
NOTICE OF DECISION TO CANCEL

To: **David Amporful**
FRN: **776013**
Dated: **19 December 2022**

ACTION

1. For the reasons set out below and under regulation 60(3)(a) of the MLR, the Authority has decided to cancel Mr Amporful's Registration.

REASONS FOR THE ACTION

2. Mr Amporful has failed to pay a charge imposed by the Authority. The Authority may cancel Mr Amporful's Registration under regulation 60(3)(a) of the MLR, on the basis of the condition in regulation 59(1)(c)(iii) (which concerns the payment of charges and to which regulation 60(3)(a) refers).

DEFINITIONS

3. The definitions below are used in this Notice (and in the Annex):

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

"Mr Amporful's Registration" means the registration by the Authority for Mr Amporful as an Annex 1 financial institution under the MLR 2017;

"Annex 1 financial institution" has the meaning given in regulation 55(2) of the MLR 2017;

"the Authority" means the Financial Conduct Authority;

"EG" means the Enforcement Guide;

"the MLR 2017" means the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017;

"Notice" means Notice of Decision to Cancel; and

"the Tribunal" means the Upper Tribunal (Tax and Chancery Chamber).

RELEVANT STATUTORY PROVISIONS

4. The statutory and regulatory provisions relevant to this Notice are set out in the Annex.

FACTS AND MATTERS RELIED ON

5. Mr Amporful was registered by the Authority on 9 May 2017 as an Annex 1 financial institution.
6. Mr Amporful has failed to pay charges to the Authority totalling £911.00 owed to the Authority consisting of:
 - a. invoice dated 7 August 2018 for £451.00 in respect of charges for the period 1 April 2018 to 31 March 2019 which had been due for payment by 6 September 2018; and
 - b. an invoice dated 6 August 2019 for £460.00 in respect of charges for the period 1 April 2019 to 31 March 2020 which had been due for payment on 5 September 2019.
7. Mr Amporful has also failed to respond adequately to the Authority's repeated requests that he pay the charges owed to the Authority.
8. By its Notice of Proposed Cancellation dated 15 November 2022, the Authority gave notice that it proposed to cancel Mr Amporful's Registration and Mr Amporful was given the opportunity to make representations to the Authority about that proposed action.
9. Regulation 60(9) of the MLR requires the Authority then to decide whether to cancel Mr Amporful's registration.
10. No representations have been received by the Authority from Mr Amporful within the time allowed by the Notice of Proposed Cancellation. The Authority has therefore decided to cancel Mr Amporful's Registration for the reasons described above. The cancellation of Mr Amporful will take effect on 20 January 2023.

PROCEDURAL MATTERS

Decision maker

11. The decision which gave rise to the obligation to give this Notice was made by an Authority staff member under executive procedures.
12. This Notice of Decision to Cancel is given to Mr Amporful under Regulation 60(9)(b) and is being served on Mr Amporful at the address last notified to the Authority as Mr Amporful's principal place of business.

The Tribunal

13. Mr Amporful has the right to appeal the decision to cancel to the Tribunal. The Tax and Chancery Chamber is the part of the Upper Tribunal which, hears appeals arising from decisions of the Authority. Under paragraph 2(2) of Schedule 3 to the Tribunal Procedure (Upper Tribunal) Rules 2008, Mr Amporful has 28 days from the date on which this Notice is given to Mr Amporful to refer the appeal to the Tribunal.
14. An appeal to the Tribunal is made by way of a signed reference notice (Form FTC3) filed with a copy of this Notice. The Tribunal's contact details are: Upper Tribunal, (Tax and Chancery Chamber), Fifth Floor, Rolls Building, Fetter Lane, London, EC4A 1NL (tel: 020 7612 9730; email: fs@hmcts.gsi.gov.uk).
15. For further information on the Tribunal, Mr Amporful should refer to the HM Courts and Tribunal Service website. Guidance on making a reference to the Tribunal and the relevant form to complete (Form FTC3) can be accessed from the following link:

<https://www.gov.uk/government/collections/upper-tribunal-tax-and-chancery-chamber>

16. A copy of Form FTC3 must also be sent to Funmi Ojo (funmi.ojo@fca.org.uk) at the Authority, 12 Endeavour Square, London E20 1JN at the same time as filing a reference with the Upper Tribunal.

Access to evidence

17. A schedule of the material upon which the Authority has relied in deciding to give Mr Amporful this Notice was given to Mr Amporful with the Notice of Proposed Cancellation.

Confidentiality and publicity

18. This Notice may contain confidential information and should not be disclosed to a third party (except for the purpose of obtaining advice on its contents).
19. However, the Authority may publish such information about the matter to which a Notice served under Regulation 60(9) relates as it considers appropriate. The information published may contain reference to the facts and matters contained in this Notice.

Contacts

19. For more information concerning this matter generally, Mr Amporful should contact Funmi Ojo at the Authority (direct line: 020 7066 1354).

Kerralie Wallbridge
Executive Decision Maker

Decision made by an FCA Head of Department under Executive Procedures

ANNEX

RELEVANT STATUTORY PROVISIONS

1. Regulation 55(1) of the MLR 2017 provides:

“The [Authority] may maintain a register of Annex I financial institutions.”

2. Regulation 55(6) of the MLR 2017 provides:

“The registers maintained by the registering authorities must include entries in any equivalent registers maintained under regulation 32 of the Money Laundering Regulations 2007 which were current immediately before the date that regulation was revoked.”

3. Regulation 59(1) of the MLR 2017 provides:

“Subject to regulation 58, the registering authority may refuse to register an applicant for registration in a register maintained under regulation 54 or 55 only if—

[...]

(c) the applicant has failed to pay [...]

(ii) a charge imposed by the authority under Part 11”.

4. Regulation 60(3) of the MLR 2017 provides:

“The registering authority may [...] cancel a person’s registration in a register maintained by it under regulation 54 or 55 if, at any time after registration—

(a) it appears to the authority that any of paragraphs (a) to (e) of regulation 59(1) apply;

[...].”

5. Regulation 60(8) of the MLR 2017 provides:

“Where the FCA is minded to suspend or cancel a person’s registration it must give that person notice—

(a) that it is so minded;

(b) if appropriate, the proposed period of the suspension;

(c) the reasons for being so minded; and

(d) the right to make representations to it within the period specified in the notice (which must not be less than 28 days).”

6. Regulation 60(9) of the MLR 2017 provides:

“The FCA must then decide, within a reasonable period, whether to suspend or cancel the person’s registration and it must give that person notice of—

- (a) its decision not to be suspend or cancel the person’s registration; or
- (b) the following matters-
 - i. the decision to suspend or cancel the person’s registration and, subject to paragraph 10, the date from which the suspension or cancellation takes effect;
 - ii. the period of the suspension;
 - iii. the reasons for its decision; and
 - iv. the right to appeal under regulation 93.”

7. Regulation 120 (1)(a) and (b) of the MLR provides:

“The FCA and the Commissioners may impose charges on —

- (c) applicants for registration under Chapter 2 of Part 6;
- (d) relevant persons supervised by them.”

OTHER RELEVANT REGULATORY PROVISIONS

- 8. The Authority’s policy in relation to exercising its enforcement powers is set out in EG, the relevant provisions of which are summarised below.
- 9. EG 19.14.7 provides that, in relation to the MLR 2017, the Authority has decided to adopt enforcement and decision making procedures, in relation to the use of its investigation and sanctioning powers, broadly akin to those it has under the Act. The types of circumstances in which the Authority will consider cancelling a firm’s Part 4A Permission under the Act include non-payment of Authority fees or repeated failures to pay Authority fees except under threat of Enforcement action (EG 8.5.2(5)).