

29 May 2024

**Final report by the Complaints Commissioner****Complaint number 202300752***Your complaint to the FCA*

1. Your firm received an invoice [1] for £1,112 from the FCA in November 2023 for fees payable under the Money Laundering, Terrorist Financing and Transfer of Funds Regulations (MLTFR) for the period 1 April 2022 -31 March 2023. You query why you have received this invoice and if it is appropriate for you to pay it because you say you thought that “I would be in invoiced in advance for future years and (as with the ICO) if I did not require regulation the lack of payment would signify termination of my regulatory membership”. You mention that the FCA registration website is difficult to navigate.
2. You query why the fee rose from £100 previously to £1,112.
3. You say that you received an additional invoice [2] for a fee of £1,112 in December 2023.

*What the regulator decided*

4. The regulator partially upheld your complaint. The part that it upheld was that it did not provide you with information about why the fee had risen.
5. It did not uphold your complaint that you should not pay invoice [1].
6. It said that invoice [2] is a duplicate of invoice [1] and therefore the total you owe is £1,112.

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

7. You have said that the two invoices are different because invoice [2] is for the period 1 April 2023-31 March 2024. You say you have tried to discuss this point with the FCA but your calls have not been returned.

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8. With regards to invoice [1] you say: “

“I was informed by the FCA by telephone that no action was needed in order to de-register.

I was unable to obtain clarity in respect of the fees chargeable on the website pages and telephoned the FCA way back in 2022. I queried why I have not received an invoice for annual fees (which I expected to be £100 again). The FCA officer I spoke with indicate that there was nothing for me to do. With the benefit of hindsight, I now realise that the officer on the telephone was totally unaware of FCA requirements and inadvertently misled me to acquiesce, at my expense. I am disappointed and expected more from a UK financial regulator, why go to the expense of employing officers to man the telephone but omit to train them and leave them free to actively mislead fee payers?”

9. You reiterate that using the FCA website is difficult.

10. You would like me to recommend that the FCA waives both invoices.

*My analysis*

Element One

11. You have been issued with two invoices. The FCA said you do not need to pay the second invoice because it is a duplicate of the first. You say that the invoice does not appear to be a duplicate because it is for different dates but you have not been able to reach anyone at the FCA to discuss this.

12. I invited the FCA to confirm, in response to my preliminary report, whether it has correctly told you that the second invoice is identical to the first and that only one fee of £1,112 is payable by your firm.

13. The FCA has said that it did in fact issue two separate invoices which are both due. It apologises for providing you with wrong information, and offers an ex gratia payment of £200 (to be deducted from the invoices value) for your distress and inconvenience. It has also said that it has raised the issue internally to address mistakes in communication going forward.

14. In my view, the FCA’s response is appropriate for the circumstances and the invoices are due to be paid, with £200 deducted.

## Element Two

15. Your firm is responsible for meeting its obligations when it registered with the FCA. I appreciate you thought that you did not need to formally de-register and that you found the website difficult to navigate, however, these are not reasons to waive the invoices.
16. You have said to me, but not to the FCA, that you spoke to an FCA representative at some point in 2022 and that you were told by the FCA representative that no action was needed on your part in order to de-register your firm.
17. This is new information which you did not include in your complaint to the FCA, and therefore the FCA has not investigated your allegation that it told you there was no need for you to formally de-register. I invited the FCA to check its records and identify any calls from you in 2022. The FCA confirmed it had not received any calls from you in 2022. It did have call recordings from 2020 but these do not support your assertion. You have said you do not believe you have been provided with all of the recordings and that the ones you have may have been truncated.
18. It does not seem to me the recordings have been 'truncated'. I appreciate you feel strongly that there were other recordings, however, in the absence of any evidence either way, I am unable to make a determination whether any more recordings exist.

### *My decision*

19. For the reasons above, I do not uphold your complaint. The two invoices are due to be paid deducting £200 for distress and inconvenience.

Rachel Kent

Complaints Commissioner

29 May 2024