



FTC3

## Reference notice

### Financial Services

Use this form to make a reference or appeal to the Upper Tribunal disputing a decision of the Financial Conduct Authority, the Prudential Regulation Authority, the Pensions Regulator, the Bank of England or an Independent Valuer under the Banking (Special Provisions) Act 2008 (BSPA) or the Banking Act 2009 (BA).

This form should be sent to the Upper Tribunal office so that it is received **no later than 28 days** after the date of the decision. If you are late, you must explain why in Section 4 of this form.

#### 1. Type of decision being referred (we use 'refer' and 'reference' to include 'appeal')

1.1 Please specify, by ticking the appropriate box, whether your reference relates to a decision by:

- The Financial Conduct Authority
- The Pensions Regulator
- The Bank of England
- An Independent Valuer
- The Prudential Regulation Authority
- Other, please specify

Complete the form in CAPITALS or in typewriting.

Use another sheet of paper if there is not enough space for you to say everything.

Please put your full name at the top of any additional sheets.



**2.8** Name of representative

Louise Lamb

**2.9** Status (solicitor, barrister etc.)

Solicitor

**2.10** Organisation (if any)

Hogan Lovells International LLP

**2.11** Address

First line of address

Atlantic House

Second line of address

Holborn Viaduct

Town or city

London

County (optional)

Postcode

E C 1 A 2 F G

**2.12** Phone number

[REDACTED]

**2.13** Email address

[REDACTED]

**2.14** Reference number (if any)

D1/LL/TD/799156.000001

### 3. About the respondent's decision

By 'respondent' we mean the body or person which made the decision you are referring to the Upper Tribunal. Please give details of the decision below.

#### 3.1 What was the date of the decision?

Day      Month      Year

3	0	0	3	2	0	2	6
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#### 3.2 What was the respondent's reference number?

FCA 2026/19, FCA 2026/20, PS26/3

**Note 3.2:** You will find this on all correspondence from the respondent.

#### 3.3 Contact name and email for the decision maker.

Name

Motor Finance Team at the Financial Conduct Authority

Email

[Redacted email address]

## 4. Late applications

4.1 Are you making your application to the Upper Tribunal out of time?

Yes. **Give further details below.**

No

**Note 4.1:** An out of time application is more than 28 days after the date of the decision.

Giving your reasons for the delay, and any other reason why you think you should be given an extension

## 5. Reasons for referring the decision to the Upper Tribunal

- 5.1 Please state why you are referring the decision to the Upper Tribunal. You should also state what decision you think should have been made.

If you want to say more, please use another sheet of paper

CA Auto Finance UK Ltd (the "Applicant") makes an application pursuant to s.404D of the Financial Services and Markets Act 2000 ("FSMA") for a review of the rules made by the Financial Conduct Authority ("FCA") in Chapter 5 and Chapter 6 of the Consumer Redress Scheme sourcebook which establish two consumer redress schemes in the motor finance sector. Please see the Applicant's reasons for seeking a review in Annex A.

## 6. Supplementary applications

Complete these boxes only if it is necessary in your case.

If necessary, use additional sheets of paper.

- A.  I apply for a direction that, although I am not a person to whom the decision is addressed, I may be permitted to refer the matter to the Upper Tribunal as I am affected by the notice because:

**Note A:** Usually, the applicant is the person the decision is addressed to. However, the tribunal may allow others who are affected by the decision to refer the matter to the tribunal in certain cases.

- B.  I apply for a direction suspending the effect of the decision on the following grounds:

The Applicant considers it necessary for the relevant rules to be immediately suspended, at least in part and as they apply to the Applicant, pending the determination of this application. The Applicant intends to correspond with the FCA soon after this reference notice is filed to seek agreement on such a suspension. Failing agreement with FCA, the Applicant will apply to the Upper Tribunal for an appropriate order.

**Note B:** The tribunal can only give this direction if it believes it will not harm the interests of anyone the Authority's notice is meant to protect or disrupt the smooth functioning of any market the notice aims to protect.

Unlike most other decisions that can be referred to the Upper Tribunal, this one takes effect while the referral is in progress.

- C.  I apply for a direction that the Upper Tribunal Register of References contain no particulars of the Reference on the following grounds:

**Note C:** The applicant can ask for a direction to keep the reference off the register. The tribunal will only give this direction if it believes it's necessary, especially to avoid unfairness to the applicant or harm to consumers.

- D.  I am referring a Financial Conduct Authority decision imposing a penalty for market abuse and I apply for legal assistance regarding this Reference.

**Note D:** The tribunal cannot grant legal assistance for references, except those related to market abuse penalties. If your reference is about market abuse, please tick the box to request legal assistance, and we will send you more information.

- E.  Other applications. Specify what they are and give brief reasons.

The Applicant applies for the following:

(1) Permission to seek a review of the Rules.

(2) An early case management hearing at which directions for the future conduct of the Applicant's reference can be given, without limitation as to: (a) the case management of any and all references challenging the Rules; (b) the filing of detailed cases and evidence; and (c) the fixing of a final hearing.

## 7. Statement of truth and representative authorisation

- I believe that the facts stated in this notice are true.
- The applicant believes that the facts stated in this notice are true.
- I authorise my representative named in question 2.8 to act on my behalf in all proceedings before the Upper Tribunal.

**Note 7:** Only a legal representative can appeal to the tribunal as the appellant's representative without authorisation. A legal representative is someone authorised under the Legal Services Act 2007 to conduct litigation or exercise a right of audience.

Applicant or representative signature


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Date

Day      Month      Year

2	7	0	4	2	0	2	6
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### Before returning your completed form

You must enclose a copy of the decision issued by the respondent with this form. If you do not your application may be delayed or not be admitted.

You must also send a copy of this Reference notice to the respondent.

## How to return your completed form

You can submit documents and track your case digitally online with the E-Filing service.

**If you have appointed a professional representative**, all forms and documents must be submitted to the tribunal using the E-Filing service.

[www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals](http://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals)

**If you are not a professional representative** you can send your documents to:

Upper Tribunal (Tax and Chancery Chamber)

Fifth Floor

Rolls Building

Fetter Lane

London

EC4A 1NL

DX: 160042 Strand 4

Email: [uttc@justice.gov.uk](mailto:uttc@justice.gov.uk)

Phone: 020 7612 9730

The office will let you know when they have received your form. If you have not heard from the Upper Tribunal within a week contact them on the number above.

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings.

For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

To receive a paper copy of this privacy notice, please call 0300 123 1024

Textphone 18001 0300 123 1024.

If calling from Scotland, please call 0300 790 6234 Textphone 18001 0300 790 6234.