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FINAL NOTICE

To: **Compensate Yourself Ltd**

Address: 45 Oswald Street
Glasgow
Lanarkshire
G1 4PA

FRN: 837719

Dated: 27 June 2025

ACTION

1. For the reasons given in this Final Notice, the Authority hereby cancels Compensate Yourself Ltd ("the Firm")'s Part 4A permission to carry on regulated activities.
2. The Authority issued to the Firm the Decision Notice, which notified it that for the reasons given in this notice and pursuant to section 55J of the Act, the Authority had decided to take the action specified above.
3. The Firm has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to it.
4. Accordingly, the Authority has today cancelled the Firm's Part 4A permission. The cancellation takes effect from the date of this Final Notice.

SUMMARY OF REASONS

5. On the basis of the facts and matters set out in this Notice, it appears to the Authority that the Firm is failing to satisfy the suitability Threshold Condition. Specifically, the

Authority considers that the Firm is not a fit and proper person to conduct regulated activities having regard to all the circumstances, including:

- a) the Firm's connection with Ms Kosciuk, its sole director and approved person, who was convicted of a serious criminal offence on 24 October 2023, which related to her being knowingly concerned in the defrauding of HMRC of £191,520 worth of duty on 504kg of tobacco. Ms Kosciuk also failed to disclose the criminal charge, criminal proceedings and the conviction to the Authority and provided false and misleading information to the Authority about it; and
- b) the Firm's failure to notify the Authority of Ms Kosciuk's criminal charge, criminal proceedings and criminal conviction as required under SUP 15.3.1R and under Principle 11.

6. Further, it appears to the Authority that the Firm is failing to satisfy the appropriate resources Threshold Condition. Specifically, the Authority considers that the Firm does not have appropriate non-financial resources, in terms of the quality of its human resources, to carry on the regulated activities for which it holds Part 4A permission due to the lack of honesty, integrity and reputation of Ms Kosciuk who is the Firm's sole approved person and director.

7. The cancellation action set out at paragraph 1 above has been imposed in order to advance the Authority's consumer protection and integrity objectives (sections 1C and 1D of the Act).

DEFINITIONS

8. The definitions below are used in this Notice (and in the Annex):
 - "the Act" means the Financial Services and Markets Act 2000;
 - "the Appropriate Resources Threshold Condition" means the threshold condition set out in paragraph 2D of Schedule 6 to the Act;
 - "the Authority" means the Financial Conduct Authority;
 - "COND" means the Threshold Conditions part of the Handbook;
 - "the Decision Notice" means the Decision Notice given to the Firm on 21 May 2025;
 - "EG" means the Authority's Enforcement Guide;
 - "the Firm" means Compensate Yourself Ltd;
 - "the Firm's Part 4A permission" means the permission granted by the Authority to the Firm to carry on regulated activities under Part 4A of the Act;
 - "the Handbook" means the Authority's Handbook of rules and guidance;
 - "HMRC" means Her Majesty's Revenue and Customs;
 - "Ms Kosciuk" means Ms Marta Kosciuk;
 - "the Offence" means the offence of being knowingly concerned in the intent to defraud HMRC of the duty payable on 504kg of tobacco, contrary to the Customs and exercise management Act 1979, section 170(1)(b)), to which Ms Kosciuk pleaded guilty on 24 October 2023;
 - "PRIN" or "the Principles" means the Authority's Principles for Businesses;

“the RDC” means the Regulatory Decisions Committee of the Authority (see further under Procedural Matters below);

“SMF29” means the limited scope function of acting in the capacity of a person responsible for the apportionment function and/or oversight function set out in SYSC 4.45R;

“the Suitability Threshold Condition” means the Threshold Condition set out in paragraph 2E of Schedule 6 to the Act;

“SUP” means the Authority’s Supervision Manual;

“SYSC” means the Senior Management Arrangements, Systems and Controls section of the Handbook;

“the Threshold Conditions” means the threshold conditions set out in Schedule 6 to the Act; and

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber).

RELEVANT STATUTORY AND REGULATORY PROVISIONS

9. The statutory and regulatory provisions relevant to this Notice are set out in the Annex.

FACTS AND MATTERS

Compensate Yourself Ltd and Ms Kosciuk

10. The Firm was authorised by the Authority on 8 June 2020 and has permission to conduct claims management regulated activities including the seeking out, referral and identification of claims or potential claims. Ms Kosciuk has been a director at the Firm since 11 August 2016. Since 18 December 2023, the Firm has been subject to a voluntary requirement to cease all regulated activities within its permission. The Firm agreed to the imposition of the requirement following concerns raised by the matters relating to Ms Kosciuk as set out in this notice.

11. Ms Kosciuk is the Firm’s sole director and has been approved to perform the SMF29 limited scope senior management function from 8 June 2020 to date. The Firm has no other directors or approved persons.

Ms Kosciuk’s offence, conviction and sentence

12. On 24 October 2023, Ms Kosciuk pleaded guilty to the Offence. The offending took place between 30 May 2019 and 15 June 2019 and involved the intent to defraud HMRC of £191,520 of duty payable on 504kg of tobacco. The offending was aggravated by a connection with serious organised crime.

13. On 20 December 2023, Ms Kosciuk was sentenced to a Community Payback Order and Restriction of Liberty Order. There was no provision for discount given the serious nature and circumstances of the Offence. The Community Payback Order required Ms Kosciuk to attend appointments with a responsible officer for a period of 18 months and to undertake 300 hours of unpaid work. Ms Kosciuk was also given 12 months Restriction of Liberty Order, whereby for 12 months she was to remain within her dwelling place each day between 7:00 pm and 7:00 am, and to wear a tag.

Failure to disclose and misleading the Authority

14. On 3 July 2023 Ms Kosciuk, on behalf of the Firm, contacted the Authority by email as she was not able to access the Firm's Connect portal. On 4 July 2023 the Authority contacted Ms Kosciuk to provide her with assistance. Following this call, the Authority conducted background checks and became aware of Ms Kosciuk's criminal charge. On 24 August 2023, the Authority contacted Ms Kosciuk, alerted her to the fact that the Authority had become aware of the trial relating to the Offence and asked her to provide further details of the Offence. Ms Kosciuk was reminded that the Authority expected to be informed by the Firm of any criminal proceedings brought against her. No response was received
15. The Authority contacted Ms Kosciuk in the same terms on 21 September 2023, but no response was received. On 5 October 2023, the Authority sent the Firm a statutory requirement to provide information pursuant to Section 165 of the Act due to the lack of response.
16. On 24 October 2023, (as set out above at paragraph 10) Ms Kosciuk pleaded guilty to the Offence. However, she, on behalf of the Firm, failed to inform the Authority of this.
17. On 3 November 2023, Ms Kosciuk, on behalf of the Firm, responded to the Authority noting that health issues had caused the delay in her responding and stating that "*With regards to the accusations against me – there is still no ruling so I didn't assume I would need to let you know as I'm not convicted yet. Situation I'm in is very uncomfortable, and I am defending my innocence .[sic]*". The Authority considers this statement made by Ms Kosciuk on behalf of the Firm, to be false and misleading, as she had in fact been convicted following her guilty plea in respect of the Offence nine days prior to this email.
18. On 6 November 2023 the Authority contacted the Firm by email to obtain further information regarding the court proceedings in relation to Ms Kosciuk and when a ruling was expected and also in relation to concerns as to whether the Firm still required its permission due to its website apparently being taken down and its phone lines not being answered. Ms Kosciuk responded that day, on behalf of the Firm, stating that: "*Our website is on, but we are facing some malware issues [...] Ruling should be [sic] later this year. Phones should work as normal. Business is very slow now.*". The Authority considers that the Firm had a further opportunity to be forthcoming with the Authority regarding Ms Kosciuk's conviction but again failed to do so.
19. On 13 December 2023, the Authority wrote to the Firm in respect of its concerns that the Firm was not meeting the Threshold Conditions arising from the circumstances of the Offence. The Authority invited the Firm to apply for a voluntary requirement that it cease conducting regulated activities. The voluntary requirement was signed and agreed by the Firm on 18 December 2023 and took effect on the same date.

FAILINGS

20. From the facts and matters described above, the Authority considers that the Firm is failing to meet the suitability Threshold Condition due to its connection with Ms Kosciuk, whom the Authority considers is not a fit and proper person due to her lack of honesty, integrity and reputation, as evidenced by the nature of the Offence, her conviction, her subsequent failure to inform the Authority of the criminal charge, criminal proceedings and the conviction and her provision of false and misleading information to the Authority about it.
21. Under Principle 11, the Firm must deal with the Authority in an open and co-operative way and to disclose to the Authority appropriately anything relating to the Firm of which the Authority would reasonably expect notice. The Firm failed to disclose Ms Kosciuk's

criminal charge, the criminal proceedings against her and her conviction to the Authority (as also required under SUP 15.3.1R).

22. As Ms Kosciuk is the Firm's sole director and approved person, the Authority considers that the Firm is failing to meet the appropriate resources Threshold Condition because it does not have the appropriate non-financial resources, in terms of the quality of the human resources that the Firm has available to it.
23. For the reasons set out in this Notice, the Authority considers that the Firm is failing to satisfy the suitability and appropriate resources Threshold Conditions and the Authority has cancelled the Firm's Part 4A permission.

PROCEDURAL MATTERS

24. This Final Notice is given to the Firm under and in accordance with section 390 of the Act.

Decision Maker

25. The decision which gave rise to the obligation to give this Final Notice was made by the RDC. The RDC is a committee of the Authority which takes certain decisions on behalf of the Authority. The members of the RDC are separate to the Authority staff involved in conducting investigations and recommending action against firms and individuals. Further information about the RDC can be found on the Authority's website:

<https://www.fca.org.uk/about/committees/regulatory-decisions-committee-rdc>.

Publicity

26. Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this notice relates. Under those provisions, the Authority must publish such information about which this notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to the Firm or prejudicial to the interest of consumers or detrimental to the stability of the UK financial system.
27. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contacts

28. For more information concerning this matter generally, the Firm should contact Bnar Mecaj at the Authority (direct line: 020 7066 4240 or by email: bnar.mecaj@fca.org.uk).

Jeremy Parkinson

Enforcement and Market Oversight Division

ANNEX

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives, set out in section 1B(3) of the Act, include consumer protection (section 1C of the Act) and enhancing the integrity of the UK financial system (section 1D of the Act).
2. The Authority is authorised by section 55J of the Act to cancel an authorised person's Part 4A permissions, where it appears to the Authority that an authorised person is failing, or is likely to fail, to satisfy the Threshold Conditions.
3. Paragraph 1A(2) of Schedule 6 of the Act states that, for the purposes of Schedule 6 of the Act, the "non-financial resources" of a person include, amongst other things, the human resources that the person has available.
4. The appropriate resources Threshold Condition set out in Paragraph 2D of Part 1B of Schedule 6 of the Act provides, in relation to a person ("A") carrying on, or seeking to carry on regulated activities which do not include a PRA-regulated activity, that:

"(1) The resources of a person ("A") must be appropriate in relation to the regulated activities that A carries on or seeks to carry on.

[...]

(4) The matters which are relevant in determining whether A has appropriate non-financial resources include-

- (a) the skills and experience of those who manage A's affairs;
- (b) whether A's non-financial resources are sufficient to enable A to comply with-
 - i. requirements imposed or likely to be imposed on A by the Authority in the exercise of its functions; or
 - ii. any other requirement in relation to whose contravention the Authority would be the appropriate regulator for the purpose of any provision of Part 14 of the Act.

5. The suitability Threshold Condition set out in Paragraph 2E of Part 1B of Schedule 6 to the Act provides, in relation to a person ("A") carrying on or seeking to carry on regulated activities which do not consist of or include a PRA-regulated activity that:

"A must be a fit and proper person having regard to all the circumstances, including-

- (a) A's connection with any person;

[...]

- (d) whether A has complied and is complying with requirements imposed by the [Authority] in the exercise of its functions, or requests made by the

[Authority], relating to the provision of information to the [Authority] and, where A has so complied or is so complying, the manner of that compliance”

RELEVANT REGULATORY PROVISIONS

6. In exercising its power to cancel a firm’s Part 4A permissions, the Authority must have regard to the regulatory requirements and guidance published in the Handbook and in regulatory guides, such as EG. The main considerations relevant to the action specified in this Decision Notice are set out below.

The Threshold Conditions

7. COND sets out guidance on the Threshold Conditions.
8. COND 1.2.1 sets out that the Threshold Conditions represent the minimum conditions to which the Authority is responsible, which a firm is required to satisfy, and continue to satisfy, in order to be given and to retain a Part 4A permission.
9. COND 1.2.3G reproduces the relevant statutory provision that the Authority may exercise its own-initiative powers to cancel an authorised person’s Part 4A permission, if a firm is failing to satisfy any of the Threshold Conditions, or is likely to fail to do so.

COND 2.4: Guidance on the appropriate resources Threshold Condition

10. COND 2.4.1AUK reproduces the relevant statutory provisions that the resources of a person concerned must be appropriate in relation to the regulated activities that person carries on or seeks to carry on, and that the matters which are relevant in determining whether such a person has appropriate non-financial resources includes whether that person’s non- financial resources are sufficient to enable it to comply with the requirements imposed or likely to be imposed on it by the Authority in the course of the exercise of its functions.
11. COND 2.4.2G(2) provides that the Authority will interpret the term ‘appropriate’ as meaning sufficient in terms of quantity, quality and availability, and ‘resources’ as including, non- financial resources and means of managing its resources, an example of which includes human resources (COND 2.4.2G(2A)).

COND 2.5: Guidance on the suitability Threshold Condition

12. COND 2.5.1AUK(1) reproduces the relevant statutory provision that a person concerned must be a fit and proper person having regard to all the circumstances, including, amongst other things:
 - that person’s connection with any person (COND 2.5.1AUK(1)(a)); and
 - the need to comply with requirements imposed by the Authority in the exercise of its functions, or requests made by the Authority, relating to the provision of information to the Authority, and where a person has so complied or is so complying, the manner of that compliance (COND 2.5.1AUK(1)(d))
13. COND 2.5.3G states that the emphasis of the suitability Threshold Condition is on the suitability of the firm itself. However, in certain circumstances, the Authority may consider that the firm is not suitable because of doubts over the individual or collective suitability of persons connected with the firm.

14. COND 2.5.6G gives examples of the kind of particular considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, the suitability Threshold Condition including, but not limited to:

- whether the firm has been open and co-operative in all its dealings with the Authority (Principle 11 (Relations with regulators)) and is ready, willing and organised to comply with the requirements and standards under the regulatory system in addition to other legal, regulatory and professional obligations; the relevant requirements and standards will depend on the circumstances of each case, including the regulated activities which the firm has permission, or is seeking permission, to carry on (COND 2.5.6G(1));
- whether the firm has been convicted or is connected with a person who has been convicted, of any criminal offence; this must include, where provided for by the Rehabilitation Exceptions Orders to the Rehabilitation of Offenders Act 1974 or the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as applicable), any spent convictions; particular consideration will be given to offences of dishonesty, fraud, financial crime or an offence under legislation relating to companies, building societies, industrial and provident societies, credit unions, friendly societies, banking, other financial services, insolvency, consumer credit companies, insurance, consumer protection, money laundering, market manipulation and insider dealing, whether or not in the United Kingdom (COND 2.5.6G(2)); and
- whether the firm has contravened, or is connected with a person who has contravened, any provisions of the Act or the regulatory system (which includes the threshold conditions, the Principles and other rules, the Statements of Principle, codes and guidance) (COND 2.5.6G(4)).

The Principles

15. The relevant principles for businesses are set out in PRIN 2.1.1R.

16. Principle 11 (Relations with regulators) requires a firm to deal with its regulators in an open and co-operative way, and to disclose to the Authority appropriately anything relating to the firm of which the Authority would reasonably expect notice.

The Supervision chapter of the Handbook ("SUP")

17. SUP 15.3.1R requires that: "A firm must notify the [Authority] immediately it becomes aware, or has information which reasonably suggests, that any of the following has occurred, may have occurred or may occur in the foreseeable future:

- (1) The firm is failing to satisfy one or more of the threshold conditions; or
- (2) Any matter which could have a significant adverse impact on the firm's reputation; [...]"

The Enforcement Guide

18. The Authority's policy in relation to exercising its enforcement powers is set out in EG, certain provisions of which are summarised below.

19. EG 8.1.1 provides that the Authority may use its own-initiative power to vary or cancel the Part 4A permissions of an authorised person under section 55J of the Act where:

- the person is failing or is likely to fail to satisfy the Threshold Conditions for which the Authority is responsible (EG 8.1.1(1)); or
- it is desirable to exercise the power in order to advance one or more of its operational objectives (EG 8.1.1(3)).

20. EG 8.5.1(1) states that the Authority will consider cancelling a firm's Part 4A permissions using its own-initiative powers under section 55J of the Act in circumstances where the Authority has very serious concerns about the firm, or the way its business is or has been conducted.

21. EG 8.5.2 provides examples of the types of circumstances in which the Authority may cancel a firm's Part 4A permission on its own initiative including material non-disclosure in an application for authorisation or approval or material non-notification after authorisation or approval has been granted. The information which is the subject of the non-disclosure or non-notification may also be grounds for cancellation (EG 8.5.2(2)).