

---

**FINAL NOTICE**

---

**To:** **Sardar Agha**

**Of:** **Rafiki House  
Third Way  
Wembley  
HA9 0EL**

**FSA reference number:** **518870**

**Dated:** **5 January 2012**

**TAKE NOTICE: The Financial Services Authority of 25 The North Colonnade, Canary Wharf, London E14 5HS (the "FSA") has taken the following action**

**1. ACTION**

- 1.1. The FSA gave Sardar Agha ("Mr Agha") a Decision Notice on 15 November 2011 (the "Decision Notice") which notified Mr Agha that for the reasons given below and pursuant to Regulation 10(1)(h) of the Payment Services Regulations 2009 (the "PSR"), the FSA had decided to cancel the registration granted to Mr Agha as a small payment institution under the PSR.
- 1.2. Mr Agha was informed of his statutory right to make a reference to the Upper Tribunal (Tax and Chancery Chamber) (the "Upper Tribunal"), but he has not referred the Decision Notice to the Upper Tribunal within 28 days of the date on which the Decision Notice was given to him.
- 1.3. Accordingly, the FSA has today cancelled Mr Agha's registration as a small payment institution.

## **2. REASONS FOR ACTION**

2.1. On the basis of the facts and matters and conclusions described in its Warning Notice dated 15 September 2011 (the “Warning Notice”), and in the Decision Notice (an extract of the Decision Notice is attached to and forms part of this Notice), the FSA has concluded that Mr Agha has failed to submit the Payment Services Directive Transactions return (the “FSA057”), for the period ended 31 December 2010, and to respond adequately to repeated FSA requests that he submit the FSA057.

2.2. These failings lead the FSA to conclude that:

- Mr Agha has failed to comply with the requirement that he submit the FSA057 to the FSA;
- Mr Agha has failed to demonstrate a readiness and willingness to:
  - a) comply with his ongoing regulatory obligations; and
  - b) deal with the FSA in an open and co-operative way;
- it is therefore desirable to cancel Mr Agha’s registration as a small payment institution in order to protect the interests of consumers, in accordance with Regulation 10(1)(h) of the PSR (as applied by Regulation 14).

## **3. RELEVANT STATUTORY AND REGULATORY PROVISIONS**

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

## **4. DECISION MAKER**

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

## **5. IMPORTANT**

5.1. This Final Notice is given to Mr Agha in accordance with section 390(1) of the Financial Services and Markets Act 2000 (the “Act”) (as applied by paragraph 7(b) of Part 1 of Schedule 5 to the PSR).

### **Publicity**

5.2. Sections 391(4), 391(6) and 391(7) of the Act (as applied by paragraph 7(c) of Part 1 of Schedule 5 of the PSR) 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 Mr Agha or prejudicial to the interests of consumers.

- 5.3. The FSA intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

**FSA contact**

- 5.4. For more information concerning this matter generally, please contact Sarah Brewer (direct line: 020 7066 8886/fax: 020 7066 6677) at the FSA.

.....  
**John Kirby**  
**FSA Enforcement and Financial Crime Division**

**EXTRACT FROM THE DECISION NOTICE DATED 15 NOVEMBER 2011 ISSUED BY THE FSA TO SARDAR AGHA**

**“FACTS AND MATTERS RELIED ON**

5. Sardar Agha was registered by the FSA on 9 July 2010 as a small payment institution.
6. Sardar Agha is required to submit the FSA057. Despite repeated requests and warnings, Sardar Agha has failed to submit the FSA057 for the period ended 31 December 2010.
7. By its Warning Notice dated 15 September 2011 (the “Warning Notice”), the FSA gave notice that it proposed to take the action described above and Sardar Agha was given the opportunity to make representations to the FSA about that proposed action.
8. No representations having been received by the FSA from Sardar Agha within the time allowed by the Warning Notice, the default procedures in DEPP 2.3.2G of the FSA’s Decision Procedure and Penalties Manual permit the facts and matters described in the Warning Notice, and repeated above, to be regarded as undisputed.”

**END OF EXTRACT**

**ANNEX TO THE FINAL NOTICE ISSUED BY THE FSA TO SARDAR AGHA ON 5 JANUARY 2012**

**RELEVANT STATUTORY PROVISIONS**

1. Regulation 14 of the PSR states:

“Regulations 7 to 11 apply to registration as a small payment institution as they apply to authorisation as a payment institution...”
2. Under Regulation 10(1)(h) (as applied by Regulation 14) of the PSR, the FSA may cancel the registration of a small payment institution if the cancellation is desirable in order to protect the interests of consumers.
3. Regulation 82 of the PSR states:

“(1) A payment service provider must give the Authority such information in respect of its provision of payment services and its compliance with requirements imposed by or under...these Regulations as the Authority may direct.

(2) Information required under this regulation must be given at such times and in such form, and verified in such manner, as the Authority may direct.”

**RELEVANT HANDBOOK PROVISIONS**

4. In exercising its power to cancel the registration of a small payment institution, the FSA must have regard to guidance published in the FSA’s Handbook of rules and guidance (the “Handbook”). The relevant main considerations in relation to the action specified above are set out below.

**Relevant Directions**

5. FSA Direction SUP 16.13.4D, in the Supervision manual of the Handbook, directs that a small payment institution is required to submit the FSA057 annually, one month from 31 December.
6. FSA Direction SUP 16 Annex 28A D specifies the format in which the FSA057 is to be completed and submitted.

**OTHER RELEVANT REGULATORY PROVISIONS**

7. The FSA’s policy in relation to exercising its enforcement powers is set out in the Enforcement Guide (“EG”).
8. EG 19.91 provides that the FSA’s approach to enforcing the PSR will mirror its general approach to enforcing the Act.
9. EG 19.93 provides that, in relation to the PSR, the FSA has decided to adopt procedures and policies, in relation to the use of its sanctioning and regulatory

powers, akin to those it has under the Act. Relevantly in this regard, the types of circumstances in which the FSA will consider cancelling a firm's Part IV permission under the Act include the non-submission of regulatory returns.