

**The FCA's response to the
Complaints Commissioner's Report
FCA00631
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We have considered the Final Report of the Complaints Commissioner on complaint FCA00631.

The complainant invested in the clone firm on two occasions. The Commissioner has concluded that the actions of the FSA (in failing to update the Register in 2006) contributed to the complainant's loss of his first investment, and therefore, the Commissioner has recommended that the FCA, as the FSA's successor, should consider making an ex gratia payment to cover 50% of the losses incurred by the complainant on the first investment.

The second investment was made after the FCA had published a warning on its website about the clone firm and the Commissioner has not recommended any payment for this.

The complainant has fallen victim to the dishonest actions of third parties and the FCA is sorry that the complainant has suffered a loss. Nevertheless, the FCA is unable to accept the Commissioner's recommendation. As the Commissioner notes, consumers have a duty to undertake their own checks to avoid scams and the FCA cannot be held liable for every loss which arises from any error in the Register. In the circumstances, and in line with the FCA's response to report FCA00503, we do not think an ex gratia compensatory payment is appropriate.

The Commissioner also recommended that the complainant is offered an ex gratia payment of £100 for the delay in dealing with his complaint, which we have accepted.

16 June 2020