
FINAL NOTICE

INJURY 4U LTD
Unit 2, Newhall Place
16-17 Newhall Hill
Birmingham
West Midlands
B1 3JH

24 November 2020

ACTION

1. By an application dated 31 July 2019 ("the Application") INJURY 4U LTD ("INJURY 4U") applied under section 55A of the Act for Part 4A permission to carry on the regulated activities of:
 - a. agreeing to carry on a regulated activity;
 - b. advice, investigation or representation in relation to a personal injury claim.
2. The Application is incomplete.
3. For the reasons listed below, the Authority has refused the Application.

SUMMARY OF REASONS

4. By its Warning Notice dated 6 August 2020, the Authority gave notice that it proposed to refuse the Application and that INJURY 4U was entitled to make representations to the Authority about that proposed action.

5. As no representations had been received by the Authority from INJURY 4U within the time allowed by the Warning Notice, the default procedures in paragraph 2.3.2 of the Authority's Decision Procedure and Penalties Manual apply, permitting the Authority to treat the matters referred to in its Warning Notice as undisputed and, accordingly, to give a Decision Notice.
6. By its Decision Notice dated 8 October 2020, the Authority gave INJURY 4U notice that it had decided to take the action described above.
7. INJURY 4U had 28 days from the date the Decision notice was given to refer the matter to the Upper Tribunal (formerly known as the Financial Services and Markets Tribunal). No referral was made to the Upper Tribunal within this period of time or to date.
8. Under section 390 (1) of the Act, the Authority, having decided to refuse the Application and there having been no reference of that decision to the Tribunal, must give INJURY 4U Final Notice of its refusal.
9. The Authority has decided to refuse the Application and to give this Final Notice as INJURY 4U has failed to provide the information required by the Authority and, in the absence of the information sought, the Authority cannot ensure that INJURY 4U will satisfy, and continue to satisfy, the threshold conditions set out in Schedule 6 of the Act.
10. INJURY 4U failed to respond to at least six separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. These requests were made over a four-week period and included a statement to the effect that INJURY 4U must contact the Authority, or the Authority would recommend to the Authority's Regulatory Transactions Committee that INJURY 4U receive a warning notice.
11. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that INJURY 4U satisfies, and will continue to satisfy, the threshold conditions for which the Authority is responsible.
12. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information raises concerns that INJURY 4U would fail to do so if the Application were to be granted.
13. The failure to provide the information raises concerns as to whether that INJURY 4U:
 - a. can be effectively supervised by the Authority as required by Threshold Condition 2C
 - b. has appropriate human resources, given INJURY 4U's failure to provide the Authority with the requested information as required by Threshold Condition 2D; and
 - c. will conduct its business with integrity and in compliance with proper standards as required by Threshold Condition 2E.

DEFINITIONS

14. The definitions below are used in this Final Notice.

"the Act" means the Financial Services and Markets Act 2000;

"the Application" means the application referred to above;

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the Decision Notice dated 8 October 2020 given to INJURY 4U by the Authority;

"the Outstanding Information" means the information referred to below;

"the RTC" means the Authority's Regulatory Transactions Committee;

"SUP" means the Supervision section of the Authority's handbook;

"SYSC" means the Senior Management Arrangements, Systems and Controls section of the Authority's handbook;

"the Tribunal" means the Upper Tribunal (Tax & Chancery Chamber); and

"the Warning Notice" means the warning notice dated 6 August 2020 given to INJURY 4U by the Authority.

FACTS AND MATTERS

15. The Application was received by the Authority on 31 July 2019.
16. Further information was requested from INJURY 4U under section 55U(5) of the Act.
17. Details of all the communications between the Authority and INJURY 4U are set out below:
18. Between 11 September 2019 and 14 July 2020, the Authority sent INJURY 4U six emails, three letters and made two phone calls to elicit information from INJURY 4U that would assist Authorisations in determining the Application.
19. On 11 September 2019, the Authority sent an email to INJURY 4U requesting that INJURY 4U provide the following information in support of the Application by 27 September 2019:
 - i. Opening balance sheet
 - ii. Closing balance sheet
 - iii. Projected monthly cash flow
 - iv. Projected monthly profit and loss
 - v. Latest end of year accounts
 - vi. Organisational Structure Chart
 - vii. Compliance monitoring document
 - viii. TIF form - Page 21 requires a signature

20. On 24 September 2019, INJURY 4U sent an email to the Authority and provided a partial response to the information requested and, also requested an extension of one week in which to provide a further response to the Authority's request for further information.
21. On 26 September 2019, the Authority sent an email to INJURY 4U requesting that INJURY 4U provide the Outstanding Information in support of the Application by 30 September 2019.
22. On 30 September 2019, INJURY 4U, sent an email to the Authority requesting clarity as to what information it needed to provide as a newly created firm and, stated that all requested information had previously been provided.
23. On 3 October 2019, the Authority sent an email to INJURY 4U requesting that INJURY 4U provide the Outstanding Information in support of the Application so that the application could be considered complete.
24. On 3 October 2019, INJURY 4U sent an email to the FCA stating it was in the process of collating the Outstanding Information and will be in a position to provide the Authority's request for further information.
25. On 4 November 2019, having not received any further correspondence, the Authority sent a letter to INJURY 4U by recorded delivery and email, noting that the information requested on 11 September 2019 had not been provided, and requesting a response by 18 November 2019. INJURY 4U was informed that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue INJURY 4U with a warning notice proposing to refuse the Application. A notice from the Royal Mail returning the letter to the FCA as undelivered was received on 19 November 2019.
26. On 14 November 2019, INJURY 4U sent an email to the FCA and provided a partial response to the Authority's request for further information.
27. On 19 November 2019, the Authority sent a second letter to INJURY 4U by recorded delivery and email noting that the Outstanding Information previously requested had not been provided, and requesting a response by 4 December 2019. INJURY 4U was informed that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue INJURY 4U with a warning notice proposing to refuse the Application. A notice from the Royal Mail returning the letter to the FCA as undelivered was received on 27 November 2019. On 5 December 2019, the Authority contacted the Estate agent managing the Injury 4U Ltd.'s registered business address and was informed that that Unit 2 Newhall Place is let by the estate agent however the current tenant occupying the premises is not Injury 4U Ltd. Therefore, the business address provided by Injury 4U Ltd appears to be incorrect.
28. On 5 December 2019, having received no further correspondence, the Authority sent a further letter to INJURY 4U by recorded delivery and email, noting that the Outstanding Information previously requested had not been provided, and requesting a response by 19 December 2019. INJURY 4U was informed that a failure to provide the information would result in the Application being determined based upon the information received to date and that this might result in a recommendation to the RTC that it issue INJURY 4U with a warning notice proposing to refuse the Application. The letter was returned to the Authority on 11 December 2020 with a reference note from Royal Mail stating the letter was undelivered as the addressee was unknown.

29. As a result of the first two letters being undelivered, the case officer made enquiries of the letting agents for property stated in the application form as INJURY 4U's address and confirmed by the details held at Companies House. The letting agent confirmed that INJURY 4U was not listed as the tenant for the address given in the application form.
30. On 23 January 2020, the Authority attempted to call INJURY 4U on the telephone number it provided but there was no response and, therefore the Authority left a message on the firm's Voicemail facilities.
31. On 14 July 2020, the Authority attempted to call INJURY 4U on the telephone number it provided but there was no response and, therefore the Authority left a message on the firm's Voicemail facilities.

IMPACT ON THRESHOLD CONDITIONS

32. The regulatory provisions relevant to this Final Notice are referred to in Annex A.
33. INJURY 4U failed to respond to at least six separate requests for the provision of information considered by the Authority to be necessary to allow the Application to be determined. These requests were made over a four-week period and included a statement to the effect that INJURY 4U must contact the Authority, or the Authority would recommend to the Authority's Regulatory Transactions Committee that INJURY 4U receive a warning notice.
34. The Authority has therefore determined the Application based upon the information received to date, in circumstances where its requests for information have not been met. Having reviewed that information, the Authority cannot ensure that INJURY 4U satisfies, and will continue to satisfy, the Threshold Conditions.
35. Authorised firms (and those seeking authorisation) are expected to engage with the Authority in an open and cooperative way. The failure to provide the requested information raises concerns that INJURY 4U would fail to do so if the Application were to be granted.
36. The failure to provide the information raises concerns as to whether that INJURY 4U:
 - a. can be effectively supervised by the Authority as required by Threshold Condition 2C;
 - b. has appropriate human resources, given INJURY 4U's failure to provide the Authority with the requested information as required by Threshold Condition 2D; and
 - c. will conduct its business with integrity and in compliance with proper standards as required by Threshold Condition 2E.

IMPORTANT NOTICES

37. This Final Notice is given under section 390 (1) of the Act.

Publication

38. 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 the matter to 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 you or prejudicial to the interests of consumers or detrimental to the stability of the UK financial system.

39. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contacts

40. For more information concerning this matter generally, contact Tina Archer, Manager, Claims Management Companies Department at the Authority (direct line: 020 7066 9188/ email: Tina.Archer@fca.org.uk).

Emma Krygier
on behalf of the Regulatory Transactions Committee

ANNEX A – REGULATORY PROVISIONS RELEVANT TO THIS FINAL NOTICE

Relevant Statutory Provisions

1. Section 55A(1) of the Act provides for an application for permission to carry on one or more regulated activities to be made to the appropriate regulator. Section 55A(2) defines the “appropriate regulator” for different applications.
2. Section 55B(3) of the Act provides that, in giving or varying permission, imposing or varying a requirement, or giving consent, under any provision of Part 4A of the Act, each regulator must ensure that the person concerned will satisfy, and continue to satisfy, in relation to all of the regulated activities for which the person has or will have permission, the threshold conditions for which that regulator is responsible.
3. The threshold conditions are set out in schedule 6 of the Act. In brief, the threshold conditions relate to:
 - (1) Threshold condition 2B: Location of offices
 - (2) Threshold condition 2C: Effective supervision
 - (3) Threshold condition 2D: Appropriate resources
 - (4) Threshold condition 2E: Suitability
 - (5) Threshold condition 2F: Business model

Relevant provisions of the Authority’s Handbook

4. In exercising its powers in relation to the granting of a Part 4A permission, the Authority must have regard to guidance published in the Authority Handbook, including the part titled Threshold Conditions (“COND”). The main considerations in relation to the action specified are set out below.
5. COND 1.3.2G(2) states that, in relation to threshold conditions 2D to 2F, the Authority will consider whether a firm is ready, willing and organised to comply on a continuing basis with the requirements and standards under the regulatory system which will apply to the firm if it is granted Part 4A permission.
6. COND 1.3.3AG provides that, in determining the weight to be given to any relevant matter, the Authority will consider its significance in relation to the regulated activities for which the firm has, or will have, permission in the context of its ability to supervise the firm adequately, having regard to the Authority’s statutory objectives. In this context, a series of matters may be significant when taken together, even though each of them in isolation might not give serious cause for concern.
7. COND 1.3.3BG provides that, in determining whether the firm will satisfy, and continue to satisfy, the Authority threshold conditions, the Authority will have regard to all relevant matters, whether arising in the United Kingdom or elsewhere.

Threshold Condition 2C: Effective Supervision

8. COND 2.3.3G states that, in assessing the threshold condition set out in paragraph 2C of Schedule 6 to the Act, factors which the Authority will take into consideration include, among other things, whether it is likely that the Authority will receive adequate information from the firm to determine whether it is complying with the requirements and standards under the regulatory system for which the Authority is responsible and to identify and assess the impact on its statutory objectives; this will include consideration of whether the firm is ready, willing and organised to comply with Principle 11 (Relations with regulators) and the rules in SUP on the provision of information to the Authority.

Threshold condition 2D: Appropriate Resources

9. COND 2.4.2G(2) states that the Authority will interpret the term 'appropriate' as meaning sufficient in terms of quantity, quality and availability, and 'resources' as including all financial resources (though only in the case of firms not carrying on, or seeking to carry on, a PRA-regulated activity), non-financial resources and means of managing its resources; for example, capital, provisions against liabilities, holdings of or access to cash and other liquid assets, human resources and effective means by which to manage risks.
10. COND 2.4.2G(2A) provides that 'non-financial resources' of the firm include human resources it has available.
11. COND 2.4.2G(3) states that high level systems and control requirements are in SYSC. The Authority will consider whether the firm is ready, willing and organised to comply with these and other applicable systems and controls requirements when assessing if it has appropriate non-financial resources for the purpose of the threshold conditions set out in threshold condition 2D.

Threshold condition 2E: Suitability

12. COND 2.5.2G(2) states that the Authority will also take into consideration anything that could influence a firm's continuing ability to satisfy the threshold conditions set out in paragraphs 2E and 3D of Schedule 6 to the Act. Examples include the firm's position within a UK or international group, information provided by overseas regulators about the firm, and the firm's plans to seek to vary its Part 4A permission to carry on additional regulated activities once it has been granted that permission.
13. COND 2.5.4G(2)(a) states that examples of the kind of general considerations to which the Authority may have regard when assessing whether a firm will satisfy, and continue to satisfy, threshold condition 2E include, but are not limited to, whether the firm can demonstrate that it conducts, or will conduct, its business with integrity and in compliance with proper standards.]
14. COND 2.5.6G provides that 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, this threshold condition include, but are not limited to, whether the firm has been open and co-operative in all its dealings with the Authority and any other regulatory body (see Principle 11 (Relations with regulators)) and is ready, willing and organised to comply with the requirements and standards under the regulatory system (such as the detailed requirements of SYSC and, in relation to a firm not carrying on, or seeking to carry on, a PRA-regulated activity only, the Prudential Standards part of the Authority's Handbook) 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.