

FINAL NOTICE DATED 24 August 2007

APSLEY HOMES AND POLICYLINK ("AHPL") AND MRS HEATHER LOUGHREY ("MRS LOUGHREY")

SUMMARY OF THE MATTER TO WHICH THE NOTICE RELATES

Date of issue: 24 August 2007

On 26 June 2007 the FSA decided to refuse an application made by AHPL, under section 60 of the Financial Services and Markets Act 2000 ("the Act"), for the approval of Mrs Loughrey to perform the controlled functions of CF1 (Director) and CF8 (Apportionment and Oversight).

The FSA was not satisfied that Mrs Loughrey is a fit and proper person to perform the controlled functions applied for (section 61(1) of the Act), as she has:

- Failed to demonstrate through experience and training that she is able, or will be able if approved, to perform the controlled functions to which this application relates.
- Not been candid and truthful in all her dealings with the regulatory body and has not demonstrated that she is ready and willing to comply with the requirements and standards of the FSA.

As a consequence of the above, on 26 June 2007 the FSA also decided to refuse an application made by AHPL under section 40 of the Act for Part IV permission to perform the regulated activities of advising, arranging, making arrangements, dealing as agent, assisting in the administration of non-investment insurance contracts and agreeing to carry on a regulated activity.

The FSA concluded that it could not ensure that AHPL satisfied and would continue to satisfy the Threshold Conditions set out in schedule 6 of the Act ("the Threshold Conditions"). In particular, the resources of AHPL's resources would not be adequate in relation to the regulated activities it sought to carry on, given that the FSA had refused the related application for Mrs Loughrey to be approved to perform governing and required controlled functions (Threshold Condition 4: Adequate resources).

Furthermore, AHPL did not satisfy the FSA that it is a fit and proper person having regard to all its circumstances and its connection with William Faulkner ("Mr Faulkner") and the need to ensure that its affairs are conducted soundly and prudently (Threshold Condition 5: Suitability).

AHPL is the legal entity created for the purpose of taking over business previously performed by Mr Faulkner, a sole trader.

Mr Faulkner had previously been the subject of FSA enforcement action that resulted in the issue of a Supervisory Notice; Own Initiative Variation of Permission ("OIVOP") to vary Mr Faulkner's Part IV permission to remove all regulated activities with immediate effect. The notice was issued on 17 March 2006.

Mr Faulkner referred the Supervisory Notice to the Financial Services and Markets Tribunal ("the Tribunal") for consideration. The Tribunal dismissed the Reference on 13 September 2006, deciding that Mr Faulkner was not fit and proper and no longer satisfied Threshold Condition 5.

The FSA concluded on the above basis that it could not satisfy the requirement of section 41(2) of the Act that it must ensure that AHPL will satisfy, and continue to satisfy, the Threshold Conditions in relation to all of the regulated activities for which AHPL would have permission if the application had been granted.

Following the issuance of the Decision Notice of 26 June 2007, and AHPL having not referred the matter to the Financial Services Tribunal within the time limit as specified under section 133(1) of the act, the FSA issued a Final Notice.

To check whether someone is an approved person, and their current approved status, please refer to the FSA's Register at: <http://www.fsa.gov.uk/Pages/register/>.