



12 Endeavour Square
London
E20 1JN

Tel: +44 (0)20 7066 1000
Fax: +44 (0)20 7066 1099
www.fca.org.uk

FINAL NOTICE

To: **MJL Focus Marketing Ltd**

Address: **Beetham House
59-61 Tithebarn Street
Liverpool
Merseyside
L2 2SB**

FRN: **837145**

Dated: **26 February 2024**

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action.
2. The Authority issued to MJLFM the Decision Notice which notified it that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel MJLFM's Part 4A permission.
3. MJLFM 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 MJLFM's Part 4A permission.

SUMMARY OF THE REASONS

5. On the basis of the facts and matters set out below, the Authority considers that MJLFM has failed to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that MJLFM is a fit and proper person having regard to all the circumstances. Specifically, MJLFM has failed to be open and co-operative in all its dealings with the Authority, and as a result, the Authority is not satisfied that MJLFM's business is being, or will be, managed in such a way as to ensure that its affairs will be conducted in a sound and prudent manner.

DEFINITIONS

6. The definitions below are used in this Final Notice:

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

"the Authority" means the Financial Conduct Authority;

"COND" means the Threshold Conditions part of the Handbook;

"the Decision Notice" means the Decision Notice issued to MJLFM dated 21 December 2023;

"EG" means the Enforcement Guide;

"FDA" means the Firm Details Attestation and is the process by which a firm's details are updated;

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

"MJLFM" means MJL Focus Marketing Ltd;

"MJLFM's Part 4A permission" means the permission granted by the Authority to MJLFM pursuant to Part 4A of the Act;

"the Principle" means one of the Authority's Principles for Businesses;

"the suitability Threshold Condition" means the Threshold Condition set out in paragraph 2E of Schedule 6 to the Act;

"the Threshold Conditions" means the Threshold Conditions set out in Schedule 6 to the Act;

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

"the Warning Notice" means the Warning Notice given to MJLFM dated 29 November 2023.

FACTS AND MATTERS

7. MJLFM was authorised by the Authority on 25 June 2020 to conduct regulated claims management activities.
8. The Authority was notified by a consumer on 3 September 2020 that they could not get hold of MJLFM by telephone, website, or post.
9. MJLFM's contact telephone number provided to the Authority on 25 June 2020 appears to have been inactive since at least 3 September 2020.
10. The Authority first contacted MJLFM by email on 16 September 2020 advising that the details listed for the firm may be incorrect and requested that MJLFM update or attest its FDA.
11. The Authority discussed the matter with MJLFM by telephone on 2 October 2020, 23 October 2020, 6 November 2020, 20 November 2020, 30 November 2020, and 7 December 2020 but MJLFM did not update or attest its FDA.
12. The Authority then attempted to contact MJLFM further by email, and telephone using the last mobile telephone number used by MJLFM, on various dates between 14 December 2020 and 12 July 2022 but has received no further contact.
13. Correspondence was sent by the Authority to the postal address last notified to the Authority (MJLFM's registered office address) on 16 September 2020 and 18 December 2020.
14. Further correspondence sent by the Authority by post on 31 December 2020 was returned to sender marked 'no longer at this address'.
15. MJLFM has failed to co-operate with the Authority in that it has failed to respond adequately, or at all, to the Authority's repeated requests that MJLFM submits its FDA, to ensure that the Authority has up to date and correct contact details for MJLFM.

FAILINGS

16. The statutory and regulatory provisions relevant to this Final Notice are set out in the Annex.
17. From the facts and matters described above, the Authority, having regard to its operational objectives, which include protecting and enhancing the integrity of the UK financial system and the protection of consumers, considers that MJLFM failed to satisfy the suitability Threshold Condition in that it is not a fit and proper person having regard to all the circumstances in that it:
 - a) has failed to comply with the Authority's repeated requests relating to submission or attestation to an FDA;
 - b) has failed to comply with Principle 11 in that MJLFM has failed to deal with the Authority in an open and co-operative way and to disclose to the Authority appropriately anything relating to MJLFM of which the Authority would reasonably expect notice;
 - c) has not provided information to demonstrate that it is ready, willing and organised to comply with the requirements and standards under the regulatory system; and
 - d) has failed to satisfy the Authority that its business is being managed in such a way as to ensure that its affairs will be conducted in a sound and prudent manner, and

in compliance with proper standards, or that it will do so in the future.

18. Accordingly, the Authority has cancelled MJLFM's Part 4A permission.

PROCEDURAL MATTERS

19. This Final Notice is given to MJLFM in accordance with section 390(1) of the Act.

Decision maker

20. The decision which gave rise to the obligation to give this Final Notice was made by an Authority staff member under executive procedures.

Publicity

21. The Authority must publish such information about which this Final 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 MJLFM or prejudicial to the interest of consumers or detrimental to the stability of the UK financial system.
22. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

23. For more information concerning this matter generally, MJLFM should contact Kevin Toskaj at the Authority (direct line: 020 7066 1636).

Jeremy Parkinson
Enforcement and Market Oversight Division

ANNEX

RELEVANT STATUTORY PROVISIONS

1. The Authority's operational objectives are set out in section 1B(3) of the Act 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. The Authority is authorised by section 55J of the Act to cancel an authorised person's Part 4A permission, where it appears to the Authority that such a person is failing to satisfy the Threshold Conditions.
3. The suitability Threshold Condition set out in paragraph 2E to Part 1B of Schedule 6 of the Act.

RELEVANT HANDBOOK PROVISIONS

4. In exercising its powers to cancel a firm's Part 4A permission, 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 cancel a firm's Part 4A permission is set out in EG.
6. EG 8.1.1(1) provides that the Authority may use its own initiative power to vary or cancel the permission 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.
7. EG 8.5.1(1) states that the Authority will consider cancelling a firm's Part 4A permission using its own initiative power contained in 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.
8. EG 8.5.2 sets out examples of the circumstances in which the Authority may cancel a firm's Part 4A permission. These include failure to provide the Authority with valid contact details or failure to maintain the details provided, such that the Authority is unable to communicate with the firm (EG 8.5.2(6)), repeated failures to comply with rules or requirements (EG 8.5.2(7)), and a failure to co-operate with the Authority which is of sufficient seriousness that the Authority ceases to be satisfied that the firm is fit and proper, for example failing without reasonable excuse to provide material information or take remedial action reasonably required by the Authority (EG 8.5.2(8)(b)).

The Threshold Conditions

9. Guidance on the relevant Threshold Condition is set out in COND 2.5 – Suitability.
10. COND 2.5.1A(1) 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 –
 - the need to ensure that A's affairs are conducted in an appropriate manner, having regard in particular to the interests of consumers and the integrity of the UK financial system (COND 2.5.1A(1)(c));
 - whether A has complied and is complying with requirements imposed by the FCA in the exercise of its functions, or requests made by the FCA, relating to the provision of information to the FCA and, where A has so complied or is so complying, the manner of that compliance (COND 2.5.1A(1)(d)); and

- whether A's business is being, or is to be, managed in such a way as to ensure that its affairs will be conducted in a sound and prudent manner (COND 2.5.1A(1)(f)).
11. COND 2.5.6G provides 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 FCA 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 FCA 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 (COND 2.5.6G(1));
 - the firm has made arrangements to put in place an adequate system of internal control to comply with the requirements and standards for which the FCA is responsible under the regulatory system (COND 2.5.6G(1A)); and
 - the firm has contravened, or is connected with a person who has contravened, any provisions of the Act or any preceding financial services legislation, the regulatory system or the rules, regulations, statements of principles or codes of practice (for example the Society of Lloyd's Codes) of other regulatory authorities (including the FCA's predecessors), clearing houses or exchanges, professional bodies, or government bodies or agencies or relevant industry standards (such as the Non-Investment Products Code); the Authority will, however, take into account both the status of codes of practice or relevant industry standards and the nature of the contravention (for example, whether a firm has flouted or ignored a particular code) (COND 2.5.6G(1A)).

The Principles

12. Guidance on the relevant principles for businesses is set out in PRIN 2.1.1.
13. Principle 11 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.