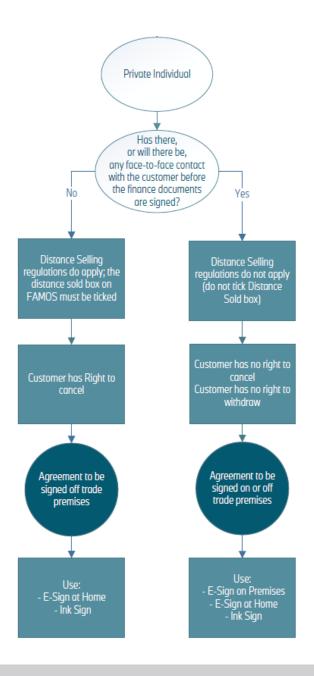
#### **Recommended Partner Process:**

- 1. Partner sends the eSign PCH distance sale pack to the customer.
- Customer completes their eSign process.
- 3. Partner is notified by email of the completion of the eSign process.
- 4. Partner password protects / encrypts agreement and sends it to the customer via email straight away, also noting the date and time in Onbase.
- 5. Partner allows 14 days after providing the signed contract to the customer before delivering the vehicle.

#### **Customer Process:**

- 1. Notice of cancellation must be given by the customer in a clear statement.
- 2. If a contract is cancelled, the customer must return the vehicle to us in good condition and be provided with a full refund within 14 days starting from the day after the notice of cancellation is received.

Please click here for full details of the Right to Cancel



# Hire Agreements – Customer Rights.

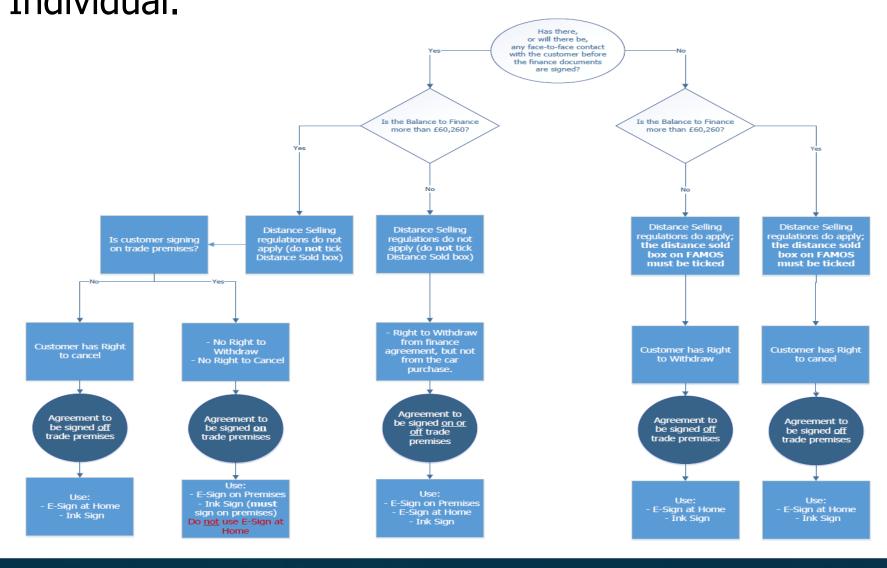


Customer Type		Amount	Regulated?	Right to Withdraw?	Right to Cancel?				
1. Ltd/LLP/4 or more partners									
(i)	Distance and face-to-face	Any Amount	No	No	No				
2. Individual									
(i)	Face to face and sign on trade premises	Any Amount	Yes	No	No				
(ii)	Face to face negotiations but sign off trade premises	Any Amount	Yes	No	Yes (CCA)				
(iii)	No face-to face discussions and sign off trade premises	Any Amount	Yes	No	Yes.14 day cancellation rights (13 June Regs)				
3. Sole traders/Partnership with 3 or less partners									
(i)	Face to face and sign on trade premises	Any Amount	Yes	No	No				
(ii)	Face to face negotiations but sign off trade premises	Any Amount	Yes	No	Yes (CCA)				
(iii)	Distance -no face-to face discussions and sign off trade premises	Any Amount	Yes	No	No				

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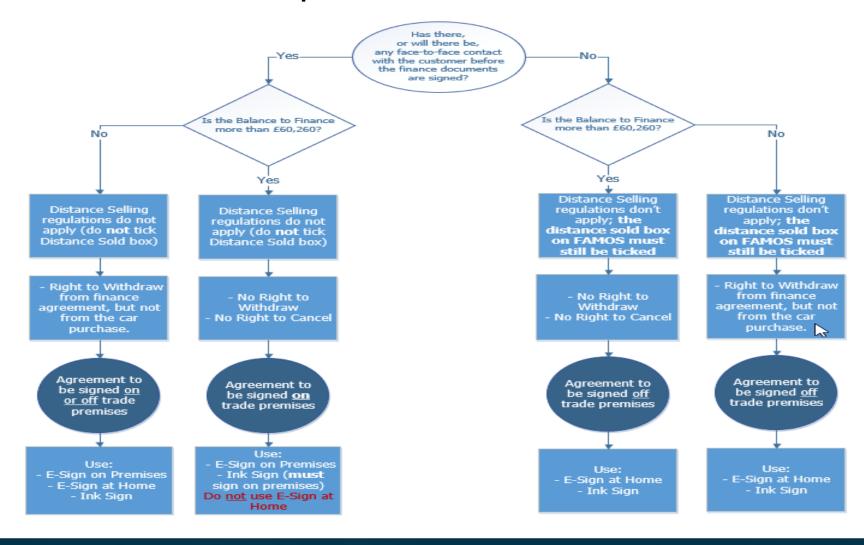


# Distance Selling Matrix For Regulated HP/PCP. Private Individual.



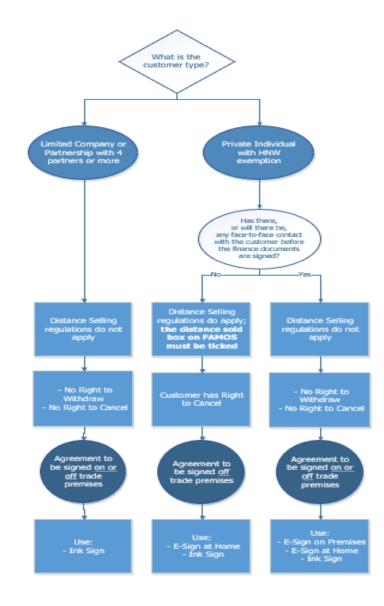


# Distance Selling Matrix For Regulated Agreements. Sole Trader OR Partnership with Less Than 4 Partners.





Distance Selling Matrix.
Unregulated and High Net
Worth Customers.



# Distance Selling FAQ's.



#### Q: Where do I tick the Distance Sold box in FAMOS?

A: This can be found at the top of the proposal. Please remember to tick this box before submitting the application to Underwriting to ensure everything is completed correctly the first time.



#### Q: My customer has arranged Click+Collect, is this a Distance Sold agreement?

Not necessarily. Distance Selling depends on whether you've had physical face-to-face contact with the customer before the finance agreement is signed. If you've arranged to deliver the vehicle face-to-face after the agreement is e-signed at home, this is a distance sold agreement and you must ensure the "Distance Sold" box in FAMOS was ticked before submitting to Underwriting.

If, on the other hand, you deliver the car with the unsigned finance agreement, this is not distance sold as you or your third party agent will have had some face to face contact before the agreement is signed. Please note, our recommendation and best practice is to ensure that funds are received before releasing the vehicle

#### Q: I've had a virtual appointment with the customer prior to sending the documents, does this count as face-to-face contact?

A: No, it doesn't. Face-to-face contact is defined as physically seeing the customer before the finance documents are signed.

# Distance Selling FAQ's.



#### Q: If I tick the Distance Sold box, will this slow down the underwriting decision?

Not necessarily. There are situations where proposals that are ticked as Distance Sold, will be auto approved. This auto decision can happen when the Partner actively uses eSign and the customer passes two internal checks which are completed automatically.

If the customer falls into the manual underwriting queue, we'll send the customer an Open Banking link for the Enhanced Due Diligence (EDD) check to be completed. This is a very streamlined process but we strongly encourage you to make customers aware of this process so they know what to expect and can authorise us to access their banking information quickly & securely.

If Open Banking isn't available, then the Underwriters will call the customer to complete this EDD check over the phone - this will of course take some additional time.

#### Q: Will ticking the Distance Sold box increase the chance of a declined proposal?

A: Not necessarily. We would never decline a proposal just because its Distance Sold.

#### Q: I'm not sure if I will seeing the customer face-to-face before the agreement is signed. Should I still tick the Distance Sold box?

A: You must make sure you only tick the "Distance Sold" box in FAMOS prior to submitting the application to Underwriting if the agreement is Distance Sold. If circumstances change and you do see the customer before the agreement is signed, please untick the Distance Sold box before producing the documents.

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# Distance Selling FAQ's.



#### Q: What happens if I don't tick the 'Distance Sold' box in FAMOS but the agreement was distance sold?

A: There is a high risk of significant financial impact for both the Partner and us at ALPHERA Financial Services if a customer has signed incorrect documentation. Please remember you can always tick or untick the box before producing customer documentation for signing if circumstances change, which will ensure that the correct documentation is produced.

Under these circumstances you will need to resubmit the proposal to Underwriting.

#### Q: If I forget to tick the Distance Sold box, can I tick this after I've submitted the customer's proposal?

- A: You can tick the Distance Sold box in FAMOS after a proposal has gone through Underwriting but you will need to resubmit the proposal to Underwriting. We will then complete further checks on the customer's proposal to comply with Anti-Money Laundering Regulations.
- If you tick the box after you've produced the documents for the customer, these documents will be incorrect. You will need to resubmit the proposal to Underwriting to create the correct document pack.

## Q: If a customer has physically visited our showroom to see the vehicle but there was no discussion regarding finance at the time, would this still be considered Distance Sold?

A: If the customer visits the dealership to talk about the vehicle and subsequently discusses financing the same vehicle – this would not be a Distance Sale. However, if they finance a different vehicle without going back to the dealership before the finance documents are signed then this would be a Distance Sale.

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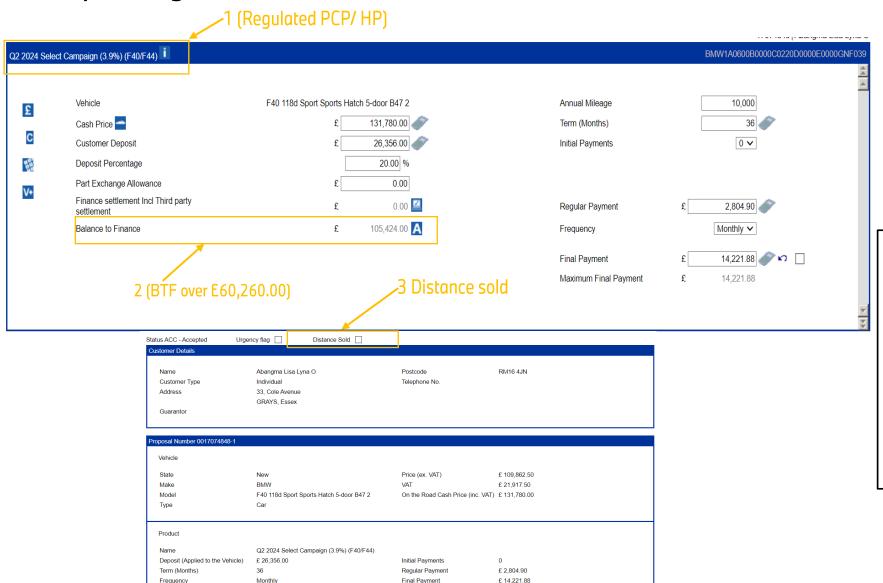
## Hybrid agreements

Monthly

£ 0.00

Total Non-Vehicle Items





Final Payment

Print PCI Back to Quotation Notes NTU Proceed to Payout

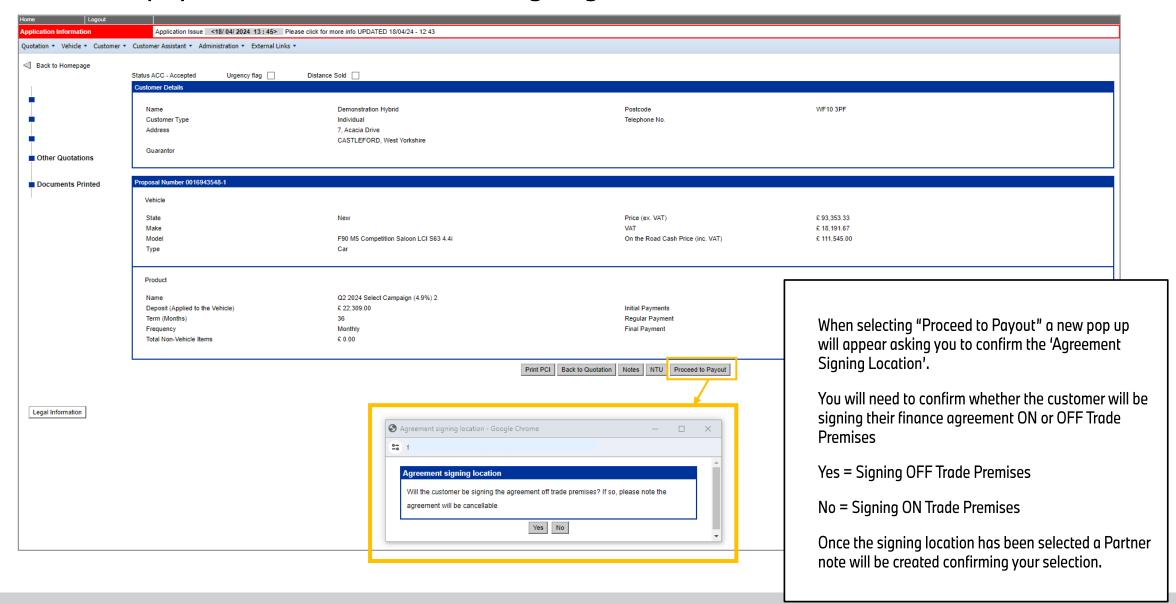
An agreement will only be classed as a hybrid if it meets the criteria in point 1-3 and the user responds Yes to the new pop up that appears when they click on "Proceed to Payout".

OR

The user clicks on "Print – Agreement Pack" Where the print button appears instead of the Proceed to Payout button and responds Yes to the new pop up.

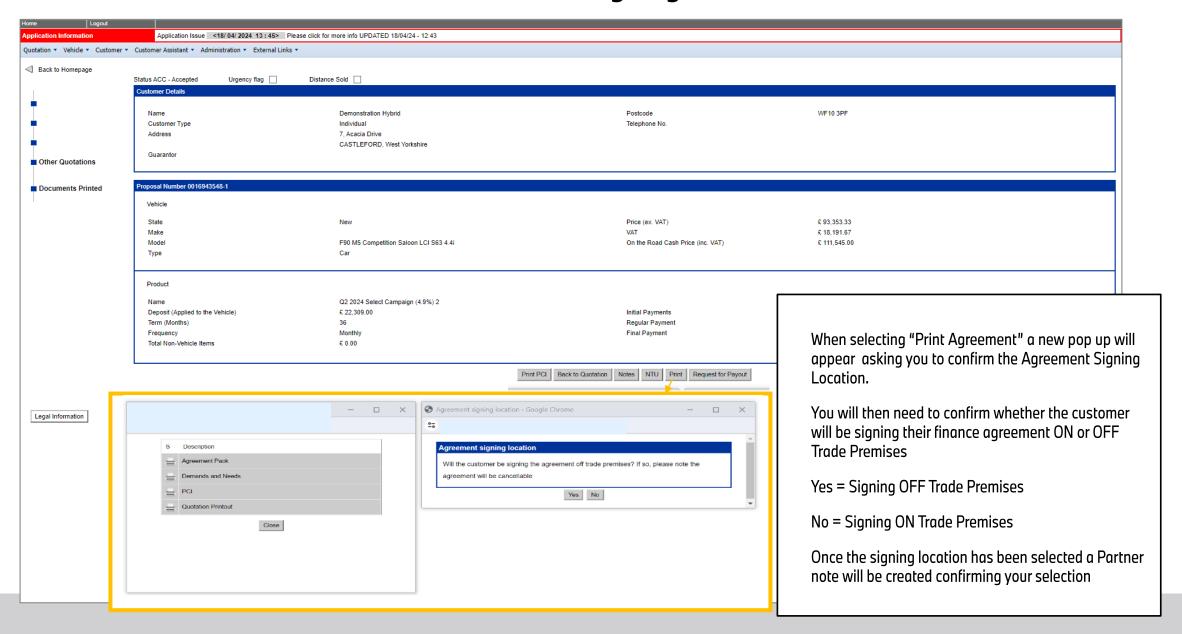
## Proceed to payout from famos – select signing location





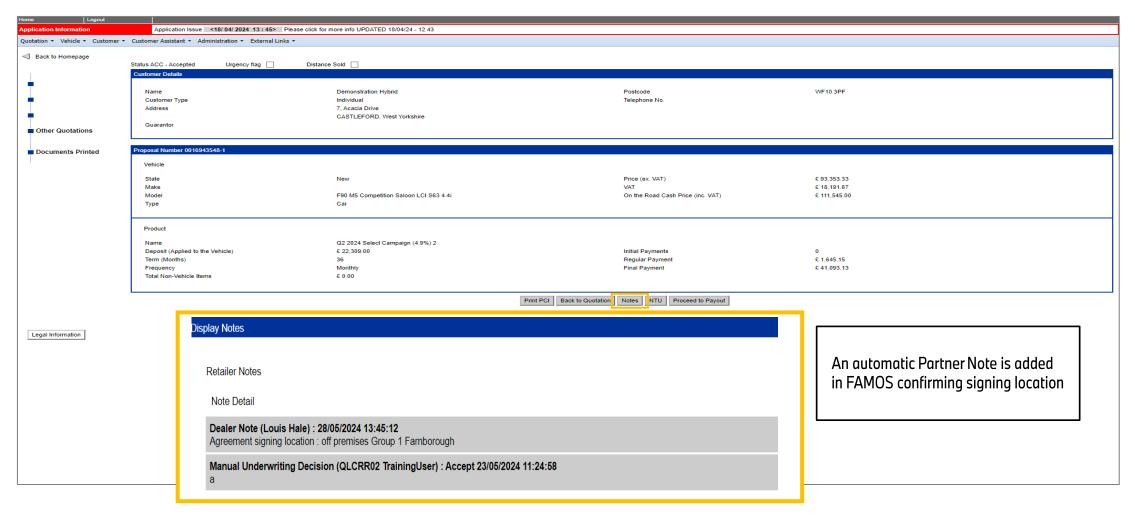
## PRINT AGREEMENT Pack from famos – select signing location





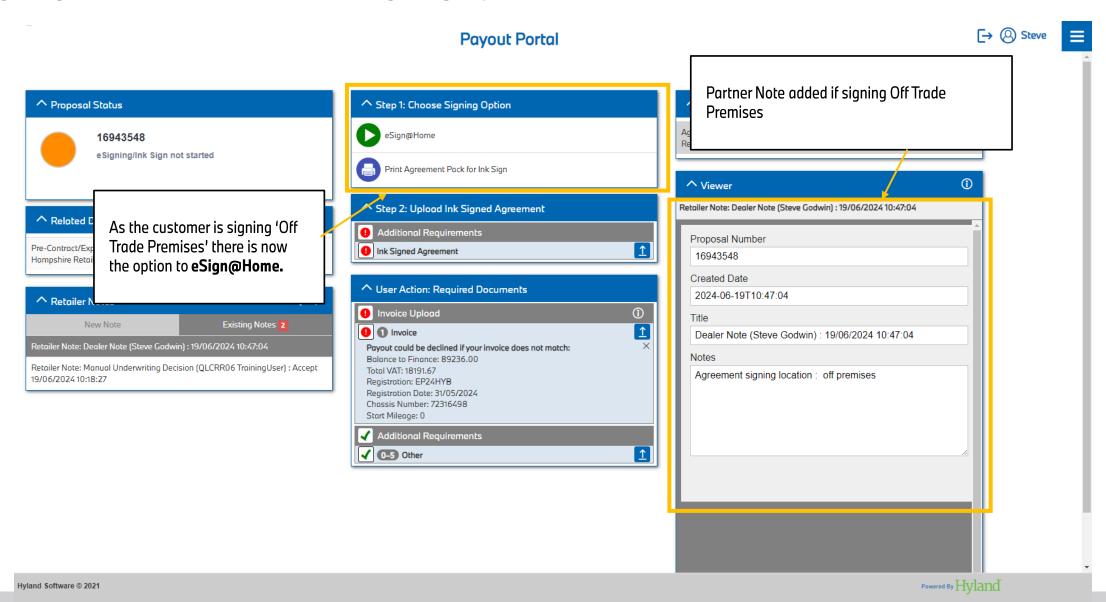
### Partner note in famos





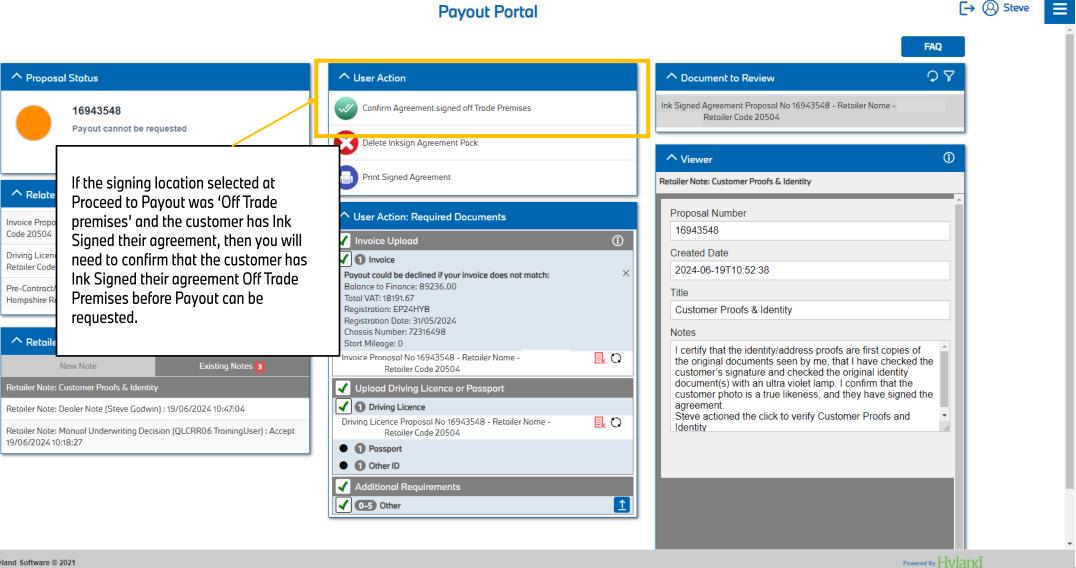
## Signing OFF trade Premises – signing options





## Ink signed off trade premises – confirm signing location

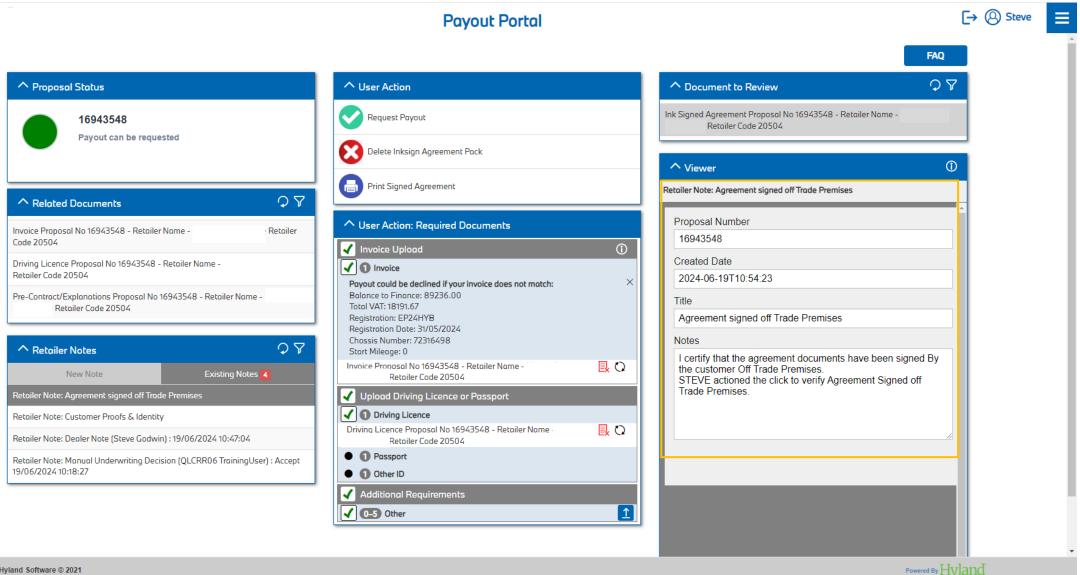




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## INK signed off trade premises – confirmed signing location note

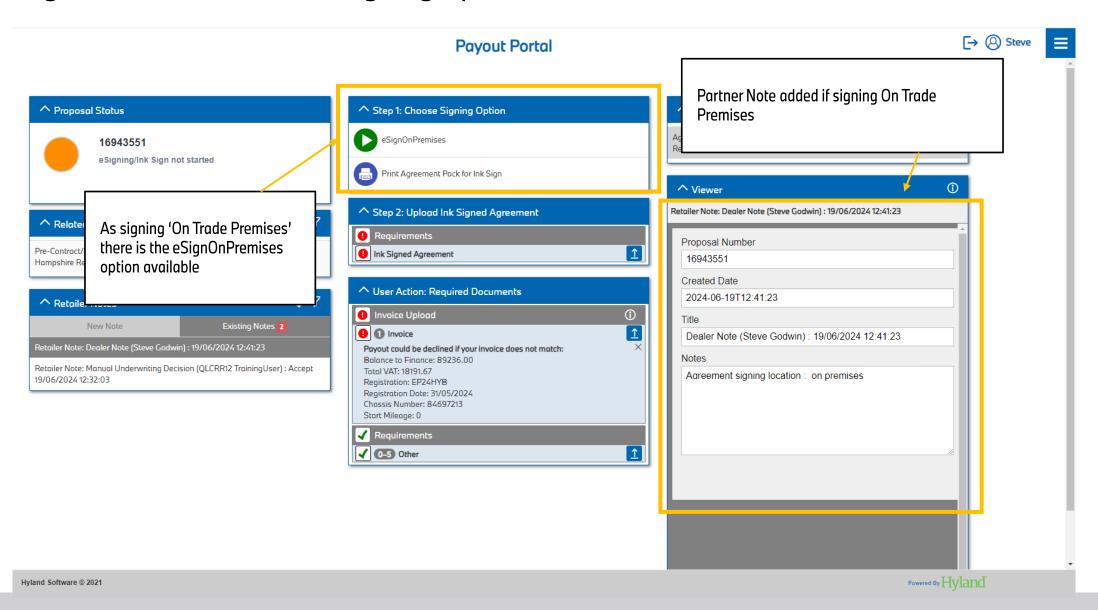




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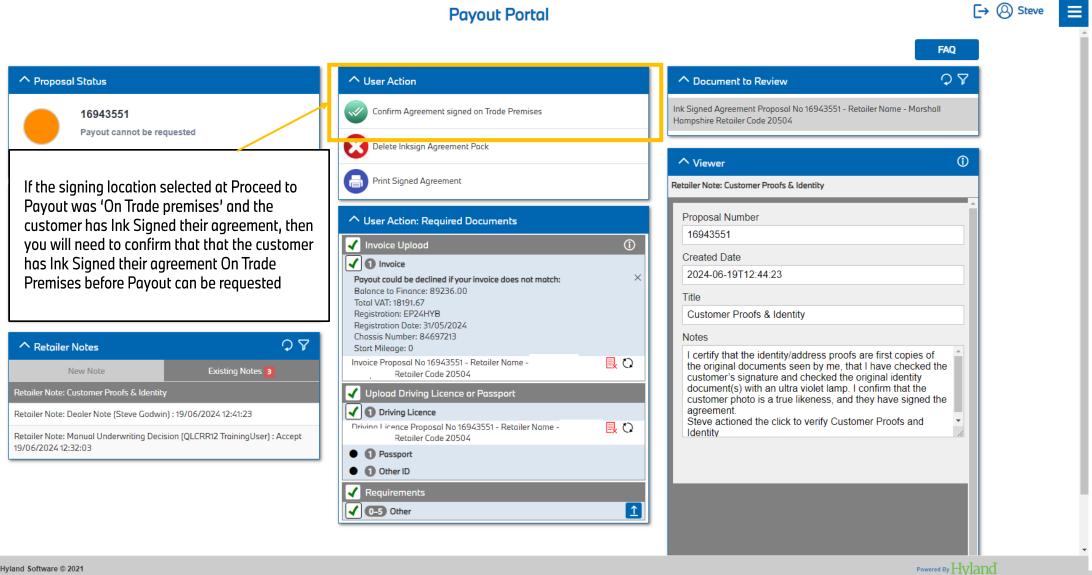
## Signing ON trade Premises – signing options





## Ink signed oN trade premises – confirm signing location

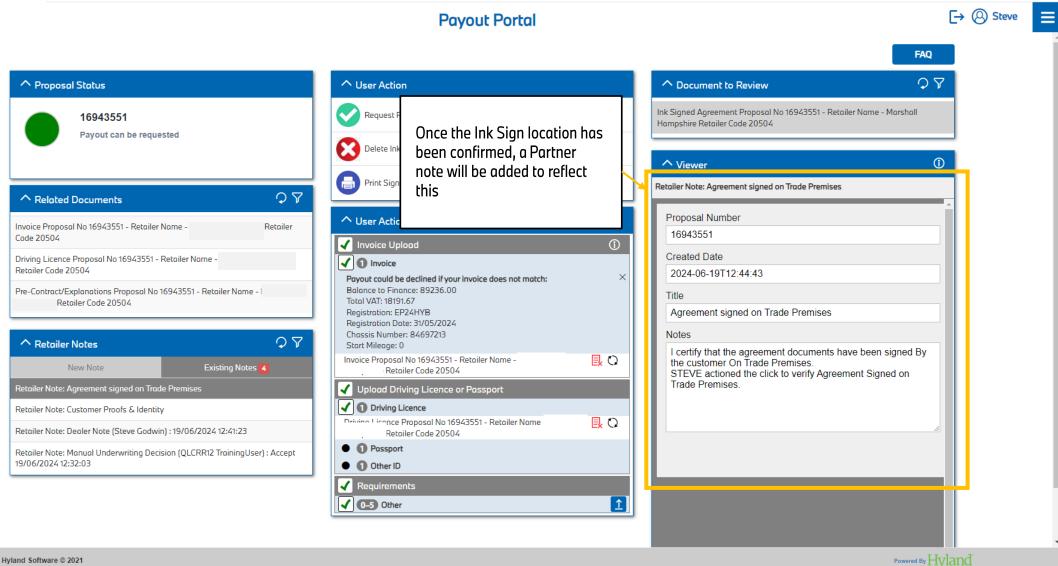




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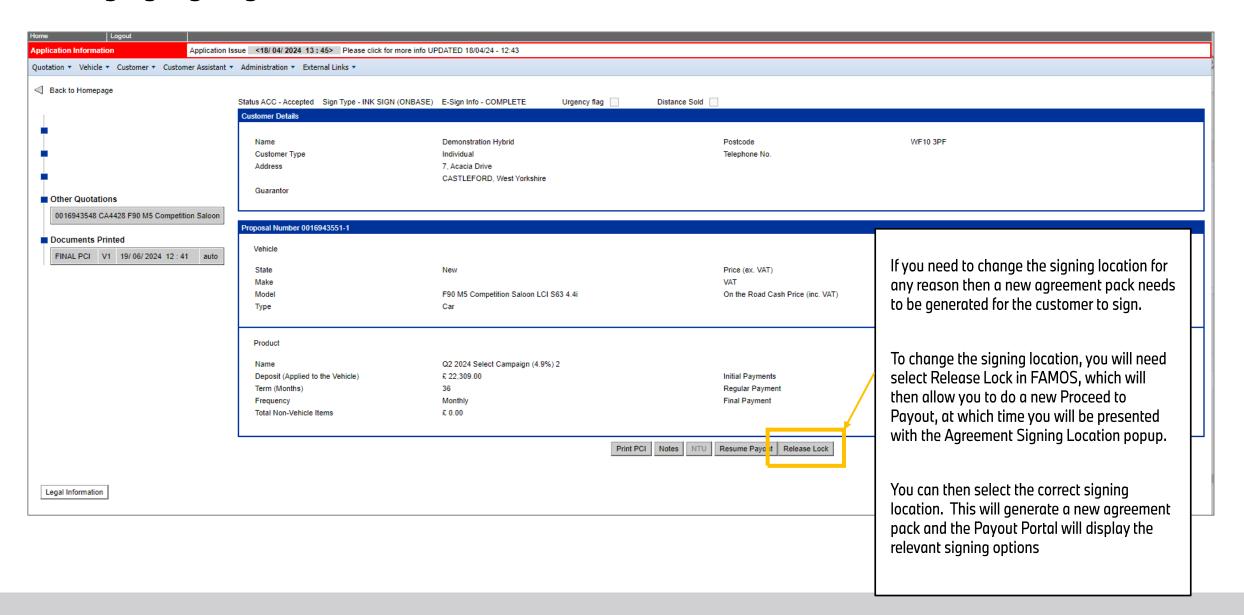
## INK signed oN trade premises – confirmed signing location note





## Changing signing location





### FINAL CANCELLATION LETTER









«Salutation» «FirstName» «Surname» «HouseNoName» «Addr1» «Addr2» «Town»

«Town» «County» «Postcode»

Your/Our Reference Your message dated Department/From Telephone Empil

Date Subject

Cancellation Notice

#### IMPORTANT - YOU SHOULD READ THIS CAREFULLY

STATUTORY NOTICE RELATING TO A REGULATED HIRE PURCHASE AGREEMENT

#### YOUR RIGHT TO CANCEL

You recently made a hire purchase agreement number «Agreement\_Number» with BMW Financial Services (GB) Limited. You have a right to cancel it if you wish. You can do this by sending or taking a WRITTEN notice of cancellation to [address]. You have FIVE DAYS starting with the day after you received this notice. You can use the form provided.

If you cancel this agreement, any money you have paid, goods given in part exchange (or their value) and property given as security must be returned to you. You will not have to make any further payment.

If you already have any goods under the agreement, you should not use them and should keep them safe. (Legal action may be taken against you if you do not take proper care of them). You can wait for them to be collected from you and you need not hand them over unless you receive a written request. If you wish, however, you may return the goods yourself.

#### CANCELLATION FORM

(Complete, detach and return this form ONLY IF YOU WISH TO CANCEL THE AGREEMENT.)

To: BMW Financial Services (GB) Limited Customer Services Department, Aldwick Park, Manvers, Rotherham, S63 5NA

I/We\* hereby give notice that I/We\* wish to cancel agreement number «Agreement\_Number»

Signed

Date

\*Delete as appropriate

Once a Hybrid agreement has been activated, a final cancellation letter will be sent to the customer (by post) within 7 days after agreement set up.

Company
BMW Financial Services (GB) Limited
Postal and Registered Office addre
Summit ONE, Summit Avenue,
Famborough, Hampshire GU14, OFE

Registered in England and Wale

the Financial Conduct Authority