



20 November 2023

## Final report by the Complaints Commissioner

### Complaint number 202300342

#### *The complaint*

1. On 17 July 2023, you asked me to review a complaint about the FCA.

#### *What the complaint is about*

2. The FCA summarised your complaint as:

##### *Part One*

*The FCA was made aware that Blackmore Bonds PLC was a bogus operation, and should in any case have monitored the company's activities and taken action to protect the public.*

##### *Part Two*

You invested in Blackmore Bonds through Amyma. Amyma became appointed representatives of Equity for Growth Securities Ltd in July 2018, but you invested in Blackmore around July 2017, 12 months prior to Amyma becoming an AR. You quote a copy of an FCA report which states that *'the departments involved in the receipt of intelligence and the consideration of Amyma's activities should have shared and considered relevant information and intelligence in respect of the firm (which included March 2017 intelligence) more effectively, both prior to and also as the notification to register Amyma as an AR was being considered.'*

#### *What the regulator decided*

3. The FCA deferred investigation of Part One due to ongoing regulatory action.
4. The FCA did not investigate Part Two on the basis of Paragraph 3.2 of the Complaints Scheme which explains that a complaint "can be made by anyone

who is directly affected by the way in which the regulators have carried out their functions, or anyone acting directly on such a person's behalf provided that the complaint meets the requirements of the Scheme. To be eligible to make a complaint under the Scheme, a person must be seeking a remedy (which for this purpose may include an apology) in respect of some inconvenience, distress or loss which the person has suffered as a result of being directly affected by the regulators' action or inaction".

5. The FCA went on to say: 'You stated your investment in Blackmore pre-dates Amyma's registration as an Appointed Representative (by about 12 months), so it isn't clear how you have been directly affected by the FCA's actions or inactions regarding Amaya or the inconvenience, distress or loss you allege has been caused to you as a consequence.
6. At the time you invested in Blackmore Bonds via Amyma, Amyma was an unregulated introducer. You have not let us know how you are directly affected by the FCA's actions in relation to Amyma being registered as an Appointed Representative of Equity for Growth Limited'.

*Why you are unhappy with the regulator's decision*

7. You agree with the FCA deferral of Part One of your complaint.
8. You disagree with the FCA's decision on Part Two of your complaint. In summary, your contention is that the FCA had warnings about Amyma in 2017 but 'the FCA failed to act appropriately when it had the evidence to hand to do so. It did not put out any warnings to the general public about Amyma despite having reports of negligent financial promotion. It did not step in to prevent Amyma from engaging in its unscrupulous and risky behaviour'. You say had the FCA taken some sort (unspecified by you) action in 2017, you would not have invested through Amyma in Blackmore bonds and therefore you would not have lost your investment. Therefore you wish the FCA to compensate you for your losses.

### *My analysis*

9. You have not referred Part one of your complaint to me, so I will not review it. Once the FCA investigate your complaint under Part One, you may refer it to me for consideration if you are not satisfied with the outcome.
10. You have told me that you lost £20,000 of your 'pension savings' through an investment in Blackmore bond, and you are seeking the FCA to compensate you for this loss. You feel that the FCA's actions, jointly and severally, in connection to Blackmore and Amyma, make it responsible for your losses. Your complaint against the FCA in connection with Blackmore is deferred, however, you feel that the FCA's role in connection with Amyma is sufficient to make it liable for your losses.
11. I turn to Part Two of your complaint. By way of background Amyma was an unauthorised introducer when you invested through it with Blackmore in 2017. Some 12 months later the FCA registered Amyma Ltd as an appointed representative of firm EFG from 2 July 2018 to 2 September 2019. Sometime after Amyma Ltd went into liquidation.
12. The facts of the case are above. In your complaint to me, you allege that had the FCA taken action against unauthorised firm Amyma Ltd in 2017 (presumably to stop it from acting as an introducer) you would not have invested through them in Blackmore.
13. I appreciate you are concerned about your losses and I have sympathy for your situation. However, that does not mean the FCA are at fault. You chose to invest through an unauthorised firm in Blackmore: this means you did not have the protections of the FOS or the FSCS with respect to Amyma Ltd. It also means Amyma Ltd was not a regulated firm and the FCA was not supervising it at the time you made your investment.

### *My decision*

14. Therefore I agree with the FCA that you are not eligible to complain under the Scheme, and I do not uphold your complaint that you are.

Amerdeep Somal  
Complaints Commissioner  
20 November 2023