
FINAL NOTICE

To: WH Car Sales Limited

Of: The Old Forge
Forge Lane
West Kingsdown
Sevenoaks
TN15 6JD

FRN: 621824

Dated: 26 January 2016

ACTION

1. For the reasons set out in this Final Notice, the Authority hereby takes the following action against WHCSL.
2. The Authority issued to WHCSL the Decision Notice which notified it that for the reasons given below and pursuant to section 55J of the Act, the Authority had decided to cancel WHCSL's permission.
3. WHCSL has not referred the matter to the Tribunal within 28 days of the date on which the Decision Notice was issued to it.
4. Accordingly, the Authority has today cancelled WHCSL's permission.

DEFINITIONS

5. The definitions below are used in this Final Notice:

"the Act" means the Financial Services and Markets Act 2000;

“the Authority” means the Financial Conduct Authority;

“the Decision Notice” means the Decision Notice issued to WHCSL dated 15 December 2015;

“the Return” means the CCR007 return for the period ended 31 March 2015, which was due to be submitted to the Authority by 15 May 2015;

“the Threshold Conditions” means the threshold conditions set out in Schedule 6 to the Act;

“the Tribunal” means the Upper Tribunal (Tax and Chancery Chamber);

“WHCSL” means WH Car Sales Limited; and

“WHCSL’s permission” means the permission granted by the Authority to WHCSL pursuant to Part 4A of the Act.

REASONS FOR ACTION

6. On the basis of the facts and matters and conclusions described in its Warning Notice issued to WHCSL dated 16 November 2015 and in the Decision Notice, it appears to the Authority that WHCSL is failing to satisfy the Threshold Conditions, in that the Authority is not satisfied that WHCSL is a fit and proper person having regard to all the circumstances, including whether WHCSL managed its business in such a way as to ensure that its affairs are conducted in a sound and prudent manner.
7. This is because WHCSL has failed to comply with the regulatory requirement to submit the Return. WHCSL has not been open and co-operative in all its dealings with the Authority, in that it has failed to respond adequately to the Authority’s repeated requests for it to submit the Return, and has thereby failed to comply with Principle 11 of the Authority’s Principles for Businesses and to satisfy the Authority that it is ready, willing and organised to comply with the requirements and standards under the regulatory system.
8. These failures, which are significant in the context of WHCSL’s suitability, lead the Authority to conclude that WHCSL has failed to manage its business in such a way as to ensure that its affairs are conducted in a sound and prudent manner, that it is not a fit and proper person, and that it is therefore failing to satisfy the Threshold Conditions in relation to the regulated activities for which WHCSL has had a permission.

DECISION MAKER

9. The decision which gave rise to the obligation to give this Final Notice was made by the Regulatory Decisions Committee.

IMPORTANT

10. This Final Notice is given to WHCSL in accordance with section 390(1) of the Act.

Publicity

11. The Authority must publish such information about the matter to which this Final Notice relates as the Authority considers appropriate. The information may be published in such manner as the Authority considers appropriate. However, the Authority may not publish information if such publication would, in the opinion of the Authority, be unfair to WHCSL or prejudicial to the interest of consumers.
12. The Authority intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

Authority Contact

13. For more information concerning this matter generally, please contact Prea Deans at the Authority (direct line: 020 7066 2272).

John Kirby
Enforcement and Market Oversight Division