
FINAL NOTICE

To: SMH Financial Services Ltd

FRN: 674044

Dated: 8 December 2023

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against SMH.
2. The Authority issued to SMH the Decision Notice which notified SMH that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel SMH's Part 4A permission.
3. SMH has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was given to it.
4. Accordingly, the Authority has today cancelled SMH's Part 4A permission.

DEFINITIONS

5. 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;

“the Decision Notice” means the Decision Notice issued by the Authority to SMH dated 6 November 2023;

“SMH” means SMH Financial Services Ltd;

“SMH’s Part 4A permission” means the permission granted by the Authority to SMH pursuant to Part 4A of the Act;

“the Overdue Balance” means the outstanding sum of £710.33 owed by SMH to the Authority comprising of: an invoice dated 15 March 2019 for administrative fee of £250 for the period 1 April 2018 to 31 March 2019, which was due for payment by 14 April 2019 in respect of the non-submission of a regulatory return which was due to be submitted by 12 February 2019; an invoice dated 13 March 2020 for administrative fee of £250 for the period 1 April 2019 to 31 March 2020, which was due for payment by 12 April 2020 in respect of the non-submission of a regulatory return which was due to be submitted by 12 February 2020; and an invoice dated 30 September 2020 for regulatory fees and levies of £210.33 for the period 1 April 2020 to 31 March 2021, which was due for payment by 29 December 2020;

“the Principles” means the Authority’s Principles for Business;

“the suitability Threshold Condition” means the threshold condition set out in paragraph 2E of Schedule 6 of the Act;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber); and

“the Warning Notice” means the Warning Notice issued by the Authority to SMH dated 10 October 2023.

REASONS FOR THE ACTION

6. On the basis of the facts and matters and conclusions described in the Warning Notice, and in the Decision Notice, it appears to the Authority that SMH is failing to satisfy the suitability Threshold Condition, in that the Authority is not satisfied that SMH is a fit and proper person having regard to all the circumstances, including whether SMH managed its business in such a way as to ensure that the affairs were conducted in a sound and prudent manner.
7. SMH has failed to pay the Overdue Balance and has not been open and co-operative in all dealings with the Authority, in that SMH has failed to respond to the Authority’s repeated requests to pay the Overdue Balance and has thereby failed to comply with Principle 11 of the Principles and to satisfy the Authority that it is ready, willing and organised to comply with the requirements and standards of the regulatory system.
8. These failings, which are significant in the context of SMH’s suitability, lead the Authority to conclude that SMH has failed to manage its business in such a way as to ensure that his affairs are conducted in a sound and prudent manner, that it is not a fit and proper person, and that it is therefore failing to satisfy the Threshold

Conditions in relation to the regulated activities for which it has had a Part 4A permission.

DECISION MAKER

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

IMPORTANT

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

Publicity

11. The Authority must publish such information about the matter to 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 SMH or prejudicial to the interest of consumers.
12. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority contact

13. For more information concerning this matter generally, please contact Loktuz Zaman at the Authority (direct line: 020 7066 0601).

Jeremy Parkinson
Enforcement and Market Oversight Division