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## NOTICE OF DECISION TO CANCEL

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**To:** Orkin Financial Services Limited

**Address:** 22 Upper Grosvenor Street  
London  
W1K 7PE

**FRN:** 549927

**Dated:** 24 June 2014

### **ACTION**

1. For the reasons set out below and pursuant to Regulations 34(7)(a) and 34(3)(c) of the Money Laundering Regulations 2007 (the "MLR"), the Authority (the body corporate previously known as the Financial Services Authority and renamed on 1 April 2013 as the Financial Conduct Authority) has decided to cancel the registration granted to Orkin Financial Services Limited ("Orkin"), as an Annex 1 financial institution under the MLR.

### **REASONS FOR THE ACTION**

2. Orkin has failed to pay a charge imposed by the Authority. Therefore the Authority may cancel Orkin's registration under the MLR in accordance with Regulation 34(7)(a) of the MLR, which permits cancellation of the registration of an Annex 1 financial institution (as defined in Regulation 22(1)) where it appears to the Authority that a condition in Regulation 34(3)(c) is met, including failure to pay a charge imposed by the Authority under Regulation 35(1).

### **RELEVANT STATUTORY PROVISIONS**

3. The statutory and regulatory provisions relevant to this Notice of Decision to Cancel are set out in the Annex.

## **FACTS AND MATTERS RELIED ON**

4. Orkin was authorised by the Authority on 19 May 2011 as an Annex 1 financial institution (as defined in Regulation 22(1) of the MLR).
5. Orkin has failed to pay a charge of £400 comprising fees and levies imposed by the Authority, which was due for payment by 28 August 2013.
6. By its Notice of Proposed Cancellation dated 9 May 2014, the Authority gave notice that it proposed to cancel Orkin's registration as an Annex 1 financial institution under the MLR and Orkin was given the opportunity to make representations to the Authority about that proposed action.
7. Regulation 34(9) of the MLR requires the Authority then to decide whether to cancel Orkin's registration.
8. No representations have been received by the Authority from Orkin within the time allowed by the Notice of Proposed Cancellation. The Authority has therefore decided to cancel Orkin's registration as an Annex 1 financial institution for the reasons described above. The cancellation of Orkin will take effect on 24 July 2014.

## **PROCEDURAL MATTERS**

### **Decision maker**

9. The decision which gave rise to the obligation to give this Notice of Decision to Cancel was made by the Deputy Chairman of the Regulatory Decisions Committee.
10. This Notice of Decision to Cancel is given to Orkin under Regulation 34(9)(b) and is being served on Orkin at the address last notified to the Authority as Orkin's principal place of business.

### **The Upper Tribunal**

11. Orkin has the right to refer the matter to which this Notice of Decision to Cancel relates to the Upper Tribunal. The Tax and Chancery Chamber is the part of the Upper Tribunal which, among other things, hears references arising from decisions of the Authority. Under paragraph 2(2) of Schedule 3 of the Tribunal Procedure (Upper Tribunal) Rules 2008, Orkin has 28 days from the date on which this Notice of Decision to Cancel is given to Orkin to refer the matter to the Upper Tribunal.
12. A reference to the Upper Tribunal is made by way of a reference notice (Form FTC3) signed by Orkin (or on Orkin's behalf) and filed with a copy of this Notice. The Tribunal's contact details are: The Upper Tribunal, Tax and Chancery Chamber, 45 Bedford Square, London WC1B 3DN (tel: 020 7612 9700; email: [FS@tribunals.gsi.gov.uk](mailto:FS@tribunals.gsi.gov.uk)).
13. For further information on the Upper Tribunal (including the power to vary time periods) you should refer to the HM Courts and Tribunal Service website which will provide guidance and the relevant form to complete. The relevant page on HM Courts and Tribunal Service website can be accessed via the following link:

<http://www.justice.gov.uk/forms/hmcts/tax-and-chancery-upper-tribunal>

14. A copy of Form FTC3 must also be sent to Adam Doe at the Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS at the same time as filing a reference with the Upper Tribunal.

**Access to evidence**

15. A schedule of the material upon which the Authority has relied in deciding to give Orkin this Notice of Decision to Cancel was given to Orkin with the Notice of Proposed Cancellation.

**Confidentiality and publicity**

16. This Notice may contain confidential information and should not be disclosed to a third party (except for the purpose of obtaining advice on its contents).
17. However, the Authority may publish such information about the matter to which a Notice served under Regulation 34(9) relates as it considers appropriate. The information published may contain reference to the facts and matters contained in this Notice.

**Contacts**

18. For more information concerning this matter generally, Orkin should contact Adam Doe at the Authority (direct line: 020 7066 5522).

**Peter Hinchliffe**  
**Deputy Chairman, Regulatory Decisions Committee**

## **ANNEX**

### **RELEVANT STATUTORY PROVISIONS**

1. Regulation 35(1) of the Money Laundering Regulations 2007 (the "MLR") states:

"The Authority... may impose charges—

  - (a) on applicants for registration;
  - (b) on relevant persons supervised by them."
  
2. Regulation 34(7) of the MLR states:

"The Authority... may cancel a person's registration in a register maintained by them under regulation 32 if, at any time after registration -

  - (a) it appears to them that any condition in paragraph (3) is met..."
  
3. Regulation 34(3) of the MLR states:

"The Authority... may refuse to register an applicant for registration in a register maintained under regulation 32 only if—

...

  - (c) the applicant has failed to pay a charge imposed by the Authority... under regulation 35(1)."
  
4. Regulation 34(8) of the MLR states:

"Where the Authority... proposes to cancel a person's registration, it must give him notice of—

  - (a) its proposal to cancel his registration;
  - (b) the reasons for the proposed cancellation; and
  - (c) the right to make representations to it within a specified period (which may not be less than 28 days)."
  
5. Regulation 34(9) of the MLR states:

"The Authority... must then decide, within a reasonable period, whether to cancel the person's registration and it must give him notice of—

...

  - (b)(i) its decision to cancel his registration and ... the date from which the cancellation takes effect;
  - (ii) the reasons for its decision; and

(iii) the right to appeal under regulation 44(1)(b).

6. Regulation 44(1) of the MLR states:

“A person may appeal from a decision by—

(b) the Authority... under regulation 34

...

(2) An appeal from a decision by—

(b) the Authority is to the Upper Tribunal.”

#### **OTHER RELEVANT REGULATORY PROVISIONS**

7. The Authority’s policy in relation to exercising its enforcement powers is set out in the Enforcement Guide (“EG”), the relevant provisions of which are summarised below.
8. EG 19.77 provides that, in relation to the MLR, the Authority has decided to adopt enforcement and decision making procedures, in relation to the use of its investigation and sanctioning powers, broadly akin to those it has under the Financial Services and Markets Act 2000 (the “Act”). The types of circumstances in which the Authority will consider cancelling a firm’s Part 4A Permission under the Act include failure to pay fees and levies owed to the Authority.
9. EG 19.81 provides that, although the MLR do not require it, the Authority will involve third parties and provide access to Authority material when it gives notices under the Regulations, in a manner consistent with the provisions of sections 393 and 394 of the Act.