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By email

Xx September 2017

Our Ref: FOI5294

### **Freedom of Information : Right to know request**

Thank you for your request under the Freedom of Information Act 2000 (the Act), for information about instances when the Financial Conduct Authority (FCA) had to pay complainants when challenging FCA decisions in the High Court. You confirmed that your request related to the period 1 April 2013 to present.

As you may be aware, as at 1 April 2013 the Financial Services Authority (FSA) ceased to exist and has been replaced by two different organisations responsible for different aspects of regulation. These are the FCA and the Bank of England (Bank). Our response therefore relates to both the FSA and the FCA.

Your request has now been considered. FCA decisions are challenged in the High Court by means of Judicial Review and I can confirm there has only been the one Judicial Review case since 1 April 2013 where the FCA has paid costs. In this instance the FCA has paid costs to the challenger in the case of Mr Christopher Willford. This was an FSA case and the order was made at first instance in the High Court. Although the FCA was successful on Appeal, we were granted permission to appeal on the basis that the costs award was not disturbed. Even though the order was made prior to the FCA coming into existence, it was paid following the appeal (in autumn 2013) and amounted to £300,000.

Additionally, you may like to be aware that the FCA are sometimes also ordered to pay costs in relation to Tribunal proceedings. Whilst these are about challenging the FCA decisions, these are not in the High Court so it is outside the scope of the request. However, you may like to be aware in the Angela Burns case the FCA was ordered to pay £100,000 plus VAT on 3 November 2015 (This is under appeal). This is the only FCA (as opposed to FSA) Tribunal case where we have been ordered to pay costs.

Finally, you may also like to be aware on 12 June 2012 a High Court order was made ordering the FSA to pay a proportion of the applicants' costs in a Keydata-related Judicial Review. Those costs are subject to a set-off against a potentially larger penalty owed by the Judicial Review applicant to the FCA and so no costs have actually been paid.

Yours sincerely

**Information Disclosure Team**