

LC&F, Blackmore Bond, the
FCA's 'responses' and the
wider reality.

UPDATE – 24th May 2022

Presented by

Paul Carlier

I need to make it clear that:

a) I never make an allegation or complaint unless I believe that I am right

and

b) I never make an allegation or complaint unless I believe that I have the evidence to demonstrate or prove it

That applies to this presentation.

If I am expressing an 'opinion' or a conclusion, then I will establish that, and the grounds and/or evidence for drawing that conclusion.

Report of the Independent Investigation into the
Financial Conduct Authority's Regulation of London
Capital & Finance plc

The Rt. Hon. Dame Elizabeth Gloster DBE

23 November 2020

(Revised on 10 December 2020 – see overleaf)

Blackmore Bond collapses leaving thousands in fear for their savings

Investments April 23 2020

Mini-bond scheme collapses owing £45m to investors

FCA Spokesman said:
*“Neither Blackmore or its
Mini-Bonds were regulated
by the FCA”*

**‘Sophistication
Manipulation’**

3.13 The FCA told the Investigation that it shared these concerns. The FCA also drew the Investigation's attention to the practical difficulties of investigating unregulated, online sales channels with some or all of the following features:

(f) a follow-up call or other communication which included encouraging consumers to self-certify as 'high net worth' or 'sophisticated' in order to bring them within one of the exemptions from section 21 FSMA contained in the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005.

Both FSMA and FCA Codes (COBS 4.12) have specific terms and prohibitions that apply to:

a) UCIS - Unregulated (Collective) Investment Schemes

b) Speculative illiquid securities

c) NMPI (Non-Mainstream Pooled Investment)

All of the above, and that cover the Blackmore Bond, share a common prohibition.....

None of these 'investment' schemes can be promoted to the public in the UK, with these specific exemptions. Unless they are:

- **Certified high net worth investors**
- **Certified sophisticated investors**
- **Self-certified sophisticated investors**

This is not opinion, it is Fact.

And that applies whether regulated or unregulated, and whether the firm promoting them is regulated or unregulated.

To market or sell ANY non-regulated Investment products to non-sophisticated investors is a breach of FCA COBS and breach of FSMA, and to carry on a regulated activity without required permissions to do so.

This falls within the FCA's scope, perimeter and mandate.

MORE SO, if the firm selling the non-regulated Investment Products are themselves not regulated.

It is further an obligation of any firm marketing or selling such products to take all reasonable steps to validate the 'sophistication' of the consumer, particularly in cases where the consumer has 'self-certified' as sophisticated.

Furthermore, the 'manipulation of sophistication' is done with the sole intent of circumventing FSMA, FCA COBS and the FCA perimeter and regulation:

THEREFORE, any such act and the products pursuant to it, are absolutely within the FCA perimeter.

3.14 *The FCA informed the Investigation that, on the basis of the current legislative framework, in order for a regulator or enforcement authority to investigate such a sales channel, it would need to:*

- (i) *follow the same “customer journey” as the consumer (in effect “mystery- shopping”) and to do so in compliance with restrictions in the Regulation of Investigatory Powers Act 2000 and the E-Commerce Directive;*
- (ii) *(ii) **gather evidence of a breach;** and*
- (iii) *(iii) **locate and identify the wrongdoer,** before it could start a criminal investigation or prosecution. **The FCA further stated that such a process would face considerable difficulties in terms of the time it would take, the resources it would require and the obtaining evidence which would meet the requisite standard of proof,** with the associated risks that, while this was going on, consumers might be losing money or the sales channel being investigated might close down and disappear.*

From the FCA formal response to Dame Gloster's findings:

*“We are aware of evidence that suggests some unregulated companies (often known as introducers), which appear to be separate from firms offering investments, coach investors to self-certify as high-net worth or sophisticated so that they can assert their promotional activities are exempt from having to be approved. **Although this type of practice can be difficult for us to identify and stop”***

From: Paul Carlier <paul.carlier@live.co.uk>
Subject: Are you aware of this firm?
Date: 6 March 2017 at 17:05:59 GMT
To: Whistle <Whistle@fca.org.uk>

John,
If you're not aware of a firm called Amyma (<http://amyma.co.uk/>) you should perhaps explore them.

They occupy the office next to us and the glass partition means we hear everything they say and do.

In a nutshell Boiler Room. Have a read of this thread I found when looking up one of the "investments" they are pushing.

<http://forums.moneysavingexpert.com/showthread.php?t=5608646>

They are pushing all manner of these bonds to pensioners citing them as "guaranteed by one of the worlds biggest banks".

Their sales spiel is something to behold.
"Our Application for FCA authorisation is being processed".
They are not FCA authorised and laugh between each other when anyone uses that line on a call.

"Everything is guaranteed"

"I'll put you down as a sophisticated investor"

And their phone rarely ever rings and assume from the fact that they have to ask people's names that cold calling in some form is involved.

Paul

Hi

I am currently looking into the best deal for investing 5k - Blackmore offer a 4 years investment at 8.9% interest or 5 year investment for 9.9% interest - is this too good to be true ?

25 February 2017 at 10:43AM

Read post #3

25 February 2017 at 12:55PM edited 25 February 2017 at 1:01PM

“

I am currently looking into the best deal for investing 5k -

On 7 Mar 2017, at 10:20, John Dodd <John.Dodd@fca.org.uk> wrote:

Paul,

Thanks for the info about xxxxxxxxxxxx and Ayma. I don't intend to treat these as whistleblowing per se, but I will pass to the relevant areas to consider. There won't be any reference to you in this process, all the teams will get is the relevant information, but I wanted to check that you are content with this approach before I do anything.

Many thanks

John

John Dodd

Team Leader / Whistleblowing Team / Enforcement & Market Oversight Division

From: Paul Carlier [<mailto:paul.carlier@live.co.uk>]

Sent: 07 March 2017 11:11

To: John Dodd

Subject: Re: Your recent information

John,

Please stress to whomever you pass the Amyma info to that pensioners are clearly being targeted.

It's not just a Boiler shop issue but activity related to misleading pensioners, vulnerable under the new rules.

Paul

On 7 Mar 2017, at 11:22, John Dodd <John.Dodd@fca.org.uk> wrote:

Paul,

Will do, thanks.

John

John Dodd

Team Leader / Whistleblowing Team / Enforcement & Market Oversight Division

On 13 Mar 2017, at 16:35, Paul Carlier <paul.carlier@live.co.uk> wrote:

Hi John,
FYI these guys are still pushing this Blackmore Group bond product.

Just overheard the pitch again:

9.9% yield

Interest paid quarterly

£75,000 maximum investment

All guaranteed.

Paul

REPRESENTATIVE WORKSPACE



From: Paul Carlier [<mailto:paul.carlier@live.co.uk>]

Sent: 30 August 2018 11:08

To: John Dodd <John.Dodd@fca.org.uk>

Cc: Andrew Bailey <Andrew.Bailey@fca.org.uk>; Mark Steward <Mark.Steward@fca.org.uk>; Jane Attwood <Jane.Attwood@fca.org.uk>

Subject: Re: Your recent information

Good morning,

Below is an email exchange from 2017 whereby I informed the FCA of the conduct of this firm.

<https://amyma.co.uk>

Myself and my team all personally witnessed and heard each of their phone calls with 'clients'. The majority were clearly cold calls, and the majority clearly persons that were not sophisticated and they were clearly targetting pensioners and their pensions, all contrary to their website and FCA codes and applicable regulations.

Watching a news item on youtube this morning, I see an advert for a Crossrail Property Bond offering 9.25% fixed returns. WOW!

(See top right corner of attached screenshot)

I click the link and get taken to this page.

https://best-bonds.co.uk/?campaignid=1420179561&adgroupid=61282216932&adid=273073927584&gclid=EA1aIQobChMIwbWtp7-U3QIVUzXTCh1UIA_HEAEYASAAEgJS2PD_BwE

Lo and behold, it's a trading name of these Ayma cowboys who are still in business.

The products they are pushing to non sophisticated customers, such as the Blackmore Bond, are all offered as 'guaranteed' returns and guarantees in respect to the principal invested. Yet all appear to be investments entirely related to property and the property market.

You, the FCA, know exactly what happened following the financial crisis to anyone, personal or business, that had property assets. Yet you appear to have taken no action against this firm, and clearly not properly investigated them?

The FCA has certainly not reached out to interview myself or any of my colleagues that witnessed this firm in action first hand.

Please advise.

Regards

Paul Carlier

On 21 Sep 2018, at 08:39, Mark Steward <Mark.Steward@fca.org.uk> wrote:

Dear Mr Carlier,

We have received reports about Ayma's activities, and are making enquiries. In line with normal policy, we do not comment on operational matters, save in exceptional circumstances. I am sorry we cannot provide any further information at this stage.

Yours sincerely,

Mark Steward

Executive Director

Enforcement and Market Oversight

MEMORANDUM OF UNDERSTANDING (MOU)

BETWEEN

CITY OF LONDON POLICE (COLP)

AND

FINANCIAL CONDUCT AUTHORITY (FCA)

Purpose of this Memorandum of Understanding (“MOU”)

- A. The overarching objectives of this MOU are for the FCA and COLP (the “Parties”) to work together more effectively in areas of mutual interest, for example to help combat financial crime, and to make the best use of each organisation’s respective resources and expertise, with a view to achieving more successful outcomes through exchange of staff and secondments.
- B. This MOU is not intended to impose any legal or procedural requirements on either COLP or the FCA. Nothing in this memorandum should be taken as either preventing or inhibiting COLP or the FCA in any way from acting in the proper performance of their statutory or other public functions.
- C. Although the Parties agree to adhere to the contents of this MoU it is not intended to be a legally binding document. The MoU does not override each Party’s statutory responsibilities or functions, nor does it infringe the autonomy and accountability of either Party or their governing bodies.

Sharing Knowledge

- 2.2. The Parties will look to opportunities to share knowledge and understanding by learning from each other but with an understanding of the need for operational and asset security and the “need to know” principles outlined as part of the Cabinet Office sponsored Security Policy framework as well as the need to maintain the Intelligence to Intelligence “sterile corridor” to protect information provenance and operational integrity. In addition to Part 1 of this MOU which provides for secondment agreements the Parties agree to discuss loans, attachments and exchanges of staff to facilitate shared learning where appropriate and of mutual benefit.

Sharing Information and Intelligence

2.4. Each Party will endeavour to share relevant information and draft intelligence products with the other Party as soon as is reasonable on a case by case basis for cases in which:

- a) they believe the other would have an interest; and/or
- b) the other Party may identify opportunities to coordinate their efforts; and/or
- c) the other Party may highlight outputs which they would like to co-author.

of the statutory gateways as provided by FCA.

2.7. Any disclosure of Confidential Information by the FCA to COLP will be made in accordance with a statutory gateway. Normally the relevant gateway would be pursuant to:

- a) Regulation 3 of the Financial Services and Markets Act 2000 (Disclosure of Confidential Information) Regulations 2001 (as amended) (the “Disclosure Regulations”), which permits the FCA to disclose information for the purposes of enabling or assisting the FCA in discharging its public functions; and/or
- b) Regulation 4 of the Disclosure Regulations, which permits the FCA to disclose information for the purposes of any criminal investigation, criminal proceedings or for the purposes of initiating or bringing to an end any such investigation or proceedings or facilitating a determination of whether it or they should be initiated or brought to an end.

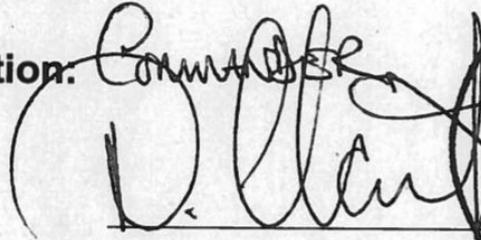
Signatures

Authorised signatory for City of London Police:

Name: CLARK

Rank Position: Commander

Signed:



City of London Police
Economic Crime Division

15 FEB 2017
Date:

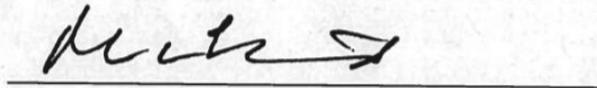
Detective Chief Superintendent
David Clark

Authorised signatory for Financial Conduct Authority:

Name: MARK STENNARD

Rank Position: Executive Director, Capital & Market Oversight

Signed:



Date: 27/2/17

Dear Mark

I am writing to draw the FCA's attention to a serious and ongoing breach of FCA regulations which is creating a material risk to consumers.

1) Blackmore Bond plc is an unregulated company issuing corporate loan notes paying up to 8.5% per annum. As a security issued by a special purpose vehicle, their bonds are Non-Mainstream Pooled Investments, and in the absence of regulated advice should only be promoted to high net worth or sophisticated investors (COBS 4.12).

2) Blackmore Bond plc issues financial promotions via social media which do not mention anywhere the risk of 100% losses in its bonds. The promotion uses the term "Income Certainty", and with phrases like "Knowing how and where to invest your savings doesn't have to be difficult" and "Simple, fixed-rate returns" is clearly aimed at investors who do not qualify as high net worth or sophisticated. I have enclosed an example, which appeared in my Facebook feed on 7 March 2018.

3) The review site Trustpilot displays clear evidence that many people have invested in Blackmore Bonds despite not understanding the risk of total loss, and being extremely unlikely to qualify as high-net-worth or sophisticated. I have enclosed some of the clearer examples.

Blackmore Bond heavily encourages people who have recently purchased bonds to leave reviews on Trustpilot (a couple of the Trustpilot reviews register their irritation at being asked to do so).

With no independently audited valuation of Blackmore Global available, no ability to withdraw, and no secondary market for the shares, Blackmore Global must be considered worthless until evidence to the contrary emerges.

5) [REDACTED] and [REDACTED], via the now-dissolved company It's Your Pension Limited, also provided leads to Jackson Francis who arranged transfers into the fraudulent Capita Oak pension scheme. (See [http://pension-life.com/\[REDACTED\]-scam-year-blackmore-global/](http://pension-life.com/[REDACTED]-scam-year-blackmore-global/) - pension-life.com is less than 100% reliable, however the fact that [REDACTED] and [REDACTED] provided leads to Jackson Francis comes from the Insolvency Service, and is to my knowledge not in dispute.)

6) There is no suggestion that either [REDACTED] or [REDACTED] have done anything illegal. It is not illegal to run a failed investment.

However, even if the NMPI issuer was whiter-than-white, it would still be unacceptable for non-HNW and unsophisticated investors to be systematically induced via misleading financial promotions to invest in NMPIs with potential for 100% loss.

Points 4) and 5) and the previous involvement of the Blackmore Bond directors in unregulated investments which have caused heavy losses to retail investors merely emphasise the urgency of taking action.

It is clear to me that the FCA needs to act as a matter of urgency by:

1) Ordering Blackmore Bond plc to **immediately** close to new investment until it can show that it has put in place robust processes to ensure that **all** of its investors qualify as high-net-worth or sophisticated, or are otherwise exempt from COBS 4.12.3. For example, by only accepting investors via regulated financial advisers, or asking investors to provide bank statements or tax returns as evidence that their assets or income qualify them as HNW. If the FCA lacks the power to do so itself (Blackmore Bond plc being unregulated), it should apply to the courts for an injunction as per section 380.

As per COBS 4.12, “self-certification” is not enough and an NMPI issuer must take reasonable steps to verify that investors are in fact HNW or sophisticated (COBS 4.12.9). Only accepting investors via regulated advisers or asking for bank statements or tax returns is a more than reasonable step to comply with COBS 4.12.9. This is what the SEC explicitly directs firms to do in the US if they are relying on the equivalent exemption in US securities law (see <https://www.sec.gov/fast-answers/answers-rule506htm.html>), so there is precedent of good practice.

2) Ordering Blackmore Bond plc to pro-actively contact all investors who did not invest via a regulated intermediary or provide documentary evidence of being HNW or sophisticated, remind them of the risk of permanent loss they are subject to in a clear and non-misleading fashion, and offer to immediately return their original investment minus any payments made to date. If Blackmore does not have sufficient liquid funds to do so, administrators should be immediately appointed to wind the company up in an orderly fashion and minimise the risk of loss by retail investors.

I understand the FCA is often unable to discuss details of ongoing investigations. However, it is not good enough for something to be going on behind the scenes when Blackmore Bond plc is still actively soliciting investors via Facebook and Google ads, who are blissfully unaware of any action the FCA may be taking or considering.

I will emphasise that I have no reason to believe that Blackmore Bond is in any financial difficulty, or is in any present danger of failing to make returns to investors. However, the financial soundness of a Non-Mainstream Pooled Investment is irrelevant when it comes to compliance with COBS 4.12. No matter their financial strength, all NMPIs by their nature have a risk of total loss, and should not be promoted to unsophisticated and non-HNW retail investors.

If Blackmore Bond does default on its bonds in the future (again, I have no reason to believe it will, I refer only to the possibility of default that is inherent in all corporate loan notes), there is potential for significant damage to the FCA's reputation should it emerge that it was aware of the systematic promotion of these bonds to retail investors, and took no action that would have prevented further retail investors from investing their money.

I look forward to hearing from you.

Yours sincerely

Sam Blanning BSc(Hons) DipPFS

“The FCA again reminds consumers not to invest in schemes being offered by firms that are not authorised by the FCA and that look too good to be true, like these ones.”

And referred to the FCA taking action...

‘.....before it inevitably collapsed’

Steward, like me and any other financial professional, knew that ‘too good to be true = inevitable collapse’

From: Paul Carlier [<mailto:paul.carlier@live.co.uk>]

Sent: 08 August 2019 12:51

To: Mark Steward <Mark.Steward@fca.org.uk>

Cc: Toby Hall <Toby.Hall@fca.org.uk>; Jane Attwood <Jane.Attwood@fca.org.uk>; John Dodd <John.Dodd@fca.org.uk>; Andrew Bailey <Andrew.Bailey@fca.org.uk>; Chris Hamilton (Press Office) <Chris.Hamilton@fca.org.uk>

Subject: Re: Your recent information

Good morning,

It is of no little concern that I've come across the Amyma website this morning, back up and running after a period of downtime.

And still marketing the same fixed return bonds. How is that possible given the information I gave you back in March 2017 and again in August 2018, when it was clear that you had ignored the first report I made?

And I have multiple witnesses, all prepared to testify and all highly qualified financial markets experts, to them:

a) cold calling clients, (Their phones never actually rang. They only ever called out, and when they did, there was clearly no recognition by the customer of having encouraged a call given the amount of explaining they had to do)

b) claiming" their FCA registration was 'in process' if anyone dared to ask about their status,

c) telling pensioners "The returns are a fixed 8% and your principal is guaranteed by one of the world's largest banks"

d) telling pensioners "Don't worry, we won't let you miss out on this opportunity. We will just put you down as sophisticated"

Any search of the clients that invested via them will have proven the lack of sophistication. Any 'secret shopper' or undercover exercise undertaken would have exposed all of the above.

There are no circumstances under which this firm should be permitted to continue operating, so can you please explain why it is they are?

It is further evident to me from this lack of action and your emails that you certainly did nothing in respect to my initial reports back in March 2017, and only lifted a finger to investigate after I reported them a second time, 18 months later.

I advised you that I had witnesses all of whom were highly qualified financial markets experts, I advised you what they were doing and I advised you that we were working in the office next door separated only by a glass partition meaning we could see and hear EVERYTHING. Everything they said to customers, all the high fiving when they caught some poor victim in their trap.

Yet you never once reached out to me to take statements, or come to our office and listen for yourselves. These are the most simple and obvious steps, yet you didn't take any of them, all further proving that you did nothing.

Please confirm or deny if you did act on my first report in March 2017 and, if so, what steps you took.

Regards

Paul Carlier

“However, we do not have power to investigate a firm that is unauthorised and not carrying out any regulated activities, even if there are circumstances that suggest there may be fraud.”

*In these cases the regulator said it **usually** refers the matter to a law enforcement agency with powers to investigate fraud.*

Firstly, the FCA falsely represents the regulatory classification of these activities, but then implies that it referred the potential fraud to law enforcement agency. However, they slip in the word ‘usually’, which I take to mean that they did not do so on this occasion.

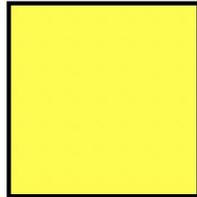
This is typical of legal word play we typically come across when dealing with lawyers representing large financial firms or banks. You do not expect it from a regulator.

And certainly not from a regulator whose former CEO, Current CEO and Current Chairmen have all recently testified to the Treasury Select Committee and the public, that the FCA is a much changed and much improved force.

Q88 **Alison Thewliss:** Do you accept the possibility that, had the contact centre policies been clearer and had there been adequate escalation procedures for staff for dealing with intelligence and third-party correspondence, the level of detriment to customers would have been less, had those procedures been properly in place?

Andrew Bailey: I hope it would. Yes, because that must be the right outcome.

From: The Action Fraud Team <no_reply@actionfraud.police.uk>
Date: 14 March 2020 at 18:14:43 GMT
To: [REDACTED]
Subject: ACTION FRAUD REPORT UPDATE
Reply-To: The Action Fraud Team <no_reply@actionfraud.police.uk>



RE: NFRC200203490387



I am sorry to hear you have been a victim of crime. Thank you for taking the time to report to Action Fraud. Your report has been sent to the National Fraud Intelligence Bureau (NFIB) for review.

Experts at the NFIB examine the information you provide. Where possible, the information is also matched against other available data in order to enrich and corroborate the details of the fraud. The NFIB assess whether there are viable lines of enquiry that would enable a law enforcement body, such as the police service, to investigate.

On this occasion, based on the information currently available, it has not been possible to identify a line of enquiry which a law enforcement organisation in the United Kingdom could pursue.

Registered users of our service have the opportunity to update their report, so if you have additional information about your crime which you believe could change the assessment, please log in to your account and submit that information. We continuously assess the content of individual and linked crime reports; in the event that a line of enquiry is identified we will provide you with an update.

Please be assured that by contacting us you are giving the police vital information that they need to protect you and others. The information you have provided may be used to disrupt criminal activity and inform prevention advice and campaigns.

If you have any queries regarding this letter please visit www.actionfraud.police.uk/FAQ. If you would like more information on how to protect yourself from fraud and cyber crime, please see the guidance at www.actionfraud.police.uk/support_for_you.

Thank you for taking the time to report and helping us to make the UK a safer place.

We value your feedback, please visit this link and complete the survey:
www.surveymonkey.co.uk/r/CSAT28D

Yours sincerely,

Head of NFIB

From: The Action Fraud Team <no_reply@actionfraud.police.uk>
Date: 15 February 2021 at 15:57:37 GMT
To: [REDACTED]
Subject: ACTION FRAUD REPORT UPDATE
Reply-To: The Action Fraud Team <no_reply@actionfraud.police.uk>



RE: NFRC200203479812



I am sorry to hear you have been a victim of crime. Thank you for taking the time to report to Action Fraud. Your report has been sent to the National Fraud Intelligence Bureau (NFIB) for review.

Experts at the NFIB examine the information you provide. Where possible, the information is also matched against other available data in order to enrich and corroborate the details of the fraud. The NFIB assess whether there are viable lines of enquiry that would enable a law enforcement body, such as the police service, to investigate.

On this occasion, based on the information currently available, it has not been possible to identify a line of enquiry which a law enforcement organisation in the United Kingdom could pursue.

Registered users of our service have the opportunity to update their report, so if you have additional information about your crime which you believe could change the assessment, please log in to your account and submit that information. We continuously assess the content of individual and linked crime reports; in the event that a line of enquiry is identified we will provide you with an update.

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Thank you for taking the time to report and helping us to make the UK a safer place.

We value your feedback, please visit this link and complete the survey:
www.surveymonkey.co.uk/r/CSAT28D

Yours sincerely,

Head of NFIB



National Fraud
Intelligence Bureau



RE: NFRC200203489459


I am sorry to hear you have been a victim of crime. Thank you for taking the time to report to Action Fraud.

Experts at the NFIB review the information you provide and where possible match it against other available data, to enrich and corroborate the details of the fraud. The NFIB assess whether there are viable lines of enquiry that would enable a law enforcement organisation, such as the police service, to investigate.

On this occasion the NFIB have reviewed your crime and, based on the information currently available, have not been able to identify a line of enquiry which a law enforcement organisation in the United Kingdom could pursue.

We continuously assess the content of individual and linked crime reports. If, as a result of new information the situation changes we will provide an update.

Please be assured that by contacting us you are giving the police vital information that they need to protect you and others. The information you provided can be used to disrupt criminal activity and inform prevention campaigns.

If you have any queries regarding this letter please visit www.actionfraud.police.uk/FAQ. If you would like more information on how to protect yourself from fraud and cyber crime, please see the guidance at www.actionfraud.police.uk/support_for_you.

Thank you for taking the time to report and helping us to make the UK a safer place.

We value your feedback, please visit this link and complete the survey:
www.surveymonkey.co.uk/r/CSAT19

Yours sincerely,

Head of NFIB

From: The Action Fraud Team <no_reply@actionfraud.police.uk>
Date: 15 February 2021 at 15:57:37 GMT
To: [REDACTED]
Subject: ACTION FRAUD REPORT UPDATE
Reply-To: The Action Fraud Team <no_reply@actionfraud.police.uk>



RE: NFRC200203483817



I am sorry to hear you have been a victim of crime. Thank you for taking the time to report to Action Fraud. Your report has been sent to the National Fraud Intelligence Bureau (NFIB) for review.

Experts at the NFIB examine the information you provide. Where possible, the information is also matched against other available data in order to enrich and corroborate the details of the fraud. The NFIB assess whether there are viable lines of enquiry that would enable a law enforcement body, such as the police service, to investigate.

On this occasion, based on the information currently available, it has not been possible to identify a line of enquiry which a law enforcement organisation in the United Kingdom could pursue.

Registered users of our service have the opportunity to update their report, so if you have additional information about your crime which you believe could change the assessment, please log in to your account and submit that information. We continuously assess the content of individual and linked crime reports; in the event that a line of enquiry is identified we will provide you with an update.

Please be assured that by contacting us you are giving the police vital information that they need to protect you and others. The information you have provided may be used to disrupt criminal activity and inform prevention advice and campaigns.

If you have any queries regarding this letter please visit www.actionfraud.police.uk/FAQ. If you would like more information on how to protect yourself from fraud and cyber crime, please see the guidance at www.actionfraud.police.uk/support_for_you.

Thank you for taking the time to report and helping us to make the UK a safer place.

We value your feedback, please visit this link and complete the survey:
www.surveymonkey.co.uk/r/CSAT28D

Yours sincerely,

Head of NFIB

Capita Oak Pension and Henley Retirement Benefit schemes and Trafalgar Multi Asset Fund

Operation name: HZL02 – HAZEL – hazel@sfo.gov.uk

The Serious Fraud Office is investigating the Capita Oak Pension and Henley Retirement Benefit schemes and Self-Invested Personal Pensions (SIPPS) sold through Sycamore Crown Ltd, Jackson Francis Ltd, TPS Land, CLP Brokers or PFR Services, which were invested into storage pods. The investigation includes the Trafalgar Multi Asset Fund which invested in other products.

Over two thousand individual investors are thought to have been affected by the alleged fraud, all of which involved the investment of their pension funds. The amounts invested total approximately £120m.

Case status

Under investigation

Investigation announced

22 May 2017

Related press releases +

SFO opens investigation into London Capital & Finance Plc

18 March, 2019 | [Case Updates](#)

Update on 2 June 2020

The scope of this investigation has changed since this statement was published. The investigation has been extended to cover investments made from 2013-2018. For more information, please see [the case information page](#).

The Serious Fraud Office, working in conjunction with the Financial Conduct Authority, has opened an investigation into individuals associated with London Capital & Finance Plc. On 4 March 2019, four individuals were arrested in the Kent and Sussex areas. All four individuals have been released pending further investigation.

CITY OF LONDON POLICE: OFFICIAL

Analysis and Findings

1. Reporting Volumes

Volume of Action Fraud reports relating to 'Blackmore' suspect companies by company name and year:

Name	2016	2017	2018	2019	2020	Reports
Blackmore	0	0	0	1	6	7
Blackmore Consultants	0	0	0	0	1	1
Blackmore Consulting	0	0	2	3	0	5
Blackmore Global	0	2	0	2	1	5
Blackmore Global Pension Investment	0	0	1	0	0	1
Blackmore Bond	1	2	0	5	44	52
Total	1	4	3	11	52	71

3. Reporting to NFIB by Financial Conduct Authority

A review of the 71 Action Fraud reports relating to Blackmore confirmed that none were reported by the Financial Conduct Authority.

LFOR LFOR 

Inbox -...ier@live.co.uk 14 June 2021 at 16:01

LL

RE: Blackmore Bond report

To: Paul Carlier

Dear Mr. Carlier,

Thank you for your email.

Blackmore Bonds are being investigated by the Insolvency Service and so the City of London Police will not be opening an investigation while the Insolvency Service's investigation is ongoing. If you have any evidence that you feel may be valuable to the Insolvency Service's investigation they can be contacted at <http://www.gov.uk/insolvency-service>.

If you have a complaint against the City of London Police, NFIB or Action Fraud then this should be reported to the Independent Office for Police Conduct at [Make a complaint | Independent Office for Police Conduct](#).

With regards,




Detective Constable, Lead Force Operations Room

Economic Crime Directorate | City of London Police

p
e

w www.cityoflondon.police.uk **t** www.twitter.com/citypolice

On 18 Jun 2021, at 16:03, LFOR LFOR <LFOR@cityoflondon.police.uk> wrote:

Dear Mr. Carlier,

As part of its role as policing lead for economic crime, City of London Police looked into the allegations of fraud against Blackmore Bonds. In consultation with other law enforcement organisations it was determined that the Insolvency Service would undertake the initial investigation into Blackmore Bonds, referring this to the FCA or SFO, if appropriate.

I repeat my advice of 14th June, i.e. if you have any evidence that you feel may be valuable to the Insolvency Service's investigation they can be contacted at <http://www.gov.uk/insolvency-service>. If you have a complaint against the City of London Police, NFIB or Action Fraud then this should be reported to the Independent Office for Police Conduct at [Make a complaint | Independent Office for Police Conduct](#). Additionally, if you wish to make a complaint against any City of London Police officer then this can be done via our website at [Thanks and complaints | City of London Police](#).

With regards,

<image001.png>


Detective Constable, Lead Force Operations Room

Economic Crime Directorate | City of London Police

e (lfor@cityoflondon.police.uk)

w www.cityoflondon.police.uk **t** www.twitter.com/citypolice

On 17 Jun 2021, at 16:34, Paul Carlier <paul.carlier@jupiter87.com> wrote:

Dear Mary,

Thank you for taking the time to speak with me yesterday.

Further to that conversation, please find a link below to the Transparency Taskforce Symposium dedicated to the Blackmore Bond scandal.

<https://www.youtube.com/watch?v=jhLnjirfUZQ>



6 July 2020

Our Ref: FOI7314

You have asked why the FCA did not inform members of the public, who reported concerns to the FCA about Blackmore in March 2017, that it did not regulate the minibonds issued by Blackmore. we can confirm that they do not hold a record of the FCA mentioning or explaining to any member of the public in March 2017 that Blackmore and the minibonds they sold are not regulated by the FCA.

In March 2017, the FCA was already aware of Blackmore and was considering whether it was carrying on regulated activities without FCA authorisation, in breach of section 19 of the Financial Services and Markets Act 2000 ("FSMA"). The FCA had not then formed any view about Blackmore's activities.

In May 2017, the FCA formed the view that Blackmore was not carrying on regulated activities without FCA authorisation because its activities fell within the exclusion in Article 18 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 permitting small companies to issue equity and debt securities without being authorised.

Further, from March 2017, NCM Fund Services Ltd, an authorised firm, approved the content of Blackmore's financial promotions.

As a matter of general practice, when people pass information to the FCA, the FCA does not update them on how it acts on the information or comment on the information.

21 December 2021

Our Ref: 206092957

On 22 August 2019, you confirmed that Part One of your complaint is that the FCA either ignored, or failed to take adequate action, following intelligence reports provided by you about the activities of Amyma between March 2017 and at least August 2018.

I have investigated how the FCA handled your reports about Amyma and set out my findings below in headings and in chronological order while bearing in mind the confidentiality restrictions to which the FCA is subject as outlined above.

Your March 2017 intelligence

On 6 March 2017, you emailed the FCA Whistle inbox to bring the FCA's attention to a firm called Amyma. You stated that you had the office next door to the firm and the glass partition meant that you could hear everything they said and did. You described Amyma's operations as a 'boiler room', that its representatives were *'pushing all manner of bonds to pensioners citing them as guaranteed'*, that it was inappropriately treating those potential consumers as sophisticated customers, that it was telling those potential consumers that the firm's application for FCA approval was 'being processed' and that its representatives laughed between each other about this. As Amyma's phone never rang, you stated that you assumed that its representatives were making cold calls.

On 7 March 2017, a Team Leader in the Whistleblowing team (Team Leader) confirmed receipt of the information about Amyma and told you that it would be passed on to the relevant areas within the FCA. I have looked into whether this occurred and can confirm to you that it was done.

On 13 March 2017, you emailed the Team Leader stressing that *'these guys are still pushing this Blackmore Group product'*.

In advance of opening an investigation with FSMA powers, I note the FCA's Unauthorised Business Department (UBD) were already making enquiries (which precede any investigation) in relation to Ayma. I can confirm that your March 2017 information was considered as part of UBD's enquiry into Ayma.

In April 2017, UBD opened an investigation related to Ayma. In June 2017, the Ayma enquiry, which included your March 2017 intelligence, was escalated into this investigation. Subsequent to this, the FCA became aware of a pre-existing investigation by another law enforcement agency which included activity which was purportedly being undertaken by Ayma.

In order to avoid the risk of prejudice to that investigation, the FCA's investigation into Ayma was subsequently closed in July 2017.

Following the closure of the investigation, there is evidence that UBD continued to receive and consider appropriate action regarding intelligence reports, including about Blackmore Bonds, on their merits. I note that UBD already had an enquiry open into Blackmore at the time of your contact with the FCA. UBD took account of their thresholds and processes at the time for assessing incoming reports, noting the extensive number of reports received by this area of the FCA.

In addition, regarding Blackmore, I have reviewed evidence that shows the FCA shared intelligence about this entity with other law enforcement agencies in July 2017. The underlying details of this intelligence, which would have included your March 2017 communications were, however, unfortunately not shared due to human error.



On 7 August 2021 you made a request under the Freedom of Information Act for three tranches of information.

Request two

Please explain the FCA's protocol when it receives reports and/or evidence from victims and/or consumers, and/or witnesses and/or experts, and/or FCA authorised persons or firms, in respect to any alleged 'wrongdoing', that The FCA determines is beyond its perimeter, authority and/or powers.

Please explain under what circumstances it would be appropriate for the FCA to fail to tell any such party making a report and/or providing evidence as to wrongdoing, that the alleged wrongdoing was beyond the FCA's perimeter, authority and/or powers, and so enable the party making the report and providing the evidence to instead file it with a different body, authority or agency within whose perimeter, powers and authority the wrongdoing did sit?

I remind you that The FCA's frequently used reason for non-disclosure and avoidance of engagement with such victims and/or consumers, and/or witnesses and/or experts, and/or FCA authorised persons or firms, is that under FSMA to provide information and engage with such parties would prejudice the regulatory function of the FCA, or the FCA does not discuss operational matters or other similar nonsense.

Obviously, this cannot apply under such circumstances because the FCA will have determined that there is no regulatory function by way of concluding that it is beyond its perimeter, powers and authority.

The FCA has many ways of receiving information from members of the public – which can include concerned individuals, consumers/victims, whistleblowers, other authorised firms and MPs. All information received is triaged to understand what is being passed on, including whether it relates to either a regulated firm or activity before being passed on to the relevant department for further review. Where information is received about activities which are fully outside of our perimeter (ie where there is no evidence of any linked regulated activities) we aim to either signpost the provider to the relevant appropriate agency, or to make information available to the appropriate agency.

In some instances, in particular where the wrongdoing is linked to regulated activities or regulated firms, the FCA may use the information provided as part of its database of intelligence to inform its activities in respect of linked enforcement or supervisory work. The disclosure of any such work would be restricted by the restrictions under s348 of FSMA. The FCA may also add the intelligence to its own systems and make it available directly to external agencies.

Request three

In March 2017 I made several reports to the FCA in respect to the marketing and promotion of Blackmore Bond. In particular I reported:

A) The clear and obvious manipulation of the sophistication of investors

B) The specific targeting of pensioners, most of whom it is understood by the FCA, and any responsible party with any financial experience, will be vulnerable and non-sophisticated. Indeed, Mr Steward I refer you to your comments in light of the fraud prosecutions the FCA successfully secured in September 2018 on this very issue. (It is noted that these fraud prosecutions were brought by the FCA against parties, and in respect to products that had never at any time been authorised or regulated)

C) Clear and unequivocal false representations made to potential investors stating that their investment would be 'Guaranteed by one fo the world's largest banks'. It was clear and unequivocal at the time without the benefit of hindsight because no bank is ever going to offer such a guarantee, and it is entirely proven now because no such guarantee from one of the world's largest banks does or ever did exist.

D) Where all of this wrongdoing was occurring and how easy it would be to come and investigate.

Since the collapse of Blackmore Bond in April 2020, the FCA has stated to the public and the media that everything pursuant to Blackmore Bond was beyond the FCA's perimeter, authority and control.

HOW THEREFORE DOES THE FCA EXPLAIN AND JUSTIFY:

A) It's failure to ever communicate that to me in March 2017?

B) Mr Steward's statements to me on:

21st September 2018 whereby he said:

Dear Mr Carlier,

We have received reports about Amyma's activities and are making enquiries. In line with normal policy, we do not comment on operational matters, save in exceptional circumstances. I am sorry we cannot provide any further information at this stage.

8th August 2019 whereby he said:

Dear Mr Carlier

We are aware of these matters which are the subject of ongoing work on our part. Consistently with practice and policy, we do not provide details of our operational matters

It takes five minutes to check the FCA register and determine if the persons and/or firms and therefore products are FCA authorised and/or regulated.

THEREFORE, why did:

- Mr Steward fail to inform me on either occasion, that which he and the FCA have repeatedly publicly stated since April 2020, that everything pursuant to Blackmore Bond was beyond the FCA's perimeter, authority and powers?

- Mr Steward and the FCA spend the eleven months (and likely more) between my those two communications expend time and resources investigating Blackmore Bond if everything pursuant to it was beyond their perimeter, authority and powers?

Indeed, the answers to this request are wholly in the public interest both in terms of understanding and explaining the FCA's bizarre and contradictory statements and conduct, and ensuring that no member of the public is subject to the same catastrophic damages as these Blackmore Bond investors.

Blackmore Bond Plc (Blackmore) is an unregulated firm which obtained working capital by issuing fixed term loans, termed mini-bonds, to retail investors. Blackmore was not authorised by the FCA, nor was its issuance of minibonds a regulated activity for which Blackmore was required to be regulated by the FCA. As a general rule where issues fall outside our statutory/legal remit we always act to assist other agencies and peer regulators in any way we can with matters pertaining to their jurisdiction. In this matter we have acted both to refer our concerns to appropriate external agencies, including law enforcement, and to provide assistance, information and cooperation.

*However, I am able to disclose that during a review of intelligence collated in respect of Amyma, **the FCA became aware of a pre-existing and ongoing investigation which included Amyma** by another law enforcement agency. In addition, because Blackmore's minibond financial promotions were required to be approved, unless exempt, by a firm authorised by the FCA, in accordance with section 21 of the Financial Services and Markets Act, **the FCA engaged with both approvers linked to Blackmore. It is a matter of public record that Northern Provident Investments Ltd (NPI) varied its permissions in February 2020** such that it can no longer approve financial promotions.*

Original FCA response to my complaint following a year long investigation.

This was produced in October 2020.....

Helpline: 020 7066 9870
Email: complaints@fca.org.uk
Website: <https://www.fca.org.uk/about/complain-about-regulators>



12 Endeavour Square
London
E20 1JN

Tel: +44 (0)20 7066 1000
Fax: +44 (0)20 7066 1099
www.fca.org.uk

XX October 2020

Sent by email

Mr Paul Carlier

Emailed to: paul.carlier@live.co.uk

Our Ref: 206092957

Dear Mr Carlier

Further to our letter of [xxxxxxx], I am writing to confirm I have now completed my investigation into your complaint. Please accept our sincere apologies for the delay in considering your complaint. I have addressed this in more detail at the end of this letter.

Your complaint

You have made the following complaints:

Part One

You allege the FCA ignored or failed to take adequate action following intelligence reports provided by you about the activities of Amyma between March 2017 and August 2018.

From the evidence I have reviewed, UBD reopened their investigation into Amyma in 2018 whilst the firm was unregulated upon receipt of new intelligence from consumers and firms. On 2 July 2018, Amyma became an Appointed Representative (AR) of authorised firm Equity for Growth (Securities) Ltd ('EFG'), which allowed Amyma to undertake regulated business under the supervision of their principal. On this basis, UBD closed their investigation.

~~However, I consider there was a missed opportunity to reconsider, and act on, the separate intelligence you provided.~~

I note that enquiries were ongoing as the result of different intelligence provided to the FCA and was not specifically as a result of the intelligence you provided.

~~However, I consider there was a missed opportunity to reconsider, and act on, the intelligence you provided, most recently in August 2018.~~ After the FCA closed their investigation into Amyma on 2 July 2018, the firm carried out regulated business for over a year before it ceased to be an AR on 2 September 2019, as recorded on the FS Register. Amyma informed the FCA it had ceased to trade on the same date (I note the firm has commenced winding up as of 27 May 2020 as shown on Companies House).

FCA Unrestricted

Helpline: 020 7066 9870
Email: complaints@fca.org.uk
Website: www.fca.org.uk/about/governance/complaining-about-us



12 Endeavour Square
London
E20 1JN

Tel: +44 (0)20 7066 1000
Fax: +44 (0)20 7066 1099
www.fca.org.uk

Sent by email

Emailed to: [REDACTED]

Your complaint

You have invested in Blackmore Bonds Plc (Blackmore) and have suffered a financial loss. In summary, your complaint is that:

Part One

The FCA was first warned about Blackmore's activities in March 2017 but failed to take action and investors have suffered loss; and

Part Two

If the FCA had acted sooner, investors may not have suffered a loss.

I appreciate that you may have provided further details in your complaint. The approach I have taken is wider and enables us to respond to you in more detail. If you believe I have misunderstood your complaint, please contact me by 22 June 2021.

Deferral

Having considered your complaint, I regret to inform you that we will need to defer our investigation into your concerns for a period of time.

This is because your complaint is connected with, or arises from, ongoing regulatory action by the FCA and there is a risk that, if the complaint is investigated at the same time, it could adversely impact that action.

Ponzi Scheme?