

08 May 2025

**Final Report by the Complaints Commissioner****Complaint number 202400692***The complaint*

1. The complaint before me argues that the FCA incorrectly deemed a complaint about its conduct in relation to an appeal you filed with the Southwark Crown Court on 17 February 2022 as outside the scope of the Complaints Scheme (“the Scheme”), based on the claim that it was filed more than 12 months after you became aware of the issues.

*Background*

2. You applied for permission to appeal the appointment of an enforcement receiver by submitting the appropriate application to Southwark Crown Court on 17 February 2022. You then hand delivered the appeal documents on the FCA—the party that had originally applied for the order—on 21 March 2022. However, the court, by its own admission, failed to process your appeal as it should have, resulting in delays.
3. On 31 December 2022, as the abovementioned delays were still ongoing, you submitted a further application seeking permission to challenge Southwark Crown Court’s failure to process your completed appeal form in accordance with procedural rules. Some time after this, the Court of Appeal stepped in, confirmed your application would be treated as “in time,” and arranged for it to be reviewed by a single judge. You proceeded with the application regardless.
4. On 3 March 2023, permission was refused on the basis that although there was a delay in processing the Claimant’s [i.e. your] appeal application, no harm occurred because it was ultimately accepted as being filed on time. As you had already received the relief you sought, the case was considered academic and did not warrant court intervention—especially since there is no strong public

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interest in hearing it. You proceeded to appeal this decision regardless, but this appeal was also dismissed on the grounds that it lacked any merit.

5. You then complained to the FCA (outside the 12-month window which the Complaint Scheme allows for) about what you perceived its role to have been with respect to the Court delays described above—specifically, the delay by the Court of Appeal in processing your application for leave to appeal the Enforcement Receivership Order. You allege these delays occurred because the Crown Court, in collusion with the FCA, discarded your appeal documents. While your complaints against the court were still ongoing, you say the FCA falsely claimed that no appeal had ever been filed. As a remedy, you are requesting the FCA to admit its wrongdoing and compensate you for the costs you incurred in submitting the judicial review application, which you argue was necessitated by the delays the FCA contributed to.
6. You state that your complaint to the FCA was delayed because you only obtained proof in February 2024—while corresponding with the FCA about separate legal proceedings—that it had indeed received the appeal documents on 18 March 2022. According to you, the FCA’s provision of these documents confirmed that their previous claims of not receiving your appeal were false, and gave you the necessary evidence to pursue your complaint under the Complaints Scheme.
7. The FCA’s position is that, by the time you filed your judicial review in December 2022, you were already aware that it had received your application for leave to appeal—since you had hand-delivered a letter containing your appeal on 21 March 2022. Therefore, in its view, you did not need to wait until February 2024 to become aware of the facts underlying your complaint.

*Preliminary points (if any)*

8. You have alleged that Southwark Crown Court failed to properly process your applications due to collusion with the FCA. However, under the Complaints Scheme, I do not have the authority to investigate allegations or complaints against organisations or bodies other than the FCA. As such, this aspect of your complaint falls outside the scope of the Scheme and is excluded from consideration.

### *My analysis*

9. On 31 December 2022, you filed an application with the court to challenge its failure to process your completed appeal form in accordance with procedural rules. This failure—resulting in delay—is the same issue you are now raising under the Complaints Scheme.
10. The court has acknowledged that your application was not processed as it should have been and that delays did occur. Any costs you believe you incurred as a result of the court's delay in processing your application should be pursued with the court directly, as they fall outside the FCA's responsibility and the scope of the Complaints Scheme
11. While you have alleged that these delays were the result of collusion between corrupt court officials and the FCA, you have provided no supporting evidence for this claim.
12. You have not provided any evidence that the FCA ever denied receiving a copy of your appeal application dated 18 March 2022.
13. Based on my review of the FCA's records, the FCA did consider your current complaint and likewise found no evidence in its records indicating that it had ever denied receiving the appeal application dated 18 March 2022. I have also reviewed the FCA records and likewise found no indication that it did.
14. Your concerns about the delay have already been considered by the court. When you were dissatisfied with the court's decision, you pursued an appeal, which was also dismissed. It was open to you to raise with the Court any concerns you had about the FCA's role in the delays at the time (which, in any event you have not substantiated). It appears you are now attempting to reintroduce the same matter through the Complaints Scheme albeit from a different angle. I do not consider you have grounds to do so – you are both out of time for the reasons the FCA gives and because you have provided no evidence to substantiate your allegations.

### *My decision*

15. For the reasons above, I do not uphold your complaint that the FCA applied the time bar incorrectly, but even if that were not the case, your grounds for bringing

the complaint under the Complaints Scheme would fail because you have provided no evidence to support your allegations.

The Complaints Commissioner

Complaints Commissioner

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