
FINAL NOTICE

To: **Marta Kosciuk**

IRN: **MXK84053**

Dated: **27 June 2025**

ACTION

1. For the reasons set out in this Final Notice, the Authority has decided to:
 - a) withdraw the approval given to Marta Kosciuk ('Ms Kosciuk') to perform the SMF29 controlled functions/senior management functions at Compensate Yourself Ltd, pursuant to section 63 of the Act; and
 - b) make an order prohibiting Ms Kosciuk from performing any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm, pursuant to s56 of the Act.
2. The Authority gave Ms Kosciuk the Decision Notice, which notified Ms Kosciuk of the Authority's decision to take the action specified above.
3. Ms Kosciuk has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to her.
4. Accordingly, the Authority hereby withdraws the approval granted to Ms Kosciuk and makes the prohibition order as set out in paragraph 1 above against Ms Kosciuk. Both take effect from the date of this Final Notice.

SUMMARY OF REASONS

5. Ms Kosciuk has been approved by the Authority to perform the SMF29 limited scope function at the Firm since 8 June 2020. The Firm has no other approved persons and no other active directors.
6. On 24 October 2023, at Greenock Sheriff's Court, Ms Kosciuk pleaded guilty and was convicted under Section 170(1)(b) of the Customs and Excise Management Act 1979, of being knowingly concerned, while acting with persons unknown, in the carrying, removing, depositing, harbouring, keeping or concealing or in any manner dealing with goods which were chargeable with a duty and which had not been paid. The conduct 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.
7. Ms Kosciuk was subsequently sentenced on 20 December 2023 to a Community Payback Order and Restriction of Liberty Order. There was no provision for discount, given the serious nature and the circumstances of the case. The Community Payback Order required Ms Kosciuk to attend appointments with a responsible officer for a period of 18 months and 300 hours of unpaid community work. The Restriction of Liberty Order required Ms Kosciuk to remain within her dwelling place between the hours of 7pm and 7am each day for a period of 12 months and her compliance with this requirement was remotely monitored by her wearing of a tag.
8. Whilst the Offence was committed prior to Ms Kosciuk becoming an approved person, the above conviction and sentencing took place while Ms Kosciuk was the sole approved person at the Firm. Ms Kosciuk failed to disclose the criminal charge, proceedings and conviction to the Authority, and misled the Authority about them.
9. On the basis of the facts and matters set out in this Decision Notice, it appears to the Authority that Ms Kosciuk is not a fit and proper person to perform any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm. Ms Kosciuk's criminal conviction, her failure to disclose the conviction, the criminal charge and proceedings and her provision of false and misleading information to the Authority about it, demonstrates a clear and serious lack of honesty, integrity and reputation such that she is not fit and proper to perform regulated activities.
10. In concluding that it is appropriate to withdraw Mr Kosciuk's approval and impose the prohibition order in paragraph 1 above, the Authority has had regard to all relevant circumstances, including the relevance and materiality of the offence, her engagement with the Authority regarding it and the severity of the risk posed by Ms Kosciuk to consumers and confidence in the UK financial system. The Authority considers it is appropriate to take this action to advance its consumer protection and integrity objectives (sections 1C and 1D of the Act, respectively).

DEFINITIONS

11. The definitions below are used in this Final Notice (and in the Annex):
"the Act" means the Financial Services and Markets Act 2000;

"the Authority" means the Financial Conduct Authority;

"the Decision Notice" means the Decision Notice given to Ms Kosciuk, dated 21 May 2025;

"EG" means the Enforcement Guide;

"the Firm" means Compensate Yourself Ltd;

"FIT" means the Authority's 'Fit and Proper Test for Employees and Senior Personnel', forming part of the Handbook;

"the Handbook" means the Authority's Handbook of rules and guidance;

"HMRC" means Her Majesty's Revenue and Customs;

"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 3 management Act 1979, section 170(1)(b), to which Ms Kosciuk pleaded guilty on 24 October 2023;

"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;

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

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber).

RELEVANT STATUTORY AND REGULATORY PROVISIONS

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

FACTS AND MATTERS

Compensate Yourself Ltd and Ms Kosciuk

13. 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.
14. Ms Kosciuk 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

15. 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.
16. On 20 December 2023, Ms Kosciuk was sentenced to a Community Payback Order and Restriction of Liberty Order in the terms set out at paragraph 4 above. There was no provision for discount given the serious nature and circumstances of the Offence.

Failure to disclose and misleading the Authority

17. On 3 July 2023, Ms Kosciuk 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 of any criminal proceedings brought against her. No response was received.
18. 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.
19. On 24 October 2023, (as set out above at paragraph 12) Ms Kosciuk pleaded guilty to the Offence. However, she failed to inform the Authority of this.
20. On 3 November 2023, Ms Kosciuk 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 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.
21. On 6 November 2023, the Authority contacted Ms Kosciuk by email to obtain (amongst other things) further information regarding the court proceedings and when a ruling was expected. Ms Kosciuk responded that day stating: "*...Rulling should ba later this year.*" [sic]. The Authority considers that Ms Kosciuk had a further opportunity to be forthcoming with the Authority regarding the fact that she had already been convicted on 24 October 2023, but again failed to inform the Authority of this.

LACK OF FITNESS AND PROPRIETY

22. FIT 1.3.1G states that the Authority will have regard to a number of factors when assessing an individual's fitness and propriety. FIT 1.3.1BG(1) states that among

the most important considerations when assessing the fitness and propriety of a person is that person's honesty, integrity and reputation.

23. Ms Kosciuk's conviction of a serious offence of intent to defraud, her failure to disclose the criminal charge and proceedings and to disclose the conviction to the Authority and her provision of false and misleading information to the Authority about the conviction, shows she lacks honesty, integrity and reputation. As a result, the Authority considers that Ms Kosciuk is not a fit and proper person to perform regulated activities.

Prohibition

24. EG 9.1.1 provides that the power to prohibit an individual will be exercised by the Authority to achieve its statutory objectives, which include both securing an appropriate degree of protection for consumers and protecting and enhancing the integrity of the UK financial system.
25. Taking into account Ms Kosciuk's lack of fitness and propriety due to her lack of honesty, integrity and reputation as set out at paragraph 20, the Authority considers it is appropriate to prohibit Ms Kosciuk from performing any function in relation to any regulated activity carried on by an authorised person, exempt person or exempt professional firm.

Withdrawal of Approval

26. In light of Kosciuk's lack of honesty, integrity and reputation and lack of fitness and propriety, the Authority also considers that it is appropriate and proportionate to withdraw Ms Kosciuk's SMF29 limited scope function at the Firm.

PROCEDURAL MATTERS

27. This Final Notice is given to Ms Kosciuk in accordance with section 390(1) of the Act. The following paragraphs are important.

Decision Maker

28. The decision which gave rise to the obligation to give this Final Notice was made by the Chair of 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

29. 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

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

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

Authority Contacts

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

Jeremy Parkinson
Manager
Financial Conduct Authority, Enforcement and Market Oversight

ANNEX

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives are set out in 1B(3) of the Act and include securing an appropriate degree of protection for consumers (section 1C of the Act) and protecting and enhancing the integrity of the UK financial system (section 1D of the Act).
2. Section 56(1) of the Act provides:

"The [Authority] may make a prohibition order if it appears to it that an individual is not a fit and proper person to perform functions in relation to a regulated activity carried on by:

 - a) an authorised person,
 - b) a person who is an exempt person in relation to that activity, or
 - c) a person to whom, as a result of Part 20, the general prohibition does not apply in relation to that activity."
3. Section 63(1) of the Act states 'The [Authority] may withdraw an approval under section 59 given by the [Authority] or PRA in relation to the performance by a person of a function if the FCA considers that the person is not a fit and proper person to perform the function'.

RELEVANT REGULATORY PROVISIONS

4. In exercising its power to withdraw and approval and make a prohibition order, the Authority must have regard to guidance published in the Handbook and in regulatory guides, such as EG. The relevant main considerations in relation to the action specified above are set out below.

The Enforcement Guide

5. The Authority's policy in relation to exercising its power to withdraw and approval issue a prohibition order is set out in EG 9.
6. EG 9.1 explains the purpose of prohibition orders in relation to the Authority's regulatory objectives.
7. EG 9.2 sets out the Authority's general policy on making prohibition orders or withdrawing approvals. In particular—
 - (a) EG 9.2.1 states that the Authority will consider all relevant circumstances, including whether enforcement action has been taken against the individual by other enforcement agencies, in deciding whether to make a prohibition order;
 - (b) EG 9.2.2 states that the Authority has the power to make a range of prohibition orders depending on the circumstances of each case; and

- (c) EG 9.2.3 states that the scope of a prohibition order will depend on, among other things, the reasons why the individual is not fit and proper and the severity of risk he poses to consumers or the market generally.
8. EG 9.3.1 explains that when the Authority has concerns about the fitness and propriety of an approved person, it may consider whether it should prohibit that person from performing functions in relation to regulated activities, withdraw its approval, or both. In deciding whether to withdraw its approval and/or make a prohibition order, the Authority will consider in each case whether its statutory objectives can be achieved adequately by imposing disciplinary sanctions, for example, public censures or financial penalties, or by issuing a private warning.
9. EG 9.3.2 sets out the matters which the Authority may take into account when deciding whether to make a prohibition order against an approved person. These may include but are not limited to:
- (a) whether the individual is fit and proper to perform functions in relation to regulated activities (noting the main assessment criteria set out in FIT 2.1, 2.2 and 2.3) (EG 9.3.2(2));
 - (b) the relevance and materiality of any matters indicating unfitness (EG 9.3.2(5));
 - (c) the length of time since the occurrence of any matters indicating unfitness (EG 9.3.2(6));
 - (d) the particular controlled function the approved person is (or was performing), the nature and activities of the firm concerned and the markets in which he operates (EG 9.3.2(7)); and
 - (e) the severity of the risk which the individual poses to consumers and to confidence in the financial system (EG 9.3.2(8)).
10. EG 9.3.3 states that the Authority may have regard to the cumulative effect of a number of factors which, when considered in isolation, may not be sufficient to show that the individual is not fit and proper to continue to perform a controlled function or other function in relation to regulated activities. It may also take account of the particular controlled function which an approved person is performing for a firm, the nature and activities of the firm concerned and the markets within which it operates.
11. EG 9.3.4 states that due to the diverse nature of the activities and functions which the Authority regulates, it is not possible to produce a definitive list of matters which the Authority might take into account when considering whether an individual is not a fit and proper person to perform a particular, or any, function in relation to a particular, or any, firm.

The Fit and Proper Test for Employees and Senior Personnel

12. FIT sets out the criteria that the Authority will consider when assessing the fitness and propriety of a candidate for a controlled function and may consider when assessing the continuing fitness and propriety of approved persons.

13. FIT 1.3.1BG(1) states that the most important considerations when assessing the fitness and propriety of a person to perform a controlled function include that person's honesty, integrity and reputation.
14. FIT 2.1.1G provides that in determining a person's honesty, integrity and reputation, the Authority will have regard to all relevant matters including, but not limited to, those set out in FIT 2.1.3G and that the Authority should be informed of these matters.
15. In relation to convictions for criminal offences, FIT 2.1.1A G states that if any staff being assessed under FIT has a conviction for a criminal offence, the firm should consider the seriousness of, and circumstances surrounding, the offence, the explanation offered by the convicted person, the relevance of the offence to the proposed role, the passage of time since the offence was committed and evidence of the individual's rehabilitation.
16. FIT 2.1.2G provides that in considering the matters in FIT 2.1.1G, the Authority will look at whether the person's reputation might have an adverse impact upon the firm for which the controlled function is or is to be performed and at the person's responsibilities.
17. FIT 2.1.3G provides a list of (non-exhaustive) matters to which the Authority will have regard when determining a person's honesty, integrity and reputation. These include:
 - (1) whether the person 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; [...]
 - (4) whether the person is or has been the subject of any proceedings of a disciplinary or criminal nature, or has been notified of any potential proceedings or of any investigation which might lead to those proceedings; [...]
 - (13) whether, in the past, the person has been candid and truthful in all their dealings with any regulatory body and whether the person demonstrates a readiness and willingness to comply with the requirements and standards of the regulatory system and with other legal, regulatory and professional requirements and standards.