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**[By Email]**

**September 2015**

Our Ref: **FOI4209**

Dear

**Freedom of Information: Right to know request**

Thank you for your follow up request under the Freedom of Information Act 2000 (the Act). Your original and follow up request can be found in Annex A.

Your request has now been considered and I can confirm that no prosecutions have been brought under Part 7 of the Financial Services Act 2012 for the time period mentioned in your request. Therefore I can confirm that we do not hold any additional information to add to the response previously provided for FOI4188.

As requested in your follow up request dated 14 September 2015, below are the five prosecutions that have been brought for offences under section 397 of the Financial Services and Markets Act 2000. This information has been broken down by each year for the relevant time period.

2011 – R v David Mason

2012 – R v Stephen Graham, Timothy Whiston, John Whelan and Patrick Cryne (Patrick Cryne did not face trial, due to ill health)

2013 – R v Gary Hexley and John Cooper

2014 – R v Benjamin Wilson (pleaded guilty to fraud and forgery)

2014 – R v Alex Hope and Raj von Badlo

Of those, the only case involving employees of companies or subsidiaries listed on the London Stock Exchange was the case of R v Graham, Whiston, Whelan and Cryne. All four were directors of iSoft, which acquired a full listing on the London Stock Exchange in 2000.

Yours sincerely

**Information Access Team**

## **Annex A**

Original request (FOI4188).

*"Prosecutions under FSMA 397/FSA Part 7 Business area/division: Enforcement Relevant dates: 2009-2014*

*For each calendar year from 2009 to 2014 inclusive, how many prosecutions did the FSA or FCA bring under the misleading statements, practices and provisions of the Financial Services and Markets Act 2000 (Section 397) and the Financial Services Act 2000 (Part 7)?*

*Of these, how many were brought against employees of registered firms listed on the London Stock Exchange, or their subsidiaries?"*

Follow up request dated 14 September 2015 for information to be broken down by years  
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*"Many thanks for your email. I should be grateful if you would clarify how many s397 prosecutions took place of individuals, both working for listed companies and not, for each of the calendar years from 2009 to 2014 inclusive, in other words, how many in 2009, how many in 2010, etc. The figures you have provided are a total for the five-year period, as opposed to a breakdown by year."*

Revised follow up request dated 14 September 2015:

*"Further to your previous email, I apologise for my error: I of course meant the Financial Services Act 2012, not 2000.*

*Therefore, to clarify, what I sought was the following:*

*In each year 2009, 2010, 2011, 2012, 2013 and 2014, how many people were prosecuted under either section 397 of the Financial Services and Markets Act 2000 or the Financial Services Act 2012, and of these, how many were employees of companies listed on the London Stock Exchange."*