
FINAL NOTICE

To: Michael Beverley

Of: Bedrock
Blackhills
Peterhead
Aberdeenshire
AB42 3JR

**FSA Reference
Number:** 487770

Dated: 16 February 2011

TAKE NOTICE: The Financial Services Authority of 25 The North Colonnade, Canary Wharf, London E14 5HS (the "FSA") gives you, Michael Beverley, final notice about a decision to cancel the permission granted to you to carry on regulated activities

1. ACTION

- 1.1 The FSA gave you a Decision Notice on 11 January 2011 (the "Decision Notice") which notified you that for the reasons given below and pursuant to section 45 of the Financial Services and Markets Act 2000 (the "Act"), the FSA had decided to cancel the permission granted to you under Part IV of the Act (your "Part IV permission").
- 1.2 You have not referred the matter to the Upper Tribunal (Tax and Chancery Division) within 28 days of the date on which the Decision Notice was given to you. Accordingly, the FSA has today cancelled your Part IV permission.

2. REASONS FOR ACTION

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- 2.1 On the basis of the facts and matters and conclusions described in its Warning Notice dated 14 October 2010 (the "Warning Notice"), and in the Decision Notice (an extract from which is annexed to, and forms part of, this Final Notice), it appears to the FSA that you are failing to satisfy the threshold conditions set out in Schedule 6 to the Act (the "Threshold Conditions").
- 2.2 This is because you have failed to pay fees and levies of £1,015.46 owed to the FSA, and to respond adequately to the FSA's repeated requests that you do so.
- 2.3 This failing, which is significant in the context of your suitability, leads the FSA to conclude that you are not conducting your business soundly and prudently and in compliance with proper standards and that you are not a fit and proper person, and that you are therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which you have had Part IV permission.

3. DECISION MAKER

- 3.1 The decision which gave rise to the obligation to give this Final Notice was made by the Regulatory Decisions Committee.

4. IMPORTANT

- 4.1 This Final Notice is given to you in accordance with section 390(1) of the Act.

Publicity

- 4.2 Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this Final Notice relates. Under those provisions, the FSA must publish such information about the matter to which this Final Notice relates as the FSA considers appropriate. The information may be published in such manner as the FSA considers appropriate. However, the FSA may not publish information if such publication would, in the opinion of the FSA, be unfair to you or prejudicial to the interests of consumers.
- 4.3 The FSA intends to publish this Final Notice and such information about the matter to which this Final Notice relates as it considers appropriate.

FSA Contact

- 4.4 For more information concerning this matter generally, you should contact Alexander Banerjea at the FSA (direct line: 020 7066 7206 / fax: 020 7066 7207).

John Kirby
FSA Enforcement and Financial Crime Division

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EXTRACT FROM DECISION NOTICE DATED 11 JANUARY 2011

“4. FACTS AND MATTERS RELIED ON

- 4.1 You were authorised on 7 November 2008 to conduct insurance mediation business.
- 4.2 On 13 July 2009, the FSA sent you an invoice for £515.46 requesting payment by 12 August 2009. The £515.46 comprised of the following:
- A FSA Periodic Fee for 2009 / 2010 of £422.10;
 - A Financial Services Compensation Scheme (FSCS) Levy of £13.36; and
 - A Financial Ombudsman Service (FOS) Levy of £80.
- 4.3 You were subsequently sent two further invoices, each one for £250, in respect of the late submission of Retail Mediation Activities Returns (“RMARs”), which you were required to submit to the FSA. In particular:
- on 5 August 2009, you were sent an invoice in respect of a £250 administrative charge for the late submission of the RMAR for the period ending 31 March 2009; and
 - on 15 January 2010, you were sent another invoice in respect of a £250 administrative charge for the late submission of the RMAR for the period ending 30 September 2009.
- 4.4 Throughout the period from 13 July 2009 to 2 September 2010, the FSA made repeated requests for you to pay the outstanding amounts.
- 4.5 You have failed to pay fees and levies totalling £1,015.46 owed to the FSA, and to respond adequately to the FSA’s repeated requests that you do so.

5. REPRESENTATIONS, FINDINGS AND CONCLUSIONS

Representations

- 5.1 You made written representations to the FSA in response to the Warning Notice dated 14 October 2010.
- 5.2 In those representations you argued that you have not been carrying out regulated financial services and that you did not do anything which required regulation. You argued, therefore, that you should never have been authorised.
- 5.3 You claimed that you were provided with false and inaccurate information by the FSA regarding the need for you to be authorised. You also submitted that, when you sought advice from the FSA on how to complete the RMARs which you were required to submit, the FSA was unable to help you because you did not have any of the figures required. You subsequently complained to the FSA about the lack of help you received.

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- 5.4 You further claimed that no-one else in your profession seems to be FSA regulated and that you sought advice from an independent compliance advisor who informed you that they could see no reason why you were informed by the FSA that you needed to be authorised.
- 5.5 As a result, you argued that you should never have been authorised and therefore never required to pay the fees and levies which are the subject of the FSA's action against you. You did however suggest that you would be willing to pay the amount of £515.46 which was outstanding but not the £500 administrative charges.
- 5.6 You additionally made a number of comments which were critical of the FSA and the process which has been followed in bringing this action against you.

Findings

- 5.7 The FSA has considered carefully your written representations. It has also taken into consideration the fact that no payments have been made towards the fees and levies which remain outstanding, despite your indication that you were prepared to make a partial payment.
- 5.8 The FSA does not accept your contention that you should never have been subject to regulation, and therefore required to pay the relevant fees and levies. The FSA has previously concluded that you were carrying on activities which required you to be authorised. In any event, it was your responsibility to seek advice as to whether you required such authorisation, should you have had any doubt. Accordingly, having been authorised, you were under an obligation to pay the required fees and levies. The FSA therefore finds that there is no reasonable basis on which you could rely in order to justify failing to pay the amount outstanding.
- 5.9 Despite repeated requests from the FSA you have failed to pay the amount outstanding. Further, you indicated in your representations that you were willing to pay a proportion of the amount owed to the FSA. However, you have failed to do so. The FSA therefore finds that you have failed to deal with it in an open and co-operative way. In any event, partial payment of the amount outstanding would not be sufficient to discharge your obligation to pay to the FSA the required amount of fees and levies outstanding."

END OF EXTRACT

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