



Financial Services Authority

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## **SECOND SUPERVISORY NOTICE**

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To: **Teare Rose Independent Financial Advisers**

Of: **96 Walton Road  
East Molesey  
Surrey  
KT8 0DL**

Dated: **30 July 2004**

**TAKE NOTICE: The Financial Services Authority of 25 The North Colonnade, Canary Wharf, London E14 5HS ("the FSA") has taken the following action**

### **1. ACTION**

For the reasons listed below, the FSA has decided not to rescind the variation of the permission imposed on Teare Rose Independent Financial Advisers ("Teare Rose") under Part IV of the Financial Services and Markets Act ("the Act") effected by the First Supervisory Notice issued on 13 May 2004 ("the First Supervisory Notice"), namely by removing all regulated activities with immediate effect.

### **2. REASONS FOR ACTION**

#### **Summary**

The FSA has concluded, on the basis of the facts and matters described in the First Supervisory Notice, that Teare Rose is failing to satisfy the threshold conditions set out in Schedule 6 to the Act in that, in the opinion of the FSA, Teare Rose is not a fit

and proper person because it has failed to conduct its business with integrity and in compliance with proper standards, and because it has failed to deal with its regulator in an open and cooperative way.

On 24 September 2003 during a visit by the FSA, Teare Rose failed to produce documentary evidence to substantiate that it had conducted a critical part of the Pensions Review as reported to the FSA in quarterly returns. Teare Rose subsequently submitted two further returns which each contained revised statistics. Despite repeated requests by the FSA, Teare Rose failed to produce documentary evidence to substantiate any of its statistics relating to the main tasks involved in the Pensions Review and which it had claimed to have completed, or to provide an explanation of why such evidence had not been produced. The FSA decided to take over the conduct of Teare Rose's Pensions Review because of concerns about the extent of the work actually undertaken.

Teare Rose made written representations to the FSA on 22 June 2004 and exercised its right to make oral representations to the FSA which were considered at a meeting with the Regulatory Decisions Committee on 26 July 2004. By its own admission, Teare Rose conceded that, despite having claimed to have done so, it had not performed the detailed assessments required by the Pensions Review guidance.

Having had regard to those representations, but having found no facts in them which affect its conclusions that Teare Rose has deliberately misled the FSA by concealing the true state of its Pensions Review, the FSA remains of the view that there would be a continuing risk of loss or other adverse effect on consumers if Teare Rose was permitted to resume carrying on the regulated activities for which the permission varied by the First Supervisory Notice was granted.

The FSA has therefore concluded that there is no basis on which to rescind the variation of Teare Rose's Part IV permission effected by the First Supervisory Notice.

## **DECISION MAKER**

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

### **3. IMPORTANT**

This Supervisory Notice is given to you in accordance under section 53(7) of the Act. The following statutory rights are important.

#### **The Tribunal**

You may refer this matter to the Financial Services and Markets Tribunal ("the Tribunal"). Under section 133 of the Act, you have 28 days from the date you were sent this Supervisory Notice to refer the matter to the Tribunal or such other period as specified in the Tribunal Rules or as the Tribunal may allow. A reference to the Tribunal is made by way of a written notice signed by you and filed with a copy of this notice. The Tribunal's address is: 15-19 Bedford Avenue, London WC1B 3AS

(telephone 020 7612 9700). The detailed procedures for making a reference to the Tribunal are contained in section 133 of the Act and the Tribunal Rules.

You should note that the Tribunal Rules provide that at the same time as filing a reference notice with the Tribunal, you must send a copy of the notice to the FSA. Any copy notice should be sent to Fiona Walker at the FSA, 9<sup>th</sup> Floor, 25 The North Colonnade, Canary Wharf, London E14 5HS.

**FSA contact**

For more information concerning this matter generally, you should contact Fiona Walker at the FSA (direct line: 020 7066 5620 / fax: 020 7066 9720).

His Honour Dr Colin Kolbert  
Deputy Chairman, Regulatory Decisions Committee